

Date: 16 May 2022

The logo for Eden District Council features the word "Eden" in a large, elegant, serif font. A stylized, wavy line resembling a river or a path flows through the letter 'E'.

District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

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Dear Sir/Madam

Cabinet Agenda - 24 May 2022

Notice is hereby given that a meeting of the Cabinet will be held at 6.00 pm on Tuesday, 24 May 2022 in the Council Chamber, Town Hall, Penrith.

Please note: if you would like to attend this meeting, we request that you contact Democratic Services to let us know. Contact details are below*. We would also request that wherever possible, those attending continue to wear face coverings and practice hand sanitising measures. This is due to ongoing concerns in relation to the Covid pandemic.

1 Apologies for Absence

2 Declarations of Interest

To receive declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

3 Minutes

RECOMMENDATION that the:

1. public minutes CAB/117/04/22 to CAB/129/04/22; and
2. confidential minute CAB/128/04/22

of the meeting of the Cabinet held on 19 April 2022 confirmed and approved by the Chairman as a correct record of those proceedings (copies previously circulated).

4 Questions and Representations from the Public

To receive questions and representations from the public under Rules 3 and 4 of the Executive Procedure Rules of the Constitution

5 Questions from Members

To receive questions and representations from Members under Rule 5 of the Executive Procedure Rules of the Constitution.

6 Corporate Performance Report: Quarter 4 - 1 January 2022 - 31 March 2022 *(Pages 5 - 24)*

To consider the attached report DoR28/22 of the Interim Director of Resources, which:

1. Summarises progress against the revised corporate performance targets, for the period 1 January 2022 - 31 March 2022; and
2. Informs the Cabinet and Overview and Scrutiny Committee of any areas of concern or issues requiring attention and the remedial action taken.

RECOMMENDED that the progress for Quarter 4 2021/2022 be noted.

7 Capital Grants for Affordable Housing Projects *(Pages 25 - 30)*

To consider the attached DCE25/22 of the Assistant Director Communities, which presents a number of applications for capital grants from Registered Providers (RPs). The grants are to support Affordable Housing projects across the district, which can be funded through Section 106 receipts.

RECOMMENDED that

1. the four applications set out at paragraph 3.7 be approved; and
2. subject to the approval of the above, Council approves that budgets for Capital Grants totalling £554,000 be included in the Capital Programme 2022/23 to be funded from Section 106 receipts.

8 Asset of Community Value: Crown and Mitre *(Pages 31 - 64)*

To consider the attached report DoR30/22 of the Assistant Director Legal and Democratic Services, in respect of the nomination of the Crown and Mitre, Bampton Grange, as an Asset of Community Value under the Localism Act 2011.

RECOMMENDED that the nomination of the Crown and Mitre, Bampton as an asset of community value be not accepted.

9 Devolution of Assets *(Pages 65 - 68)*

To consider the attached report DCE16/22 of the Assistant Director Delivery, in respect of how to proceed with the review into the devolution of assets as set out in the report.

RECOMMENDED that

1. pending Local Government Reorganisation (LGR), the recommendations in this report will replace any previous decisions made in relation to the devolution of assets;
2. no recharges in relation to the provision of footway lighting are levied in 2022/2023 as a good will gesture for those Councils who have adopted their footway lighting
3. provision is made to sustain the footway lighting contract until the end of its current term in 2027 giving Parish Councils the option to complete on those

- already engaged in transfer process;
4. a program is established to remove sodium lights without replacements as they cease to function;
 5. play areas and toilets that are not yet agreed for transfer remain as they are; and
 6. £500 be paid in 2022/23 to the adopting Councils of public conveniences as an *ex gratia* payment towards running costs.

10 Patterdale Parish Community Land Trust - Application to Community Housing Fund (Pages 69 - 74)

To consider the attached report DCE24/22 of the Assistant Director Communities, which presents an application to the Community Housing Fund from the Patterdale Parish Community Land Trust for additional funding of £395,000 to mitigate rising construction and labour costs and to upgrade the proposed properties to Passivhaus standards.

RECOMMENDED that the application be supported and approved.

11 COP 26 Award Delegation (Pages 75 - 84)

To consider the attached report DCE31/22 of the Assistant Director Delivery, which seeks authorisation to approve the delegation of awarding grants under the COP26 fund to the relevant Portfolio Holder.

RECOMMENDED that the Cabinet delegates the decision to award grants related to the COP26 community fund to the Green Growth Portfolio holder.

12 Any Other Items which the Chairman decides are urgent

13 Date of Next Scheduled Meeting

To confirm that the next programmed meeting of the Cabinet will be held on Tuesday 21 June 2022 at 6.00 p.m.

Yours faithfully,



I Frost
Interim Chief Executive

*Democratic Services Contact: Email: cttee.admin@eden.gov.uk
or telephone: 01768 212266

Encs

For Attention

All members of the Council

Chairman – Councillor V Taylor (Liberal Democrat Group)

Vice Chairman – Councillor M Robinson (Independent Alliance Group)

Councillors

J Derbyshire, Liberal Democrat Group

L Sharp, Labour Group

K Greenwood, Independent Alliance Group

M Tonkin, Independent Alliance Group

M Rudhall, Liberal Democrat Group

Standing Deputies

Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public

Eden District Council

Cabinet
24 May 2022

Overview & Scrutiny Committee
7 July 2022

Corporate Performance Report: Q4 1 January 2022 - 31 March 2022

Portfolio:	Leader
Report from:	Interim Director of Resources
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To provide a summary of progress against the revised corporate performance targets, for the period 1 January 2022 - 31 March 2022.
- 1.2 To Inform the Cabinet and Overview and Scrutiny Committee of any areas of concern or issues requiring attention and the remedial activity in place to deal with these.

2 Recommendations

Overview and Scrutiny Committee are recommended to:

- 2.1 Review the Quarter 4 Performance and make any recommendations to the Cabinet.
Cabinet are recommended to:
- 2.2 Note the progress for Quarter 4 2021/2022.

3 Introduction

- 3.1 The Council is committed to managing performance and risk and reviews progress against its corporate priorities on a quarterly basis. Reports are presented to both Overview and Scrutiny and the Cabinet.
- 3.2 This report provides the fourth quarter update for 2021/22 on performance in delivering the Council's priorities, and corporate risk management.
- 3.3 The Council's performance management framework is reported on a quarterly basis and it is a retrospective report, which means it looks back on the performance of the previous quarter.
- 3.4 Included in this report for the first time is a new Action; 'Single Site' (A). This will replace the previously reported on 'Organisational Transformation' items following the completion of the One Eden project. More detail on this new action and its milestones can be found in para 4.7.
- 3.5 The introduction of the new performance monitoring software; Pentana is continuing to progress well, with more Departments requesting additional training and the creation of bespoke departmental areas/portals. The Performance Team is working hard to facilitate these requests.

4 Report Details

Performance Management

- 4.1 The Council's performance management framework sets out the key actions, projects and programmes of work that contribute to the delivery of the 2020/21 corporate plan and the priorities of the Council.
- 4.2 Our corporate plan sets out four strategic priorities:
- Sustainable;
 - Healthy, Safe and Secure;
 - Connected; and
 - Creative
- 4.3 This report provides a summary of the Council's performance in delivering against each strategic milestone. To measure performance a 'traffic light' system is used. Where performance is on or ahead of target it is rated green, where performance is slightly behind the target it is rated amber. A red rating indicated performance or delivery is off target.
- 4.4 The summary performance report is set out at Appendix A and the main exceptions explained in the sections below.

Sustainable

- 4.5 Summary of progress 'traffic light' rating for Sustainable strategic milestones;
- 9 Green (on or ahead of target)
 - 2 Amber (slightly behind target)
 - 0 Red (performance off target)
 - 12 Complete
- 4.6 The Council is committed to ensuring it is financially viable, customer focused and zero carbon. Co-producing economic opportunities and strategies will protect Eden's working cultural landscapes and biodiversity, aiming to store more carbon than is produced in the District.
- 4.7 Single site (A) - this is a new objective bringing together the programme for Voreda House, the sale of Mansion house and the eventual move to the new single site. The milestones mirror the works programme, which is overseen by a Project Delivery Group which in turn is overseen by a Steering group.
- 4.8 Local Plan Viability study (B3) - There are a number of factors effecting the delivery of this milestone. This will be reviewed and new timescales set for 2022/23.
- 4.9 Carbon Literacy Training (C2) - this training has been delayed, due to limited take up by Officers, but new dates have been arranged. Previous Carbon Literacy Training was held last year (May and June 2021) and a total of 44 Officers attended.
- 4.10 Biodiversity (D) - The milestones associated with this priority have been amended slightly in order to better reflect the Biodiversity Action Plan (as cited in the adopted Zero Carbon Strategy) and the work being conducted by the Sustainability Team.
- 4.11 Sustainable Waste Service (E) - Overview and Scrutiny Committee resolved on 1 March 2022 not to undertake a policy review on the configuration of waste and recycling collections due the late publication of government guidance and that the future shape of services is being dealt with through the LGR process.

- 4.12 Place making (H) – the disposal of Mansion House has slower than anticipated, however Heads of Terms have been agreed with buyer and due diligence and the associated surveys for planning are being arranged (H3). Following the completion of the Town Hall feasibility study the preferred option has been agreed. The due date for this action (H2) has been extended in line with the revised One Site programme.

Healthy, Safe and Secure

- 4.13 Summary of progress ‘traffic light’ rating for Healthy, Safe and Secure strategic milestones;
- 7 Green (on or ahead of target)
 - 1 Amber (slightly behind target)
 - 0 Red (performance off target)
 - 6 Complete
- 4.14 The Council is committed to improving housing, both new build and existing, working towards self-sufficiency in energy and co-produce healthy, connected, prosperous communities, for all, urban and rural.
- 4.15 Enhancement of Environmental Enforcement (W1) - There was a delay receiving all responses following the option report’s internal consultation. However, it is now the intention to take the report to the next Housing and Health Portfolio meeting given that the budget associated with the options cited has been approved.
- 4.16 Local Carbon Housing Retro fit (J) - The Green Homes Grant Phase 1B has been extended to the end of July (previously 31 December 2021) and works are progressing well with a total of 48 Phase 1B installations completed.
- 4.17 Public Realm (L) - £50,000 within this existing revenue budget will now be under the control of the Contracts Manager and will be used to refurbish/improve some of the EDC stock of play areas. The progress and money spent to date will be reported as item L1 going forward. The ongoing progress of the Community Fund, will be reported separately (L2).
- 4.18 New Homes (I) - The approach and site have been identified for the pilot new build green housing exemplar scheme. Awaiting response from Consultants/Land Owner regarding the programme of delivery over the coming year. It is anticipated that new milestones/key dates will be identified to reflect this.

