



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DATE: 13 December 2022

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **Monday 19 December 2022**, 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 **Unit 2, Church House, Friargate, Penrith.**

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 on the day of the meeting.

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.gov.uk

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Kenyon	North Ward
Cllr. Burgin	South Ward	Cllr. Knaggs	West Ward
Cllr. G. Clark	North Ward	Cllr. Lawson	Carleton Ward
Cllr. M. Clark	South Ward	Cllr. Rudhall	East Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. C Shepherd	East Ward
Cllr. Hawkins	East Ward	Cllr. Snell	West Ward
Cllr. Holden	Carleton Ward		

Mrs V. Tunnadine, Town Clerk, PSLCC

Public Participation

Members of the public are welcome to attend. Details about how to attend the meeting remotely, and how to comment on an agenda item are available on the Town Council Website. Please be advised that there is no Public Participation session during the Annual Town Council Meeting.

Filming

Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.

Please be advised that the Town Council does not record or live stream meetings.

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

General Power of Competence

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

19 December 2022

PART I

Members are asked to:

1. Apologies for Absence

Receive apologies from Members

2. New Member Acceptance

- a) Welcome Councillor Gywn Clark who was democratically elected unopposed to represent Penrith North Ward.
- b) Note that the Town Clerk had received completed Declaration of Acceptance of Office forms and Register of Interest form.

3. 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: 7 November and 5 December 2022
- ii. Finance Committee: 14 November 2022

b) Confirmation of Full Council Minutes

Authorise the Chair to sign, as a correct record, the minutes of the meeting of Annual Town Council held on Monday 7 November 2022 and agree they be signed as such by the Chair.

4. 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.

5. Public Participation

- a) Receive any 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.

6. Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

Determine whether items 20 and 21 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

7. Report from the Council Chair

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

8. 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.

9. Resolutions Tracker

Note the report.

10. Matters from Finance Committee

Consider the approved recommendations from the Council's Finance Committee from their meeting held on Monday 14 November 2022 which have been considered and approved by the members of the Council's Finance Committee. The Committee Chair has requested that these matters be brought to the Full Council for ratification:

- a) Ratify the budgetary control statement for the seven-month period to 31 October 2022.
- b) Ratify the fee of £825 to be charged to Board and Elbow for use of the Cornmarket area in 2023.

NEW BUSINESS OF PUBLIC INTEREST

11. Code of Conduct Complaints

- i. Consider the notifications which have been received from Eden District Council of certain breaches of the Code of Conduct:
 - a) Note the circumstances relating to the notifications and the requests which have been made of the Town Council.
 - b) Note that that all town Councillors will be invited to attend social media training should the revised Social Media policy be adopted.
 - c) Note that the member who is the subject of the notifications no longer sits as a member of any committee of the Town Council.
- ii. Consider any representations which may be made by the Member who is the subject of the notifications.
- iii. Decide what action, if any, to take pursuant to the Council's standing orders and the Guidance for Town Councillors appointed to outside bodies.

12. Devolution Local Government Reorganisation

Consider the recommendations from the Council's Strategic LGR Planning Group.

13. Castle Park Planning Application 22/0550 Update

Consider the report and recommendations contained within.

14. Draft Neighbourhood Plan Update

Note the report.

15. Motions on Notice – Proposed by Cllr. Davies

- a) Agree that Penrith Town Council nominate Penrith Beacon Hill in its entirety including the Beacon structure, as an asset of community value.
- b) Agree that Penrith Town Council nominate as assets of community value the following sites:
 - i. Castle Park.
 - ii. Castletown Recreation Field and Play area.
 - iii. Castletown verge entrance to industrial estate
 - iv. Carleton Heights - open space adjacent to Chestnut Close.
 - v. Milton Street - open space adjacent to Milton Street.
 - vi. Pategill - open space off Prince Charles Close.
 - vii. Scaws - open space adjacent to Pennine Way and multi-use games area.
 - viii. Wetheriggs County Park.
 - ix. Wetheriggs Play area.

16. Parking and Movement

Note the report.

17. Borderlands Priority Planning

Note the report.

18. Arts & Culture Penrith

Note the report.

19. Next Meeting

Note the next meeting of the Full Council is scheduled for Monday 23 January 2023 at 6.00pm, Unit 2, Church House, 19-24 Friargate, Penrith. .

PART II PRIVATE SECTION

20. Grants

Note the report and recommendations contained within.

21. Staffing Matters

Note the oral update report.

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

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Draft Minutes of the Extra Ordinary (Additional) Meeting of Penrith Town Council held on Monday 7 November 2022, Unit 2, Church House, Friargate, Penrith.

PRESENT

Cllr. Bowen	Pategill Ward	Cllr. Rudhall	East Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Holden	Carleton Ward	Cllr. C. Shepherd	East Ward
Cllr. Kenyon	North Ward	Cllr. Snell	West Ward
Cllr. Knaggs	West Ward		

Mrs V. Tunnadine, Town Clerk, PSLCC

**DRAFT MINUTES FOR THE
EXTRA ORDINARY (ADDITIONAL)
MEETING OF
FULL COUNCIL
7 November 2022**

PART I PUBLIC SESSION

PTC22/68 Apologies for Absence

Apologies for absence were received from Cllrs. Burgin, Clark and Lawson.

PTC22/69 Minutes

Confirmation of Full Council Minutes

Members were asked to authorise the Chair to sign, as a correct record, the minutes of the meeting of Town Council held on Monday 10 October 2022 and agree they be signed as such by the Chair. Councillor Holden requested that an additional sentence "This is in conjunction with Cumbria County Council", be added to PTC22/62 "Reports from Members".

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of Town Council held on Monday 10 October 2022 with the agreed amendment which was handwritten on to the minutes and duly signed by the Chair.

PTC22/70 Declarations of Interest and Requests for Dispensations

Members were invited to provide 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. None received.

PTC22/71 Public Participation

Members noted that there were no questions or representations that have been received from members of the public. There were no reports from District and County Councillors.

PTC22/72 Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

Members were asked to determine whether item 8 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.

**PTC22/72 Excluded Item: Public Bodies (Admissions to Meetings)
Act 1960 Continued
RESOLVED THAT:**

Item 8 Grants be considered in private session.

BUSINESS OF PUBLIC INTEREST

PTC22/73 Penrith Business Improvement District – Third Term Revote

Members were asked to consider the report and the recommendations contained within.

RESOLVED THAT:

- i. The Council vote in favour of Penrith BID renewal.
- ii. The Town Clerk be given delegated authority to complete the ballot paper accordingly and submit the vote by post before the ballot closes on 30 November 2022.

PTC22/74 Next Meeting

Members noted that the next meeting of the Full Council was scheduled for Monday 19 December at 6.00pm, Unit 2, Church House, 19-24 Friargate, Penrith

PART II PRIVATE SECTION

The following was exempt information as it related to the financial or business affairs of any particular person (including the authority holding that information) and personal sensitive information relating to members of staff.

PTC22/75 Grants

Consider the Grant Report and recommendations contained within.

RESOLVED THAT:

A grant is not awarded on this occasion.

Members identified that the event as proposed was a positive community festive event that they would wish to support. They acknowledged that the applicant had been given support to resubmit a revised and complete application and that this additional meeting was convened primarily to consider their revised submission. However, Members were not able to approve the application as the revised submission did not fulfil the requirements of the Grant Scheme criterion which was reviewed in 2021 to ensure applicants provided appropriate and relevant information for Members to make informed and consistent decisions. The application was turned down as it was both incomplete and contained financial anomalies.

CHAIR:

DATE:

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

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9. RESOLUTIONS TRACKING 10 OCTOBER 2022

PTC22/54	Council to sign Community Declaration organised by Fairtrade Organisation	Completed	
	Review Social Media Policy	In progress	draft to Finance and then Full Council
PTC22/55			
PTC22/56	Write to the Secretary of State for Education, Rt Hon Kit Malthouse, requesting a review of Free School Meals arrangements	Completed	
	Work with other organisations, such as Cumbria Action for Sustainability (CAfS), to campaign for the establishment of a local Retrofitting Taskforce to secure funding to establish an 'Eco-refurbishment Skills Hub' to provide local people with the skills to undertake this work and to contribute to the regeneration of our local economy	Completed	
	Provide information and references, via signposting to CAfS and other helpful websites and guidance, on the PTC website about actions that can be taken to reduce energy usage and increase energy efficiency	Completed	See PTC22/57
	Work with Eden Resilience Group and CCC research, publish and promote a list of organisations offering warm community spaces where residents are able to meet and keep warm at no cost	In progress	Promoted on CCC website and PTC website
	Meet regularly with the Eden Resilience Group	In progress	
	Support the Salvation Army and Churches Together in their provision of warm spaces by donating refreshments and publicising when their spaces are open	Completed	
	Promote the EDC Hardship Fund to the organisations that establish warm spaces in Penrith	Completed	
PTC22/57	Meet regularly with representatives from Penrith Action for Community Transition (PACT) and CAfS to monitor and support the project	In progress	
	Provide a meeting venue as and when required	In progress	
	Review the Council's Climate Change Strategy	In progress	
PTC22/58	Write to the Secretary of State for Transport, Anne-Marie Trevelyan MP to raise their concerns regarding the future of Penrith station ticket office	Completed	
PTC22/59	Adopt the values of the pledge as follows and sign the pledge on the NALC website	Completed	
PTC22/64c	Financial Regulations and Procurement Policy changes in to live policies.	Completed	
PTC22/64fii	£2500 transfer from the Devolution Reserve	Completed	
PTC22/66	Application from Penrith BID referred back for resubmission	Completed	
PTC22/73	Penrith BID third term - The Council vote in favour of Penrith BID renewal	Completed	
PTC22/75	Award unsuccessful - applicant informed	Completed	

REPORT TO FULL COUNCIL

Date: 19 December 2022

Public Report

Item no: 10a

Matter: Budgetary Control Statement 2022-23: Expenditure to 31 October 2022

Author: RFO

Supporting Member: Cllr David Knaggs, Finance Committee Chair

Purpose of Report:

Ratify the budgetary control statement for the seven-month period to 31 October 2022.

Recommendations

Council is recommended to ratify the budgetary control statement for the period to 31 October 2022.

Law and legal implications

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, who 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 2022-23, which was ratified by Council on 24 January 2022.
- The Latest Budget for the full year; no changes have been made to the Revised Budget which was approved in July this year.
- 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.

- 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 committed 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. The transfer of balance on the Acquisitions Reserve is planned for 31 March 2023.

B. Commentary

The statement shows underspendings on most budget headings, continuing the trend from the July statement. This is understandable given the Council's staffing situation during the reporting period. The following comments concentrate on unusual or unexpected variances.

B.1 Income

Overall income of £274,100 exceeds the profiled budget of £271,023 by £3,077.

- The approved budget set a very modest amount for investment income, which was increased in the revised budget. Returns have continued to improve and income is well above profile.

B.2 Planning Committee

Expenditure of £3,202 is shown against the profiled budget of £14,009, an underspending of £10,807.

- The only notable expenditure is on Carbon Literacy Training, where £2,910 has been spent against the full annual budget of £1,000. The excess can be offset against underspendings elsewhere in the Climate Change budget.

B.3 CCEG Committee

Net spend of £34,786 is shown against the profiled budget of £75,958, an underspending of £41,172.

- The Revised Budget transferred £7,000 from Large Grants to Arts & Culture Development to meet an expected overspending due to events earlier in the year. The anticipated overspend has been reduced to £937, which can be set against substantial underspending elsewhere, notably Town Projects £4,236, Greening £5,000, Grants £16,846 and Participatory Budgeting £5,833.

- The Council has recently approved to support Warm Spaces. Expenditure to support this project will be met from the Town Projects budget and is expected to support catering supplies and consumables.

B.4 Finance Committee

Net expenditure of £187,319 is shown against the budget to date of £219,410, an underspending of £32,091

. The main variances are as follows:

- The Staffing budget is currently underspent by £17,274. The new posts of Community Services Officer and RFO were taken up later than anticipated in the Revised Budget and sickness absence continues. An overspend of £1,004 on Recruitment Expenses reflects the need to re-advertise vacancies.
- Heat, Light and Water expenditure includes estimates of costs since the last invoices from the Council's landlord. Since those invoices are received sporadically, the latest trends may not be forecast accurately, however an overspend of £691 suggests that the Council's costs are increasing, similar to the national picture.
- The IT budget is currently underspent by £3,380, although there will be new expenditure on equipment for the incoming posts.
- The £25,500 initial contribution to the Thacka Beck development is profiled to start in December.
- The various Devolved Services headings show an underspend totalling £5,761, which is assumed to be an additional transfer to the Devolution Reserve.
- There has been no expenditure to date on Local Government Re-organisation, budget £8,750, nor on Officer Support to projects, budget £1,750.

B.5 Total Expenditure & Increase/Decrease in General Reserve

- The individual variances result in an underspending of £88,620 against the profiled total expenditure budget of £313,927. As there is £3,077 more income, there is a net variation of £91,697 on the profiled amount transferrable to the General Reserve.

B.6 Reserves

- The Actual to date column includes the General Reserve balance at 1 April 2022 of £428,090 which is now included in the Revised Budget.
The profiled budget assumes that the Reserve should decrease by £42,904 in the period, resulting in a balance of £385,186 at 31 October. The actual balance on the reserve at the month end is £476,883, which is £91,697 higher than expected.
- The Devolution Reserve opened the year with a balance of £149,855, again included in the Revised Budget. The actual amount of £17,104 transferrable into the Devolution Reserve is £5,761 higher than profile.

C. Balance Sheet (Appendix B)

Appendix B shows the Council's balance sheet as at 31 October 2022. The following points may be noted:

- The total invested of £716,113 includes £630,000 placed with CCLA.
- The main debtor balance is £1,537 VAT reclaimed from HMRC.
- Prepayments of £6,875 include adjustments for insurance, office rental, licences, subscriptions and maintenance agreements.
- The HSBC Bank balance stands at £188,444, to provide cash flow for the next few months.
- Accruals of £12,519 represent goods and services received before 31 October, where the payment was not made by that date. Individual items include grounds maintenance, caretaking and audit and accountancy fees.
- The Payroll Control balance of £7,959 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 represents income for the period 1 August 2022 to March 2023, already received from Eden DC as precept and grants, together with monies from United Utilities for planting maintenance.

D. Conclusion

The budgetary control statement shows that net spending to 31 October was around £89,000 below the Latest Budget for the period.

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

- Appendix A – Income & Expenditure Statement to 31 October 2022
- Appendix B – Balance Sheet as at 31 October 2022.

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 2022

Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		INCOME			
		Precept:			
455,209	455,209	Council Tax	265,539	265,539	0
7,390	7,390	CTRS Grant	4,311	4,311	0
		Other Income:			
250	2,000	Investment Income	1,167	4,250	3,083
10	10	Miscellaneous Income	6	0	(6)
462,859	464,609	TOTAL INCOME	271,023	274,100	3,077
		EXPENDITURE			
		PLANNING COMMITTEE:			
		Planning:			
}	}	Officer Support	0	0	}
10,000	10,000	Planning Consultancy	5,833	292	5,541
}	}	Consultation	0	0	}
10,000	10,000		5,833	292	5,541
		Climate Change:			
5,000	5,000	Community Consultation	2,917	0	2,917
2,000	2,000	Internal Business Plan	1,167	0	1,167
1,000	1,000	Carbon Footprinting: High level baseline	583	0	583
500	500	Carbon Footprinting: Calculator licence	292	0	292
3,000	3,000	BIG STEP	1,750	0	1,750
800	800	Staff Development/Exceptional Expenses	467	0	467
1,000	1,000	Carbon Literacy Training	1,000	2,910	(1,910)
13,300	13,300		8,176	2,910	5,266
23,300	23,300	Planning Committee Total	14,009	3,202	10,807
		CCEG COMMITTEE:			
		Town Projects:			
10,000	10,000	Town Projects	5,833	1,597	4,236
5,000	5,000	Marketing Penrith	2,917	0	2,917
15,000	15,000		8,750	1,597	7,153
		Arts & Entertainment:			
7,500	7,500	Officer Support	4,375	757	3,618
10,000	17,000	Arts & Culture Development	17,000	17,937	(937)
17,500	24,500		21,375	18,694	2,681
		Environment:			
5,000	5,000	Greening	5,000	0	5,000
		Grants:			
15,000	15,000	Small Grants	8,750	0	8,750
15,500	15,500	Grow Nature Grants	9,042	960	8,082
26,500	19,500	Large Grants	11,375	11,361	14
57,000	50,000		29,167	12,321	16,846
		Corporate Communications:			
7,500	7,500	Community Engagement	4,375	689	3,686
2,500	2,500	Press Support	1,458	1,485	(27)
10,000	10,000		5,833	2,174	3,659
		Participatory Budgeting			
10,000	10,000		5,833	0	5,833
114,500	114,500	CCEG Committee Total	75,958	34,786	41,172

Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		FINANCE COMMITTEE:			
		Staffing:			
196,850	204,850	Salaries	110,694	97,078	13,616
19,960	21,470	National Insurance	11,539	9,539	2,000
39,170	42,200	Superannuation	23,473	21,532	1,941
500	1,750	Recruitment Expenses	1,750	2,754	(1,004)
950	950	Staff Training	554	535	19
1,000	1,000	Conferences	583	0	583
500	500	Staff Expenses	292	173	119
258,930	272,720		148,885	131,611	17,274
		Accommodation:			
7,500	7,500	Rent	4,375	4,375	0
1,800	1,800	Heat, Light & Water	1,050	1,741	(691)
920	920	Service Charges	537	693	(156)
1,730	1,730	Room Hire & Meetings	1,009	1,173	(164)
380	380	Insurances	222	228	(6)
(10)	(10)	Letting Income	(6)	0	(6)
12,320	12,320		7,187	8,210	(1,023)
		Civic Functions:			
400	400	Civic Functions	233	56	177
700	700	Mayoral Expenses	408	0	408
300	300	Deputy Mayor's Expenses	175	0	175
100	100	Civic Regalia	58	102	(44)
1,500	1,500		874	158	716
		Cost of Democracy:			
200	200	Annual Meeting	200	225	(25)
1,000	1,000	Members' Training	583	105	478
200	200	Members' Expenses	117	0	117
200	200	Notice/Honours Board	117	0	117
1,600	1,600		1,017	330	687
20,000	20,000	IT	11,667	8,287	3,380
2,050	2,050	Website	1,196	316	880
		Devolved Services:			
800	800	Allotments	279	(450)	729
400	400	War Memorial	233	0	233
1,500	1,500	Benches	875	0	875
5,780	8,750	Bus Shelters	3,425	3,330	95
1,750	1,750	Bandstand	1,021	165	856
800	800	Musgrave Monument	467	0	467
3,300	3,300	Fairhill Park	1,925	2,110	(185)
	0	Fairhill United Utilities Planting Maintenance	0	0	0
3,700	28,700	Thacka Beck	2,158	621	1,537
300	300	Signage, etc	175	0	175
8,800	8,800	Community Caretaker	5,133	4,154	979
19,214	(8,756)	Contribution to/(from) Devolution Reserve	11,343	17,104	(5,761)
46,344	46,344		27,034	27,034	0
15,000	15,000	Local Government Re-organisation	8,750	0	8,750
3,000	3,000	Council Projects: Officer Support	1,750	0	1,750
		Other Overheads:			
1,800	1,800	Printing, Postage & Stationery	1,050	1,605	(555)
1,450	1,450	Audit Fees	846	520	326
3,800	3,800	Insurance	2,217	1,894	323
130	130	Bank Charges & Interest	76	83	(7)
2,600	2,600	Accountancy Fees	1,517	950	567
1,500	1,500	Legal Fees	875	1,768	(893)
500	500	Licences	292	892	(600)
4,160	4,160	Subscriptions	2,427	2,080	347
15,940	15,940		9,300	9,792	(492)
3,000	3,000	Repairs & Renewals	1,750	1,581	169
379,684	393,474	Finance Committee Total	219,410	187,319	32,091

Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£ 12,000	£ 7,800	Contingency	£ 4,550	£ 0	£ 4,550
0	(50,000)	Transfer to/(from) Acquisitions Reserve	0	0	0
529,484	489,074	TOTAL EXPENDITURE	313,927	225,307	88,620
(66,625)	(24,465)	INCREASE/(DECR) IN GENERAL RESERVE	(42,904)	48,793	91,697
		RESERVES:			
		General Reserve:			
358,758	428,090	Balance brought forward 1 April 2022	428,090	428,090	0
(66,625)	(24,465)	Increase/(decrease) in year	(42,904)	48,793	91,697
292,133	403,625	Balance carried forward	385,186	476,883	91,697
		Devolution Reserve:			
147,402	149,855	Balance brought forward 1 April 2022	149,855	149,855	0
19,214	(8,756)	Contribution from/(to) 2022-23 Budget	11,343	17,104	5,761
166,616	141,099	Balance carried forward	161,198	166,959	5,761
		Acquisitions Reserve:			
50,000	50,000	Balance brought forward 1 April 2022	50,000	50,000	0
0	(50,000)	Contribution from/(to) 2022-23 Budget	0	0	0
50,000	0	Balance carried forward	50,000	50,000	0
508,749	544,724	TOTAL RESERVES	596,384	693,842	97,458



Penrith Town Council

BALANCE SHEET AS AT 31 OCTOBER 2022

	£	£
Investments		
Penrith Building Society	86,113	
Cumberland Building Society	0	
CCLA Public Sector Deposit Account	<u>630,000</u>	
		716,113
Current Assets		
Debtors	1,228	
Debtor - VAT	1,537	
Prepayments	6,875	
HSBC Bank Account	<u>188,444</u>	
	198,084	
Current Liabilities		
Creditors	0	
Accruals	12,519	
Payroll Control	7,959	
Receipts in Advance	<u>199,877</u>	
	220,355	
Net Current Assets		(22,271)
		<u>693,842</u>
Represented by:		
Reserves		
General Reserve		476,883
Devolution Reserve		166,959
Acquisitions Reserve		50,000
		<u>693,842</u>

REPORT TO COUNCIL

Date: 19 December 2022

Public Report

Item no: 10b

Matter: Cornmarket Area request for consent for use.

Author: Services and Contracts Manager

Supporting Member: Cllr. Knaggs, Chair of Finance Committee

Purpose of Report:

To ratify the fee to be charged to the Board and Elbow for the use of the Cornmarket area in 2023.

Recommendation

Ratify the fee of £825 to be charged to Board and Elbow for use of the Cornmarket area in 2023.

Law and legal implications

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

Contribution to Council Business Plan

This report aligns with the priority to recover from the effects of Covid-19 by supporting local business to provide outdoor hospitality for residents and tourists.

Report

- 1.1 Finance Committee, 14 November 2022 considered a request from the Board and Elbow Public House to be granted permission for use of the Cornmarket area for outdoor hospitality in 2023 and considered the charging arrangements.
- 1.2 Finance Committee resolved that the Board and Elbow be granted consent to use the Cornmarket area in 2023 between the dates of 01 April and 30 September 2023. Finance Committee resolved for the Services and Contracts Manager to be given delegated authority to confirm the usage arrangements in line with those set out in this report.
- 1.3 Finance Committee approved a fee of £825 be charged to the Board and Elbow for use of the Cornmarket area in 2023 which is an increase from £750 in 2022 and recommend to Council this fee be ratified.

Background

- 1.4 In both 2021 and 2022 the Council has granted consent for the Board and Elbow Public House to use the area to the front of the Cornmarket Bandstand for the provision of outdoor hospitality. The Services and Contracts Manager under delegated authority has liaised with the landlord of the Board and Elbow to manage and monitor the consent. This has also included liaison with Eden District Council Licensing Officers.
- 1.5 The use of the area has allowed the pub to cater for residents and tourists and assist with the recovery from Covid 19. The provision of the outdoor hospitality has proven successful with many people using the space with no reported incidents of disorder, anti-social behaviour or vandalism. The provision of the outdoor hospitality area has introduced vibrancy to the area which otherwise largely goes unused.
- 1.6 The Board and Elbow has requested that the Council consider giving consent for use of the area in 2023 for the provision of outdoor hospitality. The outline arrangements would be based on previous years and would include:
 - Permission to use the same area (footprint) as in 2022 which is confirmed with both the landlord and Eden District Council licensing officers.
 - The period of permission to be from 01 April to 30 September 2023.
 - A fee of £825 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 Eden District Council prior to the 01 April 2023 as a condition of the Council's permission.
- 1.7 Members are advised to note that the period of consent, 01 April to 30 September does not necessarily mean that the pub will trade every day. In previous years use has been determined by the weather, staffing availability and the anticipated number of customers.

2. Options Analysis including Risk Assessment

Risk

Unauthorised use of the area or breach of permission agreement.

Consequence

Reputational damage to the Council; liability issues arising from any unauthorised use.

Controls Required

Consent granted by the Council setting out permissions and arrangements.

3. Financial Implications

A fee of £825 be charged in 2023. A fee of £750 was charged in 2022. The increase in cost is inline with the current inflation figure.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

None identified.

Appendices

- Plan of Area

Background Papers

- Previous Reports

Appendix A – Plan of Area



REPORT TO FULL COUNCIL

Date: 19 December 2022

Matter: Notification of a breach of the Code of Conduct

Purpose of Report: To enable the Council to consider the notifications which it has received from Eden District Council

Item no: 11

Author: Solicitor

Supporting Member: Chair of Council

This is a public report

Recommendations

Council is recommended to:

- i. Consider the notifications which have been received from Eden District Council of certain breaches of the Code of Conduct:
 - a) Note the circumstances relating to the notifications and the requests which have been made of the Town Council.
 - b) Note that that all town Councillors will be invited to attend social media training should the revised Social Media policy be adopted.
 - c) Note that the member who is the subject of the notifications no longer sits as a member of any committee of the Town Council.
- ii. Consider any representations which may be made by the Member who is the subject of the notifications.
- iii. Decide what action, if any, to take pursuant to the Council's standing orders and the Guidance for Town Councillors appointed to outside bodies.

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 Town Council is required to have a code relating to the conduct of its Members under the Localism Act. The relevant authority, Eden District Council, must have arrangements in place to investigate allegations of any breach of the code and under which any decisions on allegations should be made. A failure to comply with the code can only be dealt with in accordance with the arrangements which have been established by the relevant authority, Eden District Council.

1. Report Details

- 1.1 Two notifications have been received from Eden District Council of breaches by a town Councillor of the Code of Conduct. The two notifications relate to Councillor J. Davies. The notifications are attached as appendices to this report and comprise the two letters which have been sent to Councillor Davies and the separate notification from the Monitoring Officer to the Town Council.
- 1.2 In the letter dated 6th August 2021 (appendix A) Councillor Davies is found to have breached the Code of Conduct and a specific reference is made to a paragraph 5.5 which requires a member to treat people with respect. This appears to be a reference from Clifton Community Council's Code of Conduct para 2.5.
- 1.3 The Town Council's Code of Conduct, Appendix D, sets out the obligations of Members. Paragraph 3 a i indicates that a member shall behave in such a way that a reasonable person would regard as respectful. The obligation is set out in a different form in the letter and presumably refers to Clifton Community Councils and the District Councils own code. The letter indicates that the complaint has been considered, a breach of the code has been found and that Councillor Davies should undertake social media training.
- 1.4 Standing order 14 of the Town Council's standing orders relates to Code of Conduct complaints. Under Standing Order 14d upon a notification by the District Council that a Councillor with voting rights has breached the Code of Conduct the Council shall consider what, if any, action to take against that person. The notification of 6th August 2021 is referred to Council in pursuance of standing orders.
- 1.5 Members will note that the notification is a copy of the letter which was sent to the subject member. The Town Council did not receive a separate and specific notification of the decision in relation to the complaint. Nonetheless, the copy letter is a notification of a finding which has been made by the District Council and it should be considered as a notification. The notification should have been submitted to Council in accordance with standing orders at an earlier date and the omission to do so arose because of no action was directed to be taken by the Town Council specifically.
- 1.6 The second notification is contained in the letter dated 19th October 2022 (Appendix B). This letter was received in response to a specific request for a formal notification to the Town Council. It is understood that it is not the usual practice of the District Council to provide a formal letter to a parish Council in addition to the copy of the letter which is sent to any town or parish Councillor. The second notification relates to the findings in relation to the complaints to which the letter of 16th June 2022 (Appendix C) refers. This notification is referred to Council under standing orders.

- 1.7 The District Council's assessment panel considered the five complaints which had been made. The assessment panel found that complaints one and five, if proven, would be a breach of the code. The panel found that the allegations in complaints one and five amounted to a clear breach of the Code of Conduct. The panel recommended that a letter of apology should be issued by Councillor Davies to Penrith Building Society, and a letter of apology should be issued by Councillor Davies to Penrith Town Council.
- In addition, it was recommended that the Town Council should be asked by the monitoring officer to arrange for Councillor Davies to attend social media training and to consider his position on the committees of the Council in view of the content of the posts on Facebook and in a blog.
- 1.8 The Town Council's Code of Conduct has the following obligations section 3a:
- i. He/she shall behave in such a way that a reasonable person would regard as respectful.
 - ii. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
 - iii. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
 - iv. He/she shall use the resources of the Council in accordance with its requirements.
 - v. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
 - vi. You must not bring your office or your Council into disrepute.
- 1.9 It is not known whether Councillor Davies has sent a letter of apology to Penrith Building Society.
- 1.10 A letter of apology has not been received by the Town Council.
- 1.11 As Members will be aware the Town Council has adopted a Social Media Policy which is in the course of being revised. Under the proposed draft policy all town Councillors will be requested to attend social media training. It is intended to arrange social media training and all town Councillors will be invited to attend that training, should the revised policy be adopted.
- 1.12 Councillor Davies, currently, is not a member of any committee of the Town Council.
- 1.13 Members are reminded that the Council's "Guidance for Town Councillors appointed as representatives to external community and local organisations (Outside Bodies)" requires that Members found to have breached the Council's Code of Conduct will be removed from representing the Council on Outside Bodies for the term of the Council. Councillor Davies represents the Town Council Borderlands Place Plan Town Team.
- 1.14 It is recommended that the Town Council should consider the notifications which it has received and decide what action, if any, should be taken, consider any representations Councillor Davies may make and the recommendations which have been made by the assessment panel.

- 1.15 Councillor Davies has been provided with a draft of this report and may wish to comment up on the findings and recommendations of the District Council and should be invited to do so should he attend the meeting. Any written submission which Councillor Davies makes in response to the matters which are the subject of the report, where appropriate will be provided to Members.
- 1.16 A copy of the pre-action protocol letter to Eden District Council has been included at Councillor Davies's request, Appendix E The letter identifies that Councillor Davies considers his human rights to have been infringed in connection with the second determination by the District Council. Proceedings for a judicial review were not commenced, it is understood, and would now be out of time.
- 1.17 The Town Council should consider these matters in pursuance of its own Standing Orders and any representations which Councillor Davies may wish to make.

2. Risk assessment

Risk A failure to uphold the Code of Conduct and standards of behaviour required of Town Councillors.

Consequence A diminution in standards of behaviour, an undermining of the Code of Conduct and its processes and reputational damage.

Controls Required An appropriate consideration of the notifications and of any actions required.

3. Financial and Resource Implications

There are none arising directly from the report.

4. Equalities Implications

All parties should be treated fairly and properly in relation to the Code of Conduct.

5.Climate Change and Environmental Implications

There are none arising directly from the report.

6.Legal Implications

The relevant provisions of the Localism Act are referred to in the body of the report.

Every person has rights under the Human Rights Act and in particular a right to an appropriate determination of any civil obligation, freedom of expression and respect for private life. A person's specific rights under the Act are subject to limited and identified restrictions in some cases. The Code of Conduct is a statutory requirement and regulates Councillor behaviour and applies standards of behaviour in public life. The statutory framework is generally compliant with human rights legislation. The code applies when a Councillor is acting in that capacity or gives the impression so acting.

Appendices

Notifications from the District Council as attached.:

A: Notification dated 06/08/2022

B: Notification dated 16/06/2022

C: Notification dated 19/10/2022

D: PTC Code of Conduct

E: Pre-action protocol letter to Eden District Council - Councillor Davies

Your Reference:
Our Reference: LT/KE
Enquiries to: Mrs L Tremble
Direct Dial: (01768) 212249
Email: dcls@eden.gov.uk
Date: 6 August 2021

Email cllr.davies@penrithtowncouncil.co.uk



APPENDIX A

Town Hall, Penrith, Cumbria CA11 7QF
Tel: 01768 817817

Dear Councillor Davies

Complaint under the Code of Conduct

I refer to the Code of Conduct complaint submitted by Councillor Bell regarding alleged breaches of the Code of Conduct.

An Assessment Panel was held on 4 August 2021 to consider Councillor Bell's complaint and your response.

In summary the complaint relates to the contents of a post on your facebook page on which you list yourself as a Penrith Town Councillor and Chair of Clifton Parish Council.

The Panel agreed that the complaint satisfied tests a), b) and c) set out in Appendix 1 of the Local Initial Assessment Procedure in that:

- a) the complaint is against a named member of Clifton Parish Council and Penrith Town Council;
- b) you were in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and
- c) the complaint, if proven, would be a breach of the Code under which you were operating at the time of the alleged misconduct.

The Panel proceeded to make an assessment of the complaint and your response in relation to it. In doing so the Panel also took account of guidance provided by the Local Government Association on the use of social media for councillors. That guidance is available at the following link

<https://www.local.gov.uk/councillors-and-social-media>

The Panel considered a number of factors when assessing whether the complaint against you would amount to a breach of the Code:

- the content and subject matter of the social media post and the language used within the post;
- your statements that your personal facebook page is your personal views and thoughts; and
- the principles of conduct set out within the Members' Code of Conduct particularly relating to treating others with respect.

The Panel accepted that you are entitled to express disagreement with colleagues. However, in doing so, you should have an awareness of the manner and the forum in which you express those views.

The code of conduct for Members continues to apply in social media and if you are referring online in any way to your role as a councillor you are deemed to be acting in your official capacity and any conduct may fall within the code.

On the information provided to it the Panel considered that:

- the Facebook account on which you made the post contained references to your roles on Penrith Town Council and Clifton Parish Council in the overview and introduction to that account; and
- although you are entitled to disagree with the views of others the language used within the facebook post was inappropriate.

On that basis the Panel concluded that a breach of the Code has occurred and the following part of the Members Code of Conduct was applicable:

- '5. 5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy and maternity. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.'

Decision of the Panel

The Panel has instructed me to take the following action in relation to the complaint and recommend that you attend social media training for Councillors.

This constitutes 'other specified action' as set out in the Initial Assessment Procedure.

I will forward a copy of this response to the Clerks of Clifton Parish Council and Penrith Town Council for information and ask that they liaise in arranging the recommended training.

Yours sincerely

Lisa Tremble

Your Reference:
Our Reference: 2022-06
Enquiries to: Mrs L Tremble
Direct Dial: (01768) 212249
Email: dcls@eden.gov.uk
Date: 16 June 2022



Town Hall, Penrith, Cumbria CA11 7QF
Tel: 01768 817817

By email cllr.davies@penrithtowncouncil.gov.uk

Councillor Jonathan Davies

Dear Councillor Davies

Complaint under the Code of Conduct

I refer to the Code of Conduct complaints submitted against you by Councillor Knaggs regarding alleged breaches of the Code of Conduct. Please accept my apologies for the delay in addressing this matter.

An Assessment Panel was held on 12 May 2022 to consider the five complaints and your response to them.

The Panel agreed that each of the complaints satisfied tests a) and b) set out in Appendix 1 of the Local Initial Assessment Procedure in that:

- a) the complaints are against a named member of Penrith Town Council; and
- b) you were in office at the time of the alleged conduct and the Code of Conduct was in force at the time.

In relation to test c) the Panel agreed that:

- Complaint 1 if proven, would be a breach of the Code under which you were operating at the time of the alleged misconduct. The Panel considered that there was sufficient evidence within the complaint to clearly identify that you were acting in your capacity as a Councillor and if proven the allegations would be a breach of the following obligations set out within Penrith Town Council's Code of Conduct;
 - ii) He/she shall not seek to improperly confer an advantage or disadvantage on any person.
 - iv) You must not bring your office or your Council into disrepute.

- Complaint 2 if proven, would not be a breach of the Code under which you were operating at the time of the alleged misconduct. The Panel noted the concerns set out within the complaint. The issues set out within this complaint are not within the remit of the Panel and if Councillor Knaggs wishes to pursue these matters they should be referred to the Police.
- Complaint 3 if proven, would not be a breach of the Code under which you were operating at the time of the alleged misconduct. The Panel was not satisfied that the complaint clearly identified that you were acting in your capacity as a Councillor in relation to the matters set out within this complaint.
- Complaint 4 if proven, would not be a breach of the Code under which you were operating at the time of the alleged misconduct. The Panel was not satisfied that the complaint clearly identified that you were acting in your capacity as a Councillor in relation to the matters set out within this complaint.
- Complaint 5 if proven, would be a breach of the Code under which you were operating at the time of the alleged misconduct. The Panel considered that there was sufficient evidence within the complaint to clearly identify that you were acting in your capacity as a Councillor and if proven would be a breach of the following obligations set out within Penrith Town Council's Code of Conduct:
 - ii) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
 - iv) You must not bring your office or your Council into disrepute.

Complaint 1

The Panel considered the complaint correspondence and the comments received from you upon the complaint.

The Panel agreed that the allegations amounted to a clear breach of the Code of Conduct:

- Your role as a councillor is clearly identified in the Twitter post. Councillors are expected to challenge or criticise respectfully and via correct and effective means, together with having an awareness of how members of the public may reasonably attribute your views to you as a Councillor. The post has the potential to be regarded as derogatory and damaging to the reputation of Penrith Building Society and its members, without reason, whilst furthering your personal interests. As such, you are bringing your office and Penrith Town Council into disrepute by adversely impacting the public's confidence; and
- the content of the posts is potentially damaging to the reputation of Penrith Building Society.

Complaint 5

The Panel considered the complaint correspondence and the comments received from you upon the complaint.

The Panel agreed that the allegations amounted to a clear breach of the Code of Conduct:

- your role as a councillor is clearly identifiable by the words and contents of the posts in your blog;
- the content and language used is such that you could be perceived to be acting in such a way which a reasonable person would regard as bullying or intimidatory.

Decision of the Panel

The Panel agreed that in relation to:

Complaint 1

There is sufficient evidence to identify a breach of the following obligations set out within Penrith Town Council's Code of Conduct:

- iii) He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- iv) You must not bring your office or your Council into disrepute.

Complaint 5

There is sufficient evidence to identify a breach of the following obligations set out within Penrith Town Council's Code of Conduct:

- ii) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- iv) You must not bring your office or your Council into disrepute.

Recommendations

The Panel have recommended the following action be taken:

1. A letter of apology is issued, by you, to Penrith Building Society for potential damage caused to the reputation of their business;
2. A letter of apology is issued, by you, to Penrith Town Council for potentially bringing the Council into disrepute; and
3. The Monitoring Officer write to Penrith Town Council to ask it to:
 - arrange for you to attend social media training; and
 - consider your position on the Committees of the Town Council in view of the seriousness and potentially damaging content of your posts on Facebook and in your blog.

A copy of this letter will be sent to Penrith Town Council.

Yours sincerely

Lisa Tremble

Your Reference:

Our Reference:

Enquiries to:

Direct Dial:

Email:

Date:

Lisa Tremble

(01768) 212249

dcls@eden.gov.uk

19 October 2022



Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

By email legal@penrithtowncouncil.gov.uk

Mr P Foote
Solicitor
Penrith Town Council
Unit 1
Church House
19-24 Friargate
Penrith

Dear Mr Foote

Complaints under the Code of Conduct – Councillor Jonathan Davies

On 12 May 2022 an Assessment Panel met to consider five complaints made against Councillor Jonathan Davies.

A copy of the full decision letter, addressed to Councillor Davies, is attached for your reference.

The Panel asked that I write to Penrith Town Council to ask it to consider

- arranging for Councillor Davies to attend social media training; and to
- consider Councillor Davies' position on the Committees of the Town Council in view of the seriousness and potentially damaging content of his posts on Facebook and in his blog.

Yours sincerely

Lisa Tremble



Penrith Town Council

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

CODE OF CONDUCT

APPENDIX D

1. Introduction

- a. Pursuant to section 27 of the Localism Act 2011, Penrith Town Council ('the Council'), has adopted this Code of Conduct to promote and maintain high standards of behaviour by its Members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.
- b. This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

2. Definitions

- a. For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or subcommittee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or subcommittee.
- b. For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- c. For the purposes of this Code, and unless otherwise expressed, a reference to a Member of the Council includes a Co-opted Member of the Council.

3. Member obligations

- a. When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:
 - i. He/she shall behave in such a way that a reasonable person would regard as respectful.
 - ii. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
 - iii. He/she shall not seek to improperly confer an advantage or disadvantage on any person.

- iv. He/she shall use the resources of the Council in accordance with its requirements.
- v. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
- vi. You must not bring your office or your Council into disrepute.

4. Registration of interests

- a. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- b. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- c. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- d. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

5. Declaration of interests at meetings

- a. where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
- b. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
- c. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- d. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- e. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

6. Dispensations

- a. The Council adopts each four-year Council term a corporate Council dispensation.
- b. For all other dispensations, on a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Approved: 20 May 2019

Review: May 2023

INTERESTS DESCRIBED IN THE TABLE BELOW

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12-month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.

Subject	Description
Corporate tenancies	<p>Any tenancy where (to the member's knowledge)—</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—</p> <p>(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds €25,000 or one hundredth of the total issued share capital of that body; or</p> <p>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
<p>* 'director' includes a member of the committee of management of an industrial and provident society.</p> <p>* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.</p>	

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of €50 which the member has received by virtue of his or her office.

SEVEN GENERAL PRINCIPLES OF CONDUCT

1. Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

7. Leadership

Holders of public office should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

FULL COUNCIL
19 DECEMBER 2022
PUBLIC REPORT

ITEM 11 **APPENDIX E**

CODE OF CONDUCT

AGENDA INSERTION REQUEST FROM CLLR. DAVIES

1. Copy of a link to my blog on human rights.

<https://blog.disruptordavies.com/posts/the-erosion-of-our-human-rights-by-all-levels-of-government>

2. Copy of the attached letter sent to Eden council regarding the breaches of my rights as the pre action protocol letter.
3. If members can be informed the only reason this was not progressed despite myself and Eden both instructing solicitors was the fact Eden have only a few months left of existence as a council.
4. Please also note in the last few months I have posted countless posts calling out the UK government. Eden Council, the energy companies for issues so I will put all these forward for code of conduct complaints for council to judge me on also.

JONATHAN DAVIES

Digital

Politics

Change Management

DISRUPTOR DAVIES

CONTACT

Mr Frost
Interim Chief Executive
Eden District Council
Town Hall, Corney Square
Penrith, Cumbria
CA11 7QF

19th June 2022



✉ jonathan@disruptordavies.com

🌐 www.disruptordavies.com

By Email and Post

Dear Mr Frost,

Pre-Action Protocol for Judicial Review - Letter before claim
Proposed Claim for Judicial Review

1. Proposed claim for judicial review

This is a pre-application protocol letter in respect of a proposed claim by Mr Jonathan Davies for judicial review of the Human Rights breaches by Eden District Council in its actions of the 12th of May 2022 set out in its letter dated the 16th of June 2021 ("the Code of Conduct panel decision") in regards Complaint 1 and 5 made by Penrith Town Councillor Dave Knaggs.

2. The Claimant

The claimant in the proposed action is:

Mr Jonathan Davies

3. Legal Advisors

Mr Jonathan Davies is represented by:

Mr Jonathan Davies



4. The Defendant

The Defendant in the proposed action is:

Eden District Council
Town Hall
Corney Square
Penrith
Cumbria
CA11 7QF

5. Interested Parties

Mr Jonathan Davies has identified the following interested parties, to whom a copy of this letter will be sent:

None

6. Details of the matter being challenged and the issue

This is a proposed claim by Mr Jonathan Davies for judicial review for the breaching of the individual rights of Mr Jonathan Davies. Rights as set out in article 10, 14 and 6 of the Human Rights Act by Eden District Council through its actions on the 12th of May 2022 set out in a decision letter from the council dated the 16th of June 2022.

7. The issue

The actions of the council that caused the Human Rights breaches was unlawful in that Eden District Council:

Acted in a way as a local authority that held judgment against Mr Jonathan Davies in breach of his personal rights and freedoms to hold and express views and opinions as an individual.

Eden councils' actions fell outside the powers of the authority to act in regards Code of Conduct complaints against elected councillors.

Eden Councils Assessment Panel convened on the 12th of May 2022 with the decision letter from that panel issued on the 16th of June 2022, held judgment over 5 code of conduct complaints made by Penrith town council Councillor Dave Knaggs. Complaints 2,3 and 4 were dismissed by the panel as they did not meet the required 3-point assessment criteria for valid complaints.

The panel however proceeded to hold judgment and issued a verdict and penalties for complaints 1 and 5.

The decision letter dated the 16th of June 2022 stated

Complaint 1 The Panel considered the complaint correspondence and the comments received from you upon the complaint. The Panel agreed that the allegations amounted to a clear breach of the Code of Conduct:

- Your role as a councillor is clearly identified in the Twitter post.

Councillors are expected to challenge or criticise respectfully and via correct and effective means, together with having an awareness of how members of the public may reasonably attribute your views to you as a Councillor. The post has the potential to be regarded as derogatory and damaging to the reputation of Penrith Building Society and its members, without reason, whilst furthering your personal interests. As such, you are bringing your office and Penrith Town Council into disrepute by adversely impacting the public's confidence; and

- the content of the posts is potentially damaging to the reputation of Penrith Building Society

Complaint 1 -Decision of the Panel

There is sufficient evidence to identify a breach of the following obligations set out within Penrith Town Council's Code of Conduct:

- iii) He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- iv) You must not bring your office or your Council into disrepute.

Complaint 5

The Panel considered the complaint correspondence and the comments received from you upon the complaint.

The Panel agreed that the allegations amounted to a clear breach of the Code of Conduct:

- your role as a councillor is clearly identifiable by the words and contents of the posts in your blog;
- the content and language used is such that you could be perceived to be acting in such a way which a reasonable person would regard as bullying or intimidatory.

Complaint 5 - Decision of the Panel

There is sufficient evidence to identify a breach of the following obligations set out within Penrith Town Council's Code of Conduct:

- ii) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- iv) You must not bring your office or your Council into disrepute.

The decision letter then gives the assessment panel recommendations in regards complaint 1 and 5 as:

The Panel have recommended the following action be taken:

1. A letter of apology is issued, by you, to Penrith Building Society for potential damage caused to the reputation of their business;
2. A letter of apology is issued, by you, to Penrith Town Council for potentially bringing the Council into disrepute; and
3. The Monitoring Officer write to Penrith Town Council to ask it to:
 - arrange for you to attend social media training; and
 - consider your position on the Committees of the Town Council in view of the seriousness and potentially damaging content of your posts on Facebook and in your blog

The decision letter then states that a copy of the letter will be sent to Penrith Town Council.

The Actions of Eden District Council in holding judgment as a local authority on these complaints against Mr Jonathan Davies, made by Penrith Town Council member Cllr Dave Knaggs Vice Chair of Penrith Town Council and Deputy Mayor of Penrith. Has breached Articles 10,14 and 6 of the Human Rights Act and the personal rights and freedoms of Mr Jonathan Davies as set out in those articles in the Human Rights act.

The grounds for this breach are that:

Eden District Council as a local government authority did on the 12th of May 2022 convene a panel to hold judgment against Mr Jonathan Davies and delivered a verdict and penalty actions. This is direct local government interference in the rights of Mr Jonathan Davies as set out in article 10 of the Human Rights Act:

Article 10 protects your right to hold your own opinions and to express them freely without government interference.

This includes the right to express your views aloud (for example through public protest and demonstrations) or through:

published articles, books or leaflets
television or radio broadcasting
works of art
the internet and social media

In that Eden District Council via its panel convened on the 12th of May 2022 judged two expressions of opinions expressed freely via the internet and social media by Mr Jonathan Davies.

Neither of the complaints should have achieved the required 3 points for assessment as code of conduct complaints. In that complaint 1 was made via Mr Jonathan Davies on his personal social media account via the Twitter platform in a personal capacity regarding an issue that had no link to role as a councillor or any council business of any authority, Mr Jonathan Davies was part of at that time or at any time.

Publicly available guidance from the LGA that states in regards code of conduct and social media:

"Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business."

Source for reference: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Complaint 1 and 5 as a result was a personal view and opinion expressed that Eden council have through the actions of the panel on the 12th of May 2022 now directly interfered with in breach of Article 10 of the Human Rights act.

The actions of Eden Council have also breached Article 14 of the Human Rights act

Article 14 protects your right not to be discriminated against **in connection** with your human rights under the Human Rights Act. This means your human rights mustn't be protected differently because of who you are. Article 14 covers discrimination because of the following things:

- language
- political opinion
- national or social origin
- property and birth
- association with a national minority

Along with Article 6 of the Human Rights Act:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Eden Council as a local government authority failed to provide a fair and public hearing for the judgments held against Mr Jonathan Davies in that the panel was held in private without any right to attend or disclosure of the panel members.

Based on the multiple actions of holding Eden council to account by Mr Jonathan Davies over the term of the current administration and the leader of Eden council having publicly in the press referred to Mr Davies as an individual who is not a member of Eden District Council but a member of the community that council serves and the leader of a regional political party as “the opposition”.

Article 14 means the panel will by its very nature made up of members of Eden District Council have been politically bias and discriminatory against Mr Jonathan Davies as an individual because of who he is and his wider roles.

8. The details of the action that the defendant is expected to take

Eden District Council is expected to consider the above set out in item 7 above and issue a withdrawal of the decisions of the assessment panel held on the 12th of May 2022 as set out in the decision letter dated the 16th of June 2022. Based on the ground the complaints fall outside the scope and authority for Eden District Council to act under the code of conduct process on these items.

Eden Council is also expected to issue a full public apology and recognition for the failures of the council in regards the issues because of Eden District Council acting outside its powers to act in a way that breached the Human Rights of Mr Jonathan Davies.

9. ADR proposals

An alternative offer of alternative dispute resolution is offered in that Mr Jonathan Davies would allow for Eden Council to work to address the items set out in 7. The Issues by mediation with a representative of the Local Government Association and NALC acting as independent mediators arranged by and any costs met by Eden District council for this ADR.

This must be agreed to as a route Eden is willing to take by the date set at the end of this pre action letter for the response of Eden District Councils.

As the Claimant Mr Jonathan Davies retains the rights to progress a Judicial review claim if Eden council agrees to take part in this ADR then fails to uphold that agreement as a resolution route between both parties.

10. The details of information sought

The details of members of the assessment panel and officers involved in the panel held on the 12th of May 2022.

Full details on how the panel judged the complaints were valid for them to consider and what criteria they used to reach the judgment they were valid code of conduct complaints.

11. The details of any documents that are considered relevant and necessary

Copies of notes and minutes from that panel, and all documents linked to the code of conduct complaints 1 and 5 including emails and telephone call logs.

Training records of all members of the panel, officers and staff of Eden District council have received in regard Code of Conduct complaints.

A copy of Eden District Councils policy on protection of Human rights and any training members and employees of the council have received in regards Human Rights.

12. The address for reply and service of court documents

Mr Jonathan Davies 5 Cumberland Close, Clifton, Cumbria, CA10 2EN

13. Proposed reply date

Eden District Council is expected to reply by at the latest to this pre-action letter by 3pm Thursday 7th of July 2022.

Sincerely,

Jonathan Davies

REPORT TO COUNCIL

Date: 19 December 2022

Public Report

Item no: 12

Matter: Local Government Review Strategic Group

Author: Services and Contracts Manager

Supporting Member: Cllr. Lawson, Lead Member for Devolution

Purpose of Report:

Provide an update to Council of the work of the Local Government Review Strategic Planning Group (LGRSPG) and to consider the groups recommendations.

Members are advised that Councillor Davies has submitted a motion on notice proposing the areas of open space contained within the scope of the LGRSPG are nominated as assets of community value.

Recommendations:

- i. Note the work of the Local Government Review Strategic Planning Group.
- ii. Approve the options appraisal as set out in paragraph 1.9.
- iii. Prior to any devolution of Children's Play Areas an independent playground inspection for each site be commissioned as part of the due diligence process and that this inspection report be jointly commissioned with the devolving authority and the Council's costs met from the LGR budget.
- iv. The Solicitor investigates By Laws for each site and Land Registry searches as deemed necessary.
- v. The Council reaffirms its commitment to the Devolution of Assets with Eden District Council and Westmorland and Furness Council.
- vi. That the Council continues to pursue Eden District Council for a written position on its Asset Devolution Policy.
- vii. The Council expresses an interest in the devolution of the Memorial Gateway at Castle Park as part of any transfer of the full park.
- viii. Agree that the next scheme of work to be considered by the group includes a review of Public Toilets and the Cemetery.

Law and legal implications

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

Contribution to Council Business Plan

This report aligns with the Council's priority to plan for Local Government Reorganisation, the devolution of services, resources and assets so that assets and services are retained in Penrith and are managed, maintained, and delivered efficiently.

Background

- 1.1 Finance Committee, 15 November 2021 approved the Terms of Reference for a Local Government Review Strategic Planning Group (LGRSPG)(Minute FIN21/49). The Terms of Reference were ratified by Council, 29 November 2021, Minute PTC21/92.
- 1.2 Council, 28 March 2022, Minute PTC21/130 approved amendments to the Terms of Reference and the timeline for work (Appendix A) and the appointment of one additional elected Member.
- 1.3 The purpose of the LGRSPG is:
 - 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 for governance, business operations, resource management and internal structural reorganisation reviews.
 - c) To working alongside the shadow Council Westmorland and Furness Council, stakeholders and partners ensuring 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 Council 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.
- 1.4 The LGRSPG has progressed work related to output a) and sought to plan for the devolution of assets; preparing reports on assets owned by Eden District Council (EDC) that included areas of public open space, play areas and sports pitches. The assets and services that were reviewed are demonstrably local to Penrith and are devolved to parish and town councils.
- 1.5 Site visits, desk top research and officer/member meetings established use, amenities, condition, potential for improvement, byelaws, maintenance arrangements and what if any established groups and organisations used the areas.
- 1.6 The sites that were inspected and reported on included:

Carleton Park	Eden Mount Scaws	Pategill
Castle Park	Frenchfield Sports Centre	Skate Park
Castletown Recreation Field	Milton Street	Clifford Road

- 1.7 The individual site reports can be circulated to Members separate to this report on request.
- 1.8 A SWOT analysis was prepared for each site and is included in Appendix B to the report.
- 1.9 Each asset inspection included an options appraisal and are included in Appendix B. In summary the Members of the LGRSPG recommended the following:

Site (Area of Open Space)	Option
Carleton Park	Own the land - improve
Castle Park	Own the land - improve
Castletown Recreation Field	Own the land - improve
Eden Mount Scaws	Own the land - improve
Frenchfield Sports Centre	Own the land - improve
Milton Street	Own the land - improve
Pategill	Own the land - improve
Penrith Skate Park	Retain as is due to its association with Leisure Centre
Clifford Road	Own the land - improve

- 1.10 The group identified instances of play equipment that were considered either defective, damaged, missing or ageing. It is recommended that prior to devolution, an independent playground inspection should be undertaken for each site as part of the due diligence process. It would be expected that this inspection report be jointly commissioned with the devolving authority and the Council. This report being in addition to any other site inspection reports deemed as required.

Devolution of Assets Project with Eden District Council (EDC)

- 1.11 EDC, Council 29 April 2021 considered a motion relating to its Devolution Policy and resolved to:
- Immediately rescind the March 2022 deadline for the withdrawal of rural services that Parish and Town Councils have not adopted, as defined in the report considered by Council in July 2017, and.
 - Instruct officers to work with Overview and Scrutiny and partners – including Parish and Town Councils and/or their representatives - to develop a new policy that will support devolution of appropriate services to Parish and Town Councils for the benefit of the communities we serve, rather than primarily to cut costs for Eden District Council.
- 1.12 EDC Overview and Scrutiny Committee, 15 July 2021, considered how best to carry out a policy review and resolved to establish a Task and Finish Group to review the scope of its own policy on the devolution of assets to Town and Parish Council's. The Group agreed to consider the policy review based on the following factors:

- Those Town and Parish Councils who have adopted assets;
- Those Town and Parish Councils who have not adopted assets; and
- The possible and likely effects of Local Government Reorganisation in 2023 on the policy review work, and the position of the Council's partner Local Authorities in Local Government Reorganisation.

- 1.13 EDC Overview and Scrutiny Committee, 14 October 2021 considered a report on the progress of the Task and Finish Group having reviewed the Devolution of Assets policy and having looked in depth at the current situation with each Town and Parish Council in terms of the asset devolved to them and agreed to develop an options paper. For clarity Penrith Town Council were not involved in this review.
- 1.14 EDC Cabinet, 24 May 2022 considered a Devolution of Assets report and resolved the following recommendations. (applicable to PTC):
- That pending LGR the recommendations in the report will replace any previous decisions made in relation to the devolution of assets.
 - That play areas and toilets that are not yet agreed for transfer remain as they are.
- 1.15 The Council has been seeking to continue to progress devolution with EDC.
- 1.16 In 2022 EDC have not accepted meeting requests despite the best efforts of Town Council officers.
- 1.17 The last meeting of the joint Member and Officer group took place May 2021.
- 1.18 The Council received no direct communication from EDC regarding the 24 May 2022 decision.
- 1.19 Officers of the Council sought clarification from EDC over the summer of its policy position, whereby it was stated that a further position was to be reported on the devolution policy in July 2022. There has been no progress on this at the time of compiling the report.
- 1.20 Officers and the Lead Member for Devolution have raised this matter with EDC and an updated communication is expected from EDC which has not been received.
- 1.21 To note that this Council has positively engaged and demonstrated its commitment to securing Penrith assets and services.
- 1.22 The Council has invested considerable resources in seeking to progress devolution and it is disappointing that the Council has not received any written communication from EDC on its policy position of devolution.

Castle Park War Memorial Gateway

- 1.23 The Council were contacted in October regarding the Castle Park Memorial Gateway and were informed that a letter (Appendix C) was to be sent to the local press, which was to include reference to the future custodians of the Memorial when Unitary Council comes into effect.
- 1.24 The letter set out that Penrith Town Council be the authority to take on the responsibility and duty of care.
- 1.25 Members are reminded that the Council has previously expressed an interest in the devolution of Castle Park (Council, 30 November 2020, Minute PTC20/89).

This report recommends the Council expresses an interest in the devolution of the Memorial Gateway at Castle Park as part of any transfer of the full park. Any transfer would be subject to a due diligence process and further formal approvals. Members are advised that the Memorial Gateway has been confirmed as being granted Grade II listed status recently.

2. Options Analysis including Risk Assessment

2.1 Risk

- i. Reputational risk given that the Council has committed to Devolution yet little progress has been made.
- ii. Financial risk associated with the transfer of assets.

2.2 Consequence

- i. Reputational damage to the Council.
- ii. Financial and budgeting issues should assets not be devolved in a planned and in a fit for purpose condition as per the Council's Devolution Policy.

2.3 Controls Required

- i. Clear communication channels with Members and the wider public.
- ii. Any asset transfers proposals to be presented to Members for approval.
- iii. Assets to be considered for transfer in planned manner including in a fit for purpose condition and having undertaken due diligence.
- iv. All costs and budgetary implications obtained and considered as part of the due diligence process.
- v. All decisions reported and approved by the Finance Committee and Full Council.

3. Financial Implications

- 3.1 The Council has obtained budget costs for the maintenance of the assets from EDC. The table below sets out the information received. It must be stressed that there may be other budgets and costs which the Council are not aware of.

Site (Area of Open Space)	Grounds Maintenance	Play Area	Play Area Repairs	Income
Carleton Park	£6,930	£220	£804	Nil
Castletown Recreation Field	£15,333	£388	£610	Unknown
Eden Mount Scaws	£2,030	£220	£4,737	Nil
Frenchfield Sports Centre	Unknown	Unknown	Unknown	Unknown
Milton Street	£2,269	£220	£3,493	Nil
Pategill	£3,354	£220	£672	Nil
Penrith Skate Park	Unknown	Unknown	Unknown	Unknown
Clifford Road	£2,785	£220	£3,500	Nil
Bowscar	£167	£220	£135	Nil

Penrith Castle Park	
Grounds Maintenance	£65,201
Play Area Repairs	£135
Tree Management	£800
Toilet Cleaning	£4,845
	£70,981
Adhoc Expenditure	
Maintenance (Entrance / New Fence)	£14,592
Grounds Related	£17,160
Income	
Golf Obstacle	£5,134
Golf Putting	£175
Tennis	£1,358
	£6,667

- 3.2 As previously stated any asset to be transferred should be in a fit for purpose condition having undertaken a process of due diligence including a full appreciation of costs including budgeted, contractual, ad hoc, maintenance and income.
- 3.4 The Council has a budget of £15,000 in 2022-23 to meet the costs of LGR. The MTFP states that the budget for 2023-24 be £5,000. This budget can be available to meet the costs of work in relation to asset transfers, due diligence process including independent reports and so on.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

- 6.1 Any asset transfer be subject to a process of due diligence.
- 6.2 The Council's policy is that assets transfer on a freehold basis. This approach being reinforced during the asset review process undertaken by the LGRSPG whereby the preference is to own and maintain assets.
- 6.3 The LGRSPG has highlighted that the Council may wish to investigate suitable By-Laws for land as it is devolved.
- 6.4 The LGRSPG has identified that in preparation for asset transfers the Council may be required to undertake Land Registry searches with the costs being met from the LGR budget.

Appendices

- Appendix A - Local Government Review Strategic Planning Group Terms of Reference revised Council, 28 March 2022.
- Appendix B – Asset Review SWOT Analysis and Options Appraisal.
- Appendix C – Letter to Editor Castle Park Memorial Gateway

Background Papers

- Asset Review Papers
- Previous Council Reports

APPENDIX A

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 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 (LGR). The terms of Reference were approved by Full Council on 29 November 2021 PTC21/92f.

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 for governance, business operations, resource management and internal structural reorganisation reviews.
- c) To working alongside Council Westmorland and Furness Council, stakeholders and partners ensuring 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 Unitary Council 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 – Cllr. Sheppard
- Devolution Lead Member – Cllr. Jackson
- And one other Council Members (5 members only needed for formal full council meetings – 3 for other meetings)

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

Bi-monthly meetings will be convened by the Town Clerk or Services Contracts and Manager, at 10:00am on the last Wednesday of that month.

Chair

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

Agenda items

- All agenda items will be forwarded to the Convenor by close of business 10 working days prior to the next scheduled meeting.
- The agenda, with attached meeting papers, will be distributed at least five working days prior to the next scheduled meeting.