Connected

- 4.19 Summary of progress ‘traffic light’ rating for ‘Connected’ strategic milestones;
- 1 Green (on or ahead of target)
 - 0 Amber (slightly behind target)
 - 0 Red (performance off target)
 - 3 Complete
- 4.20 The Council is committed to supporting the improvement in digital connectivity, transport and access to attract and support businesses, employees and families, connecting Eden with the global economy and knowledge industries. People are connected in communities with access to education, work, healthcare and leisure.
- 4.21 All milestones in this area are progressing well. The cycling milestones (Q) have been marked as ‘on hold’ during the quarter due to the current LGR process and will no longer be reported on corporately.

Creative

- 4.22 Summary of progress 'traffic light' rating for 'Creative' strategic milestones
- 0 Green (on or ahead of target)
 - 0 Amber (slightly behind target)
 - 0 Red (performance off target)
 - 6 Complete
- 4.23 Support businesses to respond to national and global changes and encourage innovation in tourism, food and green industries and develop arts and cultural activities to add to town centre vibrancy, support communities and improve health and well-being.
- 4.24 Greening Eden Business Grant Scheme (T1) awarded its first grants during this quarter and over 40 businesses have shown an initial interest to the scheme. It is the expectation that more applicants will go through the grant panel assessment end of April/beginning of May. The continual progress of the scheme will be reported via Key Performance Indicators (*KPI 27- Business Carbon Audits, KPI 28- Greening Eden Business Grants Awarded and KPI 29- Carbon Emissions (Greening Eden Businesses)*). *KPIs 28 and 29 will be new metrics introduced Q1 22/23*.

COVID Grants Update

- 4.25 The ARG Grant and Omicron Grant have now closed, and all grants have been paid out. The following table summarises the total COVID grants issued by the Council (14,695 grants with a total monetary value of £56,627,351.70). It has been a remarkable effort by the teams involved; Revenues & Benefits, Economic Development, Finance and Customer Services.

Covid-19 Grants Administered		
Grant	Total number administered to date	Total value paid to date
Small Business Grant (SBG) Scheme- Grant closed 30 September 2020	1,753	£17,530,000.00
Retail, Hospitality and Leisure Grant (RHLG) Scheme- Grant closed 30 September 2020	480	£7,260,000.00
Local Discretionary Grant Scheme – Grant closed 30 September 2020	183	£1,240,500.00
Local Restrictions Support Grant (Closed i.e. Businesses required to close) 5 November 2020- 2 December 2020. Grant Closed 14 May 2021	1,538	£2,196,246.00
Local Restrictions Support Grant (Closed i.e. Businesses required to close) Post 2 December 2020*. Grant Closed 14 May 2021	29	£23,006.00
Local Restrictions Support Grant (Open i.e. Businesses able to remain open). Grant Closed 14 May 2021	1,518	£1,423,106.00
Additional Restrictions Grant (up to 31 October 2021)	1,095	£2,122,123.00
Additional Restrictions Grant (current round of funding to 16 March 2022)	161	£199,092.00
Christmas Support Payment- Grant Closed April 2021	68	£68,000.00
Local Restrictions Support Grant Sectors- Grant Closed 14 May 2021	4	£2,357.14

Grant	Total number administered to date	Total value paid to date
Local Restrictions Support Grant (Closed - Addendum Tier 4)- Grant Closed 14 May 2021	1,495	£381,045.56
Local Restrictions Support Grant (Closed- Addendum Post 5 Jan 2021)- Grant Closed 30 June	3,059	£6,706,321.00
Closed Businesses Lockdown Payment- Grant Closed 14 May 2021	1,537	£6,580,000.00
Restart Grant: Strand One (Non- essential retail)- Grant Closed 30 July 2021	165	£467,382.00
Restart Grant: Strand Two (Hospitality, Leisure, Accommodation, Gym & Sports and Personal Care)- Grant Closed 30 July 2021	975	£8,512,000.00
Omicron Grant- Grant closed March 2022	635	£1,916,173.00
Total (Sum of the Above)		
Total:	14,695	£56,627,351.70
(Source: EDC Revenue & Benefits)		

4.26 The work now continues with the audits for BEIS, plus this year the administration of the CARF payments, and Energy Rebates via the Council Tax system.

5 Risk Management

5.1 Strategic risk is managed by the extended leadership team and is reviewed on a monthly basis.

6 Policy Framework

6.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, Safe and Secure;
- Connected; and
- Creative

6.2 This report meets all of the above priorities.

7 Consultation

7.1 No consultation was required for this Quarter 4 report.

8 Implications

8.1 Financial and Resources

8.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

8.1.2 There are no direct financial implications arising from this report.

8.2 Legal

8.2.1 The provision of functions set out in this report shall be provided in accordance with relevant legal requirements including those that impact on equality and diversity and taking account of the legal duties that the Council has towards staff.

8.3 Human Resources

8.3.1 There are no direct implications arising from this report.

8.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	Performance management has a positive impact on the consideration of and delivery of positive outcomes in terms of Equality and Diversity.
Health, Social Environmental and Economic Impact	Performance management has a positive impact on the consideration of and delivery of positive outcomes in terms of Health, Social, Environmental and Economic Impact.
Crime and Disorder	Performance management has a positive impact on the consideration of and delivery of positive outcomes in terms of Crime and Disorder.
Children and Safeguarding	Performance management has a positive impact on the consideration of and delivery of positive outcomes in terms of Children and Safeguarding.

8.5 Risk Management

Risk	Consequence	Controls Required
Risks to public, finance or reputation through poor monitoring of Council Performance.	Adverse impacts on the public, the Council's finances or reputation.	The performance management framework now links risk management with priority actions, programmes and measures.

9 Other Options Considered

9.1 The only other option is not to report on progress against targets set. This is not recommended.

10 Reasons for the Decision/Recommendation

10.1 To advise Members of progress against outcomes.

Tracking Information





Governance Check	Date Considered
Chief Finance Officer (or Deputy)	25 April 2022
Monitoring Officer (or Deputy)	13 May 2022 (Deputy)
Relevant Assistant Director	3 May 2022

Background Papers:

Appendices: Appendix A -The Corporate Plan Dashboard
Appendix B - Key Performance Indicators (KPIs)
Appendix C - Strategic Risk Register

Contact Officer: Amanda Yellowley, Assistant Director - Customers & Performance




Key Strategic Objectives and Milestones

Status Summary		
Icon	Description	Total
	Actions Red (Overdue)	0
	Actions Amber (Check Progress, at risk of falling behind schedule)	3
	Green Action (Action on track to meet Target Date)	17
	Complete Action	27 Total Actions completed to date (Running total across all Quarters)

A Single Site				Sustainable			
Move to one operational site. The purchase, refurbishment and relocation to a new corporate headquarters							
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
A1	Construction Contract Awarded	Karen Greenwood	Mike Poulter		<div style="width: 100%;"><div style="width: 100%;">100%</div></div>		Complete
A2	Site Handover and Construction Start		Mike Poulter		<div style="width: 100%;"><div style="width: 100%;">100%</div></div>		Complete
A3	Partner agreements completed		Mike Poulter	30-Jun-2022			
A4	Transition Plan in Place		Mike Poulter	31-Aug-2022			
A5	Construction and transition completed		Mike Poulter	31-Dec-2022			




B Local Plan/ Planning **Sustainable**


Undertake (i) a partial review of the Local Plan, to strengthen policy on two key areas: climate change and design: and (ii) a settlement study.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
B1	Carry out partial review of the Local Plan	Virginia Taylor	Fergus McMorro	01-Apr-2023	<div style="width: 35%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 35%		Q4 update: Work progressing on evidence-base reports needed to underpin the Partial Review (Viability Assessment, Sustainability Appraisal with Strategic Environmental Assessment, refresh of Infrastructure Delivery Plan), on drafting new policies and preparing a brief for a Design SPD. Staff resources have continued to be diverted on other work (Neighbourhood Plans and First Homes) which, together with recent Natural England's recent advice on 'nutrient neutrality' is affecting the ability to meet the targets in the LDS.
B2	Commence the Local Plan Review Consultation		Fergus McMorro	30-Jun-2021	<div style="width: 100%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 100%		Public Consultation at Regulation 18 is complete
B3	Carry out Viability Study		Fergus McMorro	06-May-2022	<div style="width: 70%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 70%		Q4 Update: Revised report received from consultants in February 2022. This is being reviewed with input from Cumbria CC but completion of the report has been delayed due to staff illness, the availability of our 'critical friend' at Cumbria County Council and the implications of Natural England's recent advice regarding 'Nutrient Neutrality'.



C Zero Carbon Strategy **Sustainable**




Deliver the Zero Carbon Eden District Council Strategy & Action Plan 2020-2023, making progress on reducing the Council's carbon footprint to zero by 2030, by improving energy use and biodiversity in EDC estate, promoting community projects in district e.g. community energy schemes.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
C1	Final strategy and action plan agreed by Executive	Mark Rudhall/ Virginia Taylor	Laura Cadman	30-Sep-2021	<div style="width: 100%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 100%		Complete.
C2	Provide accredited Carbon Literacy Training to staff and Members		Laura Cadman	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 100%		Q4 Update: Carbon Literacy training is being run again in May and June. The training has also been added to the Corporate Training Schedule. % of staff and members trained will be reported through the KPI's in future.
C3	Identify individually the carbon footprint of each buildings own / managed by EDC and try to find		Laura Cadman	03-Apr-2023	<div style="width: 65%;"><div style="background-color: #4f81bd; height: 10px;"></div></div> 65%		Q4 Update: All the energy and water data from April 2018 have been implemented in Pilio. The Sustainability Team has been

	mitigation and adaptation scenario to reduce their carbon emissions						engaged with NW energy Hub to get their support to finalise a carbon management plan.
C5	Install Electric Vehicle charging points across the district.		Laura Cadman	01-Apr-2023	<div style="width: 25%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 25%		<p>Q4 update:</p> <ul style="list-style-type: none"> • 120 locations were initially identified and have been mapped, however other sites need further exploration before deciding whether to submit a bid at this stage. • ORCS Funding (On-Street Residential Chargepoint Scheme) could be applied for however the maximum bid is £100K. It is anticipated that this fund may only be available over the next 12 months and will be replaced by LEVI funding (Local Electric Vehicle Infrastructure), which currently has £400 million Resource funding and a further £50 million Capital Funding. • Cumbria County Council have carried out an assessment for a Project manager role to drive this forward. It is anticipated that the salary banding for this role would be in the region £32k-£35k, with a FTC position being available until April 2023. Funding for the role needs further investigation and donations may be sought from each partner in the group, including EDC.