Public Participation

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

Minutes and meeting papers

The minutes of each meeting will be prepared by either the Town Clerk or Services and Contracts Manager.

Reporting

- The minutes, including attachments, will be provided to the Group membership and will be available to members of the Town Council.
- Minutes will be circulated to members no later than five working days following each meeting.

- c) Confidential matters will be on pink paper and marked confidential.
- d) 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 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 Councillors

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, 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) Task and finish groups will of interested Council Members will be established to review an asset and develop an options analysis and recommendations that will be fed back into the parent group.
- e) 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
- Other Buildings

And will identify:

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

- a) Officers will also consider
 - Structural reorganisation

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

b) The outturn of the research and recommendations from task and finish groups will be considered by the Parent Group.

Approved: March 2022.

Appendix B – Carleton Park

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Established constituted community group.</p> <p>Children's Play Area enhanced as recent as 2017 in part.</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog Exclusion and control orders in place.</p> <p>No highway safety issues</p> <p>Amenities on site such as ball wall, football goals, drained area.</p> <p>Connecting footpaths and paths within the play area.</p> <p>Future plans to plant trees</p>	<p>The Play Area has defective items of equipment.</p> <p>No direct vehicular access from the road.</p>	<p>Liaise with the Carleton Park Development Group who may be willing to support the Council in the future to implement any future enhancements of the playing field.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to make improvements.</p>

Appendix B – Carleton Park

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Carleton Park

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • The Town Council would have a long-term repairing lease but would not own the land. • Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> • Commission an independent Play Area inspection report to identify defects and costs, compliance with standards • Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> • Limit external funding opportunities if PTC only has the leasehold. • Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • Impact on the Council’s reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Carleton Park

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land – improve

1. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix B – Castle Park

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Prominent location in the town on the same site as a heritage asset (Castle)</p> <p>Large public support for the retention and enhancement of the park</p> <p>Amenities for the public to use including Historical features such as the towns war memorials.</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog control orders in place.</p> <p>Established groups using or an interest in the park (Bowls, CPDG, Tennis)</p> <p>Vision Plan in place.</p>	<p>The park is showing signs of neglect with evidence of defective items including:</p> <p>Planting Play equipment / surfacing Obstacle Golf Tennis Courts Paths Bandstand Street Furniture Paddling Pool</p> <p>There is a lack of public information, signage or interpretation.</p>	<p>Liaise with the Castle Park Development Group and other interested stakeholders and the public who may be willing to support the Council in the future to implement any future enhancements.</p> <p>Funding schemes such as Borderlands, Inspire Eden.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current management and maintenance schedules.</p> <p>Engage with voluntary groups.</p> <p>Overall Improve</p>	<p>Cost pressures for to make improvements.</p> <p>Over promising on aspirations and ambitions.</p> <p>Day to Day cost implications and affect on Council Budget.</p>

Appendix B – Castle Park

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.• Involve the wider community in the park's development and management.

Appendix B – Castle Park

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> The Town Council would have a long-term repairing lease but would not own the land. Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> Review Vision Plan Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> Limit external funding opportunities if PTC only has the leasehold. Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> Impact on the Council's reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Castle Park

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Work with the wider community to review and implement the Development and Vision plan or community aspirations.• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.• Costs and budget implications for any future development projects and affect on revenue costs.

Preferred Option – e) Own the land – improve

1. Risks

Of preferred option:

Costs arising from enhancements, reviews of contracts and management overall.

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with project planning, risk assessment, budgeting and insurance.

Appendix B – Castletown Recreation Field

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Large area of well used public open space</p> <p>Established sports clubs using the field</p> <p>Children's Play Area</p> <p>Established community groups who the Council can work with</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Usage generates an income</p> <p>Dog Exclusion Order in place.</p> <p>Building on site has organisation in place managing the facility.</p>	<p>The Play Area has defective items of equipment.</p> <p>There are no paths within the play area to assist with inclusivity and mobility.</p> <p>The one ramp access may not be DDA compliant</p> <p>Evidence of minor vandalism.</p> <p>The sandstone wall is prone to damage.</p>	<p>Liaise with the local community, sports and residents' groups who may be willing to support the Council in the future to implement any future enhancements of the playing field and play area and identifies potential funding sources.</p> <p>Liaise with the football clubs to discuss the maintenance schedule to identify areas of deficiency or items within the specification that may not be required on an annual basis.(cost management)</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p>	<p>Cost pressures for instance to improve the play area including accessibility or to maintain the current grounds maintenance specification.</p> <p>The clubhouse no longer has a tenant resulting in decay of the facility.</p> <p>The play area rail fence may not be compliant with standards, resulting in cost.</p>

Appendix B – Castletown Recreation Field

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.• No changes to fees.• Bookings remain with Leisure centre.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.• Review fees.• Review bookings with leisure centre.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.• No changes to fees.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Procure and make improvements.• Review fees.• Review bookings with leisure centre.

Appendix B – Castletown Recreation Field

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> The Town Council would have a long-term repairing lease but would not own the land. Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> Commission an independent Play Area inspection report to identify defects and costs, compliance with standards Investigate relationships between EDC and Wetheriggs Football Club with regard to the clubhouse facility. Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> Limit external funding opportunities if PTC only has the leasehold. Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> Impact on the Council's reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Castletown Recreation Field

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Investigate relationships between EDC and Wetheriggs Football Club with regard to the clubhouse facility.• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land - improve

1. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix B – Eden Mount Scaws

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Established constituted residents group in the area.</p> <p>Children's Play Area.</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog Exclusion and control orders in place.</p> <p>Amenities on site such as multi use ball wall.</p> <p>Connecting footpath to the ball wall from the highway.</p>	<p>The Play Area has defective items of equipment.</p>	<p>Liaise with the Scaws Tenants and Residents Association who may be willing to support the Council in the future to implement any future enhancements of the playing field.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to make improvements.</p>

Appendix B – Eden Mount Scaws

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Eden Mount Scaws

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • The Town Council would have a long-term repairing lease but would not own the land. • Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> • Commission an independent Play Area inspection report to identify defects and costs, compliance with standards • Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> • Limit external funding opportunities if PTC only has the leasehold. • Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • Impact on the Council’s reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Eden Mount Scaws

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land – improve

1. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix B – Milton Street

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Established area of well used public open space</p> <p>Children's Play Area enhanced as recent as 2017 in part.</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog Exclusion and control orders in place.</p> <p>Site boundaries separate the highway.</p> <p>Unmarked footpath across the field.</p>	<p>The Play Area has defective items of equipment.</p> <p>There are no paths within the play area to assist with inclusivity and mobility.</p> <p>Evidence of lack of maintenance particularly in the area of the football goal.</p> <p>Little known about current usage.</p> <p>Self-closing gates are defective.</p>	<p>Liaise with the local community who may be willing to support the Council in the future to implement any future enhancements of the playing field and play area and identify potential funding sources.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to improve the play area including accessibility or to repair safety surfacing.</p>

Appendix B – Milton Street

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.• No changes to fees.• Bookings remain with Leisure centre.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.• Review fees.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.•
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Milton Street

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • The Town Council would have a long-term repairing lease but would not own the land. • Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> • Commission an independent Play Area inspection report to identify defects and costs, compliance with standards • Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> • Limit external funding opportunities if PTC only has the leasehold. • Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> • Allows for the existing repair and maintenance service contracts to continue. • Costs remain unchanged. 	<ul style="list-style-type: none"> • Impact on the Council’s reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Milton Street

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land – improve

1. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix B – Pategill

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Established residents' group in the area.</p> <p>Children's Play Area.</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog Exclusion and control orders in place.</p> <p>Amenities on site such as football goals, basketball area.</p>	<p>The Play Area has defective items of equipment.</p>	<p>Liaise with the Pategill Tenants and Residents Association who may be willing to support the Council in the future to implement any future enhancements of the playing field.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to make improvements.</p>

Appendix B – Pategill

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (Do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Pategill

Option Title	Advantages	Disadvantages
a) Do nothing	Financial savings achieved by not providing the service	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> The Town Council would have a long-term repairing lease but would not own the land. Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> Commission an independent Play Area inspection report to identify defects and costs, compliance with standards Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council. 	<ul style="list-style-type: none"> Limit external funding opportunities if PTC only has the leasehold. Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> Impact on the Council's reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Pategill

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by local residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land – improve

5. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix B – Skate Park

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Free of charge</p> <p>Dedicated youth facility</p> <p>Available all year round with floodlighting</p> <p>Maintenance schedule in place</p> <p>Dog control orders in place.</p> <p>Vehicular Access and adjacent parking</p> <p>Support facilities such as toilets, first aid and telephone in the leisure centre.</p>	<p>No dedicated supervision whilst in use.</p> <p>Defects may go unnoticed.</p> <p>Area is prone to graffiti which needs monitoring.</p> <p>Lights are operated from within the leisure centre restricting control in the event of transfer.</p>	<p>Liaise with the local community who may be willing to support the Council in the future to implement any future enhancements of the site and identify potential funding sources.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to improve the facility or unforeseen maintenance.</p>

Appendix B – Skate Park

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (Do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Skate Park

Option Title	Advantages	Disadvantages
a) Do nothing	<ul style="list-style-type: none"> Financial savings achieved by not providing the service 	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> The Town Council would have a long-term repairing lease but would not own the land. Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> Develop the site into an exemplar community facility shaped by residents and managed by the Town Council. 	<ul style="list-style-type: none"> Limit external funding opportunities if PTC only has the leasehold. Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> Impact on the Council’s reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Skate Park

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission condition survey to report and identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.• Maintenance and service contracts to be reviewed.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.• Costs for unforeseen repair work.• Continued monitoring for compliance with health and safety.

Preferred Option – a) Do nothing

The skate park whilst a standalone facility is closely linked with the leisure centre. It shares the same footprint, some of the flood lamps are within leisure centre fence line, the current cleaning is contained within the leisure centre contract. The electricity supply for operation of the floodlamps is controlled from the leisure centre main building and the support facilities such as the toilets, parking and any emergency first aid or staff input would be reported via the leisure centre. It may be that the most suitable recommendation is to keep the skate park under the control of the leisure management contract.

A caveat being that should at any time in the future there is a threat to the existence of the skate park or issues such as the facility falling in to disrepair and offering a reduced level of service to the Community then the Town Council seeks to pursue Option E.

1. Risks

Of preferred option:

Reputation however the public will in the main associate the facility with the leisure centre.

Appendix B – Clifford Road Wetheriggs

SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats
<p>Established area of public open space</p> <p>Children's Play Area</p> <p>Maintenance schedule in place for all aspects of the site.</p> <p>Dog control orders in place.</p> <p>Vehicular Access</p> <p>Accessible from three directions with tarmac footpath in part.</p>	<p>The Play Area has defective items of equipment.</p> <p>There are no paths within the play area to assist with inclusivity and mobility.</p> <p>The Play Area is not separately fenced.</p> <p>Little known about current usage.</p> <p>No Dog Exclusion Order</p> <p>No known community group or input into the field.</p> <p>No prevention for unauthorised vehicles to access the field.</p>	<p>Liaise with the local community who may be willing to support the Council in the future to implement any future enhancements of the playing field and play area and identify potential funding sources.</p> <p>Transferring the full site to PTC for the amenity of Penrith and its residents.</p> <p>Review current maintenance schedule once known.</p>	<p>Cost pressures for instance to improve the play area.</p>

Appendix B – Clifford Road Wetheriggs

Options Appraisal

Objective: To develop a business case for the transfer of the asset taking into consideration feasibility, sustainability, and public support

Identifying the options

Option	Description
a) Do nothing (Do not assume responsibility for the asset)	<ul style="list-style-type: none">• Westmorland and Furness Council would provide the service.
b) Assume responsibility – leasehold -no new activity:	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site with no improvements, retain existing contracts.
c) Assume responsibility – leasehold and improve	<ul style="list-style-type: none">• The freehold would remain with Westmorland and Furness Council.• Maintain site and procure new contracts.• Procure and make improvements.
d) Own the land freehold – no new activity	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site.• Retain existing contracts.• No improvements.
e) Own the land - improve	<ul style="list-style-type: none">• Town Council own the asset.• Maintain the site and procure new contracts.• Consult with the community about any potential future improvements.

Appendix B – Clifford Road Wetheriggs

Option Title	Advantages	Disadvantages
a) Do nothing	<ul style="list-style-type: none"> Financial savings achieved by not providing the service 	Not to provide this service could have a reputational impact on the unitary council.
b) Assume responsibility – leasehold -no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> The Town Council would have a long-term repairing lease but would not own the land. Leasehold would restrict decision-making, and may not allow for any flexibility to change, improve or realise any efficiency savings from the contracts.
c) Assume responsibility – leasehold and improve.	<p>With permission from the freeholder:</p> <ul style="list-style-type: none"> Commission an independent Play Area inspection report to identify defects and costs, compliance with standards Develop the site into an exemplar community facility shaped by residents and managed by the Town Council. 	<ul style="list-style-type: none"> Limit external funding opportunities if PTC only has the leasehold. Joint decisions would have to be made with the unitary authority.
d) Own the land freehold – no new activity.	<ul style="list-style-type: none"> Allows for the existing repair and maintenance service contracts to continue. Costs remain unchanged. 	<ul style="list-style-type: none"> Impact on the Council’s reputation when we have strived to make site enhancements to similar public amenities.

Appendix B – Clifford Road Wetheriggs

Option Title	Advantages	Disadvantages
e) Own the land – improve.	<p>The Town Council can:</p> <ul style="list-style-type: none">• Commission an independent Play Area inspection report to identify defects and costs, compliance with standards• Develop the site into an exemplar community facility shaped by residents and managed by the Town Council.• Freehold will allow for external funding to be sought to assist with development costs.• Maintenance and service contracts to be reviewed and tendered.	<ul style="list-style-type: none">• There are cost implications should obvious defects not be made good prior to any transfer of land, for instance the defective play equipment.

Preferred Option – e) Own the land – improve

1. Risks

Of preferred option:

Costs arising from Independent Play Area Inspection Report

Reputation if public expectation is raised and the Council cannot deliver.

Liability and responsibility which can be mitigated with site maintenance plan and risk assessment, budgeting and insurance.

Appendix C – Castle Park Memorial Gateway

From: [REDACTED]
To: letters@cwherald.com
Cc: [REDACTED]
Subject: PENRITH PARK GATEWAY WAR MEMORIAL
Date: 08 November 2022 18:58:40

On Wed 2 November 2022 [REDACTED] and myself were invited by Eden District Council (EDC) to visit the Penrith Park Gateway War Memorial to view the refurbishment that had been carried out.. As has been previously reported the Gateway had been damaged by vandalism.

War memorials have a deep emotional resonance with people, they act as a reminder of the price of war. More importantly, they serve to remember the names of those who made the ultimate sacrifice in the service of their country.

The Penrith Park Gateway War Memorial, will celebrate its centenary next year . Which means the bronze plaques will be some one hundred years old and the most recent one World War II (WW 2) must be over seventy years old, the latter had been badly defaced by fire. There was no evidence of any maintenance being carried out on any of the plaques, other than the WW 1 plaques having been painted at some time!

The plaques or Rolls of Honour are obviously the centrepiece of the Memorial. During both World Wars it was not the practice to repatriate the bodies of soldiers, therefore the Memorial assumed a special significance to families.

The standard of work carried out by [REDACTED] in refurbishing the bronze plaques is excellent . The staff of EDC are to be commended, in particular, for having the work completed in time for this years Remembrance/Armistice Day commemorations.

The cost of effecting these repairs, we understand, is in the order of £10,000.
We therefore consider EDC should:

- a. Consider what security measures could be taken to enhance the security of the Memorial.
- b. Resolve the issue of who the future custodians of the Memorial will be next year when EDC ceases to exist. We understand from a spokesman of EDC that there are 'legal technical issues ' delaying this decision. It is difficult to believe that there could be any more appropriate authority than Penrith Town Council to take on this responsibility and duty of care.
- c. Ensure that the Memorial is handed over formally, in the good condition it is today, and that the handover is notified and correctly recorded to all the relevant authorities.
- d. The future custodians are advised how the bronze plaques should be maintained.
- e. Withdraw the application to create a vehicle entrance adjacent to the Park Gateway, There are other more appropriate and less intrusive options, not to mention the current traffic congestion which already exists on Ullswater road.

Finally, we would asked, that all parties respect the Memorial, remember what it represents and the men who paid the ultimate price whilst serving their Country and Penrith .

“THEIR NAMES LIVETH FOR EVERMORE.”

[REDACTED]

FULL COUNCIL

19 DECEMBER 2022

Matter: Castle Park Planning Application 22/0550 - Update

Purpose of Report:

Receive an update in respect of the recent planning application for Castle Park and consider a response to Eden District Council.

Item no: 13

Author: Deputy Town Clerk

Supporting Member: Committee Chair

This is a public report

Recommendations

- i. Note the report.
- ii. Consider submitting a response to Eden District Council.

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.

Contribution to Council Business Plan

This report aligns with the priority for contributing to the quality of life, well-being and vitality of Penrith

1. Report Details

- 1.1 Penrith Town Council's Planning Committee considered planning application 22/0550, Castle Park Ullswater Road Penrith CA11 7EF On Monday 1 August 2022.
- 1.2 The details for the application are available on Eden District Council's website <https://eforms.eden.gov.uk/fastweb/search.asp> by inserting the planning reference number 22/0550.
- 1.3 The application was from Eden District Council:
 - a) For an extension to the pavilion to expand the clubhouse.
 - b) Replace the kiosk building, which would be demolished.
 - c) Creation of new vehicular entrance beside the War Memorial Gate.
 - d) Enlargement and resurfacing of tennis courts and additional new fencing and flood lighting.
 - e) Alterations to paths to include enlargement, installation of ramps and lighting.
- 1.4 The resolved response of the Planning Committee returned to Eden District Council was: 'Although improvements to Castle Park and the path are long overdue and to be welcomed, it was

RESOLVED THAT:

A response be returned to Eden District Council Objecting to the application on the following grounds:

- a) The application would result in the loss of the Kiosk, an art deco, strategically placed, aesthetically pleasing structure from the opening of the park in 1923. The kiosk forms part of the history of the park and should be maintained as a heritage asset as it adds to the ambiance of the park. This structure, along with the bandstand should be listed or at least a non-designated heritage asset. In the feedback from the HLF Bid the heritage, assets within the park, including the kiosk, were picked out as being notable.
- b) Given that the Park is a major community asset for Penrith and the health, wellbeing and recreation of residents and visitors, there seems to have been little to no consultation with either the public, interested organisations or groups affiliated to the park to seek their views on the proposals. There is no information on current usage of the tennis courts in the park and proposed usage by the tennis club and the public. Given that this is a planning application by Eden District Council and determined by them, pre-planning consultation is felt to be essential.
- c) A new entrance right next to the memorial gate, between disabled parking and parked cars, and opposite a busy station entrance is a major highway safety concern. There is concern about potential damage to the Memorial Gate, which should be a listed structure. The proposal will result in the loss of two parking spaces, which itself isn't too excessive however there is no detail about who it is proposed will use the new entrance. With a bowling club and tennis club within the park, there are serious issues about parking as there is limited on street and off-street parking nearby.

- d) The plans do not include specific details about the flood lighting in particular, plans showing the proximity to houses and the extent of lighting spillage. At the present time the tennis club has no flood lighting and have hours of operation to 8.30pm. There is concern that the proposed lighting until 10.30pm will affect residential properties adjacent to Court 1 and would adversely affect the residential amenity of residents. Should this application be approved by EDC, a condition limiting use until 8.30pm.
- 1.5 Following a query from a Member about the status of the planning application for Castle Park, a response was received confirming that:
- a) Planning application 22/0550 had been withdrawn.
 - b) The demolition of the timber kiosk, which is permitted development and does not need planning permission, is no longer included within this round of works.
 - c) The extension to the bower/clubhouse, which does need planning permission, is no longer included within this round of works.
 - d) All other work including alterations to the railings to create the access can be carried out under permitted development rights.
 - e) The listing of the memorial gate on 17 November as Grade II listed would not change the position with regard to planning permission, which is not required. Listed Building Consent would NOT be required for alterations to the railings next to the gate to create access.
- 1.6 The Council has been informed that the following items set out in the withdrawn application, are considered permitted development under Parts 11 and 12 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and do not require planning permission:
- a) Alternations to the railings to create new access.
 - b) Alterations to the paths and steps.
 - c) Enlargement of the tennis court area.
 - d) Replacement of tennis court fences.
 - e) All new lighting components including the tennis court lighting.
- 1.7 It is unclear why EDC Planning Officers did not previously decide that the proposed developments did not need planning permission prior to plans being submitted and disseminated to statutory consultees, that sought planning approval, and which were open to public comment.
- 1.8 It is also unclear whether Eden District Council has taken account of any comments made by members of the public and the Town Council who expressed significant concerns regarding light pollution, especially from the flood lights situated near residential properties and operational until 10pm, as well as the unsuitability of the proposed vehicle access next to the newly listed Memorial Gate.

2. Proposal Details

- 2.1 It is proposed that members consider how they would wish to respond to Eden District Council.

3. Options Analysis including risk assessment

Risk

Financial risk to the Council should the scheme not proceed as the Council has paid EDC a contribution of £5,500 towards the Castle Park Redevelopment scheme.

Consequence

The funds paid would not have been used for their intended purpose.

Controls Required

Maintain a regular contact with EDC officers about the progression of the scheme.

Invoice EDC for the £5,500 to be returned to the Council should there be no confirmation of a works order by 31 December 2022. The funds can then be held by the Council until such time confirmation of a works order has been received.

4. Financial and Resource Implications

Should Castle Park be considered for devolution in the future to the Town Council, a business case would be essential and set out all the costs associated with the management of the park including any additional costs and projected income associated with this new scheme.

Climate Change and Environmental Implications

None identified.

5. Legal Implications

None identified.

Appendices

None.

Background Papers

Planning Committee minutes.

REPORT FOR FULL COUNCIL

Date: 19 December 2022

This is a public report

Matter: Draft Neighbourhood Plan Progress Report

Purpose of Report:

Receive an update on the progress of the Draft Neighbourhood Plan.

Item no: 14

Authors: Deputy Town Clerk and Solicitor

Supporting Member: Planning Committee Chair

Recommendations

Note the report and the further submission, which has been made to Eden District Council following the Planning Committee's consideration of the matter.

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.

Eden District Council as the Local Planning Authority must consider each of the recommendations, which has been made by the examiner and the reasons for them, and decide what action to take in response to each recommendation.

Eden District Council itself must be satisfied that the draft plan meets the basic conditions. Eden District Council can only make modifications to the plan which are set out in the applicable legislation and are considered necessary, amongst other specified things, to ensure the plan meets the basic conditions.

The basic conditions include the plan being appropriate having regard to national policies and advice and its being in general conformity with the development plan.

Contribution to Council Business Plan

This report aligns with the priority for Living Well, contributing to quality of life, well-being and vitality of Penrith.

1. Report Details

Background

- 1.1 Following the initiation of the Neighbourhood Plan Process in 2016, and with extensive community consultation events to determine public priorities for development, the Neighbourhood Plan Group, comprising of Councillors and representatives of sustainability groups, youth groups, schools, arts organisations, the Chamber of Trade and Penrith BID drew up the draft plan based on the comments received.
- 1.2 A specialist-planning consultant who had undertaken work on a number of successful Neighbourhood Plans provided support to the Steering Group.
- 1.3 In November 2018, Eden District Council completed an 8-week consultation campaign on their Penrith Master Plan. The Penrith Masterplan covered land to the east of the town and proposed three new villages, 5,560 houses, new jobs, town centre improvements and upgrades to local road infrastructure. Local residents expressed concerns about the proposals including whether this scale of development is needed and negative impacts on the local landscape and infrastructure.
- 1.4 It was essential that the community distinguish between the Master Plan, The Local Plan and Penrith Neighbourhood Plan and to this end, and to check that the issues raised by the public initially had been included, Penrith Town Council carried out further community consultation.
- 1.5 All the consultation feedback from the members of the public shaped the Penrith Neighbourhood Plan.
- 1.6 In early December 2019, following the Public Regulation 14 Consultation, the draft plan was lodged with Eden District Council.
- 1.7 Due to Covid, the Regulation 16 Consultation undertaken by Eden District Council did not take place until late 2020 with the public examination led by the Independent Examiner taking place on 9 February 2021.
- 1.8 During the public consultations undertaken by the Town Council, the Penrith residents were emphatic; it was very clear that communities of Penrith valued a number of green spaces within their residential areas that could either be used freely for leisure and recreation, or which added to the ambiance of the area.
- 1.9 Some of the more formalised areas, such as play areas, were included within Policy 9 of the draft Neighbourhood Plan that asked that they be given the same protection as those listed in Policy COM2 of the Eden Local Plan.
- 1.10 The other important green open areas were included within Policy 8 of the draft Neighbourhood Plan relating to the Identification and Protection of Local Green Spaces.
- 1.11 Within Policy 8, the Town Council had included the front of Beacon Hill, which had been identified as special to residents of Penrith. The Town Council was aware that there was a possibility that this site would not meet the criteria for Local Green Space as the size was considerable. However, the Neighbourhood Plan Group felt that the Examiner should make that decision when assessing the identified green spaces against the criteria.

- 1.12 An Examiner must consider whether the Neighbourhood Plan meets the basic conditions. A draft plan meets the basic conditions, in particular, if:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
 - b) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- 1.13 An Examiner must set out their recommendations and the reasons for each.
- 1.14 Within his interim report, the Examiner suggested that the Town Council and the landowners of Beacon Hill prepare a separate policy specifically for Beacon Hill, which would allow for certain small-scale development. This was not something that the Town Council could support and no agreed policy came forward.
- 1.15 The final report of the Examiner was received on 29 March 2022 which recommended the following:
- a) The deletion of Policy 1 relating to sustainable development as a revised National Planning Policy Framework (2021) had been adopted meaning that national policy now covered what the Neighbourhood Plan had been seeking to achieve.
 - b) Changes to the wording of policies 2, 3, 4, 6 and 13 to accord to revise wording in the 2021 National Planning Policy Framework.
 - c) The deletion of Policy 8 (Identifying and Protecting Local Green Space).
 - d) The deletion of Policy 9 (Protecting and Enhancing Sport, Leisure and Recreation Facilities).
 - e) That Beacon Hill met the criteria as being demonstrably special and in close proximity to the community, it serves. The Examiner stated however, that although it was local in character it was an extensive tract of land and therefore did not meet that criterion.

Overview and opinion

- 1.16 In terms of the National Planning Policy Framework, areas identified as Local Green Space should be:
- a) In close proximity to the community, they serve.
 - b) Demonstrably special to the local community because of their recreational value.
 - c) Local in character and not an extensive tract of land.
- 1.17 It is strongly considered by the Council that the areas put forward in Policy 8 meet the criteria set out above. Planning Committee considered the final report of the Examiner. The Committee accepted that Beacon Hill did not meet the criteria for inclusion in Policy 8. However, Members resolved that Officers raise a challenge for the deletion of Policies 8 and 9. A meeting was held with officers of Eden District Council which included the Chair of the Town Council's Planning Committee, the Deputy Town Clerk and the Legal Officer. A detailed response was sent to Eden District Council on 11 October 2022. A copy of the submission is attached as an appendix.

- 1.18 The essence of the Town Council submission is that the draft Neighbourhood Plan is compliant with the Local Plan and the National Planning Framework, which incorporates the Secretary of State's advice and guidance for the reasons stated, and that the Examiner is considered to be in error in recommending the deletion of policies 8 and 9.
- 1.19 The Town Council submission comments on the Examiners observations and sets out the legal arguments with reference to the statutory provisions on why the examiner is considered to be incorrect.
- 1.20 The District Council has been asked to accept and retain policies 8 and 9 as they meet the basic conditions and are appropriate with regard to the National Planning Framework, in the Town Council's view.

2. Options Analysis including risk assessment

Risk

That after extensive community engagement and consultation, local important green open areas put forward by the public during the consultations as being special to them and ones they wished the Town Council to try to protect are excluded from the Penrith Neighbourhood Development Plan.

Consequence

Reputational damage to Penrith Town Council

Controls Required

The Town Council continues working for the inclusion of Policies 8 and 9.

3. Financial and Resource Implications

Officer's time.

4. Equalities Implications

None Identified.

5. Climate Change and Environmental Implications

None Identified.

6. Legal Implications

The relevant legal considerations are contained within the report.

Appendices

Appendix A - Submission to EDC on the protection of Local Green Space and Sport, Leisure and Recreation Facilities in Penrith

Appendix B –Map

Background Papers

Penrith Neighbourhood Development Plan

Previous Reports



Penrith Town Council

October 2022

Penrith Neighbourhood Development Plan

Submission on the Protection of Local Green Space and Sport, Leisure and Recreation Facilities in Penrith



1. A Neighbourhood Plan should reflect the ambitions of the community and allow them to shape how their area develops over the coming years. This includes protecting areas of green space that are important to the local community through Local Green Space protection as set out in the National Planning Policy Framework (NPPF).

2. A number of green spaces important to the Town Council and, more importantly, that were demonstrably special to the residents of Penrith, were included as a key element of the draft plan. Members of the public identified these open green spaces during the consultation events stating that they used them for informal play, meetings, recreation and, in some places, gardening. Penrith Town Council, in response to the community's request to protect them also consider these are areas that support the continued health and wellbeing of Penrith. The Council has agreed that it is vitally important to protect them from development and ensure their continued availability to the local community for community events, relaxation and recreation.

3. The Planning Committee of Penrith Town Council met on Monday 6th June 2022 to receive the final comments of the independent examiner. The final report was noted however it was resolved that the Chair of the Planning Committee write to Eden District Council regarding the proposed deletion of the policies relating to identifying and protecting local green space (Policy 8) and protecting and enhancing sport, leisure and recreation facilities (Policy 9). The Council believes that the examiner's comments relating to these areas were fundamentally flawed. The Council wrote to Councillor Virginia Taylor, Leader of Eden District Council, copied to the Planning Policy Team on 19 May 2022, detailing the concerns of the Town Council.

4. The Grange-over-Sands Neighbourhood Development Plan includes the protection of 'local green spaces' additional to those identified in the South Lakeland Local Plan, as does the Neighbourhood Plan of Newport in Shropshire and many others. The examiner in those cases made no assertions (such as those made by the examiner in the case of the Penrith Neighbourhood Development Plan) that including Local Green Space resulted in any conflicts relating to the relative importance of these spaces compared to those already protected in the local plan.

5. The Holme-next-the-Sea Neighbourhood Development Plan has just won a Royal Town and Planning Institute award for Planning Excellence and also designates locations as Local Green Spaces which are of particular importance to the community.

6. The NPPF does not suggest that any assessment is needed of the relative value of land compared to sites already protected through local plans, only that; spaces must be demonstrably special to the community, be in close proximity to that community and not extensive in size. CPRE, The Countryside Charity, have carried out recent research on the use of local green space designations and recommended that it should be made much clearer that evidence to support these designations can be qualitative as well as quantitative, and that the examples for local significance cited in the NPPF do not constitute either a binding or an exhaustive list of possible reasons for local significance. It is the opinion of Penrith Town Council that the examiner's reasoning for deleting the areas identified in Policies 8 & 9 is fundamentally flawed.

The Examination of Policies 8 and 9 of the Penrith Neighbourhood Plan by the Appointed Examiner

7. An examiner must consider whether the draft neighbourhood plan meets the basic conditions, amongst other things. A draft plan meets the basic conditions, in particular, if

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order; and
- b) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority.

An examiner must set out his recommendations and the reasons for each of his recommendations.