D Biodiversity	Sustainable
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Manage our own land sustainably, collaborate with external bodies, develop and deliver integrated protection and enhancement of natural habitats within Eden ecosystems.							
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
D1	Assess council owned land for suitability for biodiversity enhancement	Mark Rudhall	Laura Cadman	30-Sep-2022	<div style="width: 40%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 40%		<p>Q4 Update: The Sustainability Team has produced a visual assessment of the land owned by EDC to determine which land could show ecological potential. All the description of the land have been implemented in the Land Terrier in GIS. The lands needs now to be shared with Cumbria Wildlife Trust for their expertise and their landscape, biodiversity and habitat assessment. Further discussion need to be made with Eden River Trust and Cumbria Wildlife Trust about projects such as :</p> <p>- Planting for pollinators/ Planting trees</p>
D2	Identify key partners for appropriate SLA's in relation to the recovery of priority habitats (uplands, woodland, meadow and wetlands).		Laura Cadman	30-Sep-2022	<div style="width: 25%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 25%		<p>Q4 Update: The Sustainability Team has received the Service Level Agreement from the legal team. The terms of the Service Level Agreement needs to be reviewed with the different external organisations. Eden River Trust and The Farmer Network have agreed to work with EDC and the Sustainability team is hoping to start the SLA with them begging of April. AONB have also been contacted to see if they would be interested in working with EDC.</p>


D4	Increase positive management and protect existing woodland and treescapes (incl Veteran Trees, hedges etc.). Build partnerships with Cumbria Woodlands, Woodland Trust & private landowners		Laura Cadman	30-Sep-2022	<div style="width: 5%;"><div style="width: 5%;"></div></div> 5%		Q4 update: The Sustainability Team has assess visual the different type of land owned by EDC. Following some discussion the lands with ecological potential would be send to Cumbria Wildlife Trust for a landscape, biodiversity and habitat assessment. Sustainability Team Leader is also exploring the possibility to gather the TFN, NFU and other external organizations to discuss about ways to work together to improve the ecological potential of the land use across the Eden District.
D6	Promote Farming, and the benefits ecosystem service delivery of public goods through government schemes and NFU, CLBA, Farm Tenant Association, UoC, Westmorland Agricultural Society and The Farmer Network		Laura Cadman	31-Mar-2023	<div style="width: 25%;"><div style="width: 25%;"></div></div> 25%		Q4 Update: The Sustainability team has received the SLA from legal. The Sustainability Team is hoping to start working with TFN beginning of April. The Sustainability Team has established a first contact with the AONB to explore the opportunity to work together on farming and land use.
D7	Increase the funding available to support communities, Parish and Town Councils to accelerate local implementation of zero carbon and biodiversity schemes.		Laura Cadman	01-Apr-2023	<div style="width: 60%;"><div style="width: 60%;"></div></div> 60%		Q4 update: The COP26 community fund was launched in January. The Sustainability Team is working on the final draft of the guidance and application forms to share them with community groups.




E Sustainable Waste Service	Sustainable
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To develop a new waste and recycling service which is compliant with the government's waste and resource strategy, and aims to reduce the service's carbon footprint and remove plastic waste wherever possible

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
E1	Report to Executive and Council to agree delivery vehicle for waste, recycling and street cleaning services from 2022.	Mike Tonkin		31-Dec-2021	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Following the agreement to extend the service delivery contracts with Urbaser and Cumbria Waste Recycling for 5 years in July 2021, this action is now complete.
E2	Report to Executive and Council and agree service design and collection regime for services from 2022			31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Q4 Update: Overview and Scrutiny Committee resolved on 1 March 2022 not to undertake a policy review on the configuration of waste and recycling collections due the late publication of government guidance and that the future shape of services is being dealt with through the LGR process. Cabinet supported this position on 15 March. For the purpose of the performance monitoring this action is now marked complete.


F Eden Economic Strategy				Sustainable			
Deliver a work plan and strategy to support growth, business development and higher wages in a post COVID, 21st Century Rural economy							
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
F1	Stakeholder Consultation in conjunction with the Cumbria LEP	Mary Robinson	Fergus McMorrow	31-Dec-2021	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete. Consultation completed and reported to Executive for sign off - Inspiring Eden Economic Prospectus to be published in early 2022 after which the work streams will start coming on line
F2	Draft Strategy produced for consideration		Fergus McMorrow;	31-Dec-2021	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete. Inspiring Eden Economic Prospectus produced ready for publication in early 2022 after which work stream prospectuses will be developed and rolled out
F3	Final Strategy agreed by Members		Fergus McMorrow	31-Dec-2021	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete. Agree by Executive at November meeting with delegated authority provided to AD and Portfolio holder to finalise and publish (updated text signed off and Prospectus to be published in early 2022)

G Dog Fouling				Sustainable			
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
G1	Poover- Machines for collecting dog waste across the District	Mike Tonkin	Laura Cadman	01-Apr-2023	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete. 2 handheld vacuum machines have been purchased and delivery expected imminently. These will go into immediate use with the contractors.

H Place Making				Sustainable			
Sell Mansion House & develop Town Hall site to enhance the public realm, and provision of hotel, leisure & cultural facilities							
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
H1	Completion of Feasibility Study for Town Hall and Report reviewed by Members	Karen Greenwood	Fergus McMorrow	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Action complete- Feasibility study has been conducted.
H2	Town Hall - seek Member agreement on the Feasibility Study, agree which option to pursue and draft timetable of future activities.		Fergus McMorrow	31-Mar-2023	<div style="width: 90%;"><div style="width: 90%;"></div></div> 90%		Preferred option has now been agreed. Report to April Cabinet on Cultural Strategy confirms. Timetable revised in line with One Site programme. Actions to proceed on vacation of Town Hall
H3	Disposal of Mansion House		Fergus McMorrow; Les Clark	28 Feb-2023	<div style="width: 60%;"><div style="width: 60%;"></div></div> 60%		Heads of terms agreed with buyer. Due diligence and surveys for planning arranged






I New Homes **Healthy, Safe and Secure**

deliver a pilot new build sustainable affordable housing scheme, which is both environmentally sound and capable of being replicated within a reasonable cost envelope; use the learning gained to work in partnership with Homes England and other agencies to deliver the wider roll out of similar schemes to meet local needs.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
I1	Members to agree site, number of homes and new timetable for the project if the initiative is found feasible.	Mark Rudhall	Fergus McMorrow	06-May-2022	<div style="width: 75%;"><div style="width: 75%;"></div></div> 75%		Approach agreed. Consultants advised to pursue site. Development would be part of larger development of homes. Awaiting response from Consultants/Land owner re programme for delivery over the coming year

J Low Carbon Housing Retro-fit Programme **Healthy, Safe and Secure**


deliver the existing programme, secure new funding where possible and assist other authorities with Green Homes Grant LAD schemes, ensuring that resources are available to make maximum use of government grants to tackle the triple challenges of low carbon, health and wellbeing and fuel poverty in the housing sector

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
J1	Delivery, in partnership with external key partner, the outcomes of Phases 1 a and b of the LAD Green Home Grant Scheme	Judith Derbyshire	Robert Docherty	31-Jul-2022	<div style="width: 75%;"><div style="width: 75%;"></div></div> 75%		Q4: 48 Phase 1B installs completed. A further 50 installs in progress. 201 total measures in the journey (application received to install completed) in order to cover for potential dropout (161 is target as per measure mix). Deadline for installation has been extended to July as per our recovery plan that was accepted, and signed MoU was returned to BEIS on the 15/3/22.
J2	To finalise partnership working with other Cumbrian Councils in the funding and implementation of the Phase 2 of the LAD Green Homes Grant Scheme. To act as Accountable Body on behalf of other Cumbrian districts on delivery of the scheme		Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Q4: Contract with E.ON and sub-funding agreements all executed as of the 8/2/22.
J3	To make a bid submission to BEIS for HUG and Phase 3 of the LAD Green Homes Grant Scheme.		Robert Docherty	30-Sep-2021	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete-Bids submitted for a total of £20.25 million (£6million Phase 3 and £14.25million HUG). Carlisle acting as lead authority.
J4	To implement and deliver on first outcomes of HUG and Phase 3 of the LAD Green Homes Grant Scheme		Robert Docherty	31-Mar-2023	<div style="width: 10%;"><div style="width: 10%;"></div></div> 10%		Q4: Carlisle working on tender process and procurement still. EDC working out how much funding we will require to administrate the scheme in Eden.
J5	To develop and implement resource requirements, within structure of the HIA, utilising external funding		Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Complete. GHG team recruited and in place

	to deliver on Green Homes Grant Schemes and to maximise uptake of future potential opportunities						
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K Young People & Families	Healthy, Safe and Secure
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To be active members of the Eden Children and Families Locality working group with the aim to retain and attract a working age population to overcome the increasing demographic imbalance, improve health & wellbeing, and to provide our young people with education, training, employment opportunities and good affordable housing

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
K1	Work with partners on the Eden Locality Children & Families Partnership to develop an action plan for the Eden locality.	Lissie Sharp	Amanda Yellowley	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #00a68f; width: 100%;"></div></div> 100%		This is deemed to be complete. Work with the group is ongoing and will no longer be reported upon

L Public Realm	Healthy, Safe and Secure
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Support communities to improve their local open spaces, allotments and play areas for active leisure, safe outdoor play and improved biodiversity

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
L1	Improvement of EDC stock of play areas.	Lissie Sharp	Robert Docherty	31-Mar-2023	<div style="width: 10%;"><div style="background-color: #00a68f; width: 10%;"></div></div> 10%		Q4 Update: £50k within this existing Revenue budget will be under the control of the Contracts Manager and will be used to refurbish / Improve some of the EDC stock of play areas as decided by the Contracts Team, along with the Communities Portfolio Holder. It will most likely be used to replace equipment that is failing either due to age or vandalism. Progress % has been amended to reflect the proportion of the £50k spending. Description of milestone changed accordingly.
L2	Parks & Green Spaces- Provide funding to support investments in parks and open spaces across the district.		Robert Docherty	01-Apr-2023	<div style="width: 0%;"><div style="background-color: #00a68f; width: 0%;"></div></div> 0%		Q4 update: £100k has been allocated for the 22/23 financial year as a ring fenced add on to the Community Fund. Applications will be considered alongside the normal Community Fund by the panel and then confirmed by Cabinet.
L3	Appleby Football Pitch		Robert Docherty	31-Mar-2023	<div style="width: 0%;"><div style="background-color: #00a68f; width: 0%;"></div></div> 0%		Q4 Update: New Action