8. The Local Planning Authority, for its part, must consider each of the recommendations made by the examiner and the reasons for them and decide what action to take in response to each recommendation. The Local Planning Authority, similarly, must be satisfied that the draft order meets the basic conditions to which the examiner himself has had regard. The Local Planning Authority can only make modifications which, amongst other things, are considered to be necessary to secure that the draft order meets the basic conditions.

9. These special local green spaces were all chosen and put forward by the community 'in good faith' that these areas would be included in their policies for their Neighbourhood Plan. Their individual contributions provided an explanation for the inclusion of the green space and why they are so special to them and cannot be ignored. The list is appended to this submission.

10. The examiner considers that policies 8 and 9 of the draft neighbourhood plan should be deleted. The examiner's commentary on policies 8 and 9 are set out in paragraphs 90 to 98 of his report and they provide the reasons for the recommendation which is made in paragraph 112. (The examiner comments separately and specifically on the identification of Beacon Hill as a site to which policy 8 applies).

11. The examiner is of the view that policies 8 and 9 should be referred to together in his report because of what he considers to be the inter relationship between them. (Paragraph 91 of the report) Policies 8 and 9 are not interrelated. They are separate, each standing, in its own right, dealing with quite distinct issues.

The Town Council's Direct Response to the Examiner's Comments Relating to Policies 8 & 9

12. **Paragraphs 92 and 93** – 'The criteria used by the Town Council to determine which sites are to be protected and by which route, were discussed during the hearing and I subsequently asked the Town Council to confirm what criteria was used. I was informed in Councillor Jackson's letter, dated 24th August 2021, that the criteria used to designate local green spaces were those spaces identified as being "informal areas used by residents for unconstructed play, gathering together and in some places are spaces which are maintained and planted by residents and community groups." The criteria for being identified as COM2 sites include "more formal sports, leisure and recreation facilities with play equipment, including school playing fields".

'It appears to me that the Town Council has chosen to identify what are to be local green space, not based on the relative importance of the spaces to the local community, but rather the selection has been based on whether the spaces are used for passive or for active leisure pursuits such as sports or play areas'.

13. **Response** – This is a subjective comment. The examiner was of the view that the Town Council had chosen to identify which sites were to be local green spaces not based on the relative importance of the space to the local community but upon whether the space was used for passive or active leisure pursuits.

14. This view is not correct and it is not supported by the evidence submitted with the Neighbourhood Plan. The Town Council clearly chose the greenspaces which should be protected as local green spaces under policy 8 as they had been identified as being important to the local community. The examiner should have been commenting on whether the areas identified in Policy 8 met the criteria in the NPPF. Should the Inspector have considered that any of the spaces indicated within Policy 8 of the plan failed to meet the criteria in the NPPF, we would fully have expected him to state the reasons why, as he did for Beacon Hill, and suggested their removal. There are no reasons given in his response indicating what those reasons are for each area.

15. The documents which were submitted with the draft Neighbourhood Plan clearly show the nature of each site, the local community it served, why any site was demonstrably special to the local community and that each site was local in character. An identification of a site as a local green space did not and does not have to be based upon the relative importance of the space to the local community and the examiner's view that it does is in error and not based upon the NPPF.

16. The Town Council chose to have two policies for the areas that were important to the public as it was felt that they had different functions. The areas identified in Policy 9 are more formalised play and leisure areas which are requested to be protected in accordance with Policy COM2 of the ELP. These are areas where alternative provision could be provided nearby due to the nature of the space or facility. The green spaces identified in Policy 8 are unstructured areas of green space in the middle of or right next to residential areas where people can walk out of their house and use them for unstructured play, meeting neighbours, picnics, gardening etc. It is not possible to replicate this facility away from the community that it serves.

17. These special green spaces are included as a key element of the draft plan as being demonstrably important to the people of Penrith and hence to the Town Council. Members of the public identified the open green spaces detailed in policy 8 citing that they are special because of the way that they are used that they used, ie for informal play, meetings, recreation and, in some places, gardening. Penrith Town Council, in response to the community's requests, also consider these are areas that support the continued health and wellbeing of Penrith. The Council has agreed that it is vitally important to protect them from development and ensure their continued availability to the local community for community events, relaxation and recreation. These are areas on their immediate doorstep that they value greatly.

18. In terms of the NPPF the areas identified in Policy 8 (as attached) are:

- In close proximity to the community they serve;
- Demonstrably special to the local community because of their recreational value; and
- Local in character and not an extensive tract of land.

Please see the appendix attached.

19. **Paragraph 95** – ‘I am not convinced that the choices have been informed by a clear understanding of the different criteria set out in the framework for identifying local green space as opposed to other green spaces..... I am not necessarily convinced that the town’s residents would have placed greater importance on the protection of some sites, which are offered a higher level of protection via Policy 8, compared to some of the sites which are protected as COM2 sites set out in Policy 9.....I am not satisfied that the Town Council has demonstrated that the town’s community places greater value on the protection of the areas of undeveloped informal open space around the Macadam Way housing estate, than it will say place protecting the grounds of Penrith Cricket Club or indeed Castle Park, both of which are identified within Policy 9’.

20. **Response** – The comment by the planning inspector is unsubstantiated. The examiner does not have to be so convinced in undertaking his role but in ensuring compliance with the basic conditions. An examiner is not entitled to assert his own opinion as to what should be covered as a local green space under policy 8. The designation of land as local green space is to allow communities to identify and protect green areas of particular importance to them. An examiner cannot identify any site as one which he considers should be a local green space in the absence of such an identification by the local community and an expression of that site’s importance to the local community.

21. The areas identified in the Macadam Way estate were identified as they typify the open nature of the estate and because the people who live on the estate use those areas for informal gathering, play etc and assert that they are doubly special to them due to the very local nature as they are on their door step. These small areas of land, should there be a wish to develop them, could not be provided elsewhere as they would not then be in close proximity to the area they currently serve. The examples given by the Inspector are poor as it is highly unlikely that a public park with sports facilities and a scheduled ancient monument would be developed and the cricket ground, although only open for those playing or watching cricket, could potentially be relocated within the town. These differences were understood by those responding hence the reason they were included in Policy 9.

22. Paragraphs 96 and 97 – 'I am reinforced in my view that there has been a lack of understanding of the relative importance in two categories, based on the revised mapping which I was sent.....I expected the maps to show the following 3 categories:

- Local green spaces which are being designated by the NP. If they are already a COM2 site then the LGS status 'trumps' that as it is a higher level of protection – don't show them as covered by both'
- Existing sites protected by COM2 in the Local Plan which are not being upgraded to LGS,
- New COM2 sites being designated by the NP – no need to differentiate between green space or leisure space as the extent of the protection is the same.

'The plans that I have been sent, show in blue, not just the local green space sites but also sites which are also to be covered by Policy COM2. Therefore, it is not possible to identify from the maps, the sites which are proposed for the higher level of protection offered by Policy 8, compared to those remaining sites which are to be covered by Policy 9, which I had expected to be shown, alongside the new areas proposed for designation, which are shaded purple. The plan only shows a small number of sites in red, which are COM2 sites, but the added sites do not differentiate whether they are protected by Policy 8 or Policy 9

23. Response – Clarification was requested more than once but was unclear. It is a pity that more clarification was not forthcoming. The examiner indicates that he is reinforced in his view in paragraphs 96 and 97 by reference to the submissions of plans.

24. The examiner is not entitled to take the view which he has by reference to the plans as being supportive of his own views which actually and in any event are in error. The plans he refers to were submitted with specific reference to his request and with regard to his requirements. The plans which were submitted with the draft neighbourhood plan were clear as to the identification of the lands which were to be protected by both policy 8 and policy 9. It is entirely possible to identify from the plans which were submitted with the draft which sites were offered protection by policy 8 and which sites were covered by policy 9.

25. Paragraph 98 - 'My conclusion is that the identification of the local green spaces based on the Town Council's criteria has not had proper regard to the Secretary of State criteria and I conclude that Policy 8 and 9 does not meet the basic conditions of having regard to Secretary of State policy and advice'.

26. **Response** – All the areas identified have been assessed against the criteria set out by the Secretary of State in the NPPF. More formalised play areas, and sports and leisure facilities are included within Policy 9 which the Town Council have requested be afforded protection in accordance with COM2 of the Eden Local Plan (ELP). The areas identified in Policy 8 – Protection of Local Green Space do meet the basic conditions as explained in Points 13-18 above and in Paragraph 6 which states that the NPPF does not suggest that any assessment is needed of the relative value of land compared to sites already protected through local plans.

Secretary of State's Policies and Advice

27. Locality states that a Neighbourhood Plan is:
'written by the local community, the people who know and love the area, to ensure the community gets the right types of development, in the right place.'

28. The Secretary of State's policies and advice is contained in the guidance of the National Planning Policy Framework. The guidance is set out in paragraphs 98 to 103 of the framework. Paragraph 99 deals with existing open space, sports and recreational buildings and land including playing fields. Paragraphs 101 and 102 relate specifically to the designation of local green spaces. Paragraph 99 protects open space, sports and recreational buildings by requiring an assessment to be undertaken as to whether:

- a) the land is surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in a suitable location; or
- c) the development is for alternative sports and recreational provision the benefits of which clearly outweigh the loss of the current or former use.

29. Policy 9 of the Neighbourhood Plan clearly relates to the type of land which is protected under paragraph 99: it refers to sports and recreational facilities. The protection under paragraph 99 is comparable to policy COM2 of the Eden Local Plan. It is entirely unclear how the policies which are identified under policy 9 can be said to be contrary to paragraph 99 and indeed the examiner does not set out how the sites identified in policy 9 are contrary to the NPPF framework.

30. His sole justification is that, in his view, some of the sites set out in policy 9 should actually be covered in policy 8 as local green spaces. This is because of his own view of the importance of some of those sites to the local community. He provides and identifies no evidence for this view. It is not the examiner's role to apply his own view of what a site's importance to the local community should be. The Neighbourhood Plan is a means by which the local community itself can identify the sites which should be protected.

31. There is no basis to justify the deletion of policy 9 having regard to the reasons set out by the examiner or with regard to the policy and advice contained in guidance issued by the Secretary of State.

The Town Council's Submission

32. A local green space is designated, and is allowed to be designated, by communities to identify and protect green areas of particular importance to them. A local green space designation must meet the criteria which are set out in paragraph 102 of the NPPF. A green space must be;

- a) in reasonably close proximity to the community it serves,
- b) demonstrably special to the local community and hold a particular local significance; and
- c) local in character and not an extensive tract of land.

33. The sites which are identified in policy 8 meet all of the criteria set out in the National Planning Policy Framework. The examiner does not identify any of those criteria which any of those sites fails to meet with the exception of Beacon Hill which doesn't meet the criteria as it is an extensive tract of land and which Penrith Town Council agrees is removed from Policy 8.

34. The sites were put forward on behalf of the local community following their suggestions made at consultation events. All the sites are in close proximity to the local community, are demonstrably special to a local community and hold a particular local significance. The reasons were identified through the consultation process and in the documents submitted to the examiner. Each site is clearly local in character.

35. Policy 8 and policy 9 are both compliant with the NPPF and the Eden Local Plan.

36. The examiner does not identify any reason which is soundly based and related to any policy and advice contained in the guidance issued by the Secretary of State, and by reference to which the identification of any site in either policy can be said to be inappropriate.

37. The reasons expressed by the examiner for his recommendations on both policies 8 and 9 are not sound and do not identify that either policy is contrary to the policies and advice contained in the guidance of the Secretary of State or that either is not in conformity with the Eden Local Plan. In his report, the examiner has clearly assessed Beacon Hill with reference to paragraph 102 of the NPPF in contrast to his approach to the other sites. He adjudges that the site meets two of the criteria but that it does not meet the third as it is an extensive tract of land, in his view.

38. The examiner's assessment that policy 8 and policy 9 do not meet the basic conditions is flawed and wrong. The assessment should not be supported when the Local Planning Authority considers the recommendations of the examiner and decides what action to take in response to them.

39. A fundamental issue to be addressed in a neighbourhood plan is the identification of and protection of open spaces, both for recreational purposes and as green space. Different considerations apply to each type of site and the form of protection dependent upon the nature of the sites concerned. The relevant considerations have been applied in the neighbourhood plan. The plan was formulated with regard to the appropriate parts of the NPPF. The deletion of both policies 8 and 9 in the neighbourhood plan is not, and has not been, recommended on a proper consideration of those policies and the sites and having regard to the examiner's role. The examiner's recommendations, and the reasons for the recommendations relating to policies 8 and 9, are not proper or sound for the reasons set out above. The deletions of policies 8 and 9 would severely diminish the neighbourhood plan and would fundamentally undermine it without proper explanation and justification.

40. The local planning authority must consider each of the examiner's recommendations, and the reasons for those recommendations, and satisfy itself whether the plan itself meets the basic conditions. In undertaking its considerations and deciding upon the action to be taken in response to the examiner's report, the Local Planning Authority should not accept the recommendations on both policy 8 and policy 9 and should not approve the deletion of either of them.

41. Penrith Town Council believes that the views of the independent inspector are fundamentally flawed and that the Local Planning Authority should determine that policies 8 and 9 should each be retained within the NDP as each is appropriate having regard to the policies, advice and guidance of the NPPF and each meets the basic conditions.

42. The examiner's approach to not include these policies would be undemocratic and against the ethos of community engagement and neighbourhood planning which brings local people together to meet local needs to craft local Neighbourhood Plans.

43. Penrith Town Council, along with organisations such as Friends of the Lake District could not support a Neighbourhood Plan that did not reflect the community's needs and views on what is important to them. These are also the people that you represent, and we would ask that the District Council proactively supports democracy and the wishes of the residents of Penrith. It is also unlikely that a plan with no protection for the green spaces identified as important by the people of Penrith would secure a majority at referendum.

44. Penrith Town Council respectfully requests that the policies for the protection of local green spaces and the protection and enhancement of sport, leisure and recreation facilities, which we ask to be afforded protection in accordance with Policy COM2, be retained in the Neighbourhood Plan.

Appendices

Appendix 1 – Policy 8 Protected Local Green Spaces

Appendix 2 - Policy 9 Protecting and Enhancing Sport, Leisure and Recreation Facilities

Appendix 3 - Extract from Appendix VIII of the Penrith Neighbourhood Development Plan: PENRITH GREEN SPACES

Penrith Neighbourhood Development Plan**Policy 8 Proposed Protected Local Green Spaces** (COM 2 areas identified *)

Ref No	Green or Open Space
C2	Land between rugby pitches and houses on Carleton Road
PE6*	Land and wood above Scaws Drive
PE8	The additional bit of land missed between Brentfield Way and Meadowcroft
PE9*	Folly Lane Allotments
PE12*	St Andrew's Churchyard
PN17*	Open area top of Croft Terrace against Beacon Edge
PN18	Field on Beacon Edge next to field already allocated under COM2
PN24	Fell Lane Pinfold
PN27	Cockell House Gardens / Drovers Lane
PN28	Cockell House Gardens / Macadam Gardens
PN29	Voreda Park/Anchor Farm Central Space
PN30	Head of Macadam Way
PN31	Pembroke Place
PN32	Land in Voreda Park/ Anchor Farm
PN33	Plimsoll Close
PN34	Cambridge Drive
PN36*	St Catherine's Churchyard
PN37*	Christchurch Churchyard
PN39*	Salkeld Road Allotments
PN40	Coronation Gardens
PN42	Bowscar
PN43	Friends Meeting House Allotment Gardens
PW45	Nichol Hill Nature Reserve
PW46	Thacka Beck Nature Reserve
PW48	Brunswick Square Gardens
PW49*	James Street Allotments
PW50*	Castletown/Musgrave Street/Brackenber Allotments
PW52*	Recreation area between allotments and Newton Road
PS53*	Wetheriggs Country Park
PP66	Thacka Glen (the half not already protected under Com2)
PP67	Pategill Back Field
PP70	Open space to the south of Eden Housing Association
PP71	Open space to the north of Eden Housing Association
PP72	Open space to the north of former Greengarth site

Policy 9 Protecting and Enhancing Sport, Leisure and Recreation Facilities

Ref No	Green or Open Space
C1	Carleton Heights Play Area (the remaining part not already covered by COM2)
C2	Part of C2 (field between Rugby pitches and houses on Carleton Rd)
C4	Hunter Hall School Playing Field
C5	Frenchfield Sports Centre including Penrith Football Club
PE7*	Scaws Play Area
PE10*	Friars Bowling Club
PE11	Beaconside School Playing Field
PN16*	Milton Street Play Area
PN19*	Penrith Golf Course (including the early holes not covered in COM2)
PN21*	Fairhill Playing Field
PN22	St Catherine's School Field
PN41*	Bowscar Play Area
PS51	Castletown Recreation area (including part not covered by COM2)
PS54*	The Crescent (including part not already covered under COM2)
PS55*	In part – Ullswater CC Playing Fields (the area to the south is already designated in COM2 the field between the cricket ground and Bridge Lane is not)
PS56*	Penrith Cricket Ground
PS57*	Playing Field at southern gateway to town between A66 and Clifford Road
PS58*	Clifford Road Play Area
PS59	North Lakes School Playing Field
PS60	Land between Wetheriggs Lane and Astro turf at Leisure Centre
PS62	QEGS Playing Field (part already designated under COM2)
PS64*	Castle Park
PP68*	Pategill Play Area and Recreation Ground
	Penrith Leisure Centre including the car park area (to ensure it can be used) (the LC is already designated under COM2)

Extract from Appendix VIII: PENRITH GREEN SPACES

* Denotes area included in COM 2 of the Eden Local Plan

		National Planning Policy Criteria			Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Carleton Ward					
C1	Carleton Heights Play Area	Open amenity space in new housing development between Beckside and Sycamore Drive.	Fenced-off play equipment and separate area with goal posts and ball wall. Funding for play equipment raised by nearby residents who have formed a community group.	3.618 acres of unfenced open space with full public access. Owned by EDC who advise it is protected in the Local Plan.	POLICY 9 Well used by the local community who have formed a group and raised money for new equipment.
C2	Penrith RUFC and adjoining land (Part of)	Bordered by houses and the Pategill playing field and the rugby pitches. Large car park used by a local employer as a weekday offsite car park. A 20 minutes' walk from the town centre.	Home to Penrith Rugby Union Football Club (RUFC). Rugby pitches together with clubhouse, squash courts and tennis courts belonging to Penrith RUFC. Club house let for use by community groups and as a conference venue. Green area used for community and charity events. Car Park used for regular car boot sales. Forms a wildlife corridor linking PP53 to farmland.	17.87 acres total of fenced sports area, with public access, on the eastern edge of the Town. Rugby pitches are already protected in EDCs Local Plan. Green area suggested for protection is 2.9 acres	POLICY 8 The green land between the rugby pitches and houses is a valuable buffer and is often used by the community groups and the club to hold events now that they have a synthetic pitch

		National Planning Policy Criteria			Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Carleton Ward					
C4	Hunter Hall School Playing Field	On the south eastern perimeter of the Town and adjacent to Frenchfield Sports Centre. A 9 minutes' walk from Carleton Village and 2 minutes' walk from the planned new development. This private preparatory school serves the whole of the Town and beyond.	School playing field essential to the development and wellbeing of the pupils. Element of the wildlife corridor formed by C5 and PP54.	5.82 acres of privately-owned fenced playing field.	POLICY 9 Other school playing fields are included under COM2 of the ELP. Including this field would ensure all are treated equally.
C5	Frenchfield Sports Centre incorporating Penrith Football Club	At the south eastern perimeter of the Town and adjacent to the A66. Planning permission has been granted for a new housing development a few minutes' walk from the playing field. Carleton village is a few minutes' walk however the facility is used by residents from all over the Town and beyond.	Sports pitches and pavilion with changing rooms, also used for meetings. Used every weekend by parkrun and for football matches. Grounds also used by archery club, rugby clubs, triathletes, runners, cyclists and the public. Part of the site is home to Penrith Football Club who have their own pitch and stadium. Sited on a wildlife corridor (River Eamont) that extends from Ullswater down the length of the Eden Valley. Linked to PP54 by an underpass (A66)	41.51 acres of sports pitches enclosed by sandstone walls and fencing. Football Stadium leased by Penrith Football Club Owned by EDC who advise that it is protected in the Local Plan.	POLICY 9 Frenchfield sports pitches, including Penrith Football Club, are hugely important as an area used not only for football but for other sports and recreation as well. They are well used not only by residents of Penrith but also of the wider area and County.

	National Planning Policy Criteria				Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith East Ward					
PE6 *	Land and Wood above Scaws Drive	On the northern edge of the Town with housing to three sides of this significant and well-used area of grass and woodland. Well used by residents of the Scaws Estate, the New Streets and the Town. A 15 minutes' walk from the centre of Town but as few minutes from local houses.	The grass and woodland have survived the development of Penrith and is greatly valued as a place for dog walking, relaxing, brambbling, picnics and children's' games. Affords a beautiful view to the Lakeland Fells and the Solway estuary. A recognised habitat for wildlife including red squirrels, deer, foxes as well as wild flowers. Element of a wildlife corridor with PN14.	7.017 acres of unfenced grassland and woodland accessible to the public. Owned by EDC. Green area above Scaws Drive given designated village green status by CCC June 2019.	POLICY 8 Residents of the area very strongly wish to protect this area of land which is well used by the local community in a variety of informal ways. Residents often observe wildlife on the areas.
PE7 *	Scaws Play Area	In the middle of the Scaws Estate with housing to three sides - Eden Mount, Brentfield Way and Pennine Way and Beaconside School.	A valuable greenspace in the middle of a heavily developed residential area. Play area is used extensively by children and the open area by people for dog walking, exercise and relaxation.	0.86 acres of unfenced land with a multi-games area. Owned by EDC who advise that it is protected in the Local Plan.	POLICY 9 Heavily used area in a large estate.

	National Planning Policy Criteria				Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith East Ward					
PE8	Land between Brentfield Way and Meadowcroft	In the middle of the Scaws Estate and surrounded on three sides by housing (Brentfield Way and Meadowcroft).	Significant recreation area used extensively by local children as a play area and by local residents for dog walking, exercise and relaxation.	1.407 acres of unfenced open area with public access. Owned by EDC who advise it is protected in the Local Plan.	POLICY 8 Most of area already protected in COM2 however residents pointed out that the strip on the end was also used extensively for informal play, exercise and relaxation. It would be better treating this as a complete area of land.
PE9 *	Folly Lane Allotments	Below the houses on Folly Lane and above developments next to site of former gas works.	Important amenity for local residents as allotments. Access by allotment holders only.	3.635 acres Owned by PTC. Bounded by sandstone wall, hedge and wire fence.	POLICY 9 Amenity space as allotments for local residents so used for gardening, food production, relaxation and health and wellbeing
PE10 *	Friars Bowling Club	Off Friargate and bounded by residential developments and the Folly Lane Allotments. A 3minute walk from the Town centre.	Important recreational amenity for local residents. Access restricted to persons playing and watching bowls.	0.44 acres of privately-owned land laid to grass bounded by fences.	POLICY 9 Privately owned by the bowling club and laid to formal bowling green

	National Planning Policy Criteria				Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith East Ward					
PE11 *	Beaconside School Playing Fields	In the centre of the Scaws Estate and adjacent to Beaconside School.	School playing field essential to the development and wellbeing of the pupils.	2.14 acres of fenced playing field with no public access. Owned by CCC.	POLICY 9 Important to protect for health and wellbeing
PE12 *	St Andrew's Churchyard	Off Market Square in the centre of Penrith and surrounded by historic buildings. A 2 minute walk from the centre of Town.	Used extensively by locals and visitors alike. Mature trees and wild flowers make this a popular space at lunch time for local workers. Full public access at all times of the day.	The setting for the Grade 1 Listed Parish Church with an ancient churchyard to one end and old garden at the other. 2.14 acres bounded by low sandstone wall and iron railings but with full public access at all times of the day. Area near the Mansion House is owned by EDC and the remainder by the Church Commissioners.	POLICY 8 An absolute gem in the middle of Penrith and used extensively by residents and visitors who love the space. Recently used as a community space for events during the Platinum Jubilee Celebrations. Important to retain in the centre of Penrith
Penrith North Ward					
PN16 *	Playground and recreation area at Milton Street	Playground and recreation area on the edge of the Raiselands development to the west of the Town and bounded by houses (Raiselands Croft, Milton Street, Thacka Lane) and a caravan site.	The only recreation/community area in this part of the Town. Equipped with goal posts and play equipment.	1.15 acres of playground, bounded by walls and fence, but with public access Owned by EDC.	POLICY 9 The only play area in a dense housing area for children to play

	National Planning Policy Criteria				Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith North Ward					
PN17 *	Open area at top of Croft Terrace against Beacon Edge	<p>Area on Beacon Edge opposite the entrance to Penrith Cemetery with houses to west (Graham Street) and south (Croft Terrace).</p> <p>Easy access on foot from properties in New Streets Conservation Area.</p>	<p>Local residents applied, unsuccessfully, to register this area as a 'village green'.</p> <p>Affords the only view, from above the residential area, across the Town to the eastern fells of the Lake District. Used extensively by children, local residents and dog walkers.</p> <p>Wildlife corridor with PN18 linked to PN14 via PN28.</p>	<p>0.8 acres of greenspace overlooking the Town.</p> <p>Unfenced on lower (south) side offering easy access.</p> <p>Advised by EDC that this is protected in the Local Plan.</p>	<p>POLICY 8</p> <p>Together with PN18 adjoining forms part of a wildlife corridor from the Beacon and Cemetery down into gardens. Accessible by residents whose children use it for informal play whilst it is also used by those close by for recreation, health and well being including dog walking</p>
PN18	Field on Beacon Edge next to area PN17	<p>Opposite the entrance to Penrith Cemetery with houses to east (Wordsworth Street) and south (Croft Terrace).</p>	<p>One of a diminishing number of green spaces in the Town.</p> <p>With PN17 affords the only view across the Town to the Eastern fells of the Lake District.</p> <p>Wildlife corridor with PN17 linked to PN14 via PN28.</p>	<p>0.7 acres. A privately-owned area that is used for grazing.</p>	<p>POLICY 8</p> <p>See above. An area prized by local residents, not because they can access the space but because it forms part of an important wildlife corridor with PN17 but also due to the view over the town to the Lakeland Fells</p>

	National Planning Policy Criteria				Policy No
Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith North Ward					
PN19 *	Penrith Golf Course – including the hole(s) not included in COM2	The Town's only golf course on the northern edge of and overlooking the Town. Bisected by Salkeld Road	<p>This popular 18-hole golf course is an important venue for recreation.</p> <p>Open to members and visitors. Public access via footpath from Beacon Edge.</p> <p>Excellent views to the Lakeland Fells and the Solway estuary.</p> <p>Forms a link for wildlife between open farmland and PN14.</p>	<p>Formerly Penrith Racecourse so has long been a grassed area. 104.68 acres.</p> <p>EDC advise that this site is designated in the Local Plan under Policy COM2</p>	POLICY 19 Most of the golf course is protected under Policy COM2 of the ELP however there are two holes (in the middle of the course) that are not protected and should be to provide the same protection as the rest. This seeks to give those holes on the course the same protection.
PN21 *	Fairhill Playing Field	<p>Playing field close to northern boundary of Town.</p> <p>A new housing development is being built around it.</p>	<p>The Fairhill Community Group, with support from the Town Council, purchased (2017) new play equipment for use by local children and goal posts funded by PTC (2018).</p> <p>Grassed area used by children and dog walkers.</p>	<p>8.02 acres of enclosed land with full public access.</p> <p>Owned by PTC. EDC advise that it protected within the Local Plan</p>	POLICY 9 Much used and loved by not only the community close to Fairhill but by residents across town and the wider area.

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Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith North Ward					
PN22	St Catherine's School Field	School playing field, with small car parking area for staff, bounded on three sides by housing (Drovers Lane, Macadam Gardens and Graham Street). Just 7 minutes' walk from the centre of the Town.	School playing field essential for the development and wellbeing of the pupils. One of two greenspaces central to the Town.	1.12 acres bounded by fences and hedge. Owned by the Catholic Church.	POLICY 9 School playing field essential for health and wellbeing of pupils also accessible out of hours for informal play areas. Another green space which encourages wildlife
PN24	Fell Lane Pinfold	Area of woodland adjacent to rear of properties in Fell Lane, below entrance to Lonsdale Villa.	Originally used for holding stock. Dense, well established woodland that is a habitat for wildlife and a green oasis in an area of housing. No public access.	1.02 acres of quite dense native woodland bounded by walls and very visible in the area. Owned by EDC.	POLICY 8 A raised mound covered by trees and habitat for wildlife . Believed to be the Roman vicus (village) northern gateway. (see Secret Penrith by A Stables) Well worn path to the top which is fairly flat. Important to preserve.
PN27	Green Space on Cockell House Gardens / Drovers Lane	Surrounded by residential properties	Green space with a small parking area in the centre with mature trees on the entrance to a residential estate. Requested for Inclusion by the public during the Reg 14 Consultation	Open green space, unfenced totalling 0.25 acres. Owned by EDC	POLICY 8 Along With PN28 to PN33 these open green spaces are important to the residents who live on the estate. They are areas used for informal play, socialising, gardening and meeting and are not transferable within the town.

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Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith North Ward					
PN28	Green Space on corner of Cockell House Gardens and Macadam Gardens	In a housing estate surrounded by residential properties	Area of grassland with a mature tree and bushes on a prominent position at the entrance to the estate, often used by young people for free play	0.18 acres of open unfenced green space adding to the character of this green open estate. Owned by EDC	POLICY 8 PN28 along with PN29, PN30, PN31, PN32, PN33 and PN34 are a number of small open green spaces within the estate which give the estate its open feel. Residents on the estate use these spaces for informal play, walking, dog exercise, some areas are used for planting and during Covid residents used them for meeting outdoors. Residents say they are special to them as they can step outside the door and use the spaces as they wish, these spaces and the benefits they bring of being so close cannot be replicated elsewhere.
PN29	Green Space in Centre of Voreda Park	Area of open green space in the centre of the estate surrounded by residential properties.	Area of open green space bisected by a footpath and with a small car park to one side. Area contains mature trees and is used extensively by children on the estate for free play, walkers and dog walkers. Requested for inclusion by public during Reg 14 Consultation.	Approximately 0.36 acres of unfenced green space. Owned by EDC	
PN30	Green Space at Head of Macadam Way	Area of open green space between residential flats at the head of Macadam Way fronted by a footpath and parking area.	Open green space containing mature trees and shrubs, a 'green lung' in the estate. Requested for inclusion during Reg 14 Consultation.	0.10 acres unfenced. Owned by EDC	

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Penrith North Ward					
PN31	Pembroke Place	Surrounded by residential property on the Anchor Farm housing estate.	Requested for inclusion during the Reg 14 consultation. Grassed open green space with mature trees used by children on the estate for free play and by walkers and dog walkers taking exercise.	Grassed open space of 0.10 acres adding to the open feel of the estate. Owned by EDC	Policy 8 See above
PN32	Land in Voreda Park	Multiple small areas of open grassland with some mature trees and shrubs surrounded by residential properties.	All together an extensive bit of green space bisected by footpaths with mature trees. Used by children for free play and by others for exercise. Along with other green spaces on the estate good for wildlife. Requested for inclusion during Reg 14 Consultation.	8 areas in total with a combined acreage of approximately 0.65 unenclosed acres. Owned by EDC	
PN33	Plimsoll Close	Small area of open green space with mature trees and shrubs surrounded by residential properties.	Along with other green spaces on the estate, good for wildlife. Used in conjunction with other spaces for children to play, walking and dog walking	0.2 acres of unfenced green space with mature trees and bushes. Only accessible by footpath. Owned by EDC	

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Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith North Ward					
PN34	Cambridge Drive next to Greencroft	Open green space at the entrance to Cambridge Drive surrounded by residential properties	Grassed area with mature trees connected to other grassed areas by footpaths. Used by children playing, walkers and dog walkers. Along with other green spaces on the estate good for wildlife. Requested for inclusion during Reg 14 Consultation.	0.15 acres of unfenced land with mature trees and shrubs. Owned by EDC	POLICY 8 See above
PN36 *	St Catherine's Churchyard	Small churchyard surrounded by houses. A 6-minute walk from the Town centre	The setting for St Catherine's Church and with public access. A quiet space for reflection.	0.1 acres, bounded by sandstone walls. Owned by the Church Commissioners.	POLICY 8 Residents greatly appreciate having public access greenspace within the town centre for reflection, health and wellbeing.
PN37 *	Christchurch Churchyard	Between Stricklandgate (A6 to the north of the Town centre) and Drovers Lane. Just 5 minutes' walk from the Town centre.	A former site for local burials so with local family connections. A well-used public footpath from Drovers Lane to Stricklandgate passes through the churchyard. Potential for development as parking for a Community Hub for the estates to the north of the Town.	This 2.5-acre site is bounded by sandstone walls and forms the setting for the church. Owned by the Church Commissioners.	POLICY 8 A community space used by individuals and community groups for small events. Also used for reflection, exercise, health and wellbeing by people living locally.