N Poverty **Healthy, Safe and Secure**

We will work across the Council to ensure that all residents struggling due to financial inequalities have access to advice and assistance. Through this work the long term aim is to reduce levels of poverty across the district.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
N1	Collect applicable data to measure levels of poverty within Eden	Lissie Sharp	Amanda Yellowley	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;">100%</div></div>		Q4 Update: Applicable data sources have been identified and research document produced. This research document can be updated as required.
N2	Anti-Poverty Objectives Agreed		Amanda Yellowley	31-May-2022	<div style="width: 70%;"><div style="width: 70%;">70%</div></div>		Q4 Update: Anti-Poverty statement document has been produced detailing suggested Anti-Poverty Objectives and Actions. This is currently in the process of internal review. This action now has a revised due date of end of May 2022.
N3	Anti-Poverty Actions Agreed		Amanda Yellowley	31-May-2022	<div style="width: 70%;"><div style="width: 70%;">70%</div></div>		Q4 Update: Anti-Poverty statement document has been produced detailing suggested Anti-Poverty Objectives and Actions. This is currently in the process of internal review. This action now has a revised due date of end of May 2022

O Community Devolution of Assets **Connected**



Work with CALC, parishes and others to progress the mutually agreed transfer of assets to parish and town councils in a timely and cost-effective manner

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
O1	Establish Member Task and Finish Group to review work streams and policy	Lissie Sharp	Laura Cadman	30-Sep-2021	<div style="width: 100%;"><div style="width: 100%;">100%</div></div>		Completed - group have met twice. More milestones to follow. T&F group will be consulted. Policy will go to cabinet in May

R Equality and Diversity **Connected**

Carry out a review of our current internal practices and to develop new policy and staff training with outside consultants.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
R1	Updated Equality Training to be given to staff and Members (by External Consultants IODA)	Virginia Taylor	Amanda Yellowley	31-May-2022	<div style="width: 80%;"><div style="width: 80%;">80%</div></div>		Q4 Update: This has been delayed slightly due to unexpected staff leave. HR are now taking this forward and training dates have been proposed by the provider. The training will be mandatory for Officers and will consist of 2x 90 minute online interactive sessions. Member training is also being arranged and Member Services are progressing this. The due date for this action has

							been extended to end of May to reflect the proposed training dates from the provider.
R2	Initial review of existing documents and practices		Amanda Yellowley	31-Dec-2021	<div style="width: 100%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 100%		Q4 Update: Internal review complete and new Equality Objectives adopted. Now compliant with legislation (Public Sector Equality Duty).
R3	Review of findings from internal review. Decision made how to effectively resource progression of Equality and Diversity work (to include update of Council's Equality Objectives).		Amanda Yellowley	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 100%		Q4 Update: Complete. Updated Equality Objectives were approved by Council Feb 2022 and published on the Council's website. An Equality and Diversity Action Plan has been created and approved in line with the new objectives.



S Town Centres **Creative**

Work with partners, including Borderlands, prepare plans for funding bids to reinvent our town centres for the future, to increase investment, promote their uniqueness and explore creative ways to bring empty units and historic buildings back into use.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
S1	Develop and deliver the Council's own Welcome Back Fund	Mary Robinson	Fergus McMorrow	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 100%		Complete.

T Low Carbon/ Greening Eden Businesses **Creative**




To improve the financial and environmental sustainability of local businesses by adopting an EDC First procurement policy, and helping local businesses reduce their carbon foot print

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
T1	Continue to promote and facilitate the undertaking of local business carbon audits and the Greening Eden Businesses Grant Scheme	Mark Rudhall	Laura Cadman	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 100%		As this grant scheme has now been established this action is now marked as complete for the purpose of the corporate performance monitoring. The continual progress of the scheme will now be monitored through corresponding KPIs.
T2	Procure web portal		Laura Cadman	31-Mar-2022	<div style="width: 100%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 100%		Complete. Pilio (the carbon monitoring tool) is now up and running and in the process of being populated.


V Arts and Culture **Creative**

Develop and deliver an Arts & Culture Programme to enhance the creative and cultural lives of all through greater community participation in Arts and Culture activity throughout the District - sustaining healthy communities and establishing Eden as a great place for young people to live, create enterprises to thrive, and visitors to enjoy.

Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
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V1	We Are Team To map creative assets and resources, economic supply and demand and their impact in Eden	Virginia Taylor	Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Quarter 3 action complete
V2	We Are Team to propose priorities for Eden District for consideration by Eden District Council's Executive		Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Q3 update: Consultants prepared the proposal requested which was considered by the Steering Group on 03/12/2021. Officers are currently preparing a report to be taken to Cabinet.
V3	We Are Team to produce a finalised proposal for Arts and Culture Programme for Eden which will cover a period of three years from 2021		Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Q4 update: Complete. Report has been to cabinet and Framework approved























W Enhancement of Environmental Enforcement	Healthy, Safe and Secure
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Enhancement of environmental enforcement, including fly-tipping							
Ref:	Milestone	Portfolio Holder	Lead Officer	Target	Progress	Risk Rag	Progress in previous Quarter- specify blockages/challenges/achievements
W1	Develop options for enhancement and targeting of fly-tipping enforcement	Judith Derbyshire	Robert Docherty	31-Mar-2022	<div style="width: 100%;"><div style="width: 100%;"></div></div> 100%		Q4 Update: Complete
W2	CCTV Fly-tipping- Provide funding to enhance environmental enforcement through CCTV and capacity		Robert Docherty	01-Apr-2023	<div style="width: 0%;"><div style="width: 0%;"></div></div> 0%		New Action agreed November 2021. Progress to be reported in new reporting year
W3	Enhanced Fly-Tipping Enforcement- Dedicated Officer for Fly-Tipping/Littering and CCTV operation.		Robert Docherty	01-Apr-2023	<div style="width: 0%;"><div style="width: 0%;"></div></div> 0%		New Action agreed November 2021. Progress to be reported in new reporting year

NOTE: The following have been removed from Appendix A

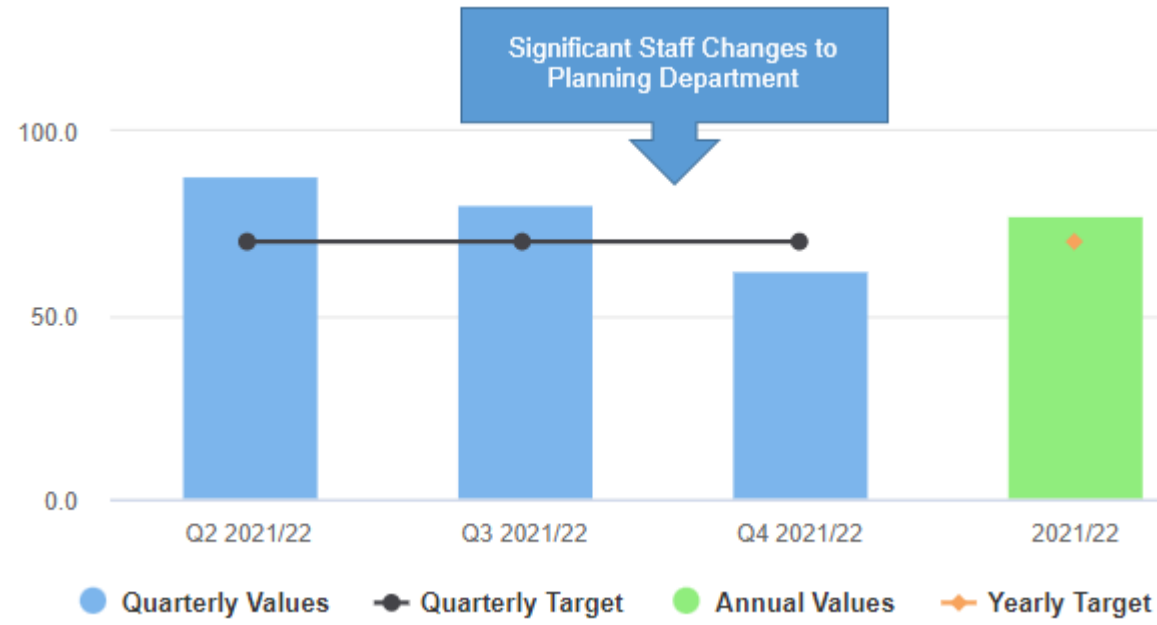
- A Organisational Transformation see 4.7 of the Q4 report
- M Housing Strategy as reported in Q3
- Q Cycling see 4.21 of the Q4 report
- U London Road as reported in Q3

Eden District Council Key Performance Indicators												
Ref	KPI Description	Owner	Q1	Q2	Q3	Q4	Target	Status	Short Trend	Year to Date	Notes	
			21/22	21/22	21/22	21/22				(Average or total)		
			Value	Value	Value	Value				Value		
1	Missed refuse collections after 24 hours (%)	Laura Cadman	0.00%	0.00%	0.00%	0.00%	2.99%			0.00%		
2	Building Control - % of applications determined within 8 weeks	Fergus McMorrow	39.0%	46.0%	58.0%	42.5%	100.0 %			46.4%		
3	Building Control - % of site inspections carried out on agreed date	Fergus McMorrow	99.0	99.0	99.0	99.0	100.0 %			99.0%		
5	Council Tax collected (% of amount owed). Cumulative	Amanda Yellowley	29.70 %	57.40%	84.82%	98.26%	99.00 %			98.26%		
6	% of Business Rates due in year collected in year Cumulative	Amanda Yellowley	17.4%	44.9%	75.9%	98.4%	100.0 %			98.4%		
7	Number of days to process new claims for HB/CTR (Average number of days per Q)	Amanda Yellowley	16.9	16.4	11.8	14.1	23.0			14.8		
8	Number of days to process change of circumstances for HB/CTR claims (Average number of days per Q)	Amanda Yellowley	10.7	10.8	6.6	3.5	10.0			7.9		
9	% of total working days lost to sickness absence.	Marianne Bastille	2.65	1.77	3.38	2.86	2.80			2.64	<i>The calculation to determine the % of total days lost to sickness is: Total Days Lost to Sickness / Total Available Working Days x 100</i>	
10	Turnover- % of workforce who have left the Organisation.	Marianne Bastille	3.14	4.76	12.22	6.43	10.00			6.57	<i>Calculation to determine this figure: Number of Employees Left Organisation / Total Workforce x 100</i>	
11	Successful homeless prevention outcomes of cases closed in Quarter	Robert Docherty	50.0	89.0	87.0	67.0	65.0			293	<i>This refers to the Section 195 prevention duty owed under Housing Act 1996 - Housing Authorities must work with people who are threatened with homelessness within 56 days to help prevent them from becoming homeless Q4 Note: These have not been reported to H-CLIC as yet so there may be minor amendments when DLUCH publish stats</i>	
12	Successful homeless relief outcomes of cases closed in Quarter	Robert Docherty	53.0	53.0	50.0	61.0	55.0			217	<i>This refers to the Section 189B relief duty owed under Housing Act 1996 – Housing Authorities must take reasonable steps to help secure accommodation for any eligible person who is homeless. Q4 Note: These have not been reported to H-CLIC as yet so there may be minor amendments when DLUCH publish stats</i>	
13	Number of households to whom a full homelessness duty is owed.	Robert Docherty	1.0	2.0	1.0	1.0	15.0			5.0	<i>This refers to the main housing duty owed under Section 193(2) Housing Act 1996 - The applicant has been owed a relief duty, but 56 days has passed and alternative accommodation has not been secured (the applicant is in priority need and not homeless intentionally)</i>	
14	Number of Households in Temporary Accommodation	Robert Docherty	11	10	15	16	18			52	<i>Q4 Note: These have not been reported to H-CLIC as yet so there may be minor amendments when DLUCH publish stats. Maximising use of TA to minimise use of B&B. Lack of available move on accommodation and complexity of cases is extending time in Temporary Accommodation</i>	

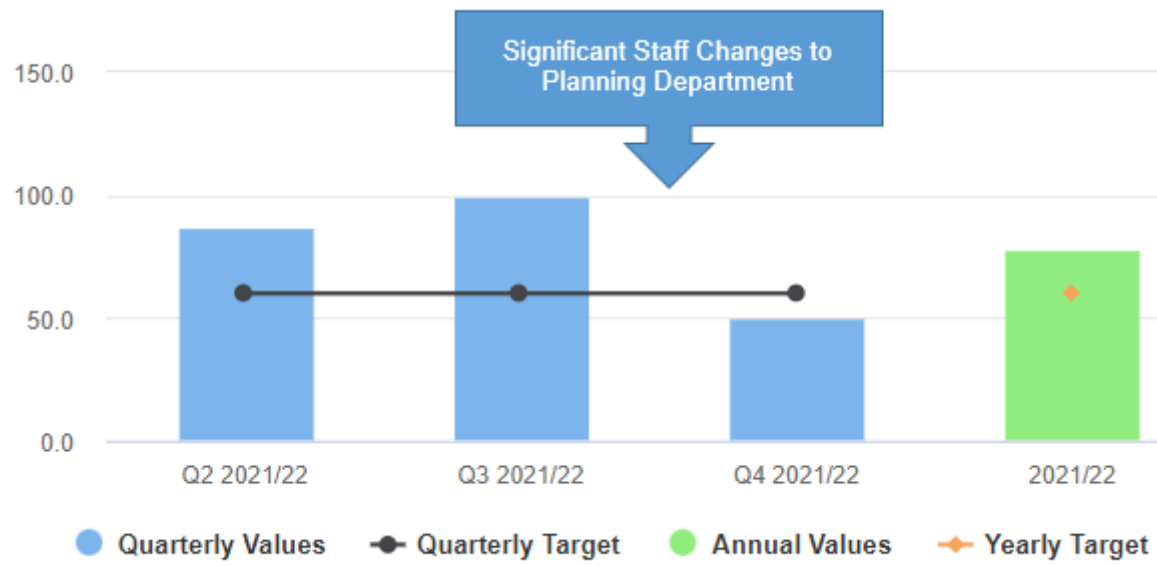
Eden District Council Key Performance Indicators											
Ref	KPI Description	Owner	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Target	Status	Short Trend	Year to Date (Average or total)	Notes
			Value	Value	Value	Value			Value		
15	Total number of days in Temporary Accommodation	Robert Docherty	418.0	460.0	402.0	523.0	500.0			1,803	Q4 Note: Maximising use of TA to minimise use of B&B. Lack of available move on accommodation and complexity of cases is extending time in Temporary Accommodation
16	Number of Households accessing B&B	Robert Docherty	11.0	3.0	6.0	14.0	15.0			34.0	Q4 Note: Prevent and vaccinate funding used to assist non-priority need individuals
17	Total number of nights in B&B	Robert Docherty	121.0	3.0	16.0	207.0	40.0			347	Q4 Note: Prevent and vaccinate funding used to assist non-priority need individuals. Increase in use due to severe weather conditions.
18	Minor Planning applications determined within 8 weeks (%)* *KPI reported on Quarterly to Central Government <i>Additional chart for this KPI included below</i>	Fergus McMorrow	80.0%	88.0%	80.0%	62.0%	70.0%			77.5%	Q4 Note: 50 minor applications received during this period, 31 determined within 8 weeks. Targets changed to reflect the National Targets. Previous Q 80% of minor planning applications determined, only 62% in Q4. The drop in applications determined can be explained by a period of major staff turnover. In the 3rd quarter. The impacts of this are feeding through to performance in the 4th Quarter. The 4th quarter has been one of major recruitment of new staff. 5 new members of staff have been recruited and significant adjustments made to the team. The benefits of this should begin to show as current applications progress through to determination.
19	Major Planning applications determined within 13 weeks (%)* *KPI reported on Quarterly to Central Government <i>Additional chart for this KPI included below</i>	Fergus McMorrow	75.0	87.5	100.0	50.0	60.0			78.1%	Q4 Note: 6 major applications received and 3 determined within 13 weeks. Targets changed to reflect the National Targets Previous Q 100% of minor planning applications determined, only 50% in Q4. The drop in applications determined can be explained by a period of major staff turnover. In the 3rd quarter. The impacts of this are feeding through to performance in the 4th Quarter. The 4th quarter has been one of major recruitment of new staff. 5 new members of staff have been recruited and significant adjustments made to the team. The benefits of this should begin to show as current applications progress through to determination.
20	Number of successful Green Homes Grant Applications (Phase 1 and 2)	Robert Docherty	29.0	53.0	166.0	837.0				1,085	
21	Number of installed measures via the Green Homes Grant (Phase 1 and 2)	Robert Docherty	23.0	43.0	9.0	55.0				130	
22	% of Disabled Facilities Grants dealt with by the Home Improvement Agency within 150 days enquiry to approval	Robert Docherty	100%	100%	89%	100%	95%			97.3%	
23	No of website visitors (Unique Visitors)	Amanda Yellowley	155,725	154,312	104,831	48,388				463,256	Q4 Note: Considerable decrease of website visitors during Q4, due to the introduction of a new 'cookie control' that is a requirement of GDPR. It is expected once works to improve the cookie control have been carried out the situation should improve.
24	No of customers registered with My Account (Running total and New MyAccount Customers)	Amanda Yellowley	591	348	335	609	1,250			1,883	
27	Number of Business Carbon Audits Completed	Laura Cadman	5.0	16.0	24.0	42.0				87.0	

Additional Charts

KPI 18- Minor Planning applications determined within 8 weeks (%)*



KPI 19- Major Planning applications determined within 13 weeks (%)



Eden District Council

V22-1 MB 26/01/2022 Agreed by ELT on 326/1/22

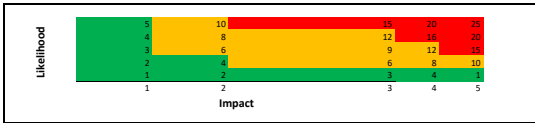
Project	Strategic Risk Map
Owner	Extended Leadership Team
Date	06/04/2022

Strategic Risk: The Council defines Strategic Risk to be the Risk that an internal or external event/decision (or lack of) interferes with the Council's Strategic Priorities or Legislative Service Provision

Ref	Service area	Risk owner	Risk Description	Inherent Risk			Controls	Mitigated Risk			Actions & Comments	
				Likelihood	Impact	Risk score		Status	Likelihood	Impact		Risk score
1	Corporate	Les Clark	A major incident involving significant harm or potential harm to individuals, businesses and communities.	2	5	10	The Council has a lead role in Emergency Planning; the Council has an Emergency Response Plan and has engaged the County Council's Resilience Direct service. The Council participates in other County wide exercises and coordination bodies. The Appleby Fair – coordinated through Multi Agency Strategic Coordinating Group. Post event consultation and lessons learned are a key element of each annual exercise. There is a dedicated environmental health team to ensure compliance with legal duties and reduce the risk of public health incidents.	Active	2	4	8	Action Plan required for risk of terrorist attack on members / staff following attack on MP in October 2021. Following this incident, guidance was provided to members on lone working and risk of attack.
2	Corporate	Les Clark	A major incident or service failure which effect the services provided by the Council to our Council Tax payers, including but not limited to IT failure; 3rd party service provider goes into administration; fire in a Council building.	2	5	10	The Council has a Business Continuity Plan, which is reviewed on a regular basis. Where required we set up Business Continuity groups (e.g. pandemic) to ensure services are delivered. Property services team carries out regular inspections of council owned building. Close monitoring of contracts. Regular internal audits.	Active	2	3	6	Emergency Planning & Response Group being re-instated who will own Emergency Response plan and Business Continuity Plan. Services will be supported to prepare their own Business Continuity Plans to ensure as little disruption as possible in the event of an incident. Progress 25%.
3	Corporate	Les Clark	Having a significant safeguarding issue in the District where the Council could have had a role in prevention.	2	5	10	The Council has a number of services where staff interact with vulnerable adults and children. Training has been provided to ensure staff are aware of signs and refer routes where there are concerns.	Active	2	4	8	Corporate training plan being developed including Safeguarding training for relevant employees. Progress 75%.
4	ELT	Les Clark	Not having sufficient capacity to deliver Single Site programme	3	3	9	Externally sourced project delivery team complements internal resources.	Active	2	3	6	Resources may require review as Town Hall project moves into deliver phase.
5	IT	Ben Wright Head	Failure of IT business critical systems or unauthorised access is gained to our information and Technology (I&T) infrastructure.	3	5	15	The Council uses a shared service with SLDC to provide IT. Data is backed up and stored off site to ensure data from key systems could be recovered without significant loss. IT Disaster Recovery Plan in place.	Active	2	4	8	Overarching EDC Business Continuity plan being updated. Toolkit for services to prepare own business continuity plans also being developed and training planned. Progress 30%.
6	Finance	Paul Sutton	Having an unsustainable budget and running out of reserves	3	4	12	There is a Medium Term Financial Planning process to capture and quantify the medium term financial position. The latest version of the plan (Feb 2021 shows reserves being maintained over the next 4 years given a set of assumptions including savings being made and reduced government grants) The 151 Officer reviews all committee papers and is responsible for indicating if they pose a significant risk to sustainable reserves. Bi-annually the MTFP is reviewed and updated.	Active	2	3	6	Balanced budget for 22/23 approved in February. Constitution controls any extra spend for 22/23. Section 24 notice controls spend committed to after that date.
7	ELT	Ian Frost	Not having sufficient internal capacity to deliver core business and projects considering pressures from LGR	4	3	12	Where staff are seconded for LGR, backfill will be funded through LGR Reserves. A risk remains that backfill will be more expensive or unavailable given the current market place. Funding is not provided for staff not seconded but contributing to LGR.	Active	3	3	9	Regular review is required of gaps in the structure and plans made to fill these gaps considering budget. Any increases in costs will be reflected in the MTFP and revised budgets. Internal Audit have been asked to do a review in Q1 22/23 of the resource gap and pressures As LGR is the Council's medium term future, the Council needs to prioritise staffing the LGR project alongside business as usual. NWE are also being consulted on staff retention April 2022.
8	ELT / HR	Marianne Bastille	Staff not having adequate training or awareness of their own (and Council's) responsibilities, Constitution, Policies and Procedures causing risk to delivering a safe and legal service.	4	4	16	Job Descriptions are clear on responsibility levels for each member of staff. The constitution has been updated to make clearer the roles and responsibilities.	Active	3	4	12	Development of Corporate training plan in progress. ELT to set tone for managers to take responsibility. Need to make sure that key policy documents are available, easy to access and everyone is aware of them (eg through induction and/or communications). Appraisal process (incl regular 1-2-1 meetings) in development to include consideration of this risk. Progress 80%.