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Penrith North Ward					
PN39 *	Salkeld Road Allotments	Located off Salkeld Road behind houses on Beacon Edge. A 20-minute walk from the Town centre but close to residential areas.	Important amenity for local residents as allotments particularly as many houses, on the new developments, have very small gardens.	1.9 acres surrounded by hedges and fences. Access by allotment holders only. Owned by PTC.	POLICY 8 The allotments are highly valued not just by allotment holders but by residents living nearby as part of wildlife corridors and areas of peace and tranquillity
PN40	Coronation Gardens	Located off Portland Place between Voreda House and the Town Hall. A 5-minute walk from the Town centre.	Created in 1938 to celebrate the Coronation of King George VI. Currently partly tended by Penrith Community Gardeners.	Community garden and artworks covering an area of approximately 40 meters by 30 meters. Owned by EDC.	POLICY 8 An important garden for relaxation and reflection for residents and tended by a number of community groups for health and wellbeing.
PN41 *	Bowscar Play Area	Located at Bowscar surrounded by houses in the hamlet	Formalised play area with swing used by the community	Small, fenced play area and surrounding land of 0.09 acres currently owned and managed by EDC who advise it is protected in the Local Plan.	POLICY 9 Outside the main town in a small hamlet but an important area for formalised play by children living in the area.
PN42	Bowscar Open Space	Located at Bowscar surrounded by houses in the hamlet	Non formalised play area used by children and the community for informal gatherings	Small piece of land 0.12 acres currently owned by EDC	POLICY 8 Residents value this informal open space used for recreation, dog walking, meeting, health and wellbeing

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Penrith North Ward					
PN43	Friends Meeting House Garden and Allotments	Located next to and behind the Friends Meeting House surrounded by residential houses	A small green oasis in the middle of houses for people and wildlife to enjoy	0.22 acres owned by the Friends Meeting House	POLICY 8 A small relaxing and peaceful garden space in the town centre where residents relax, garden and observe wildlife.
Penrith West Ward					
PW45	Nichol Hill Nature Reserve	Between the railway line and Foster Street and an 8 minutes' walk from the Town centre but a short walk from the residential areas to the north of the Town	A haven for wildlife in a heavily developed area on the edge of the Gilwilly Industrial Estate. An important element of a wildlife corridor (PW32, PW34, PW35, PW36 and PW37) Open access to the public. Until recently the reserve was under the protection of Cumbria Wildlife Trust.	6.25 acres of native woodland Owned by EDC. Open access.	POLICY 8 As well as being an important wildlife corridor and place where people go to see wildlife and birds, heavily used by the public for exercise, dog walking and getting to work on Gilwilly. Part of a walking route round town.
PW46	Thacka Beck Nature Reserve	Located between the M6 motorway and the railway line, to the edge of northern edge of the East Lakes Business Park (Gilwilly). A 22 minutes' walk from the centre of Town.	A popular area for bird watchers, dog walking and relaxation. Public access. An important wildlife corridor with PW31, PW34, PW35, PW36 and PW37.	33.54 acres of hay meadows, wet grassland, and scrub, centred on an attenuation pond and the beck, established as part of the Town's flood defences. Area managed and owned by Cumbria Wildlife Trust.	POLICY 8 As above, an area identified as a favourite dog walking and exercise area. Has also been used by community groups and nursery schools for outdoor nature events.

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Penrith West Ward					
PW48	Brunswick Square Gardens	Surrounded by the houses that form Brunswick Square and a 5 minutes' walk from the centre of Town.	Private garden for the use of residents of this attractive square. Largely to grass, with a goal post for the children, surrounded by mature shrubs and trees	0.5 acres making Brunswick Square a quiet haven in central area of Town. Privately owned by the residents of the square.	POLICY 8 An area in the middle of a very residential area, used and maintained by local residents for play, relaxation, health and well being
PW49 *	James Street Allotments	Bordered by industrial buildings, Gilwilly Road, York Street and James Street on the edge of Castletown. A 9 minutes' walk from the Town centre but a few minutes from the local properties	Important amenity for local residents as allotments. Access by allotment holders only. Forms an important piece of the wildlife corridor between PW31, PW32, with PW35, PW36 & PW37.	0.7 acres bounded by railings and a sandstone wall. Owned by PTC.	POLICY 8 An award winning allotment site with a great community feel, well loved and used by local residents for food and flower production, health and wellbeing.
PW50 *	Castletown/Musgrave St/Brackenber Allotments	Bordered by Newton Road, Gilwilly Lane, Gilwilly Road and Musgrave Street between the Industrial Estate and Castletown residential area.	Known by a number of names these allotments are an important amenity for residents of Penrith. Allotment gardens and hen runs. Part of the wildlife corridor with PW31, PW32, PW33, PW34, PW36 and PW37. Permissive path runs around the outside of the allotments used by residents going to and from work and those walking their dogs.	6.95 acres bounded by fence and sandstone wall. Owned by PTC.	POLICY 8 The largest allotment site within a dense residential area and part of an important wildlife corridor. Also accessible by the public walking dogs and exercising and appreciated as a green oasis and an area to assist biodiversity

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Penrith West Ward					
PW51	Castletown Recreation Area (The Rec)	In the centre of Castletown bounded on 3 sides by Gilwilly Road, Gilwilly Lane and the industrial estate.	Donated to the Town in perpetuity (covenanted). Site accommodates a play area, football pitch (Castletown United, Castletown Juniors and Wetheriggs United) Castletown Recreation Hall. Used regularly by the community for sports and events. Part of the wildlife corridor with PW31, PW32, PW34, PW35 and PW37.	3.8 acre field with sandstone boundary wall enclosing the community building and small children's fenced play area. Owned by PTC who advise it is protected in the Local Plan	POLICY 9 The actual pitches and formal play area on Castletown Rec is covered by COM2 of the ELP however the additional area to be covered in Policy 9 is the playing area outside the official pitches but still part of the Rec which is heavily used by not only the local community but the wider community of Penrith and Eden
PW52 *	Recreation area between Musgrave St allotments and Newton Rd	On the edge of the Castletown residential area and bordered by new residential development, Newton Road and Castletown Allotments with access via a gate from Newton Road	An Informal area of grassland used by local children for recreation, and dog walkers and people accessing the permissive footpath around the allotments. Part of the wildlife corridor with PW31, PW32, PW34, PW35 and PW36.	0.45 acres, accessible area of grassland. Owned by EDC who advise that it is protected in the Local Plan.	POLICY 8 This is a small area between the allotments and road used for informal recreation, relaxation, dog walking and meeting. On a through route and appreciated by the residents as an informal green space within a housing estate.

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Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?	Additional Notes
Penrith South Ward					
PS53 *	Wetheriggs Country Park	Located just north of A66 (between the North Lakes Hotel at J40 and Kemplay Roundabout) bounded on one side by houses on Clifford Road. A few minutes' walk from the Wetheriggs Estate.	A valuable buffer zone between the busy A66 National East/West highway and the housing estate. Publicly accessible with woodland path with seats and fitness equipment. With PS39 part of a wildlife corridor along the Town's southern edge connected to PS40 to PS43.	17.23 acres, area of grassland and native trees forming a green boundary to the Town. Owned by EDC who advise that it is protected in the Local Plan.	POLICY 8 An area much appreciated by local residents who asked for it to be protected. As well as being part of a wildlife corridor and home to a number of species it is well used by local residents and those across town for sport, recreation and health and wellbeing.
PS54	The Crescent	Between the North Lakes Hotel (Clifford Road) and Wetheriggs Country Park. A few minutes' walk from the Wetheriggs Estate.	Football pitch (goal posts in the summer months only) used for pre-season training and for friendly fixtures when main pitches are undergoing maintenance. Accessible to the public at all times. Part of a wildlife corridor with PS38 and PS40 to PS43.	2.5 acres mown grass. Owned by EDC who advise that it is protected in the Local Plan.	POLICY 9 Some of the area is owned by the hotel but is a valued green area by the local community. Some of this area near the hotel is now wild meadow and an important haven for wildlife and part of the wildlife corridor.

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Penrith South Ward					
PS55	Ullswater Community College Playing Fields	To the southern side of the Town, bounded by Bridge Lane, Wetheriggs Lane, Clifford Road and Penrith Cricket Club	School playing field used for sports and recreation (athletics, cricket, rugby, football, hockey). Essential for the wellbeing and development of pupils. Continuous with PS55 and 56 thus forming a wildlife corridor with PS38 and 39.	9.9 acres fenced school playing field. Owned by CCC. Playing field to the south of the Cricket Ground is already designated as public open space in the Local Plan	POLICY 9 The main area of UCC playing fields are already protected under Policy COM2 of the ELP however the additional area which is used for sport and which provides the access to the protected area has been omitted. It is important to treat the whole playing field area as one
PS56 *	Penrith Cricket Ground	Adjoining school playing field bounded by Bridge Lane and Wetheriggs Lane.	Thriving cricket club that offers coaching to local children and regularly holds matches during the season. Cricket pitches and a clubhouse that is hired to local groups. Continuous with PS53, 54 and 56 thus forming a wildlife corridor. Access only for training and events.	3.521 acres privately owned land part enclosed with fences and sandstone wall.	POLICY 9 Penrith Cricket ground is important to those who play cricket. It is only accessible to those playing and is not available as space that the general public can access however is an important facility that could be re-located if necessary.

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Penrith South Ward					
PS57 *	Playing Field at southern gateway to Town between A66 and Clifford Rd	At the southern gateway to the Town bordered by the A66, Bridge Lane and Clifford Road. A 15 minutes' walk from the Town centre.	Currently used by UCC as a playing field. Forms a wildlife corridor with PS53, PS54 and PS55. No public access.	6.96 acres bounded by fencing. Owned by the County Council.	POLICY 9 An area of land used for Rugby by UCC. Also contains a community garden developed by young people for health and wellbeing during Covid.
PS58 *	Clifford Road Play Area	Small area just below houses on Clifford Road, and adjoining PS42. A 15 minutes' walk from the Town centre.	Children's play area with footpath connecting Clifford Road to Bridge Lane. Used extensively by the public for access to Bridge Lane (Doctors' surgeries, hospital, superstore) and the exercising of dogs.	1.207 acres bounded by a fence but accessible to the public. Small wooded area on western side. Owned by EDC.	POLICY 9 An important play area for young people on the Wetheriggs estate
PS59 *	North Lakes School Playing Field	Bounded by the school buildings, and houses on Huntley Avenue and Porthouse Road.	School playing field used for sport and recreation, essential for the wellbeing and development of pupils. No access to the general public.	1.8 acres bounded by hedges and walls. Owned by CCC.	POLICY 9 School playing field essential for health and wellbeing of pupils also accessible out of hours for informal play areas. Another green space which encourages wildlife

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Penrith South Ward					
PS60	Land between Wetheriggs Lane and Astro Turf at Leisure Centre	Open grassed area between Wetheriggs Lane and Penrith Leisure Centre (Astroturf). A 5 minute walk from the Town centre but a few minutes from houses on the Wetheriggs Estate or Penrith Leisure Centre.	Regularly used by public and UCC for sports. Accessible at all times by the public.	1.78 acres. Bounded by fence and wall. Owned by EDC.	POLICY 9 This is an openly accessible area of land used by the Leisure Centre, UCC and the public for sports and recreation. Often used for football practice.
PS62	Queen Elizabeth Grammar School Playing Field	School playing field Bounded by the Ullswater Road, Skirsgill Close, Skirsgill Gardens and the Wetheriggs Estate.	Used daily for sports and recreation the field is essential for the wellbeing and development of pupils Public access limited to the footpath that runs across the field.	11.62 acres* bounded by fence and sandstone walls. Owned by the school which is an academy. *Northern boundary of protected area taken to be the public footpath.	POLICY 9 The tennis court on the school field is already protected under COM2 however this includes the rugby, football, cricket and rounders pitches and the athletics track. Important for the health and wellbeing of pupils.
PS64 *	Castle Park	Bounded by Ullswater Road, Cromwell Road and housing on Castle Drive and Castle Terrace. Immediately opposite Penrith Station and a 10-minute walk from the centre of Town but just minutes from housing on the Wetheriggs Estate.	A public park since 1923. The Town's park is the site of a Grade 1 scheduled ancient monument (Penrith Castle), bowling green, tennis courts, crazy golf, bandstand, café, children's play area, open green space and gardens	9.45 acres, bounded by sandstone walls and hedges. Owned by EDC.	POLICY 9 Formal gardens and recreation area including bowling club, obstacle golf, tennis courts and bandstand. A much loved park by the people of Penrith.

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Penrith South Ward					
PS66	Thacka Glen. Land between hospital, Eden Arts and Thacka Beck	Located to east of Tynefield Drive and following the course of Thacka Beck to Carleton Avenue. Readily accessible to residents of Pategill, Scaws and Carleton estates and a 15 minutes' walk from the Town centre.	Wooded valley of Thacka Beck that forms a green buffer to the southeastern edge of the Town. Unofficial footpath used extensively by the public for walking and exercising dogs. Forms a wildlife corridor with PP50, PP52 and linking to PS38 to PS43.	Attractive 9.8 acres of deciduous woodland and pasture currently used for summer grazing. Currently owned by Cumbria County Council. Approval given for transfer to Penrith Town Council in due course.	POLICY 8 Part of Thack (ie the wooded bank is already protected through COM2, this seeks to protect the open pasture which is freely accessible for informal recreation, dog walking and health and wellbeing. Used by community groups and the Town Council to run free courses for young people
Penrith Pategill Ward					
PP67	Pategill Back Field	At the end of Pategill Walk on the edge of the Pategill Estate and above Thacka Glen (PP51). A few minutes' walk from the centre of the estate.	Pategill has serious issues with parking and the Residents & Tenants' Association has expressed a wish to see this field used for a combination of recreation and parking. Applied unsuccessfully for Village Green status. Temporary (10 years) registration as Amenity Land. Currently used as an informal play area by children on the estate. Forms a wildlife corridor with PP50, PP51 and linked to PS38 to PS43.	0.449 acres with public access. Owned by EDC who advise it is protected in the Local Plan. Registered as an Asset of Community Value 10 January 2013 for recreation, social activities, dog walking and viewing wildlife.	POLICY 8 An area of land special to the residents of the Pategill Estate and not protected through the ELP. Heavily used by local residents for informal recreation, social activities for the residents association, dog walking and meeting neighbours. Also part of a wildlife corridor.

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Penrith Pategill Ward					
PP68 *	Pategill Play area	Bounded by Penrith RUFC and housing on Mary Langley Way, Prince Charles Avenue and Windsor Court. A few minutes' walk from the houses on the estate.	The only significant greenspace on the Pategill Estate. Fenced play area with equipment plus a grassed area with goal posts. Forms a wildlife corridor with C2 to farmland.	1.44 acres unfenced grassed area. Owned by EDC who advise it is protected in the Local Plan.	POLICY 9 An area of play equipment and goal posts used by the children on the estate. Currently residents are lobbying for equipment to be maintained/replaced with a possibility of a community group being formed.
PP70	Open space to the south of Eden Housing Association (EHA)	Between Bridge Lane and Tynefield Drive and bounded on one side by Eden Housing Association's office and on the other by the Ambulance Station. A 12 minutes' walk from the Town centre but of most use locally.	At a gateway this is an important green area that, in the summer, is used by NHS staff, residents of sheltered housing and the nursing home. Accessible to the public.	At a key gateway to the Town. 0.9 acres area of grass and mature trees bounded on one side by a low sandstone wall. Understood to be owned by the NHS.	POLICY 8 Along with PP71 and PP72, these three small green areas together are valued by all residents of Penrith as a green gateway into the town. Greengarth has now been demolished however residents nearby still use the land for informal recreation, relaxation and health and wellbeing. Until recently, it has been used by one resident for letting hens out.
PP71	Open space to the north of Eden Housing Association	Between Bridge Lane, Tynefield Drive and Greengarth Nursing Home. A 12 minutes' walk from the centre of Town but an amenity for those living adjacent to the greenspace.	An open space at a gateway to the Town. Principally accessible to residents of the nursing home and Tynefield Drive. Home to the 'plague stone' (Grade 1 Listed). Fully accessible by the public.	0.4 acres grassed area with mature trees bounded on one side by a low stone wall. Owned by CCC.	

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Penrith Pategill Ward					
PP72	Open space to the north of Greengarth	Bordering Greengarth Nursing Home, Tynefield Court and Bridge Lane. A 10 minutes' walk from the Town centre but more of an amenity for local residents.	An open space at a gateway to the Town. Open access to the public.	0.6 acres unfenced grassed area with mature trees. Ownership understood to be CCC.	Policy 8 See above.

FULL COUNCIL
19 DECEMBER 2022
Public Report

Item 15 a: Motion on notice- TWO

Author and Proposer: Cllr. Davies

Purpose:

The objective and purpose of this motion is to provide some level of protection to a valued part of the Penrith community and this council believe should remain part of the local community.

The asset nominated provides on social and health grounds to the local community through the recreation and open spaces as well as the visual backdrop it provides Penrith.

The impact of the nomination will be that the assets will have the protection and time to enable the community and town council to act to purchase the nominated assets should the owner ever choose to sell the land.

Asks that Council agree:

To nominate Beacon Hill in the parish boundary in its entirety including Penrith Beacon pike as an Asset of Community Value.

Motion:

The events of the last few years have shown the important and special role Penrith Beacon Hill plays in the fabric of Penrith and the health and wellbeing benefits that brings to the community of Penrith and the wider community in Eden.

The owners of Penrith Beacon Hill kindly provide permissive access to Penrith Beacon Hill via a single public accessible pathway, although multiple routes are often used without permission across the entirety of Beacon Hill and have done so for decades as residents and visitors have enjoyed the woodland areas and the features and views from the top of Penrith Beacon Hill.

Penrith Beacon Hill and its sandstone beacon pike have provided a backdrop to Penrith for generations and is visible part of the local landscape as a landmark for miles around.

The Eden Council Masterplan raised concerns about the future of Penrith Beacon and has formed part of the core focus of the Penrith Neighbourhood Plan development.

The Beacon Hill and the woodland area that envelopes the hill is although a key part of the social fabric of Penrith and the Eden valley private land with the woodland area a managed forest that is a crop the owner has the right to fell and use for commercial purpose.

There is nothing to rightly prevent the owners of Penrith Beacon Hill and the woodland area from doing as they wish with their land and assets on it.

Despite the multitude of objections and protests in recent years no one has acted to afford some level of protection to this much valued area.

This motion to nominate as a community asset Penrith Beacon Hill does not seek to restrict the owner from acting in any commercial way with their asset in the future it just affords the community of Penrith and the neighbouring communities along with Penrith Town Council the ability to act to purchase the site with a degree of time afforded before it could be despised of for development or other purposes by the owners.

Should at a time in the future part of or the entirety of Penrith Beacon Hill be considered for sale and disposal by the owners. The community and or Penrith Town Council would through the community asset registration be afforded the opportunity to purchase and owned by the community or Penrith Town Council.

Appendices

1. Beacon Hill
2. Overview – EDC Assets of Community Value – Provided by Town Clerk

Background Papers

https://www.eden.gov.uk/media/5838/complete_final_ndp_document.pdf

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/10/09a-211005-Letter-to-Inspector.pdf>

[https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/11/211102-letter from friends of penrith beacon comments on proposed policies beacon hill .pdf](https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/11/211102-letter_from_friends_of_penrith_beacon_comments_on_proposed_policies_beacon_hill.pdf)

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/12/211220-Final-versionBeacon-Hill-consultation-Note.pdf>

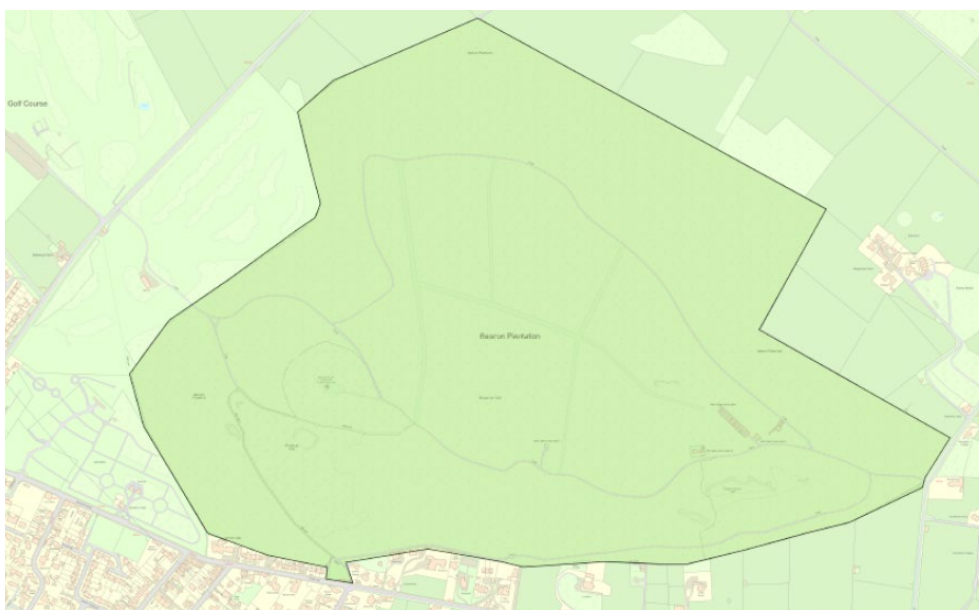
[https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/11/211102-letter from keep penrith special beacon policies.pdf](https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/11/211102-letter_from_keep_penrith_special_beacon_policies.pdf)

MOTION ON NOTICE: COUNCILLOR DAVIES

ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION

Name of property	Penrith Beacon Hill and Beacon	
Address of property	Penrith Beacon Hill	
Postcode		
Property owner's name	Lowther Estate and Lonsdale Estate	
Address	Lowther Estate Office Lowther Castle Lowther Cumbria	Lonsdale Estates Glebe House Lowther Cumbria
Postcode	CA10 2HH	CA10 2HH
Tel	01931 712577	01931 712 671
Current occupier's name	Lowther Estate and Lonsdale Estate	

Proposed as an asset of community value because Penrith Beacon Hill and its sandstone beacon pike, have provided a backdrop to Penrith for generations and is visible part of the local landscape as a landmark for miles around. The Beacon Hill and the woodland area that envelopes the hill is a key part of the social fabric of Penrith.



BACKGROUND REPORT TO FULL COUNCIL

Date: 19 December 2022

Public Report

1 Purpose of Report

- 1.1 The purpose of the report is to provide background information prior to the consideration of the Motion on Notice from Councillor Davies for proposed nominations which have been made in relation to several play areas, Castle Park and Beacon Hill as assets of community value.
- 1.2 Under the Localism Act, Eden District Council, has an obligation to maintain a list of land in its area which is of community value. There is appended to this report as Appendix A, a summary of the statutory provisions which sets out the procedure to nominate land.
- 1.3 An application to nominate land as community value can be made by a number of specified bodies including a Town Council.
- 1.4 If Eden District Council finds that the land concerned is of community value it must be included on the list. Land which is of community value is defined in the Act and is included in Paragraph 2.21 of Appendix A.
- 1.5 The statutory provisions included in the Regulations set out a variety of criteria which must be met in relation to a nomination. A statement of those criteria and an assessment of how the applications meet those criteria are set out in Appendix B to this report.
- 1.6 Apart from Beacon Hill all proposed sites are owned by Eden District Council.
- 1.7 The applications must set out what are considered to be the uses of the land which further the social wellbeing or social interests of the local community. For example: recreational purposes, the viewing of wildlife, dog walking, social activities, exercise and play. The uses must in each case can be said to further the social wellbeing and / or the social interests of the local community.
- 1.8 Eden District Council is required to consider the applications with reference to the statutory criteria. If the use of the land for community value purposes is established the application must be accepted and the owner and the applicant must be notified of the decision.
- 1.9 If the use is not established the application may be refused.
- 1.10 The effect of land being included on a list of community value is that the owner is prevented from disposing of it within a period of six months.

- 1.11 The six months period starts when the owner of the land notifies the Council of an intention to enter into a relevant disposal of the land concerned.
- 1.12 As a consequence, if one of these parcels of land is included on the list, the Council must give notification that it intends to make a relevant disposal of land.
- 1.13 The moratorium period of six months would then come into effect and during this time the Town Council may negotiate with the Council to acquire the land concerned. The Council should make a written request to the Council to be treated as a potential bidder.
- 1.14 The Localism Act and the Regulations set out a statutory framework against which any application must be considered. The determination of the applications are matters for Eden District Council in the first instance although there are appeal provisions so that it is essential that the statutory process is followed properly and sustainable decisions are made.

Appendices

- Appendix A Summary of Statutory Provisions
- Appendix B Assessment Criteria

Assets of Community Value

1. Introduction

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

2. Land of Community Value

- 2.1 A building or other land in the Council's area is land of community value if in the authority's opinion:
- a) an actual or current use of the building or other land furthers the social wellbeing or social interests of the local community; and
 - b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

3. The Procedure for including Land in a List

- 3.1 Land in the Council's area which is of community value may be included in the list only:
- a) in response to a community nomination; or
 - b) were permitted by regulations made by the Secretary of State.
- 3.2 A community nomination means one which nominates the land in the area for inclusion in the list of assets and is made by a Parish Council or by a person that is a voluntary or community body with a local connection.
- 3.3 Regulations may enable a nomination to be made by someone in circumstances other than where it is a community nomination.
- 3.4 Upon the community nomination being made it must be considered. The Council must accept the nomination if the land is in the Council's area and of community value. If the Council is required to accept the nomination, the authority must cause the land to be included in the list of assets. If the nomination is unsuccessful the Council must give to the person who made the nomination the authority's written reasons for its decision that the land could be included in the list.

4. Notice of Inclusion

- 4.1 The Council must give a written notice of the inclusion or removal of land in its list of assets of community value to:
- a) the owner of the land;
 - b) the occupier of the land if he is not the owner;
 - c) if the land was included in the list in response to a community nomination, the person who made the nomination; and

d) any person who is so specified in the regulations.

4.2 If appropriate where it is not reasonably practicable to give a notice, the Council may instead take reasonable alternative steps to bring the notice to the person's attention.

5. Review of a Decision

5.1 The owner of the land included within the authority's list of assets of community value may ask the authority to review the decision. The Council must notify the person concerned of the decision and the reasons for the decision on any review. The Council may remove the land and if it does so, must give notice to the body which made any community nomination.

6. List of Unsuccessful Community Nominations

6.1 The Council must maintain a list of land in its area that has been nominated by unsuccessful community nominations. This list is to be known as the list of land nominated by unsuccessful community nominations.

7. Publication

7.1 The Council must publish its list of assets of community value and the list of any land nominated by unsuccessful community nominations. The list must be available for inspection. The Council must provide a free copy of its list of assets to any person who asks for it.

8. Moratorium

8.1 The person who is the owner of land which is included within the authority's list of assets of community value must not enter into a relevant disposal of the land unless certain conditions are met. The conditions are:

a) The particular person has notified the Council in writing of that person's wish to enter into relevant disposal of the land;

b) Either the interim moratorium period has ended without the Council having received from any Community Interest Group a written request for the Group to be treated as a potential bidder for the land or the full moratorium period has ended; or

c) That the protected period has not ended.

8.2 There are exclusions from the moratorium where a disposal is by way of gift or in relation to a disposal by will or intestacy, amongst others.

8.3 The full moratorium period means six months beginning with the date upon which the Council receives notification under Condition 8.1 a.

8.4 The interim moratorium period means six weeks beginning with the date upon which the Council receives notification under Condition 8.1 a.

8.5 The protected period means the period of eighteen months beginning with the date upon which the Council receives notification in relation to the disposal under Condition 8.1 a.

8.6 The meaning of the term “relevant disposal” is defined in the Act: Section 96 and includes the disposal of the freehold estate or the grant of a qualifying leasehold estate. The effect of the moratorium is that the community has to make an initial expression of interest in six months and the owner cannot sell to anyone else for six months if it does.

8.7 The effect of listing is to prevent a sale until there has been an adequate period to submit a bid should the owner wish to sell.

8.8 The Council’s list of assets must reveal that the notice has been received and indicate the date upon which the notice was received and the moratorium periods which are applicable.

8.9 If the Council receives from a Community Interest Group a written request to be treated as a potential bidder, the Council must pass that notification onto the owner or inform the owner of the details of the request. This obligation arises if the notice is received before the end of the interim moratorium period.

8.10 The Localism Act enables the Secretary of State to make regulations providing for the payment of compensation.

9. Local Land Charge

9.1 If land is included within the list of assets of community value, it should be included in the local land charges register. The Secretary of State may make regulations providing for enforcement and do anything to give advice and assistance in relation to land of community value. The Council has a duty to co-operate with other local authorities if different parts of any land are in different local authority areas. The District Council is the appropriate local authority for the purposes of the application of these provisions. A Parish Council is not a local authority for this purpose. A County Council is only a local authority for this purpose where there is no District Council in the area concerned.

10. The Regulations

10.1 The Secretary of State has made the Assets of Community Value (England) Regulations 2012. The Regulations came into force on 21 September 2012, the day after they were made. The Regulations identify land which is not of community value. The following are not land which is of community value and therefore may not be listed:

- A residence together with any land connected with that residence, however, land which is a residence falls within the exclusion may be listed if the residences of a building that is partly used as a residence and but for that residential use of the building the land would be eligible for listing.
- Land on which a site license is required under the Caravan Sites & Control of Development Act cannot be listed.
- Operational land as defined in Section 263 of the Town & Country Planning Act 1990 cannot be listed. Operational land is that which belongs to a statutory undertaker.

10.2 The Regulations define what is meant by “a local connection”. The activities that the body concerned must be wholly or partly connected with the Council’s area and there may be a requirement for it to have at least twenty-one local members if it is a Neighbourhood Forum. A voluntary or community body means:

- a Neighbourhood Forum
- Parish Council
- a non incorporated body with at least twenty-one individuals who are members and which does not distribute any surplus to its members
- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

11. Content of a Community Nomination

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator’s reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

12. Compensation

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:

12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council’s decision are claims which may be made.

- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

Assets of Community Value

Localism Act Assets of Community Value Regulations

1.	What is the actual use to further social wellbeing or social interests of the local community?
2.	Will there be a use of the land (not ancillary) that furthers such social wellbeing or interests.
3.	Community nomination: a) does it nominate the land? b) is it made by a voluntary or community body? c) with a local connection? d) parish council?
4.	Does it have a local connection and are its activities wholly or partly concerned with the Authority's area?
5.	Is it: <ul style="list-style-type: none"> • Voluntary or Community Body • Neighbourhood Forum • Parish Council • Unincorporated Body of twenty-one people which does not distribute surplus • Charity • Company Limited by Guarantee • Industrial and Provident Society • Community Interest Company
6.	Nomination: <ul style="list-style-type: none"> • Does it have a description of land including boundaries • Does it have a Statement of the occupants? • Does it have a Statement on freeholder / leaseholder:
7.	<ul style="list-style-type: none"> • reasons why of community value • evidence of the eligibility to make a nomination
8.	Must consider the nomination and accept it if the land is in the area and of community value. <ul style="list-style-type: none"> • If accept the nomination – include on list of assets. • If refuse the nomination – give reasons.

FULL COUNCIL

DECEMBER 2022

Public Report

ITEM 15 b : Motion on notice- ONE

Author and Proposer: Cllr. Davies

Purpose:

The objective and purpose of this motion is to provide some level of protection to assets the Penrith community and this council believe should remain part of the local community.

The assets nominated provide social and health grounds to the local community through the recreation and open spaces they provide in Penrith.

The impact of the nomination will be that the assets will have the protection and time to enable the community and town council to act to purchase the nominated assets should they be moved for disposal by Westmorland and Furness Council.

Asks that Council agree:

To nominate each of the following as Assets of Community Value to Eden Council:

1. Castle Park.
2. Castletown Recreation Field and Play area.
3. Castletown verge entrance to industrial estate
4. Carleton Heights - open space adjacent to Chestnut Close.
5. Milton Street - open space adjacent to Milton Street.
6. Pategill - open space off Prince Charles Close.
7. Scaws - open space adjacent to Pennine Way and multi-use games area.
8. Wetheriggs County Park
9. Wetheriggs Play area

Motion:

As we move forward towards the restructuring of local government in Cumbria on the 1st of April, the assets held by Eden District Council as well as the assets of South Lakeland Council, Barrow Borough Council and Cumbria County Council in the new district area of Westmorland and Furness Council, will become assets of that new bigger district council area.

Westmorland and Furness will inherit the multi-million-pound debts from the councils it replaces.

This creates a risk to the assets in our community that are important community assets used by residents and visitors to Penrith and form part of Penrith's social fabric.

Land and assets could be placed at risk of disposal to help the new Westmorland and Furness Council cover the millions of debts it will taken on from the 1st of April.

Areas of land used for recreation could be viewed as potential development land with a cash value the new Council could see as more valuable than community spaces.

This motion is to have the assets identified registered as community assets by Eden District Council ahead of investiture day of the new Council to offer some level of protection to these assets.

Penrith Town Council has previously acted to help provide some level of protection on assets in the community that have so far not been developed to the Town Council such as Penrith Town Hall, Robinson School and the TIC as well as Coronation Gardens. All these assets of Eden Council will pass to the new Westmorland and Furness Council on the 1st of April 2023.

It would be preferable for Eden District Council to act to devolve these assets to the community and Town Council rather than them pass up to the new Westmorland and Furness Council. Unfortunately, Eden Council has halted all devolution of assets to town and parish council, passing its assets on to Westmorland and Furness Council instead.

A community asset registration will give the Town Council and the community a period of time should the new Council act to sell such assets in the future.

The period of time would enable Penrith Town Council and the community to raise funding to purchase any such assets covered by a community asset nomination should they be placed for sale and disposal by Westmoreland and Furness Council after the 1st of April 2023.

Appendices

1. Castle Park
2. Castletown Recreation Field and Play area
3. Castletown verge entrance to industrial estate
4. Carleton Heights - open space adjacent to Chestnut Close
5. Milton Street - open space adjacent to Milton Street
6. Pategill - open space off Prince Charles Close
7. Scaws - open space adjacent to Pennine Way and multi-use games area.
8. Wetheriggs County Park
9. Wetheriggs Play area
10. Overview – EDC Assets of Community Value – Provided by Town Clerk

Background Papers

<https://www.legislation.gov.uk/ukdsi/2022/9780348231359/contents>

https://www.eden.gov.uk/media/6022/29_townhall_penrith.pdf

https://www.eden.gov.uk/media/6017/24_robinsonsschool_penrith.pdf

https://www.eden.gov.uk/media/5943/23_coronationgarden_penrith.pdf

MOTION ON NOTICE: COUNCILLOR DAVIES

ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION

Name of property	Castle Park
Address of property	Ullswater Road Penrith Cumbria
Postcode	CA11 7JQ
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

Castle Park is a valued community open green, Sports and Recreation space and children's play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others and as a sports and recreation space along with the potential to deliver improvements that can deliver arts and culture benefits for Penrith and the surrounding communities. Castle Park also plays an important role in the place shaping of Penrith and the community cohesion and character of the town with its wider social, health and economic benefits. In terms of usage this is used on a daily basis by the local community and from across the Parish of Penrith and wider communities in Eden.



MOTION ON NOTICE: COUNCILLOR DAVIES

ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION

Name of property	Castletown Recreation Field and Play area.
Address of property	Gilwilly Road
Postcode	CA11 9BL.
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others.



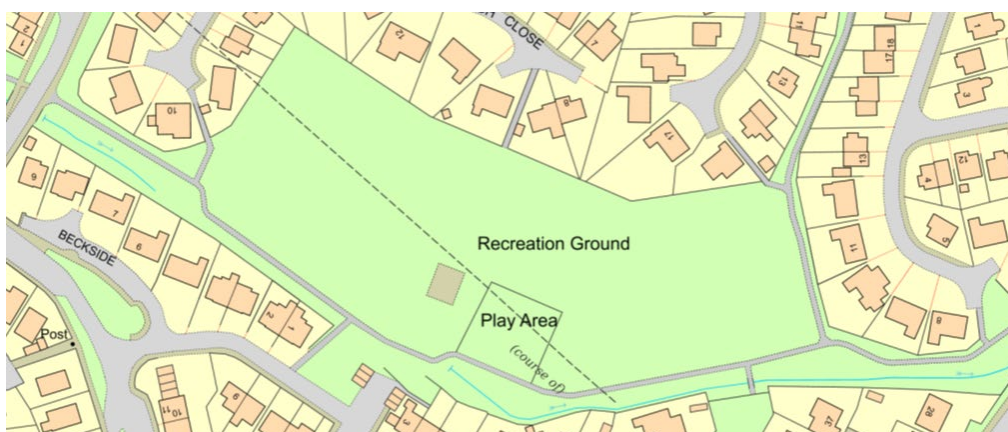
MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Castletown - verge entrance to industrial estate
Address of property	
Postcode	
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Carleton Heights
Address of property	Off Oak Road adjacent to Chestnut Close
Postcode	CA11 8RW
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others. This also a community greenspace area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of such asset in the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits to protect this a valued green space. In terms of usage this is used on a daily basis by the local community and from across the Parish of Penrith.



MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Milton Street - open space adjacent to Milton Street.
Address of property	Adjacent to Milton Street and to the South of Raiselands Croft
Postcode	CA11 9HZ
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others. This also a community greenspace area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of such asset in the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits to protect this a valued green space. In terms of usage this is used on a daily basis by the local community and from across the Parish of Penrith.



MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Pategill play area- off Prince Charles Close
Address of property	Off Princes Charles Close
Postcode	CA11 8JD
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others. This also a community greenspace area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of such asset in the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits to protect this a valued green space. In terms of usage this is used on a daily basis by the local community and from across the Parish of Penrith.



MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Scaws - open space adjacent to Pennine Way and multi-use games area.
Address of property	Between Eden Mount and Pennine Way
Postcode	CA11 8HG
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others. This also a community greenspace area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of such asset in the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits to protect this a valued green space. In terms of usage this is used on a daily basis by the local community and from across the Parish of Penrith.



MOTION ON NOTICE: COUNCILLOR DAVIES**ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION**

Name of property	Wetheriggs County Park
Address of property	Wetheriggs Country Park Clifford Rd Penrith
Postcode	CA11 8PU
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

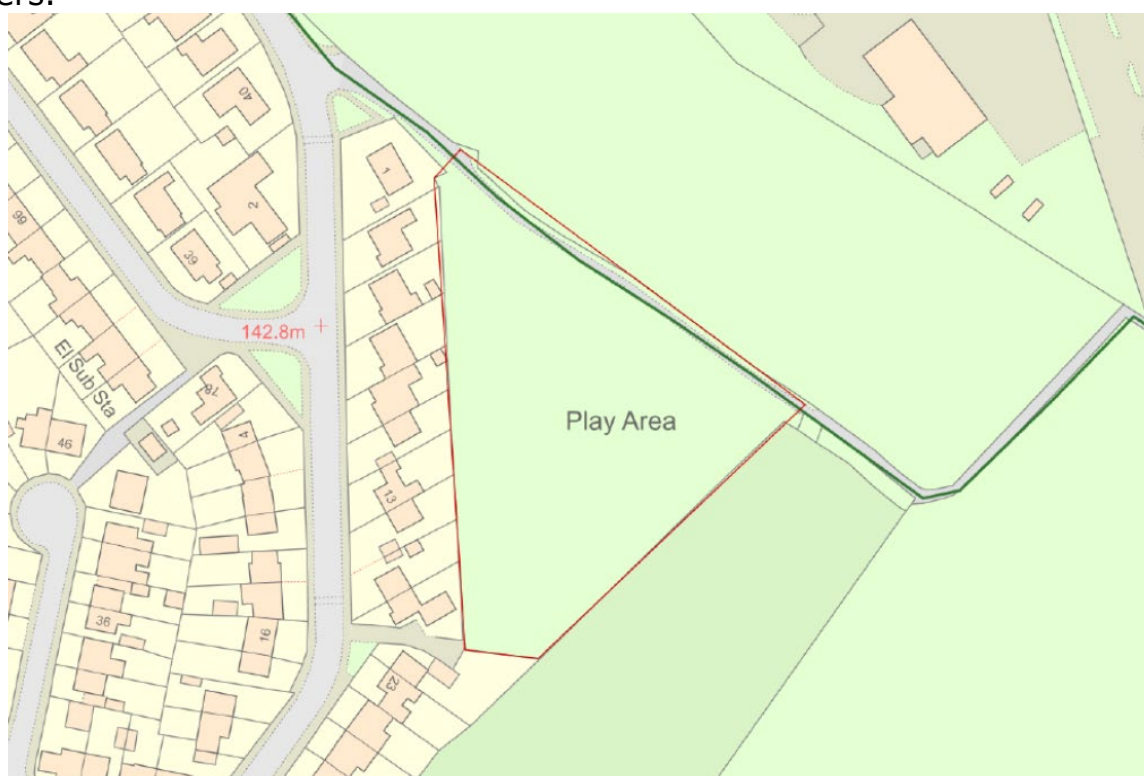
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MOTION ON NOTICE: COUNCILLOR DAVIES

ASSETS OF COMMUNITY VALUE – PROPOSAL FOR NOMINATION

Name of property	Wetheriggs Play area
Address of property	Adjacent to Ullswater Community College Playing Fields to the East and Wetheriggs Lane to the West
Postcode	CA11 8PE
Property owner's name	Eden District Council
Address	Town Hall Corney Square, Penrith Cumbria
Postcode	CA11 7QF
Tel	01768 817 817
Current occupier's name	Eden District Council

This a community play area and is an incredibly important asset for the community. Penrith Town Council have tried on a number of occasions to open discussion relating to devolution of this asset to the town council so it can be protected, preserved and improved but these discussions have so far failed. Penrith Town Council therefore want to take all steps possible to protect this valuable community amenity for its social and health benefits (e.g. encouraging children to play and be active in the outdoors), for children to have a safe place to play, and where care givers and children can meeting with others.



REPORT TO FULL COUNCIL

Date: 19 December 2022

Public Report

Item no: 16

Matter: Penrith Parking & Movement Study Update

Author: Deputy Town Clerk and Economic Development Officer

Purpose of Report: Receive an update on the progress of the Penrith Parking & Movement Study

Summary

Penrith Parking and Movement Study is a joint project of Cumbria County Council's Eden Local Committee, Eden District Council and Penrith Town Council. The primary objective was to develop a coherent and comprehensive parking and movement strategy, which meets the requirements of residents, businesses, commuters, and visitors, and identifies measures to provide:

- i. A suitable parking offer to support the functionality, attractiveness, and viability of Penrith, which addresses current issues and supports future capacity.
- ii. Improved walking and cycling connectivity, within Penrith, focusing on walking and cycling route connections from existing car parking areas to:
 - The town centre,
 - Key employment areas; and
 - The rail and bus stations.

Recommendations

Note the report.

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.

Contribution to Council Business Plan

Town centre vitality and economic growth.

1. Report Details

- 1.1 To deliver several of the schemes/projects highlighted by the Study, Cumbria County Council is currently working on a Parking protocol for on-street parking, which will be a governing document to guide implementation of improvements.
- 1.2 To deliver several of the schemes/projects highlighted by the Study, Eden District Council is creating a Parking Charter which both explains the off-street parking offer in Penrith and the future development needed.
- 1.3 Several of the infrastructure improvements highlighted by the study are dependent on Section 106 funding, which is funding received from Housing Developers to make improvements to the local area.
- 1.4 Work to deliver improved Parking signage is currently underway, with Cumbria County Council, Eden District Council and Penrith Town Council officers working together to deliver. This work has been completed however work has been delayed as Eden District Council have not reviewed their parking charges as identified in the Penrith Parking and Movement Study. This delay has resulted in money allocated in the 22/23 budget for signage being lost. The project will be delivered during the 23/23 financial year.
- 1.5 Pay by Phone was launched in Eden District Council off-street car parks in April 2021.
- 1.6 Officers continue to attend the implementation group meetings ensuring representation is made.

REPORT TO FULL COUNCIL

Date: 19 December 2022

Public Report

Item no: 17

Matter: Borderlands Partnership Inclusive Growth Deal

Author: Economic Development Officer and Deputy Town Clerk

Supporting Member: Council Chair

Purpose of Report: Provide an update

Summary:

On 18 March 2021, the Leaders of the Borderlands Councils and UK and Scottish Government Ministers signed the Borderlands Inclusive Growth Deal Agreement.

The jointly funded Deal secures up to £350m from the UK Government and Scottish Government and unlocks a further £102.56m of local investment across the area.

The Deal includes provision for the Borderlands Place Programme. The Borderlands Partnership Board has approved £50m for this activity, subject to approval from

Government. This includes £18m for six towns in Cumbria.

Release of the funding for individual towns within the programme, is subject to approval of Place Plans and Borderlands Town Investment Plans (BTIPs).

Recommendations:

Note the update on the Borderlands Partnership Growth Deal.

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.

1. Overview

- 1.1 Cumbria County Council is progressing the development of Place Plans for five of the selected towns in Cumbria, including Penrith.
- 1.2 The aims of the Place Programme are to:
 - a) Attract new businesses to our towns and town centres.
 - b) Increase and retain our working age population.
 - c) Raise the standard of the physical environment in our towns and town centres.
 - d) Increase the number of people living in our towns and town centres.
 - e) Deliver new jobs and opportunities for economic and social participation.
 - f) Increase the number of visitors who spend time and money in our towns and town centres.
- 1.3 The first step in the process was the development of the Place Plan. The Plan aims to articulate a case for investment for Penrith; identifying a vision for where Penrith would like to be, the key opportunities and challenges within the town, themes for possible investment opportunities, and suggested concepts to achieve the town's aims and objectives.
- 1.4 The Place Plan had been designed to improve outcomes for the Penrith community and would be used to lever in external funding to initiate new activity, or to enhance/complement existing provision, in line with the vision and themes identified within the Penrith place plan.
- 1.5 To support the development of the Plan for Penrith, a Town Team for Penrith was established which included stakeholders from within the town. The stakeholders have helped shape the document, utilising their local knowledge and expertise. Cumbria County Council used consultancy support to help develop the Plan.
- 1.6 The Town Team considered the draft plan at their meeting on 10 January 2022 and provided feedback for inclusion.
- 1.7 In developing the vision, themes and project ideas for the plan, stakeholder engagement and consultation was undertaken.
- 1.8 The agreed vision for the town:

"The Vision incorporates a strong economic role for Penrith that comes from: its highly strategic location in Northern England, sitting within an amazing rural environment and with fantastic growth opportunities for business, population and the visitor economy creating a quality town that meets the needs and aspirations of residents, businesses and visitors alike whilst growing as a hub for a wider experience."

- 1.9 The agreed themes for Penrith were:
 - a) Capitalising on our connections.
 - b) Hub for business, industry, enterprise & entrepreneurship.
 - c) Culturally centred.

- 1.10 Through the consultation process, a range of project ideas and interventions were received. The Plan has shortlisted these ideas into project concepts that will be taken forward for further development into business cases. It should be noted that it will not be feasible for all projects to be delivered through Borderlands and for each concept, consideration will be given to the most effective delivery model and appropriate source of funding through subsequent development phases. The following themes were agreed:

Theme 1 - Capitalising on our Connections Concepts

- Green Routes and Movement around Town
- Transport Links and Rural Mobility
- National Parks Centre

Theme 2 - Hub for business, industry, enterprise & entrepreneurship

- Highstreet Enhancements
- Redevelopment of key sites and buildings
- Support for Business

Theme 3 - Culturally Centred

- Support for the enhancement, improvements and development of Penrith's cultural and heritage assets
- Pride in Penrith

- 1.11 Through this process, access to Borderland's funding has been prioritised, focusing on those projects that best meet the priorities of the Borderlands Place programme. In particular, those that bring greatest economic benefits for the town through increasing footfall resulting in increased spend and ultimately safeguarding and creating new jobs. However, this cannot be taken forward until the project concepts have been worked up into more detailed project proposals.
- 1.12 The projects prioritised for Borderlands funding will then be included within the Borderlands Town Investment Plan (BTIP) that will be prepared for submission to the Borderlands Partnership Board.
- 1.13 The BTIP will require endorsement from the Town Team, the Area Local Committee, Eden District Council and Penrith Town Council prior to submission. It is important to recognise, that while Borderlands does offer a focus for the Place Plan, their strategy should be viewed as a tool that can support steps to secure other external funding and the Place Plan is not limited to Borderlands funding.
- 1.14 Once endorsed by the County Council Local Committee, Eden District Council and Penrith Town Council, the Penrith Place Plan was submitted to the Borderlands Partnership for consideration at the Borderlands Place Programme Board in February 2022. Penrith Town Council endorsed the Penrith Place Plan and its submission to the Borderlands Partnership on 21 February 2022.
- 1.15 The Place Plan was agreed by the Borderlands Partnership Board in March 2022 and a request to submit a BTIP was given. Work then began on progressing the concepts identified within the plan into more detailed business cases.

2. Update

- 2.1 Town Council Officers and Councillors Davies, Kenyon and Knaggs, have attended Town Team meetings and, where possible, given input into the development of the shortlisted themes and potential projects. (November 2022 Concept list update attached for information Appendix A)
- 2.2 To identify potential projects to ensure that the uniqueness and “story” of Penrith is interpreted throughout the town Council Officers have been working with the Penrith Town Council Penrith Arts and Culture Stakeholder Group who represent providers and ultimately reflect the target audience of residents and visitors to Penrith.
- 2.3 Potential projects have been identified that are not only eligible for Borderlands but are seen as long-term sustainable, grass roots led projects with a clear and identified need. These projects are:
 - i. Refurbishment of Penrith Players Theatre, to update the seating and sound system, improving accessibility to the wider community and increase its availability and use for other cultural activities.
 - ii. Creation of an arts/heritage trail.
 - iii. Work with stakeholders to add value to new signage way finding.
 - iv. Create pop up gallery/workshop space.
- 2.4 A business case is now being developed with stakeholders for these projects. This will be considered for inclusion in the Borderlands Town Investment Plan for submission to the Borderland Place Programme Board early in the new year.
- 2.5 Officers have also been working with Penrith Chamber of Trade in a benchmarking and mapping exercise which will support potential projects for high street improvement schemes.

3. Risk assessment

a) Risks

The schemes of work are not delivered effectively and efficiently within agreed timescales.

Failure to attract additional funding.

b) Consequence

- i. Impact on the Council’s reputation and perceived ability to deliver community/town centre projects.
- ii. The Town’s recovery and rejuvenation after the Covid 19 Pandemic.
- iii. Loss of confidence in the Council during a period of significant change in local government.

c) Mitigation

Continue to work with partners, stakeholders and the community to deliver Borderlands.

4. Financial Implications

Officer time to attend meetings and to facilitate and participate in development and delivery work.

5. Equalities Implications

None identified.

6. Climate Change and Environmental Implications

None identified.

Appendices

A: November 2022 Borderlands Concept update.

Background Papers

Penrith Place Plan.

APPENDIX A

Project	Place Plan Theme	Project Idea	Identified/Suggested Development Lead	Next Steps
Green routes and movement through town	Capitalising on our Connections	Investment in improved cycling and walking links and associated infrastructure Create a cycling hub and electric bike hire scheme Support the movement of people around the town to ease the issue of peak time congestion to address the local concern over parking. Create wayfinding from the station to the town	CCC	PID to be completed. Consideration of which elements of LCWIP could be included- link in with the Penrith Station scheme. Elements that could be considered eligible for Borderlands is being considered as part of the external consultancy work
Transport Links	Capitalising on our Connections	Improvements to the station forecourt as a Gateway to Penrith - possible links with other schemes within the programme (Rural Mobility, Connectivity).	CCC/EDC	Mini Masterplan being developed that will look at short, medium and long terms aspirations to be included. Shorter term should include the developments at the Station Master House (EDC offered to lead) to drawdown funding available from Network Rail in year. EDC has recruited a Project Manager to coordinate with different partners undertaking different elements of the scheme. – CCC looking at forecourt development.

Project	Place Plan Theme	Project Idea	Identified/Suggested Development Lead	Next Steps
Transport Links	Capitalising on our Connections	National Park Centre	EDC	<p>Dispersal element of bringing people from National Park into the wider area and consideration of what the project would deliver.</p> <p>Set up a separate meeting on the enterprise hub- look at working group for this element</p>
Highstreet Enhancements	Hub for Business	<p>Provide a grants programme to repurpose town centre buildings and sites, bringing back into use derelict or unused assets.</p> <p>Enhance and promote a Shop Front Scheme for existing businesses</p> <p>Deliver a digital High Street project:</p> <ul style="list-style-type: none"> • Click and collect infrastructure in town <p>Options for the establishment of a Project Office</p> <p>Public Realm improvements</p> <p>Options for Green Corridors</p>	EDC	<p>EDC to lead on development of a grants programme. Consideration of role of Town Team in the governance and identification of possible criteria. Separate working group to look at this. PID to be completed.</p> <p>Inspiring Eden Town Hub- shop by the end of Christmas- bring back into use next year</p>

Project	Place Plan Theme	Project Idea	Identified/Suggested Development Lead	Next Steps
Support for Business	Hub for Business	<p>Programme to encourage new business / expansion of business in the town centre - Is being picked up through the Inspiring Eden</p> <p>Creation of an Ambassador programme (as in Carlisle https://www.carlisleambassadors.co.uk/)</p> <p>Deliver a digital High Street project:</p> <ul style="list-style-type: none"> • E-commerce support programme for existing businesses 	EDC	Not Borderlands eligible
Cultural Assets	Culturally Centred	PTC - Arts and Cultural Group - what they see Penrith becoming as a Cultural Hub.	PTC	Development of a Cultural Hub and consideration of delivery route and infrastructure to support this.

Project	Place Plan Theme	Project Idea	Identified/Suggested Development Lead	Next Steps
Cultural Assets	Culturally Centred	Castle Park has had previous funding applications but was unsuccessful for HLF. Some elements now being worked up into different schemes. Also potential to link this project to other schemes within the Plan such as wayfinding.	EDC	EDC leading on Castle Park Need to link in with Borderlands' governance and identification of other stakeholders as part of scheme development. Working Group being established and PID to be completed as part of Borderlands programme.
Cultural Assets	Culturally Centred	Great Dockray	EDC	Scheme currently being scoped, and Working Group being established. Information relating to existing activity being compiled (e.g.- Crossing from Angel square to Princes Street, work developed as part of parking and movement study, previous CCC work at Great Dockray)
Cultural Assets	Culturally Centred	Penrith Branding	PTC	Not Borderlands eligible but part of Place Plan development. PTC will bring to the group when further developed.

REPORT TO FULL COUNCIL

Date: 19 December 2022

Public Report

Item no: 13

Matter: Arts and Culture Stakeholder Group

Author: Economic Development Officer

Supporting Member: Cllr. Shepherd, Chair of Council

Purpose of Report:

This report sets out how Penrith Town Council will work in partnership with and actively support stakeholders to encourage and deliver arts, culture, heritage, recreation and tourism events and projects in Penrith.

Summary

Penrith Town Council recognises that arts and culture is a major contributor to Penrith's growing visitor economy and their value in terms of health and wellbeing and quality of life. Penrith's cultural offer is varied. It comprises community theatre, a thriving music scene, award winning nationally acclaimed festivals, creative arts, galleries, a town centre cinema, a museum and the Rheged Centre, which is a cinema, retail exhibition, arts, and conference centre.

The Council has engaged and consulted with the community and stakeholders to develop and enhance Arts and Culture in Penrith and the following key priorities have been identified:

- Need for a network of organisations.
- Desire to share facilities and resources.
- Sharing of skills and ideas.
- Encouragement of innovation and new set up businesses.
- Mutual support.
- Joint marketing and promotion.
- Shared branding.
- Coordination and development of a program of events, festivals and activities.

There are Penrith groups of cultural and artistic leaders and providers with ambitions to develop the current offer and to do new and different things.

Recommendations

- a. To note:
 - i. Paper 1: Development of an Arts & Culture Stakeholder Group and Programme for Penrith.
 - ii. Paper 2 The Penrith Arts and Culture Stakeholder Group Action Plan – 2022-23
 - iii. Paper 3 The Penrith Arts and Culture Stakeholder Group Basic case for support and funders.
- b. To note that the Stakeholder Group is formally constituted falling under the auspices of the Town Council and its insurance provision.
- c. That the Economic Development Officer and Community Services Officer have delegated authority for associated budgets and delivery work.

Law and Legal Implications

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

1. Report

- 1.1 The Economic Development Officer successfully applied for a £4000 grant to enable an arts and cultural professional to work with the stakeholder's group to develop an arts and cultural programme for 2022, to identify potential funding and to write draft grant applications.
- 1.2 Consultants were commissioned, to establish the stakeholder group during June and July 2022. The outturn reports are detailed in Papers 1, 2 and 3 - Appendix A, B and C.
- 1.3 Members of the group include:
 - i. Chair of Penrith Town Council
 - ii. Sunbeams Music
 - iii. Forest School
 - iv. EVAN
 - v. Bluejam
 - vi. Eden District Council
 - vii. Penrith Players
 - viii. EVAN
 - ix. Plug and Play
 - x. Penrith Museum
- 1.4 The Groups scope includes:
 - i. Large events led by external bodies/organisations.
 - ii. Small events led by the community, charities, and local bodies.
 - iii. Annual festivals typically a large-scale event of more than one day's duration.
 - iv. Projects and activities for example themed trails around the town, window dressing competitions, arts and crafts demonstrations etc.

1.5 The Group's remit extends to:

- i. Creating and delivering an annual events programme which encourages community cohesion and inclusivity, ensuring a good mix of regular family friendly, accessible events with one-off events.
- ii. Developing and managing events, festival and projects.
- iii. Working in partnership with others to develop and manage events.
- iv. Provide sponsorship for events developed and managed by other organisations.
- v. Encouraging, supporting and promoting community events.
- vi. Seeking additional external funding/income streams.
- vii. Promoting events, which attract visitors to the Town and boost the local economy.
- viii. Monitoring events.
- ix. Coordinating in Bloom and any entries to any national or regional competitions.

1.6 The group met in October and November 2022 and elected the Chair, the Council Chair , and agreed the name of the group to be "Penrith Arts and Culture". The terms of reference for the group were agreed and the Chair signed on their behalf the Terms of Reference, Appendix D.

1.7 The Group also agreed the action plan and identified priorities. These priorities are:

- i. Shared marketing/promotion
- ii. Creation of a Penrith Arts and Culture Website
- iii. Joint Asset Register
- iv. Development of an events programme for 2023

1.8 Activities to date and for 2023 include:

- i. Establishing a WhatsApp group to allow each group member to share marketing material, which is then shared through the other groups marketing and promotional channels.
- ii. Designing a logo for the group - the street scape from the Penrith Town Council logo with Penrith Town Council removed and Penrith Arts and Culture added.
- iii. Developing a website and a quotes for a web site have been obtained for £360. The Web Sites aim to:
 - Assist members of the group all of whom have problems reaching their audience and feel that a designated point for obtaining information about different groups and what's on would be beneficial to all.
 - Promote Arts and Culture activity to a wider audience and identify Penrith as a destination for arts and culture activity. The target audience will be the residents of and visitors to Penrith.

- Easily accessible for members of the group to upload their information, which will be agreed by administrator, Penrith Town Council, it will be easily accessible for members of the public to navigate, and will include a page for arts, music, heritage, a what's on calendar, and the ability to create additional pages.
 - The home page will have an overview about Penrith and its Arts and Culture activity, and that Penrith has a vibrant accessible arts and cultural offering.
 - It will be hosted by Penrith Town Councils IT provider.
- iv. A joint Asset register has been shared.
 - v. An events programme for 2023 is being developed.
 - vi. Contributing to a business case for Penrith Players to upgrade the theatre as part of the Borderlands project.
 - vii. Development of an art trail.
 - viii. Penrith history/heritage interpretation.
- 1.9 The group have identified several potential projects which they feel compliment the arts and heritage theme from the Borderlands Penrith Place Plan and should be considered as part of the Borderlands Initiative. These are: the proposed developments of the Penrith Players Theatre, interpretation/signage and street scape, an arts trail and "Pop up Workshops/Galleries" not all of these suggestions may be eligible for Borderlands funding however it has been suggested that a business case be submitted at this very early stage.

2. Risk Assessment

That the following priorities are not delivered:

- i. Developing and improve amenities, leisure, art, and cultural facilities.
- ii. Funding new and existing events.
- iii. Provision and funding to support initiatives that raise the profile of Penrith nationally and for marketing activities that support and encourage tourism.
- iv. Work with community groups and stakeholders to participate in Cumbria in Bloom/Britain in Bloom.
- v. Strategy for tourism and marketing.
- vi. Support/facilitate initiatives and projects that invest, preserve, or interpret Penrith's heritage for the inspiration, learning and enjoyment for all.

Consequence

- i. Impact on the Council's reputation and perceived ability to deliver community/town centre projects.
- ii. The Town's recovery and rejuvenation after the Covid 19 Pandemic will be impeded.

- iii. Loss of confidence in the Council during a period of significant change in local government.
- iv. Inability to demonstrate effective management of the public purse.

Controls Required

- i. The Arts and Culture Stakeholder Group Action Plan is delivered.
- ii. The scheme of work continues with community collaboration.