Scoring key:

- | | |
|-------------------|----------------|
| Likelihood | Impact |
| 5 Very Probable | 5 Catastrophic |
| 4 Probable | 4 Major |
| 3 Possible | 3 Moderate |
| 2 Remote | 2 Minor |
| 1 Very Remote | 1 Negligible |



Report No: DCE25/22

Eden District Council

Cabinet

24 May 2022

Capital Grants for Affordable Housing Projects

Portfolio:	Housing and Health Portfolio
Report from:	Assistant Director Communities
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 This report presents a number of applications for capital grants from Registered Providers (RP's). The grants are to support Affordable Housing projects across the district, which can be funded through Section 106 receipts.

2 Recommendation

- 2.1 It is recommended that the four applications set out at 3.7 be approved.
- 2.2 It is recommended that subject to the approval of 2.1, Council approve that budgets for Capital Grants totalling £544,000 be included in the Capital Programme 2022/23 to be funded from Section 106 receipts.

3 Background

- 3.1 The Council is the local housing authority for Eden district and has a statutory duty to produce a housing strategy. The Eden Housing Strategy 2021 – 2026 ('The Strategy') has been prepared in order to meet this requirement and is available on the Council's website.
- 3.2 The Housing Strategy objectives enable the Council to build upon its relationships with key housing partners in Eden and across Cumbria, and to maximise the opportunities created through our strategic and operational activities in relation to housing delivery.
- 3.3 The Housing priorities identified in the Strategy are:
- Development of good quality new housing
 - Improving the condition of our existing housing stock
 - Improving access to housing for all
- 3.4 The 'Development of good quality new housing' priority sets out the Council's strategic and operational activities in relation to enabling and development. In instances where the provision of affordable housing is not feasible on a site, private housing Developers are required to provide direct funding through the Section 106 legal agreement for the provision of alternative affordable housing in the District.

- 3.5 This funding is subject to certain criteria, which is set out in each individual agreement. This will normally be that funding should be spent on the provision of additional affordable housing within Eden district, and there may be provision to return funds to the Developer if not spent within certain time limits. It is therefore in the interests of Eden residents, and the Council for housing enabling activities to be prioritised.
- 3.6 The Policy and Procedure to spend Section 106 receipts designated for affordable housing, approved at Council on 23 September 2021, details how the Council proposes to use the funding and contains a fair and transparent process for allocation, in partnership with RP's, and Private Housing Developers.
- 3.7 A Housing Developer Forum of key partners has been established and the first meeting was held in December. The Policy and Procedure was presented and members invited to submit funding applications. The first four applications to be considered are set out below:

Application 1

Capital Grant - Home Group – Westmorland Road, Appleby

Description – 100% affordable housing scheme comprising 2 bed and 3 bed houses (19) for general needs affordable rent and shared ownership. 5 x 2 bed and 8 x 3 bed houses for affordable rent (total 13 x affordable rent). 2 x 2 bed and 4 x 3 bed houses for shared ownership (total 6 x SO). The proposed site is a brownfield site that is allocated for housing in the Eden Local Plan 2014-2032.

Request – Due to viability issues the request is to fund additional costs of installing energy efficiency measures over and above current requirements as it would otherwise not be possible to install these additional 'green' measures. Specifically, this funding will be used to offset the extra costs of supplying and installing air source heat pumps and solar PVs in order to make these homes more energy efficient and reduce fuel poverty for the customer.

Benefits – Increases EPC rating, future proofing properties that will need to be retro-fitted at some point, meets Councils corporate priorities of developing good quality new housing, making progress on reducing the Council's carbon footprint to zero by 2030, reducing fuel poverty for the residents of Eden.

Amount Requested - £190,000 (£10k per property).

Application 2

Capital Grant - Home Group – Hunter Lane, Penrith

Description – 100% affordable housing scheme on brownfield land close to the town centre of Penrith. This will involve sensitive refurbishment of the former Police Station which is an old building in the Penrith conservation area – converting into 1 and 2 bed flats for shared ownership; demolition of the buildings behind (also part of the Police Station but a more modern addition) and construction of 2 bed and 3 bed houses for general needs affordable rent on the main site and on the site opposite. Proposed House Types and Tenure Mix: 6 x 2 bed and 6 x 3 bed new build houses for affordable rent (total 12 x affordable rent) 2 x 1 bed and 4 x 2 bed converted flats for shared ownership (total 6 x SO).

Request – Additional funding from EDC is required in order to improve viability and give us confidence to take this scheme forward with our construction partner, Atkinson Building Contractors. We would expect to provide energy efficient ASHPs and solar PVs on this scheme, subject to firming up costs.

Benefits – Increases EPC rating, future proofing properties that will need to be retro-fitted at some point, meets Councils corporate priorities of developing good quality new housing, making progress on reducing the Council's carbon footprint to zero by 2030, reducing fuel poverty for the residents of Eden.

Amount Requested – £180,000 (£10k per property).

Application 3

Capital Grant - Genesis Homes – Pennine View, Calthwaite

Description – 16 homes at Pennine View, Calthwaite. The intention is to construct low carbon net zero emitting open market homes. The homes follow a high specification of eco credentials, from their fabric first approach with the dwelling envelope, through to the renewable energy features which omit the use of LPG and rely 100% on renewable electricity. The home achieves this result by: - The home utilises the fabric first approach of thermal efficiency through high levels of floor, cavity and loft insulation. This procures an anticipated EPC Rating B. - The homes are 100% electric, with the removal of gas supply. The electricity supply is from 100% renewable sources. The home draws energy from an off peak tariff from renewable source, usually offshore wind. Providing a significant financial saving for the home owner. This energy is stored in battery storage attached to the dwellings. The home uses this battery storage during peak hours. Solar PV panels provide energy to a thermodynamic heat pump which supplies hot water to the dwelling. The heating in the home is infrared heating panels, significantly reducing electricity demand. The home comes with an electric vehicle charging point. The home is smart home enabled through Alexa, etc. This smart home controls the heating, vehicle charging, battery storage status, etc. The result is homes which will achieve an EPC Rating A due to this increase in specification.

Request – Due to viability issues and current market conditions the 4 affordable properties cannot be constructed to this standard. It is requested the affordable housing fund funds this gap in the market to install the upgrades required in converting these homes to zero emitting properties.

Benefits – Increases EPC rating, future proofing properties that will need to be retro-fitted at some point, meets Councils corporate priorities of developing good quality new housing, making progress on reducing the Council's carbon footprint to zero by 2030, reducing fuel poverty for the residents of Eden.

Amount requested – £100,000 (£25k per property)

Application 4

Capital Grant - Eden Housing Association – Extension of 7 Pennine View, Newbiggin for future larger families.

Description – The Housing Options Team at Eden HA are contracted to carry out the statutory homelessness function on behalf of the Council. In recent months there have been three families with in excess of seven children who have presented to the Team as potentially homeless. In all cases the Council would be likely to owe a

homelessness duty. The existing Housing Association stock across Eden is not large enough to accommodate a family of these sizes, and a proposal has been made to extend a three bedroom house with a large garden plot belonging to EHA.

Request – Due to the lack of available suitable accommodation it is requested the affordable housing fund is used to extend the existing property owned by Eden HA.

Benefits – Increases the supply of available social housing stock within Eden. Minimises the exhaustive costs associated (financial, social, psychological) of providing temporary accommodation and/or possible re-locating vulnerable families out of the District.

Amount requested – up to £74,000 (this incorporates a contingency of 20% for any unforeseen issues).

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets the Healthy, safe and secure corporate priority, which seeks to 'Improve housing, both new build and existing, working towards self-sufficiency in energy and co-produce healthy, connected, prosperous communities, for all, urban and rural.'

5 Consultation

5.1 The proposals were considered with the Housing and Health Portfolio Holder, Assistant Director Communities, Assistant Director Development and the Housing Services Manager at a meeting on 17 February 2022 and the Portfolio Holder gave her endorsement to approve these applications.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 The proposals set out within the report total £544,000 of capital grants to RP's, which can be funded from accumulated Section 106 receipts for Affordable Housing.

6.1.3 The budgets will need to be included in the capital programme and require approval by full Council.

6.1.4 The level of funding is below £1m and therefore does not trigger the LGR section 24 direction for capital contracts.

6.2 Legal

6.2.1 Contracts will need to be drawn up with the individual RP's to ensure compliance with standard procedures and protocols when spending public funding.

6.3 Human Resources

6.3.1 There are no Human Resources implications arising from this report.

6.4 Environmental

6.4.1 These properties will be upgraded to high energy efficient standards ensuring they will be properly insulated and efficiently heated via an air source heat pump. This will improve the energy rating, reduce carbon emissions and 'future proof' the properties so they do not need to be retro-fitted in the future. In light of the increase in energy prices these properties will be more fuel efficient which will make them cheaper to run and help to alleviate fuel poverty.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The proposals to spend section 106 receipts designated for affordable housing are intended to have a positive impact on all statutory considerations through improving access to good quality housing for all.
Health, Social Environmental and Economic Impact	The proposals to spend section 106 receipts designated for affordable housing are intended to have a positive impact on health, environmental and economic initiatives through the delivery of affordable housing with green energy measures; reducing the carbon footprint and reducing fuel poverty.
Crime and Disorder	N/A
Children and Safeguarding	N/A

6.6 Risk Management

Risk	Consequence	Controls Required
Risk of having to return unspent funding in the Council's Affordable Housing Fund if not utilised in a timely manner. Legal challenges in respect of the statutory homelessness duty owed to local homeless families.	Loss of existing funding. Less affordable Housing delivered. Reputational damage. Legal case, costs and reputation.	The Policy/Procedure outlines a route to enable the best use of funding, to maximise opportunities presented through the Affordable Housing Fund and achieve best value for Eden residents.

7 Other Options Considered

7.1 No other options were considered.

8 Reasons for the Decision/Recommendation

8.1 To provide capital grants to RP's for affordable housing projects within the district.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	13 May 2022
Monitoring Officer (or Deputy)	13 May 2022
Relevant Assistant Director	05 May 2022

Background Papers:

Appendices:

Contact Officer: Louise Jeffery, Housing Services Manager

Eden District Council

Cabinet
24 May 2022

Nomination as an Asset of Community Value - The Crown and Mitre, Bampton Grange

Portfolio:	Resources
Report from:	Assistant Director Legal and Democratic Services
Wards:	Askham
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To consider the nomination of the Crown and Mitre, Bampton Grange, as an Asset of Community Value under the Localism Act 2011.

2 Recommendation

It is recommended that the nomination of the Crown and Mitre, Bampton as an asset of community value not be accepted.

3 Report Details

- 3.1 A nomination has been received from the Crown and Mitre Conservation Group for the Crown and Mitre, Bampton Grange, to be listed as an asset of community value. The application is dated 13 January 2022. A copy of the nomination form is attached at Appendix A of this report.
- 3.2 A copy of the land to which the nomination refers is attached at Appendix C.
- 3.3 Under the Localism Act 2011 [“the Act”] and The Assets of Community Value (England) Regulations 2012 [“the Regulations”] made thereunder the Council has a duty to maintain a list of land in its area which is of community value, and also a list of unsuccessful nominations of such land. There is a summary of the statutory provisions setting out the procedure and criteria for the nomination of land appended to this report as Appendix D.
- 3.4 The Act goes further to state that a nomination must include certain information in order to be considered by the local authority. The nomination must include a description of the land, names of occupiers and owners of the land, the nominator’s reasons for thinking that the land is of community value and evidence that the nominator is eligible to make a nomination.
- 3.5 The nomination of land as an asset of community value can be made by numerous different parties. In this case it has been made by the Crown and Mitre Conservation Group under section 89(2)(b)(iii) of the Act. Regulation 5 confirms that a voluntary or community body can be an unincorporated body ‘whose members include at least 21 individuals’ and ‘which does not distribute any surplus it makes to its members’. The application is valid for the purposes of this nomination and thus the Council must consider the application.
- 3.6 Land which is of ‘community value’ is defined in section 88 of the Act. Briefly, its principal use must, in the Council’s opinion, ‘further the social wellbeing or

social interests of the local community' and 'it must be realistic to think' that such a use 'can continue' in the future.

Alternatively, there is a time in the 'recent past' when the principal use furthered the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next five years when it would do so again (whether or not in the same way as before).

- 3.7 Under the Act 'social interests' can include cultural interests, recreational interests or sporting interests. The Act does not define 'recent past'. The Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) commented that "we will leave it to the local authority to decide, since 'recent' might be viewed differently in different circumstances. For example, 'recent' might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not for the latter."
- 3.8 The Crown and Mitre Conservation Group sets out the reasons why they believe that the nominated land should be viewed as being of community value in the supporting document attached to Appendix A, including but not limited to:
- The Crown and Mitre has been a destination for visitors to the area, in particular Coast to Coast walkers as the area is a stop along the route
 - It has provided local employment
 - It has furthered the social wellbeing and interests of the local community by supporting darts and quiz teams, local meetings, celebrations and wakes
 - Social interaction has encouraged community cohesion and a collective sense of wellbeing; the village is an isolated community with poor transport links and an increasingly less mobile population so the availability of the Crown and Mitre is an important facility for the community
 - The nomination also highlights extracts from planning documents (please note the planning authority is the Lake District National Park).
- 3.9 The nomination form explains that the Crown and Mitre building (dating from circa 1850) had been used as a pub with rooms. However, it was sold in October 2021 and has since been advertised as a self-catering holiday let with 12 bedrooms sleeping up to 24. The current owner has addressed this in their consultation response (see Appendix F) stating the premises is a hotel, continues to be used as a hotel and the aforementioned advert was part of a strategy to increase bookings and ensure the property remains viable.
- 3.10 The nominated land falls within the remit of the Lake District National Park Planning Authority ("LDNP). An officer of the LDNP explained that it is not entirely clear at present what the authorised use of the property is. There appears to be three options - public house (suis generis use), hotel (C1 use) or mixed use (also suis generis).
- 3.11 It is understood that a change of use to self-catering holiday letting accommodation from either of the three options (drinking establishment, hotel

or mixed use) could constitute a material change of use requiring a planning application and no such application has been submitted. The LDNP is likely to issue a Planning Contravention Notice to seek further information in respect of the current use.

- 3.12 It was not considered appropriate to further delay a determination of this ACV nomination on the basis that the permitted class use is yet to be determined. This is because there is not a current planning application and no certificate of lawfulness has been issued. Title documents obtained recently from HM Land Registry describe the land as Crown and Mitre Hotel. However, it is the principal use of the establishment in the recent past, or likely use in the next five years, which is of importance for the purposes of determining this ACV.
- 3.13 Land used as a residence is often exempt from being an ACV. However, Schedule 1 of the Regulations confirms that land can be listed if, but for the residential use the land, it would be eligible for listing. Therefore, if the principal use of the hotel/pub (other than as accommodation) furthered the social interests of the community in the recent past and it is likely to do so in the next 5 years, it can be added to the list.
- 3.14 The Crown and Mitre has been nominated twice before in 2017. During the Executive meeting on 4 July 2017, it was resolved that the application be refused on the basis that the Executive were not satisfied that the listing of the asset would further the social wellbeing of the community based on information that had been supplied by the owner that indicated that other facilities were available in the village to further social wellbeing. Further, on 7 November 2017, it was again resolved that the application to list the Crown and Mitre, Bampton Grange be rejected on the grounds that there were other facilities within the village and the application did not meet the criteria of furthering the social wellbeing of the local community. Therefore, it is worthwhile noting that The Mardale pub has since closed but the community are in the process of raising funds for renovation work to be done.
- 3.15 Consideration has been given to whether the land has been used for the relevant purpose in the 'recent past'. Any unauthorised use of the premises (if any) should not be relied upon in considering the realistic use of the land in the next 5 years.
- 3.16 Public houses/hotels have been forced to close or significantly reduce their operations intermittently since the onset of COVID-19. However, the Crown and Mitre has only been open to overnight guests and has not opened to the general public since restrictions ceased. The term 'recent past' is open to interpretation and Members should take all representations into consideration.
- 3.17 As above, for a nomination to be accepted it must also be realistic to think that the relevant community use (either in the same or different way) will occur in the next 5 years.
- On the basis of the information available, it does not appear likely that the Crown and Mitre will reopen to, and be used by, the community in the next 5 years.
- 3.18 It is pertinent to highlight that, if the nomination was successful, this would not grant any ownership rights to the nominator, nor would they be entitled to stipulate how the Crown and Mitre trades or operates.
- 3.19 In considering the nomination, Members should focus on the community use of the Crown and Mitre. In this regard, it is believed that the nomination should not be accepted based on the following:

- a) Although the Crown and Mitre may have been used for activities such as darts teams, quizzes, celebrations, wakes etc. previously, it is not currently used for such purposes.
- b) It is unlikely that there will be a time in the next five years when it would further the social interests and wellbeing of the community as the Crown and Mitre is not currently open to the public (other than overnight guests), nor is food served. Although the market is difficult to foresee, the owner does not have intentions to serve the wider public at present.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

5 Consultation

5.1 Consultation has been conducted in accordance with the statutory requirements of the Localism Act 2011 and the local ward member and Parish Council have been notified of the nomination.

5.2 Representations have been made confirming that Bampton Parish Council resolved to fully support this application as a community asset during their meeting on 6th April 2022, the council.

5.3 Representations have been made on behalf of the Owner and these can be found at Appendix F, including but not limited to the following:

- The property has been marketed via a number of agents since 2008 and there has been no serious offer by a community organisation to the owner's knowledge
- The nomination is believed to be vague and the owner was not informed of the nomination prior to EDC's consultation period
- It is unclear how visitors from afar will benefit the social wellbeing and interests of the community as they are transient in nature. The economic benefit would be accrued mostly by the owner not the community
- As an essential local service, the property has operated as a hotel and will continue to do so and how the property operates commercially is not a matter for an ACV
- No development proposal has been suggested
- The nomination is superfluous in that the community, Bampton Valley Community Pub Co-op, has raised funds for The Mardale public house
- The BVCP website makes clear there is a connection, at least in the minds of the BVCP, between the Crown and Mitre and The Mardale. The consultation response provides extracts from the BVCP website

5.4 Further representations have been made by the Crown and Mitre Conservation Group which provide additional background information in relation to the use of the pub, these can be found at Appendix G.

5.5 It is worth clarifying that there is no requirement for an applicant to provide notice of the nomination given there is a statutory consultation process. Furthermore,

day to day commercial business decisions are not determined by an ACV nomination but the use of the property/business is an important consideration as to whether the land ought to be nominated as a community asset.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources, save for as referred to in paragraph 6.2.2 below.

6.2 Legal

- 6.2.1 The legislation provides an appeal mechanism for owners whose land is listed to a First Tier Tribunal, but contains no separate provision for disappointed applicants or nominating groups. However, interested parties could seek permission for a judicial review by the High Court of the Council's decision on various grounds, such as illegality, irrationality or procedural impropriety.
- 6.2.2 The Regulations provide that an owner or former owner of listed land is entitled to compensation from the Council if, at a time when the person was the owner of the land and the land was listed, they did incur loss or expense which would likely not have been incurred if the land had not been listed. This situation may potentially arise if the nominated land were to be sold and the value of the land was affected by the moratorium period. It is the owner's responsibility to provide evidence of the extra costs incurred and must be made within 13 weeks of the costs being incurred. However, please note that the compensation scheme does not usually extend to public authorities and bodies as defined at 12.5 of Appendix D.
- 6.2.3 The Council is required to determine the nomination within eight weeks of receipt. This nomination should have been determined on or before 10 March 2022. Whilst it is acknowledged that this report will be presented to the Cabinet after the determination date, the application requires to be determined.