3. Financial and Resource Implications

3.1 An allocated budget is available.

Appendices

- Appendix A Paper 1 – Development of an Arts and Culture Stakeholder Group and Programme for Penrith
- Appendix B Paper 2 – Penrith Arts and Culture Stakeholder Group Action Plan
- Appendix C Paper 3 – Penrith Arts and Cultural Stakeholder Group; Basic case for support and funders
- Appendix D - Terms of reference
- Appendix E – Meeting Notes 03/10/22
- Appendix F – Meeting Notes 09/11/22

Background Papers

- Arts and Culture Framework

PAPER 1: Development of an Arts & Culture Stakeholder Group and Programme for Penrith

Insights and recommendations

Caroline McDonald and John Coburn – July 2022

APPENDIX A

1) Introduction

The purpose of this paper is to share insights and recommendations that -

- 1) support the further development of a Penrith Arts + Cultural Stakeholder Group, and
- 2) support the group to achieve its agreed aims and purpose through a collaborative programme.

Two separate attachments have been submitted to Penrith Town Council along with this document. These are an-

- 1) **Action Plan**, setting out the detailed next steps for the group to consider/prioritise, and
- 2) **Case for Support** that will support the group to achieve necessary external investment.

All three documents have been prepared following consultation with stakeholders. This consultation took the form of-

- 2 stakeholder meetings held remotely (10 June 2022 and 7th July 2022)
- An online survey sent to all participants directly and forwarded by them to other relevant contacts
- A small number of one-to-one conversations with select stakeholders
- A stakeholder consultation with local creatives held in 2021 (held prior to this foundational activity led by John Coburn and Caroline McDonald).

This document reveals where the newly formed Penrith Arts and Culture Stakeholder Group is now, where it wants to go, and as a result, what it needs to do to get there. All insights/views from participants have been anonymised.

Along with recommendations based on the experience of John Coburn and Caroline McDonald (see *section 4*), this document will form the basis of a first phase plan for the stakeholder group to consider and shape, and which will be clearly illustrated in the associated action plan.

Organisations consulted with to date include:

- Penrith Town Council www.penrithtowncouncil.gov.uk

- Eden District Council www.eden.gov.uk
- Penrith Players www.penrithplayers.org.uk
- Penrith and Eden Museum
www.eden.gov.uk/leisure-culture-and-events/penrith-and-eden-museum
- Sunbeams Music Trust www.sunbeamsmusic.org
- Eden Valley Artistic Network www.edenvalleyartisticnetwork.co.uk
- Plug and Play www.creative-eden.co.uk/plug-and-play
- Blue Jam Arts www.bluejamarts.org
- Stomping Ground www.stompingground.org.uk
- Eden Arts <https://www.edenarts.co.uk/>
- Self employed creatives

2) Stakeholder views on Penrith arts + culture today

Background

In its 2022 document, Penrith Events & Community Projects Framework, Penrith Town Council (PTC) has stated its ambition to *‘to develop a programme of high-quality sustainable community inspired and tourism-based events, activities, resources, and festivals to provide inclusive community benefit, economic benefit, and social enjoyment’*. This aim understands that better connected Penrith organisations and practitioners will lead to better outcomes for communities and a stronger Penrith cultural economy.

A collaborative stakeholder group is key to achieving this ambition, and PTC sees its role as acting as an enabler and facilitator, *not* as a cultural and creative director. In this spirit, it aims to facilitate, and support the stakeholder group to establish a shared purpose and to create an Arts and Cultural plan. In addition, as part of its wider commitment to improving Penrith, PTC will support the stakeholder group by supporting them to achieve external funding, potentially providing match funding to improve the funding base, where possible fund new and existing events, and provide funds to support initiatives that raise the profile of Penrith nationally and for marketing activities that support and encourage tourism.

To date, a Penrith Events & Community Projects Stakeholder Group (working title) has been drawn from the organisations listed above, which are either headquartered in Penrith, or are wider district organisations that are run by individuals who live or work there.

Current creative environment

The majority of the stakeholder group currently only feel ‘fairly well’ or ‘not well’ connected to other organisations and it is clear that there is a lack of knowledge about what other groups are doing at any given point in their events calendar, or how this fits with wider council agendas.

Overall, the group was ambivalent as to whether Penrith currently has a healthy arts and cultural economy. However, it was acknowledged that, despite lack of funding,

there was a lot of individual activity taking place, some joint working, and that grassroots activity was managing to survive.

Current weaknesses

The following were identified by the group as the main current areas of weakness and vulnerability of the Penrith arts and cultural economy:

- Lack of visibility of the existing offer
- Nowhere to see what others are programming to avoid diary clashes
- Disconnection between artists/organisations/practitioners
- Shortage of local and central government funding to do more

In addition it was felt the following was missing from Penrith:

- Cohesive audience base or a plan to engage a growing population
- An understanding of audience needs and wants
- Support for existing provision and funding to do more
- Events for younger people
- Higher profile arts festivals
- Grassroots music venues
- Dance
- Central, practical resource for artists
- Outdoor/town based events

Current strengths

It is extremely clear that there is a high level of desire for more collaborative working between organisations, including the town and district councils, to break down silos, provide what residents want and engage them in grassroots activity, improve venues or expand practice, raise the profile of arts and culture, create a creative hub in Penrith and to see the town flourish.

It was acknowledged by the stakeholder group that PTC, as a local council, is forward thinking in this desire to devolve power, and that this was valued by the group and made it optimistic for the potential to achieve change.

Practical considerations

Many of the organisations represented are run on a voluntary basis by individuals, or are small organisations with competing priorities for their time. It must be acknowledged that in order to be productive, the group should take into account the available time and resources of members and take advantage of available technology to facilitate networking and action. However the majority of the group acknowledge, and prefer, the benefits of meeting in person to understand other organisations and their environments. The group will need simple, effective and efficient methods to govern and organise, and should consider the cost of freelancer time to participate.

3) What the stakeholders want to achieve

The following summaries represent the main points (listed in no particular order) raised across the range of consultation and act as a starting point for thinking about priorities, goals and subsequent actions of the group. They are in no way prescriptive, but demonstrate a direction of shared interests that can be further added to, edited and shaped by the stakeholder group.

Key ambitions

The key ambitions identified from across the consultations are:

- Better networking
- Exciting, collaborative activity
- To be part of something bigger
- Joint marketing and promotion
- Shared branding
- Coordination and development of a programme of events, festivals and activities
- Improved knowledge of Penrith residents and visitors, and the impact of arts and culture.
- To access opportunities for funding
- Sharing good practice, skills and ideas
- Sharing facilities and resources.
- Encouragement of innovation and new start-up businesses.

Learning ambitions:

The following were identified as potential areas of knowledge development for the group:

- Audience development and how to measure public impact
- Artists skills (through meeting other artists to skillshare and nurture skills)
- Understand Local Authority decision making (as part of the unitary authority changes)
- Fundraising and bid-writing skills
- Environmental change and climate crisis (and how Penrith is changing)

A cohesive stakeholder group

The following were identified as potential gaps in the current membership of the group:

- Underrepresented communities (e.g LGBTQ+ etc.)
- Schools/colleges
- Community groups
- Organisations such as U3A
- 16-25 year olds
- Venues
- Libraries

NB. We believe targeted funder/development bodies would be appropriate to invite to stakeholder meetings following group consensus on shared purpose and priority activity.

What success looks like to the stakeholders

The following were suggested as markers of a successful future:

- An understanding of each arts/cultural organisation, what they are doing and their aims
- Something for everyone, inclusive of the community that lives in Penrith
- Accessible, highly visible information that is widely distributed and on a central database
- A group that is driving projects using local practitioners
- Improvements for individual organisations (new venues, improvements to existing venues, sales etc.)
- Improved understanding by public, fundraisers and politicians of importance of improving wellbeing and community benefit through arts provision
- Utilising all the local artists and organisations working collaboratively in a sustainable way.
- Penrith would be seen as a destination for high quality Arts and Culture.
- Central resource area/Arts Centre established (for running courses, technical support etc.)
- Links to local organisations to support heritage/art/craft activities.
- Three big events are held in the town pre year that bring outsider visitors for music, theatre, film, art, food and drinks.
- Regular programming

Existing opportunities

The following were identified as existing opportunities to consider:

- Use of local practitioners.
- Potential for a shared voice which highlights everything we already have and works to get more of it
- Existing funding opportunities: e.g. high street fund, Borderlands, Arts Council England Strategy leaning towards local, rural, non-buildings based arts ecologies, Levelling Up
- Local Authority Changes and early access to discussions about economic development
- Chance to engage growing population through a marketing plan

Programming goals

Practical programming will start to reveal itself in the coming weeks and months, but the stakeholder group identified the following as possible goals:

- A shared resource to highlight current, existing activity
- A festival that is jointly designed and delivered, with freedom for individual organisations to work together or separately but where everyone benefits from the marketing.
- Festival backed up with year long activity
- A launch event or event to highlight existing offer

- A broad spectrum event woven into the fabric of the town over a longer period rather than an event that appears and disappears sporadically.
- Grass roots festival for locals and professionals with opportunities to work collaboratively over next year
- Scratch style events 'to get going'

Shared purpose

The group was asked to consider suggested priority areas to understand if there was an emerging shared purpose, and whether they were currently delivering against these aims. Whilst many groups identified areas of interest, fewer organisations would consider themselves to be actively delivering against those aims.

Over all, areas considered most important were:

- Reducing social and rural isolation through arts and culture
- Working with and enhancing the lives of disadvantaged communities
- Working with and enhancing the lives of young people
- Engaging "non-traditional" arts audiences
- Innovation and doing things differently
- Artist development
- More visibility and engagement with existing programmes
- The health and wellbeing of the public and supported healthy communities
- Safe, supportive spaces
- Representation, community voice

Shared purpose is a crucial area the stakeholder group will need to consider further and build consensus on. There has currently been no unanimous agreement on shared purpose. See below 4) *Our recommendations for achieving this* for more detail on this point.

For now, the responses suggest two key areas that the group may wish to explore with the identified areas of interest, and others to be identified:

- **Better ways of working**
 - Innovation and doing things differently
 - Artist development
 - More visibility and engagement with existing programmes
 - Etc.
- **Better outcomes for communities**
 - Reducing social and rural isolation through arts and culture
 - Working with and enhancing the lives of disadvantaged communities
 - Working with and enhancing the lives of young people
 - The health and wellbeing of the public and supported healthy communities
 - Safe, supportive spaces
 - Representation, community voice

4) Our recommendations for achieving this

It is clear from the results of the consultation that the stakeholder group has a solid base of shared aims and ambitions on which to build, and an understanding of what a successful Arts and Culture plan could look like for Penrith and the benefits it could bring. In essence, the beginnings of a clear vision of the future and what it might take to get there.

To further support the journey towards this success, we have included our recommendations on where to focus first. We also recommend some activities that were not extensively revealed through the consultation, or where we feel action is best taken. The group might wish to consider this as part of its work towards a cohesive Arts and Culture plan.

Principally our recommendations fall under the following areas:

a) Shared purpose

We believe the stakeholder group should prioritise Better Outcomes for Communities and ultimately agree on a purpose that is audience-centric. For three reasons -

1) It better defines your reason for existing

It creates a stronger *sense of connection* within the stakeholder group. It cuts across arts and cultural disciplines, and enables you to expand your membership to include those members not currently represented, for example those in education, health and the third sector (see **A cohesive stakeholder group** above).

2) It provides the foundation from which you make decisions.

Within an audience-centric stakeholder group, decisions against what projects are and aren't funded by the group are not based on questions of "what is the best / most deserving art"- but by how well a project can meet a public goal. *Will it attract a new audience? Will it be exciting for young people? Can non-trad arts audiences easily get involved? Is it something families have not had access to before?*

3) It enables you to more easily make a case for external investment.

Funders are most focused on the public benefit of their investment. While a resilient and innovative cultural economy is of value as a goal, it is only the necessary means through which public benefit can be achieved. Success for the group should not simply look like *more money for more arts and culture*. A bigger success is what that investment achieves with your communities here, now and in the future.

We believe public benefit through arts and culture could be your DNA. We feel Penrith has a strong case to make regarding the uniqueness of its opportunity- in bridging the gap between disadvantaged rural communities and a growing cultural economy that aspires to be connected and vibrant. Key funders, including Arts Council England and National Lottery Heritage Fund, will require you to prioritise public benefit and an

evidence base that demonstrates how you are achieving it. In our activity plan below, we highlight in a next stage of activity that you collate existing public impact data and agree methods by which you can collectively evaluate your priority public goals.

What do we recommend is your communities-led shared purpose?

At the July 7 stakeholder meeting, we invited feedback on what we felt was an overarching purpose with sub-priorities. This purpose was based on the most popular consultation feedback, and our belief on what represented the strongest opportunity for the group.

That purpose was-

Working with and enhancing the lives of Penrith communities through arts and culture

- *Positively addressing social and rural isolation*
- *Working with and enhancing the lives of young people*
- *Increasing health and wellbeing of the public and supporting healthy communities*

Feedback to this purpose was generally enthusiastic although some expressed a view it should include older residents (a significant proportion of the existing/emerging audience base). To this we would make the following points and recommendations-

- 1) **A purpose simply describes the priority for the group at this present moment** and in the known future. It does not limit the groups you can work now, and it will naturally evolve as Penrith residents needs/wants are better understood and change.
- 2) **Being too general in your purpose creates a lack of clarity about why you exist**, and can reduce your appeal to new and existing stakeholders, and particularly to investors. We would strongly encourage that you are bold in your definition for what you want to achieve with communities but flexible as you grow.
- 3) **We would ask when your group is constituted you reach consensus** on this first year of purpose.

The other identified area of shared purpose, Better Ways of Working, can be encompassed through *how* you work as a group.

b) Group governance and function

- The consultation revealed that there is a shared fatigue with ongoing consultation that does not result in action. To address this we strongly advise **coordinator resource from PTC** (or other appropriate org) can support delivery of the first phase of activity immediately following this consultation- to convene the group, manage and share their contributions, work towards

public activity and fundraising, and ensure the focus on delivering action that meet the group's agreed purpose.

- The group must agree to its **initial governance structure**. While the survey revealed interest in a shared brand, the group should consider this question, particularly when they apply to investors. Is there an agreed lead applicant?
- **Agree a Shared Brand**. We would advise you use a different term instead of Penrith Arts and Culture Stakeholder Group. *Penrith Culture*, etc. Keep it simple and easy to understand. The group can agree this ahead of its constitution.
- **Leadership**. While PTC would like the group to be self-governed, and while PTC will provide administrative resource to support its early maintenance, we believe there is a need for clear leadership from within the group that -
 - 1) is non-partisan (ie. an individual/s who acts primarily on behalf of the interests of the group and its purpose, over and above leading the interests of a stakeholder partner),
 - 2) ensures the group consistently focus on shared purpose and priorities (including fundraising), and abide by Terms of Engagement,
 - 3) leads on expanding the group's membership to include a more diverse representation. Without clear leadership there is a risk momentum could be lost. Leadership could be a dedicated part-time resource, or it could be rotated between members where they can justify the necessary time commitment. For example, Newcastle Gateshead Cultural Venues rotate group leadership/chair between the CEOs of the 10 participating organisations annually.
- **Administrative ownership**. At the 7 July 2022 meeting there was brief discussion about whether this group should fall under the umbrella of an existing arts network/organisation. We would strongly advise against this, and believe it should be an independent group (at least initially constituted under the umbrella of PTC). If this group were to "belong" to an existing arts organisation you risk alienating new and potential stakeholders. It is also significant in its resource requirements and could quickly become a burden to an appointed lead organisation.
- Establish a **regular pattern of meetings**, and plan dates well in advance (e.g. Newcastle Gateshead Cultural Venues plan and distribute a full year of meetings)
 - At the 7 July meeting the group largely felt meeting every 2 months was appropriate.
 - Meetings may have to increase in frequency when practical programming and organisation of events is taking place
 - In person meetings should seek to be most effective and perhaps work best for sessions dedicated to group learning activity and skill sharing.
 - We recommend skills development sessions are a parallel strand of activity to the core stakeholder meetings and focus on priority reporting, decision making and action.
- A healthy group will agree and abide by **terms of engagement** (for ongoing participation in meetings and projects). Terms of engagement will ensure participants focus on positive collaboration, generosity of spirit and mutual respect. In any cultural economy there is always an element of competition

and historical tension between organisations (e.g. competing for funding/audience share/profile/professional resource, conflicting priorities). It is essential that this does not divert the group from their shared purpose and that it can focus wholly on its positive future.

Additional learning ambitions:

- Skills development sessions are likely to require additional time from the main meeting and we recommend they are delivered in as a parallel series of events
- We recommend the group to grow its **understanding of digital engagement** (in particular around the desire for shared marketing activity and community engagement). Digital as a solution for expanding audiences is not a panacea. Effective uses of digital will ensure the group builds a collective intelligence on what digital platforms it needs to meet its goal (e.g. do we need a new online portal for our programmes, or do we simply use social media?). *'Build it (online) and they will come'* has long been a common, expensive pitfall in the arts and cultural sector. Good online activity requires good audience engagement methods.
- Improved understanding of **evaluation methods**. To meet its shared purpose around public benefit we advise the group to identify internal/external organisations who do this well. Arts Council England, Community Foundation, Paul Hamlyn Foundation, Nesta and delivery partners in the health sector can provide many examples of how to do it well and with limited resources.
- Increased understanding and application of **Arts Council England's 10-year 'Let's Create' strategy**. There is currently a general lack of awareness/understanding of this strategy within the stakeholder group, and yet excellent alignment between the aim of this stakeholder group and the aims of this prospective funder.

c) Programming goals

- The group has ideas of programming goals and are clearly ambitious. As mentioned, there is a keen desire to start to programme activity quickly.
- It feels important that the group's first **collaborative programme follows consensus on shared purpose** - rather than programming familiar activity from individual contributors that does not necessarily meet collective priorities. *How does a programme ensure it is more than the sum of its parts?*
- Additionally, it is vitally important that stakeholders **get into the mindset of how their individual organisation's activity is contributing to the wider goal of the group**. As opposed to individual organisations reporting against their individual goals.
- We would suggest that rather than think about a fully fledged, one-off weekend festival style event as the first goal, initial activity could take the form of a **'getting to know you event'** programme that creatively engages people with the offer and leaves them aware of what is coming over the coming months.
- More **recommended formats of programming activity** can be found in the action plan.

- We believe creative programming would benefit from more time outside of the 1-2 hour zoom calls. Potentially a full day workshop (could attendance for freelancers subsidised?) exploring synergies between partners, resource available for activity (e.g. hardware, venues), and ultimately identifying **proof of concept proposals** that can be delivered quickly and connect different practitioners. For example, joined up programming for empty units and priority green spaces, artist-led programmes in the high street and the museum, repeat music/performance social events in streets and estates.
- **Let's Create ACE workshop.** We believe a dedicated session to this Arts Council England 10-year strategy would be useful for the stakeholders to see how adapting/evolving existing practices can better meet funder priorities.

d) Invest in the short and long term

At the July 7 stakeholder meeting we invited feedback on opportunities for -

- 1) financing the earliest ambitions of the group (e.g. trialling public activity, ongoing costs for maintenance of the group in its first year- see *Case for Support* for more detailed indicative costs) through modest external investment
- 2) identifying large investment opportunities for multi-year plans (see recommended funders in *Case for Support*).

There was not the opportunity to reach consensus on either 1) or 2), but there was general agreement that the group is ambitious for the long term and equally that it needed to secure some budget quickly to ensure momentum can be sustained.

We would recommend the following activities/investment opportunities could be "quick wins", if successful/approved-

- 1) Apply to the Eden District Council Arts and Culture Development fund. Either the stakeholder group applies, sub-collaborations in the group apply, or individuals/orgs apply referencing the shared purpose of the group as a goal. Applications are for up to £10k.
- 2) If the group applies to EDC as above, they make a case for match funding (potentially to PTC).
- 3) The group makes a case for its use of Penrith Town Hall to meet outcomes for communities or for the group. E.g. workspace for the stakeholder group, workshop space for scratch programming.

How do stakeholders get there?

The accompanying plan provides a draft series of actions that the group can consider for the short, medium and long term. Again, this is not prescriptive, but seeks to provide an initial scaffolding with which the group can begin to shape its activities and deliver practical outcomes.

PAPER 2: Penrith Arts and Culture Stakeholder Group Action Plan – 2022-23

APPENDIX B

Introduction

The following actions/owners/timelines are indicative activities based on the insights from members and our supporting recommendations.

At the 7 July meeting we briefly shared this draft action plan with the group (they had received a draft copy ahead of the meeting) and discussed what its priorities should be. While there was not the opportunity to reach consensus, it was generally agreed the group needed to be able to act quickly with regards meetings and programming. We strongly advise that the group determines what the priority activities are for the 6 months and 12 months ahead, and agree ownership/timeline. We recognise that the list of actions below are extensive. We are keen not to overwhelm stakeholders with the scale of the task. We would emphasise that we expect the listed actions to be reduced following stakeholder meetings. And for simplicity's sake we have highlighted any critical actions we feel are essential to complete as soon as possible (ideally before mid-August 2022).

AIM 1: ESTABLISHING AND NURTURING THE STAKEHOLDER GROUP				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
1.1 Good governance	Meeting frequency	<ul style="list-style-type: none">Agreed bi-monthly for first 6 months (Minimum)	PTC	July 2022	Group constituted – quarterly meetings agreed, PTC Chair act as Chair Officers manage meetings
	Venue/online	<ul style="list-style-type: none">Agreed bi-monthly for first 6 months (Minimum)	PTC	July 2022	
	Governance support	<ul style="list-style-type: none">Confirm group governance in the short term through PTCIdentify meeting chair/sIdentify who will take and distribute notes (if not PTC)	PTC	July 2022	
	Governance structure	<ul style="list-style-type: none">Identify who will be lead applicant to funders or whether there should be a newly constituted bodyIdentify holding bank account accordingly if required	PTC	July 2022	PTC will lead as accountable body. The group can be constituted without the need of a bank
	Terms of engagement	<ul style="list-style-type: none">Consider if this is a formal agreed set of Terms of Reference and/or a more informal set of agreed values and behaviours. (E.g. Positive collaboration, generosity of spirit, mutual respect, always forward-facing and not looking back at prior challenges).Consider/agreed methods for conflict resolution	Group	July - Aug 2022	Formal set of ToRs within Arts & Culture Framework, agreed and reflect the values of PTC

AIM 1: ESTABLISHING AND NURTURING THE STAKEHOLDER GROUP				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
1.2 Representative stakeholders	Greater inclusivity and representative community voice	<ul style="list-style-type: none"> Group to issue invites to relevant community/organisation contacts. Ongoing review/invitation through first phase 	Group	July onwards 2022	PTC resourced to facilitate further events, workshops, training, branding, delivery work etc. Meetings held in October and November.
1.3 Better networking	Greater understanding of arts and culture in Penrith	<ul style="list-style-type: none"> Stakeholder introductions work and purpose of their organisations/groups Identify venues for in-person meetings where host organisations can introduce relevant practice. 	Group	July - Dec 2022	Website development, WhatsApp group, Resource directory, Meetings virtual, Meeting rooms costs will be met by PTC
1.4 Resource sharing	Greater support available to organisations	<ul style="list-style-type: none"> Compile list of available shared resources (venues, skills and expertise, hardware etc) Identify where this will be held and accessible or how it will be updated and who will share it 	Group	July - Sept 2022	As 1.3

AIM 2: PURPOSE AND PRIORITIES				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
2.1 Shared purpose	Identified priorities	<ul style="list-style-type: none"> Agree, amend or add to the current identified areas of shared purpose to date to refine the groups' strategic priorities <ul style="list-style-type: none"> Reducing social and rural isolation through arts and culture Working with and enhancing the lives of disadvantaged communities, particularly young people The health and wellbeing of the public and supported healthy communities Safe, supportive spaces Representation, community voice 	Group	July 2022 (subject to regular review)	As 1.3 This plan will be updated regularly by PTC officers and via the group meetings.
	Vision and Mission	<ul style="list-style-type: none"> Once agreed, refine this into a vision and mission statement (we do this (Mission), so that (Vision)...) 	Group	July 2022	
	Action plan	<ul style="list-style-type: none"> Review and refine plan of activity/programming anchored to priorities, vision and mission (see <i>Aim: Programming</i> below outlining initial possible formats of activity) 	Group	July 2022	

AIM 3:FUNDRAISING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
3.1 Effective fundraising	Fundraising strategy	<ul style="list-style-type: none"> Strengthen fundraising Case for Support with outcomes of priorities, vision and mission Stakeholder group review recommendations of trusts & foundations / development bodies listed as part of this consultation. Stakeholder group confirm decision on <u>Arts Council England Cultural Development Fund ASAP (EOI deadline 29 July)</u> Stakeholder group confirm its decision on applications for Eden District Council arts funding (group application, collaborations, individuals referencing shared purpose). Continue to compile list of available and relevant funding streams and their deadlines Agree who will lead and write bids (if not an identified co-ordinator – see below) Identify target funders accordingly and submit to deadlines 	TBD / PTC	July - Sept 2022	On-going
3.2 Support for group governance and activity	Group coordinator to convene group, manage and share contributions, support with fundraising and support delivery of the first phase of public activity	<ul style="list-style-type: none"> Clarify whether PTC has existing resource to fulfil this function Identify whether PTC has seed funding to support this role and phase 1 of group activity, and for the coordinator to find future funding to maintain it If neither of the above are possible, identify interim support from the group and make fundraising a priority 	PTC/Group	July 2022	Resolved and provided.

AIM 4:STAKEHOLDER GROUP LEARNING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
4.1 Greater understanding of Audience Development	Better understanding of Penrith residents wants and needs	<ul style="list-style-type: none"> Further, specific evaluation with residents to address gaps in existing evaluation - work with local charities orgs who can more directly consult with groups under-represented in consultation (including young people). Share existing evaluation and examples of best practice between organisations. Explore existing data to gain shared understanding of community demographics and how this will change in the next 10-20 years. 	PTC Group	July - Sept 2022	Reviewing Census 2021 results
	Effective ongoing evaluation	<ul style="list-style-type: none"> Agree shared evaluation practice/strategy to better analyse collective impact and types of audiences reached. Simple, achievable, insightful methods. Research available evaluation resources and methods (see main doc for e.g. orgs) Work with an evaluation consultant if the group feels it needs more support in this area 	Group	July - Sept 2022	
	Simple Audience Development	<ul style="list-style-type: none"> Consider target audiences, their identified wants and needs and potential collaborations with specialist groups to drive programming decisions 	Group	July - Sept 2022 (ongoing review)	
	Audience Development Strategy	<ul style="list-style-type: none"> Skill sharing amongst the group to create an Audience Development strategy - identify shared initiatives / public facing activity that meet this goal. If this knowledge does not exist, work with a consultant to develop a strategy 	Group	Aug - Oct 2022	

AIM 4:STAKEHOLDER GROUP LEARNING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
4.2 Greater understanding of fundraising	Better understanding of funders and their priorities	<ul style="list-style-type: none"> Along with short term fundraising activity (See above), skill share amongst group to share best practice and knowledge of funders Invite funders to meet the group and explain their priorities and what makes a good application 	Group	Aug- Dec 2022	
		<ul style="list-style-type: none"> Work as a group to understand ACE's 'Lets Create' strategy in particular, and make connections with ACE for support if this feels beneficial - possible workshop / site visit (e.g. ARC in Stockton, Slung Low in Yorkshire) 	Group	Aug - Dec 2022	
	Better bid writing	<ul style="list-style-type: none"> Arrange or attend bid writing workshops (various available through private or third sector support) Group to offer bid writing support amongst themselves Co-ordinator to lead on joint bids if this is feasible 	Group/PTC	Aug - Dec 2022	
4.3 Greater understanding of Digital Engagement	Better digital engagement	<ul style="list-style-type: none"> Skill sharing amongst group to share best practice and benefits of digital engagement, social media, etc. Commission / attend digital audience engagement workshops (various available) Site visits to organisations who deliver innovative public programmes through digital creative practice (e.g. festivals/installations by HOME in Manchester). 	Group	Sept 2022 - Jan 2023	Website under development
	Better marketing and promotion	<ul style="list-style-type: none"> Work with PTC or digital marketing specialist to produce a digital strategy to encompass branding, web presence and social media 	PTC/Group	July - Sept 2022	

AIM 4:STAKEHOLDER GROUP LEARNING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
4.4 Greater Understanding of Local Authority Decision Making	Understanding of how to work with LA and within decision making process to support Arts & Culture Strategy	<ul style="list-style-type: none"> Request workshop/presentation from PTC and EDC (and their successors) to explain processes and considerations for external organisations 	PTC/EDC /Group	July - Aug 2022	PTC happy to make presentation in September. Approach EDC re January Funding round
4.5 Greater understanding of Environmental change and the climate crisis and how Penrith is changing	More informed programming	<ul style="list-style-type: none"> Identify organisations who can deliver a guest workshop/presentation on collaborative community arts programmes responding positively to climate crisis and sustainability (e.g. Festival of Thrift, Manchester Museum and Art Gallery). Site visits to above organisations. 	Group	Aug - Jan 2023	
4.6 Developing artistic skills	Artistic / creative practice is nurtured	<ul style="list-style-type: none"> Identify areas of interest and arrange activities accordingly (we advise this sits outside of the core meeting for stakeholders less engaged with arts practice. Skills share events work as social events, after hours in cafes / pubs etc) Consider centrally paid-for subscriptions to training programme and skills development sessions online (e.g. Museumnext seminars, artist workshops posted through ACE). All stakeholders to receive access. 	Group	July 2022 onwards	

AIM 5: MARKETING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
5.1 Joined up, visible marketing	Branding	<ul style="list-style-type: none"> • Agree public facing name of stakeholder group • Agree umbrella brand • Agree shared hashtags for social media • PTC to provide specialist marketing support for the above? 	PTC/Group	July 2022	Agreed
	Digital/Marketing strategy	<ul style="list-style-type: none"> • Confirm PTC to coordinate through existing / separate marketing 		July - Aug 2022	Accepted
	Social media	<ul style="list-style-type: none"> • Agree simplified social media strategy <ul style="list-style-type: none"> ○ Sharing posts via agreed hashtags ○ PTC to centrally coordinate through existing social media marketing? 	PTC/Group	Aug - Sept 2022	Accepted
	Web presence	<ul style="list-style-type: none"> • Agree best solution for short term web presence, e.g. whether there will be a new webpage hosted by PTC or whether existing web pages can host links to group activity 	PTC/Group	Aug - Sept 2022	Under development

AIM 6: PROGRAMMING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
6.1 Joined up programming	Clash Diary	<ul style="list-style-type: none"> Identify who will coordinate and distribute clash diary (various scheduling apps / platforms available online) Agree frequency of data entry 	TBD	July 2022	Under development
	Brand existing activity	<ul style="list-style-type: none"> Identify existing calendar of activity to brand and promote for coming year 	TBD	July 2022	Under development
	Future collaborative activity identified	<ul style="list-style-type: none"> Agree what is REALISTICALLY achievable in year one (see <i>Activity that better meets audiences wants and needs</i>) below Identify who will coordinate and manage this 	Group	July - Sept 2022	Under development

AIM 6: PROGRAMMING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		
6.2 Audience centred programming	Activity that better meets audiences wants and needs	<ul style="list-style-type: none"> Position aims, vision and mission as driver of programming Position aims, vision and mission to guide potential collaborations Create evaluation strategy for all activities Consider the difference between activity that is NEW programmed activity and activity that builds profile for EXISTING offers/activity. EXISTING - explore/agree options for building public engagement - and motivation to engage - with existing activity/venues. E.g. subsidised free/tickets for fixed periods, adapted opening hours that suits visitor behaviours (e.g. after school, late opening), taking existing programmes <i>out</i> (e.g. theatre, music, performance in new public spaces such as parks, green spaces, cycling routes, skate parks, schools, care homes, etc) NEW - Commission / create a bespoke creative development session that explores new formats of activity that meet the shared purpose of the group. For example, if shared purpose is focused on reducing social isolation and enhancing lives discussion could include- <ul style="list-style-type: none"> Arts and social prescribing models through partnership with healthcare providers Town Hall utilised for programme - internal (e.g. workspaces, scratch sessions, workshops) and external (e.g. trial activity through weekends, after school, etc) 	Group	July / Aug onwards 2022	<p>PTC is developed signature events fund</p> <p>The Council believes that festivals, particularly those recurring annually, help to create a positive image of the Town, and attract tourism income.</p> <p>Priority will be given to festivals which involve significant numbers of local residents, local businesses, young people, diverse communities and create a legacy in their preparation and delivery.</p> <p>Providers would be asked to apply to the fund once with a robust business case.</p> <p>If agreed, the provider would enter into an agreed term of business with annual service level agreements which would be renewed after evidence of economic and community benefit and review of accounts.</p> <p>PTC believe that this approach would secure funding for larger events as we move through</p>

		<ul style="list-style-type: none"> ○ touring pop ups in targeted locations, and across well-used community venues and spaces. ○ intergenerational creative programmes partnering with third sector orgs supporting youth and older residents. (e.g. young people musical tour of care) ○ highly accessible activity inspiring year-round ownership of arts and culture from residents (e.g. artists collaborating with streets of garden owners, coordinated Penrith culture schools programming, arts walking routes bringing together diverse communities) <ul style="list-style-type: none"> ● We advise that an achievable first public activity should trial new ways of collaborative working (potentially apply for 10k+ to recently advertised Eden District Council fund). Or multiple applications from collaborations from this stakeholder group that each deliver to the agreed shared purpose. ● Festivals and day/weekend long events were referenced as desirable in the consultation. We believe this is highly achievable, but it is important that these festivals are produced in the spirit that is advantageous to meeting the group's aim - ie. a one-off festival will not necessarily deliver lasting public benefit in itself. How does it maintain public engagement through the year? How can arts and cultural activity at a festival be co-produced with participants throughout the year? ● Creative direction for this type of event would be critical. Rather than just assembling a cluster of disparate arts workshops for a day, how do all activities deliver to a public-facing outcome? 			<p>local government reorganisation during which the current LA event funding bodies transition to a new authority.</p> <p>PTC also believe that this will allow and encourage the group to focus on their delivery work around legacy projects/weekend-events/branding/workshops/ resources/ community engagement/ etc.</p>
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AIM 6: PROGRAMMING				Original Timeline	PTC UPDATE DECEMBER 2022
Objective	Outcome	Action/Deliverable	Owner/s		

6.3 Audience centred programming	Penrith cultural economy nurtured to grow audience-centred practice	<ul style="list-style-type: none"> • Stakeholder orgs reduce costs of venue hire to local arts and creatives • Through council-owned/managed properties, create shared workspaces/workshops free/low cost to local artists, cultural SMEs, socially engaged start-ups (see The Bank in Chopwell). • For venues seeking capital investment for repairs/maintenance, consider how you can quantify the increased public impact as a direct result of this funding. E.g. how many more people p/a will it engage, will it enable you to diversify audiences. 	Group	Sept 2022 - onwards	
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PAPER 3 : Penrith Arts + Cultural Stakeholder Group: Basic case for support and funders

By: Caroline McDonald and John Coburn

APPENDIX C

Introduction

This paper share two items for informations-

- 1) **A basic case for support.** Structured copy that presents your basic case for external investment. This is a skeleton document that can be populated/repurposed for future bids. Sections annotated with NB. require further information and decision from the stakeholder group.
- 2) **Possible funders for consideration.** Immediate opportunities for external investment we believe should be considered by the group.

1) Basic Case for Support

Who are we?

The Penrith Arts and Culture Stakeholder group (PACS - awaiting a rebrand as per *Paper 1 - insights and recommendations*) is comprised of local organisations and individuals, who together create a range of arts, cultural and heritage opportunities and offer for communities and visitors to Penrith.

Current members include:

- Penrith Players www.penrithplayers.org.uk
- Penrith and Eden Museum
www.eden.gov.uk/leisure-culture-and-events/penrith-and-eden-museum
- Sunbeams Music Trust www.sunbeamsmusic.org
- Eden Valley Artistic Network www.edenvalleyartisticnetwork.co.uk
- Plug and Play www.creative-eden.co.uk/plug-and-play
- Blue Jam Arts www.bluejamarts.org
- Stomping grounds www.stomping-grounds.org
- Self employed creatives
- (NB. we expect this list to grow based on *PAPER 1 insights and recommendations*).

Membership is not limited and will expand to include other representative organisations and groups to ensure inclusivity and representation of the community.

The collaborative group also includes representation from Eden District Council (EDC) and is facilitated by Penrith Town Council (PTC), who sees its role as acting as an enabler and facilitator, *not* as a cultural and creative director. PTC aims to facilitate, and support the stakeholder group to establish a shared purpose and to

create an arts and cultural programme for Penrith. This supports the Penrith Place Plan 2021-203 which has a clear vision that the future of Penrith is achieved as a result of collaboration of local and strategic organisations and structured input from the local community. [Penrith Place Plan \(cumbria.gov.uk\)](https://cumbria.gov.uk/penrith-place-plan)

PACS is formed as a collaborative group of organisations and individuals, but is constituted as a Town Council group to ensure that all its activities are fully insured and Officer support for meetings will be provided.

Where are we

Penrith is a large historic market town with a population around 15,000. It is located in the district of Eden at the junction of the M6 motorway and the A66 trunk road. It is centrally located within Cumbria just a few miles east of the Lake District National Park with good road connections across to Keswick and to Ullswater. It is also in close proximity to the Yorkshire Dales National Park and Pennines. The A66 also affords good connections across to the North East and Yorkshire and beyond and the town benefits from a railway station on the west coast main line which has been there since 1846. It provides direct service connections to both Scotland and London.

Penrith is identified within Eden District Council Local Plan as being the main town for Eden and as such is the location for many of the district's key services such as the location of the District Council. In 2023 Cumbria will be divided into two unitary authorities. Eden District Council will cease to exist and its functions will pass to the new authority of Westmoreland and Furness Council, which will take in Barrow-in-Furness, Eden and South Lakeland.

Even though Penrith lies outside the national parks and Areas Of Natural Beauty (AONB) the town is surrounded by attractive rural countryside. Within the town, there are currently too many vacant town centre retail units impacting negatively on the streetscape and the overall vitality of the town centre, despite some very attractive and popular features.

Consultation has revealed that the overall feel of the town is one that "could be doing so much better", currently punching below its weight with so many positives and strengths from which to build a more prosperous place for all.

What we do

As part of the wider ambitions for the town of Penrith, our role is to develop a programme of high-quality sustainable community inspired and tourism-based events, activities, resources, and festivals to provide inclusive community benefit, economic benefit, and social enjoyment.

In this way we seek to create a town that is culturally centred with arts, culture and heritage playing an essential role in making communities better places to live, creating economic prosperity, and supporting personal wellbeing. Penrith benefits from strong local heritage and cultural assets that have the potential to be enhanced further and act as a real hub for cultural and heritage activity.

Specifically our mission is to XXXX. By doing this we will XXXX (see *PAPER 1 under shared purpose*)

Our specific aims are to:

- To reduce social and rural isolation through arts and culture
- Work with and enhance the lives of disadvantaged communities
- Work with and enhance the lives of young people
- Engage “non-traditional” arts audiences
- Support the health and wellbeing of the public and support healthy communities
- Support community representation and community voice
- Provide safe and supportive spaces

(NB placeholder text could be ***“We work with and enhance the lives of Penrith communities through arts and culture. We do this through place-based programmes that positively address social and rural isolation, create more opportunities for young people and increase the health and wellbeing of our residents”.***)

Our impact

(NB. We believe it is essential the group populate as much of this next section as possible using collated stakeholder data. You need a baseline quantitative figure for how many people currently access and benefit from your cultural services)

e.g.

- Numbers of people engaged 2021-22, or per annum average in last 5 years (essential)
- Number of visitors local v tourist (desirable)
- Number of community groups worked with (desirable)
- Specific demographics of people worked with - e.g. 0-5 year olds, adults, unemployed adults (essential)
- Skills development and job creation (desirable)
- Generated income (essential)
- Impact to local economy (if calculated) (desirable)
- Website visitors (desirable)
- Social media numbers (desirable)
- Amount of grants given (desirable)
- Etc.

The ambition

As part of the Borderlands Inclusive Growth Deal [Borderlands Inclusive Growth Deal | Cumbria County Council](#), Cumbria is supporting the vision that the north of England (and south of Scotland) is a vibrant place, attracting, rewarding and retaining people to live, work, visit and invest there, by offering a high-quality experience in beautiful, well-connected surroundings. With its Penrith Place Plan it is seeking to support the development and renewal of towns across the Borderlands region.

The Penrith Place Plan [Penrith Place Plan \(cumbria.gov.uk\)](#) has clear ambitions for the town to Capitalise on its Connections, to Become a Hub for Business, Industry, Enterprise and Entrepreneurship and to be Culturally Centred in order that Penrith becomes a quality town that meets the needs and aspirations of residents, businesses and visitors alike. In achieving this vision, the political stakeholder bodies understand that success lies in working collaboratively with local and strategic organisations and structured input from the local community.

By working in this devolved way, local creative and cultural organisations and individuals also have the opportunity for better networking, effective collaboration and efficient ways of working, to innovate and do things differently. Working with, and for their communities and audiences, there is the clear potential to effectively deliver better community outcomes, improve the quality of life for Penrith residents and visitors, and support future economic success of the town through a supported, vibrant, audience-focused cultural offer that will engage more people with arts, culture and heritage, promote Penrith as a 'cultural brand' and encourage pride of place.

Specifically PACS seeks to:

- Create year round, collaborative programming that inspires ownership of arts, culture and heritage from residents
- Partner with community providers and prescribers, such as healthcare organisations, youth workers etc. to support wellbeing outcomes, healthier communities, and to reduce social and rural isolation
- Develop an Audience Development Strategy to:
 - Better meet audience needs and wants
 - Improve audience inclusivity, particularly for those who traditionally do not engage with arts, culture and heritage
- Develop effective evaluation strategies in support of the above, and monitor success
- Develop a research and development methodology to:
 - Encourage community input and community voice
 - Test and innovate creative programming
- Explore the potential for subsidised public engagement. particularly for young people
- Explore intergenerational programming
- Create shared workshops and development spaces for creative practitioners
- Become effective fundraisers

- Become digitally competent
- Deliver effective collaborative marketing and communications

The need for support

To grow, innovate and deliver, PACS will require support, knowledge, leadership and delivery funding that will ensure that the Penrith Place Plan vision is achieved, but which crucially builds in strategic longevity and legacy for culture. In this way, an arts, culture and heritage landscape will emerge that will provide better outcomes for communities, but additionally support a thriving cultural scene for years to come, and encourage talent retention in an area where there are challenges in retaining young people as they emerge from full time education and are attracted by employment opportunities elsewhere.

In order for PACS to effectively thrive and survive into the future, it requires the following support:

Essential stakeholder support (NB. we have included indicative figures)

- Group coordination resource (£20k)
 - Management and maintenance of stakeholder group (£5k)
- (venue hire, refreshments, consider subsidised attendance where needed, travel where needed, contribution to coordinator time, guest speakers)

Knowledge development (£15k)

- Audience development consultancy
- Evaluation consultancy
- Digital consultancy
- Fundraising consultancy

Public programming and development

- R&D Development (£20k)
- 3 x mass appeal programmes (such as festivals or takeovers or green spaces, high streets, gardens, etc) (£60k)
- 5 x year round targeted/social purpose commissions (e.g. schools, care homes, etc) (£20k)
- Venue/work space costs - ad hoc (£5k)
- Venue/workspace cost permanent (£250-400k)

Why you should support

There is huge community energy and enthusiasm for the future of Penrith. As a town it has much to recommend it, but there is an understanding that it needs meaningful change to increase well-being and prosperity.

As part of the town's ecosystem, arts, culture and heritage has a crucial role to play in improving the future of Penrith and life outcomes for its communities ([DCMS_report_April_2020_finalx_1_.pdf \(publishing.service.gov.uk\)](#)), to creating a vibrant town that retains and attracts people, and that plays a significant part in placemaking.

There are arts, cultural and heritage organisations at work, creating positive outcomes for Penrith and its rural communities, but creative provision is well below that of other parts of the UK, and communities have said it is not enough, or as relevant as it could be.

By working together and exploring how it delivers arts, cultural and heritage opportunities to Penrith, PACS, with the impetus and timing of the Penrith Place Plan, has the potential to meaningfully deliver substantial growth in community wellbeing, develop and nurture more inclusive audiences and opportunities for participation, and bridge the gap between disadvantaged rural communities and a cultural economy that aspires to be connected and vibrant.

The time for PACS and Penrith is now. With strong regional plans on the table, and a meaningful commitment to grassroots and community led planning around arts, culture and heritage, PACS is at the threshold of true innovation in cultural provision. With support it could be an extraordinary example of collaborative, cultural leadership, and one that the people of Penrith deserve.

2) Potential funders for consideration

The following information presents two options for fundraised income through bodies that best relate to the emerging vision and priorities for the Penrith arts and culture stakeholder group, and its eligibility to apply.

We have shortlisted options that support delivery of both the stakeholder group's internal priorities (e.g. learning development, digital marketing) as well as the public programmes the group will lead (e.g. outdoors events). Further, we have focused on funders where the size of its investment would support the group to achieve its ambitious goals (£25k and above).

It is worth noting that the intended constitution for the first iteration of the stakeholder group (that the group is constituted as a Town Council group) severely limits options to apply to trusts and foundations. Eligibility to trusts and foundations would be possible if a charitable status was sought and adopted by the group- but this comes with various advantages/disadvantages, and an options appraisal is not within the scope of this foundational consultation. A charitable dissolution clause could be within the constitution of the group, increasing the group's eligibility to

some funders including Community Foundation. However, following our consultation with Cumbria Community Foundation their suggestion was they would still only typically consider small grants for this type of arts and cultural activity (no larger than £3k at a time).

Please note-

- These are only recommendations based on research conducted by John Coburn and Caroline McDonald, supported by insights we have collected to date. These options below do not represent an exhaustive list of possible current or future funding sources. This will be an ongoing piece of work. Additionally, individual stakeholders (including Penrith Town Council) will know of further funders to consider.
- Recommendations below have focused on funding bodies where we feel the stakeholders have a strong case for support.
- Within the next phase of business planning, we advise that you consider how to split projected income across 1) commercial income generated through an invigorated cultural economy, 2) funder support, and 3) regional stakeholder investment where the group delivers services that meet regional strategic goals.
- We contacted Cumbria LEP to understand eligibility and availability of relevant investment streams. They notified us their capital funding programme to support the cultural sector, previously provided through the Growth Deal funding, has now closed for applications. The funding for place-based investments is now through the Shared Prosperity Fund and Levelling Up Fund. The Shared Prosperity Fund is managed by Eden District Council, and Eden District Council is the conduit to the Levelling Up Funds. **We would advise the stakeholders review this further opportunity.**

Arts Council England

Funder priority	<p>We advise you read the ACE <i>Let's Create</i> strategy to understand their core objectives and investment principles.</p> <p>We believe there is a very strong alignment with PTC and the stakeholder group given the types of disadvantage you are addressing and the opportunities you are creating for artists and communities in rural Cumbria.</p> <p>https://www.artscouncil.org.uk/letscreate</p>
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Possible support available	<p>Two streams for consideration in the next 12 months(NPO funding will not be available until much further into the future)-</p> <p>1. Cultural Development Fund.</p> <ul style="list-style-type: none"> ● Round three of this fund. Between £2 million and £5 million. ● Applicants can apply for capital (asset) activity with a limited proportion of resource activity (project activity). ● Applicants can apply for a maximum of £700,000 for supporting resource activity within their total budget. ● Applicants should be local partnerships led by a local authority, Local Enterprise Partnership, or other appropriate body. <p>2. Project Grants.</p> <ul style="list-style-type: none"> ● Project activity grants. ● Applications under £30k. You will receive a decision within 8 weeks ● Applications £30k-100k. You will receive a decision in 12 weeks.
Timescales	<p>1. Cultural Development Fund.</p> <ul style="list-style-type: none"> ● The deadline for submitting Expressions of Interest is <u>very soon</u> - 12pm (midday) on Friday 29 July 2022. ● The full online application form will open on Grantium on 12pm (midday) Monday 19 September 2022. ● The deadline for submitting full applications is 12pm (midday) on Friday 18 November 2022. <p>2. Project grants. Rolling deadline.</p>
Recommendations	<p>Create a Grantium profile if you haven't already. These days ACE don't encourage contacting them ahead of an application but if you wanted a chat to query to the process find them here. https://www.artscouncil.org.uk/about-us/contact-us</p> <p>Make a decision <u>quickly</u> on the CDF. You have one month to agree and submit an EOI.</p>

National Lottery Heritage Fund

Funder priority	<p>The National Lottery Heritage Fund inspires, leads and resources the UK's heritage to create positive and lasting change for people and communities, now and for the future.</p> <p>National Lottery Grants for Heritage is the open programme for all types of heritage projects in the UK.</p>
Possible support available	<p>Multiple schemes of varying sizes.</p> <p>1) A funding scheme of most relevance (please note there is also a scheme for the same stream but in the £250,000 and £5million band)-</p> <p>National Lottery Grants for Heritage (£10k to £250k)</p> <p>https://www.heritagefund.org.uk/funding/national-lottery-grants-heritage-10k-250k</p> <p>The impact of the coronavirus (COVID-19) pandemic means we will prioritise heritage projects that:</p> <ul style="list-style-type: none">● promote inclusion and involve a wider range of people (a mandatory outcome)● boost the local economy● encourage skills development and job creation● support wellbeing● create better places to live, work and visit● improve the resilience of organisations working in heritage <p>Projects must achieve at least our inclusion outcome. In addition to our outcomes, all projects must also consider long-term environmental sustainability.</p> <p>They fund local authorities.</p> <p>You must contribute at least 5% of your project costs.</p>

	<p>2) Heritage Innovation Fund.</p> <p>If you want to invest in a new and innovative collaborative model of working with a focus on public outcomes delivered through heritage activity, this fund is of possible interest.</p> <p>It is a pilot NLHF initiative for experimenters, collaborators and learners from across all parts of heritage, across the UK. They are looking for people who want to play a leading role in pioneering solutions for making the heritage workforce fit for the future.</p> <p>Up to £25k award</p> <p>https://www.heritagefund.org.uk/funding/heritage-innovation-fund</p>
Timescales	<p>National Lottery Grants for Heritage. Ongoing deadline.</p> <p>Heritage Innovation Fund. Closes 12 noon 27 September 2022</p>
Recommendations	<p>Speak to a regional rep for advice and guidance and to build visibility of your aims. Contact general.enquiries@tnlcommunityfund.org.uk</p> <p>Heritage Innovation Fund. Attend a webinar on 21 July. https://www.ticketsource.co.uk/national-lottery-heritage-fund/t-avqxjpx</p>

Penrith Arts & Culture

Stakeholder Group Terms of Reference

Penrith Town Council recognises that arts and culture is a major contributor to Penrith's growing visitor economy and their value in terms of health and wellbeing and quality of life. Penrith's cultural offer is varied. It comprises community theatre, a thriving music scene, award winning nationally acclaimed festivals, creative arts, galleries, a town centre cinema, a museum and the Rheged Centre, which is a cinema, retail exhibition, arts, and conference centre.

The Council has engaged and consulted with the community and stakeholders to develop and enhance Arts and Culture in Penrith and the following key priorities have been identified:

- ❖ Need for a network of organisations.
- ❖ Desire to share facilities and resources.
- ❖ Sharing of skills and ideas.
- ❖ Encouragement of innovation and new set up businesses.
- ❖ Mutual support.
- ❖ Joint marketing and promotion.
- ❖ Shared branding.
- ❖ Coordination and development of a program of events. festivals and activities.

There are Penrith groups of cultural and artistic leaders and providers with ambitions to develop the current offer and to do new and different things. This document sets out the terms of reference for the Council and these groups with an interest or expertise in arts, culture, heritage and tourism and how they will work together to enhance the arts and culture offer in Penrith.

Membership

The group will be composed of Council Officers, stakeholders with an expertise or an interest in arts, culture, heritage or tourism, and the Chair of Penrith Town Council.

Objectives

- i. Guide decision making, support specific projects and progress arts and cultural development within the community.
- ii. Monitor progress, help build capacity and collaborate to facilitate cultural development.
- iii. Identify arts and cultural opportunities by providing advice on how connections with the community and collaboration between organisations can be strengthened.
- iv. Provide a forum for dialogue, where groups or individuals can present comments and ideas for the creation of art and culture within the community.
- v. Take lead role in organising any events that Penrith Town Council may decide to hold, facilitate or support and oversee the general management, maintenance, and administration of events.

Purpose

- i. The Group shall make whatever recommendations to the Council it deems appropriate on any area within its remit where action or improvement is needed.
- ii. Where necessary, the Chair will provide a report to Full Council on any substantive matters of importance and any material issues or concerns.
- iii. Any urgent matters requiring expenditure will be dealt with according to the Council's Financial Regulations.

Scope(Detailed in Appendix a)

- i. Large events led by external bodies/organisations.
- ii. Small events led by the community, charities and local bodies.
- iii. Annual festivals typically a large-scale event of more than one days duration.
- iv. Projects and activities for example themed trails around the town, window dressing competitions, arts and crafts demonstrations etc.

The Group's remit extends to:

- i. Creating and delivering an annual events programme which encourages community cohesion and inclusivity, ensuring a good mix of regular family friendly, accessible events with one-off events.
- ii. Developing and managing events, festival and projects.
- iii. Working in partnership with others to develop and manage events.
- iv. Provide sponsorship for events developed and managed by other organisations.
- v. Encouraging, supporting and promoting community events.
- vi. Seeking additional external funding/income streams.

- vii. Promoting events, which attract visitors to the Town and boost the local economy.
- viii. Monitoring events.
- ix. Coordinating in Bloom and any entries to any national or regional competitions.

Meeting Procedures

- i. The Group will meet at least quarterly at dates and times as determined.
- ii. The Group will be chaired by the Town Council Chair.
- iii. The Councils officers will provide administrative support:
 - a. Determine the agenda items in conjunction with the Chair
 - b. Circulate agenda a minimum of three (3) days prior to the meeting.
 - c. Be responsible for recording meetings.
 - d. Have authority to proceed with all items within an agreed budget but must refer to Council when non-budgeted expenditure is anticipated.
 - e. Book meeting rooms and other needed resources.
 - f. Assist the Chair with developing agendas.
 - g. Provide information and professional advice.
 - h. Request additional staff support.
 - i. Recommend community/regional experts as needed.
 - j. Provide orientation to the work and role of the group to new members.
 - k. provide action items as needed, and ensure Committee recommendations are communicated to Council via a formal report.
- iv. A quorum shall be a majority of members and no less than 5.
- v. If there is no quorum present within 30 minutes after the appointed time for the meeting, the names of the members present shall be recorded, and the meeting shall be adjourned.
- vi. The conduct of meetings (declaration of interests, debate, voting etc) will be governed by the Council's standing orders.
- vii. The schedule of meeting dates and venues will be provided to the members in advance.
- viii. All members are expected to attend the meetings, or otherwise tender their apologies to either the Chair or Council officer.
- ix. Meetings should last no longer than two hours and can be live or virtual.
- x. If members are unable to attend - members may delegate their position to another member of their organisation.
- xi. The meetings will not be open to Council members nor members of the public.

- xii. It will be at the discretion of the Chair when a matter is to be put to the vote. In such circumstances voting is to be by way of a show of hands. For a vote to be carried the matter must be supported by a majority of members present, with the Chair having a casting vote in the event the vote is tied.
- xiii. Confidentiality and Privacy: Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, unless the member is authorised to do so.
- xiv. All members of the Group and all meeting attendees are expected to observe the Council Values outlined below:
 - Equality Recognition - Everyone is of equal value and should be respected according to individual needs and abilities.
 - Reasonableness - To be fair, reasonable and just in all council activities
 - Accessibility - Providing equal access for all in employment and service delivery.
 - Empowerment - Helping individuals take on responsibility so that they can influence and participate in the decision-making process.
 - Quality - Obtaining the highest standards in service delivery

APPENDIX A

Areas of Responsibility

- i. Agree and arrange a programme of events for the benefit of the residents of Penrith, including but not limited.
- ii. Use the opportunities provided by the Events Programme to raise the profile of the town as a tourist destination, working with surrounding parishes to ensure the benefits of Cumbria's rich cultural heritage are fully maximized.
- iii. Assess and budget for events for which it is responsible and obtain sponsorship, donations and other sources of funding where possible.
- iv. Prepare an annual budget for recommendation to Penrith Town Council.
- v. Assist external organisers planning to deliver events in Penrith using the events framework to guide the external organiser through the process for permissions, approvals, licences etc.
- vi. Consider and agree where appropriate, requests from community groups and others for use of the Council's land and assets for an event, festival or project.
- vii. Make recommendations to Penrith Town Council of any events requiring 'Large Event Status'.
- viii. Ensure necessary risk assessments are completed and any required permissions, event licenses or other agreements are obtained prior to any event in conjunction with the Council's Services and Contracts Manager.
- ix. Agree publicity for each event, including promotional material and any press releases prior to or post the event.
- x. Agree the rules and procedures for any competition run as part of an event or promotion.
- xi. Encourage and promote direct community volunteer involvement with local events and community endeavours including local businesses and community groups as well as individuals and appoint volunteers when required to assist in any planned event.
- xii. Review the town centre market provision in Penrith, encourage, and promote the delivery of a new regular market.
- xiii. Encourage and facilitate any opportunities to develop the cultural, educational and social life of Penrith's residents.
- xiv. Support and promote local tourist attractions in both Penrith and surrounding parishes.
- xv. Create, design and review publications or apps relating to the community, events, heritage and recreation including but not limited to: A Town Guide, A Town Events Guide, a new residents welcome pack.
- xvi. Encourage young people to take an active interest in their community and getting involved in local democracy.

- xvii. Work collaboratively with the local Police, and other public bodies where appropriate, to ensure that the events are safe.
- xviii. Review and develop marketing for events – website, apps and other forms of social media to publicise and promote events, community activities and tourism across the town to both residents and the wider community.
- xix. Monitor the impact of events, reviewing the programme annually.
- xx. Ensure that events mitigate against climate change under the Climate Emergency Declaration and that waste and environmental damage are avoided.

Amendments to this Terms of Reference may only be determined by Penrith Town Council.

November 2022

Stakeholder Group

Meeting Notes 3rd October 2022

Meeting called by: Penrith Town Council

Type of meeting: Informal

Facilitator: Economic Development Officer

Note taker: Economic Development Officer

Attendees:

- Annie Mawson – Sunbeams Music
- Charlie Shepherd – Chair Penrith Town Council
- Gemma Webb – Forest School
- Gwen Bainbridge – EVAN
- Jilly Jarman – Bluejam
- Mike Head - Penrith Players
- Rebecca Short – Penrith Museum
- Simon Whalley - EVAN
- Thomas Corda-Stanley – Plug and Play
- Carol Grey – PTC Officer

Apologies: Kate Giergiel – Eden District Council

NOTES

1. Terms of Reference

Conclusions:

The terms of reference be reviewed by each group and be considered at the next meeting.

2. Chair

The terms of reference identified that the Chair of the group should be either the Chair or deputy Chair of PTC.

Conclusions:

Cllr Charlie Shepherd Chair

3. Agree a name for the group

Conclusions:

The name of the group be “Penrith Arts and Culture” with a hash tag referring to the activity for marketing e.g., Penrith Arts and

Culture#Music. It was also agreed to request the use of Penrith Town Council Logo's image of the streetscape buildings in Penrith.

Action items

- a) Request to use PTC Logo for branding.

4.Review of Action Plan

All agreed that the Action Plan produced by John Coburn and Caroline McDonald represented the discussions held and expressed the ambitions of the group.

5. Agree Priorities

Group agreed that Penrith offered a wealth and variety of musical and artistic talent and numerous opportunities for cultural activity. It was also agreed that the success of the group would be dependent on joint activity, good working relationships, continued communication and joint marketing activities.

It was acknowledged that while not all members would be involved with all activities, an overview of projects would be invaluable.

The group expressed their desire to have input into Borderlands.

Conclusions:

The following list of priorities were agreed:

- i. Joint Marketing – joint web site
- ii. Shared Asset register
- iii. Festival/event program/community events
- iv. Re-establish "Music" town

Action Items

- a) CG to organize a meeting to discuss a joint group web site.
- b) All to consider any capital projects that may be included in Borderlands or potential events that may form an events programme for which funding could be applied for.

Penrith Arts and Culture

APPENDIX F

Stakeholder Group

Meeting Notes 9 November 2022

Meeting called by: Penrith Town Council

Type of meeting: Informal

Facilitator: Economic Development Officer

Note taker: Economic Development Officer

Attendees:

- Annie Mawson – Sunbeams Music
- Charlie Shepherd – Chair Penrith Town Council
- Gemma Webb – Forest School
- Simon Whalley – EVAN
- Jilly Jarman – Bluejam
- Mike Head - Penrith Players
- Rebecca Short – Penrith Museum
- Simon Whalley - EVAN
- Thomas Corda-Stanley – Plug and Play
- Lewis Murray – PTC Officer
- Carol Grey – PTC Officer

Apologies:

- Gwen Bainbridge – EVAN
- Rebecca Short – Penrith Museum

NOTES

1. Terms of Reference

Attendees agreed that the Penrith Town Council Penrith Arts and Culture Framework offered an opportunity for the group to work with Penrith Town Council to help promote and deliver arts and culture activity within Penrith.

Conclusions:

The group agreed to the Terms of Reference and Cllr Charlie Shepherd sign them on behalf of the group.

2. Web Site Development

- a) Agreed that the quote for the development of the web site was reasonable and acknowledged that the designer had a proven track record in developing similar web sites.
- b) The site would have a "Front Page" which would give an overview of the group, an events calendar and a page for each group to showcase and present information about themselves.
- c) It was discussed that potentially that this could be expanded to offer to other groups in town.
- d) Members would be able to upload marketing material direct to the calendar.
- e) PTC would act as administrator and also host the web site.

Action items

Budget to be confirmed.

3. Marketing

Agreed to share information about all planned activities ahead of the creation of the "What's On" Calendar.

Action Items:

All information regarding planned events to be sent to CG for PTC to collate into a list for members information.

4. Shared Asset Register

Agreed to send list of assets available to share with the group to CG for collation.

5. Event Programme 2023

Agreed that potential activities be included in an events programme for 2023 and that these may include:

- Regular activities in the town centre during summer
- Potential Themed Market
- A community event, similar to the town centre Jubilee event to be held in Thacka Field

Action Items

CG to explore activities and potential costs.

6. Borderlands

Action Items

- a) Penrith Players develop a proposal for improvements for the theatre to be considered as a business case proposal.
- b) Members agreed the potential for an arts/heritage trail in the town centre.
- c) CG to explore potential projects.

7. Communications and Meetings

GW suggested having a Group WhatsApp, members agreed it was a useful information sharing tool and agreed to share details.

Dates of next meeting to be confirmed.

DOCUMENT END

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.gov.uk