6.3 Human Resources

- 6.3.1 There are no Human Resources implications arising out of the proposal.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are not considered to be any equality or diversity implications relevant to the subject matter and the Council's responsibilities nor are there any rurality implications.
Health, Social Environmental and Economic Impact	The report takes into account the social interests and wellbeing of the community. There are not considered to be any adverse impacts under this heading.
Crime and Disorder	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help reduce crime and disorder.

Consideration:	Details of any implications and proposed measures to address:
Children and Safeguarding	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help promote the welfare of children.

6.5 Risk Management

Risk	Consequence	Controls Required
Members' attention has been drawn above in paragraphs 6.2 and Appendix D to the risk of its decision being challenged.	Legal challenge and compensation claims	The Council cannot be sure of the likelihood of any such challenge, which will depend partly on the resources available to those aggrieved. Legal and financial risks are closely linked, as is any impact on the Council's reputation. They are largely dictated by the provisions of the legislation and the Council's duties as explained. Regardless of the risks the Council must proceed to make a decision in accordance with its statutory duty.

7 Other Options Considered

7.1 None as the statutory criteria are considered to be met. The Council has a statutory duty to make a decision on the nomination.

8 Reasons for the Decision/Recommendation

8.1 To carry out the Council's statutory duty as the determining authority under the provisions of the Localism Act 2011.

8.2 Please also refer to 3.13 above.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	25 April 2022
Monitoring Officer (or Deputy)	3 May 2022
Relevant Assistant Director	N/A

Background Papers: None

Appendices: Appendix A - Nomination Form
Appendix B - Supporting Statements
Appendix C - Plan
Appendix D - Statement of Statutory Provisions
Appendix E - Representations from Bampton PC
Appendix F - Representations on behalf of the Owner
Appendix G - Representations from Crown and Mitre Conservation Group

Contact Officer: Lisa Tremble, Assistant Director Legal and Democratic Services (Monitoring Officer)

Eden District Council Community Right to Bid - Nomination Form

Assistance in completing this form can be found by downloading the guidance from the website

Section 1 About the property to be nominated

Name of property	Crown and Mitre
Address of property	Bampton Grange
	Penrith
Postcode	CA10 2QR
Property owner's name	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Tel	None registered for company
Current occupier's name	Unoccupied

Section 2 About your community organisation and its contact point

Name of organisation	Crown and Mitre Conservation Group		
Your Title	[REDACTED]	First Name	[REDACTED]
Surname	[REDACTED]		
Position in organisation	[REDACTED]		
Email address	[REDACTED]		
Address	[REDACTED]		
Postcode	[REDACTED]	Mobile	[REDACTED]

Organisation type - tick all that apply

- | | |
|--|---|
| <input checked="" type="checkbox"/> Unincorporated Community/Voluntary Group | <input type="checkbox"/> Parish Council |
| <input type="checkbox"/> Neighbourhood Forum | <input type="checkbox"/> Community Interest Company |
| <input type="checkbox"/> Industrial and Provident Society | <input type="checkbox"/> Charity |
| <input type="checkbox"/> Company Limited by Guarantee | <input type="checkbox"/> Other |

How many members do you have (this is particularly important for unincorporated community groups)?	21
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Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

- The pub has been used to further the social well-being and social interests of the local community and could do so in the future.
- The pub has been a destination for visitors to the area, in particular Coast to Coast walkers.
- The pub has provided local employment, both full and part time and is an essential local service.
- The closure of the pub has had an impact on the community.

Please see attached Supporting Evidence notes for further information.

Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes.

Please see attached plan.

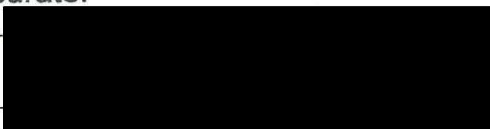
Appendix D in attached notes. The property consists of the area highlighted in yellow within the red boundary.

Section 5 Attachment checklist

- Copy of group constitution (Appendix C of attached notes)
 - Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination. (Attached to Group Constitution Appendix C)
 - Site boundary plan and description (Appendix D)
-

Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:		Dated:	13th January 2021
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Please send your completed form to:

Assistant Director Governance
Eden District Council
Town Hall
Penrith CA11 7QF

or email to: dcls@eden.gov.uk

Supporting Evidence

The Crown and Mitre is a Grade II listed building in the centre of Bampton Grange, a small village in a conservation area within the Lake District National Park.

The villages of Bampton and Bampton Grange could not be more representative of Lake District villages.

We have a shop and post office.

We have a tearoom

We have a Grade I listed church

We have a village hall with many active groups.

We even have a functioning telephone box (made famous in the film 'Withnail and I').

Bampton Grange is a declared conservation area for all these reasons and more.

The Crown and Mitre building (dating from around 1850) has always been a pub (with rooms); used extensively by the local community and for hosting visitors to the area (in the main as overnight accommodation on the Coast-to-Coast walk). There is landlord / owners' accommodation in the form of an attached flat. There is no land attached to the property.

In the past the pub has furthered the social well-being and social interests of the local community. It was a thriving hub within the community supporting darts and quiz teams, local meetings, celebrations and wakes, local hunt meets and other social events. It also enabled local people, on a day-to-day basis, to meet and socialise in a welcoming environment which, individually, they found rewarding and enjoyable. Such social interaction was also in the interests of the village as a whole as it encouraged community cohesion and a collective sense of well-being. Over the last few years the previous owner lost interest in running the pub and made no effort to encourage the business to continue and to grow. The recent Covid pandemic has further affected the business. However, there is interest and demand for the Crown and Mitre to continue as a community facility for both locals and visitors and widespread support for the ACV application. There is huge potential in the Coast-to-Coast walking business as the area is a stop on the route and there is little local single night accommodation available.

The village is an isolated community with poor public transport links and an increasingly less mobile population so the availability of the pub is an important facility for the community. The entire village supports the ACV application and a community group has been formed to facilitate this (see Appendix C).

There has been a previous ACV application (2017) which was unsuccessful. The property was recently sold. The interior has been merged into a single unit, a hot tub (with multi-coloured changing lights) has been installed, a games room created and it is now being advertised (via Sykes Cottages – see Appendix A) as 'an impressive detached house' with 12 bedrooms sleeping 24 to be hired as a self-catering holiday let. This is not an appropriate development for a building of this nature in this location. The current owner has not applied for a change of use for the pub; there have been no planning applications or building regulation requests made against the property.

There are already several holiday lets and second homes in the village or close by (within ½ mile). These range from 2 persons up to 32 persons whilst the population of the village itself is under 50. It is damaging to the community to have the Grade II listed local pub transformed into a 24 person holiday let right in the heart of the village.

Eden Local Plan 2014 – 2032, National Planning Policy Framework and Lake District National Park Partnership's Management Plan 2020 – 2025 all support the retention and preservation of community assets such as the Crown and Mitre. (See Appendix B).

APPENDIX A

Advert for Crown and Mitre [REDACTED] via Sykes Cottages)

Crown & Mitre Hotel

Bampton near Shap, Cumbria & The Lake District (Ref. 1076524)

- 7 nights from Fri 7 Jan - Fri 14 Jan Was ~~£2501~~ **£2258**
- Fri 21 Jan - Fri 28 Jan Was ~~£2501~~ **£2258**
- 7 nights from Fri 28 Jan - Fri 4 Feb Was ~~£2501~~ **£2258**

Sleeps 24 Bedrooms 12 Bathrooms 11 Pets No

Features

- Hot tub
- Off road parking **Note: the property does not own any land all parking being advertised is on public land**
- Open fire
- Garden / Patio
- Dishwasher
- Games Room
- Broadband / WiFi

The property

Constructed in the mid-18th century this fantastic hotel is now the ideal holiday venue for a family gathering or group of up to 24.

After parking in one of the handy off-road spaces for four cars, or one of the three spaces nearby, progress into this grand building, and be welcomed by an entrance hall that boasts an opulent chandelier.

Turn to your left to be drawn into a large living/dining room that offers plenty of seating for the whole family to settle down on, as well as a TV and a bar area with fridges, dishwashers and equipment for you to serve up a tasty tippie after an adventurous outing.

After cosying up with your loved ones, continue to the amply equipped kitchen, thanks to its commercial nature, the space offers industrial-grade appliances, including glasswashers, a dishwasher, as well as all the utensils you need to prepare delectable dishes.

Enjoy a sumptuous dinner in the nearby dining room, which offers two banqueting tables that seat up to 24 in total; crack open a bottle of wine, and toast to this impressive retreat, before tucking into a tasty meal.

As night falls, venture out to the patio and savour a soothing soak in the hot tub in your calming surroundings, whilst the younger members of the group head to the games room for air hockey or table football tournament.

When you begin to feel weary, make your way up to the first floor to find eight of the 12 well-presented bedrooms in the property, including: a super-king-size, two king-size, two doubles and three twins; all of the bedrooms on this floor boast access to their own en-suite shower rooms, with one of the twins hosting an en-suite bathroom, replete with a roll top bath.

Continue to the second floor where four more beautifully decorated bedrooms are situated, including a studio-style room with a super-king-size bed, dining area, sitting area and woodburning stove, which is ideal for those seeking some extra privacy, as well as a super-king-size, king-size and a family room hosting three single beds.

The second floor also hosts a bathroom that has been finished to a very high standard and boasts a roll-top bath and a separate walk-in shower; the ground floor also features two cloakrooms with multiple basins and WCs, for added convenience.

In the morning, get to know the local area and explore the nearby RSPB Haweswater nature reserve or the ruins of Shap Abbey, before stopping in the village of Shap to purchase any essentials from the local post office & village shop, or relish a hearty meal at one of the many friendly pubs.

A day out in Pooley Bridge awaits with; plenty of watersports to be experienced at the adjacent Ullswater; hikes to be embarked upon through the enchanting woodland of Dunmallard or along River Eamont; horses to be ridden at the local Park Foot Pony Trekking Centre.

Why not visit Penrith, home to a walker's paradise in the form of Penrith Beacon's surrounding woodland, the beautiful Thacka Beck Nature Reserve, or the historian's favourites of Penrith & Eden Museum, and the remains of Penrith Castle.

Penrith backs onto a fantastic golf range, it is the home to the breathtaking Brougham Castle, as well as the Lakeland heritage centre & cinema of Rheged; you'll rarely find yourself lacking things to do here!

With the sights of the Lake District National Park on your doorstep, and the towns of Kendal, Windermere and Keswick within easy reach; there is so much to see with a stay at the Crown & Mitre Hotel.

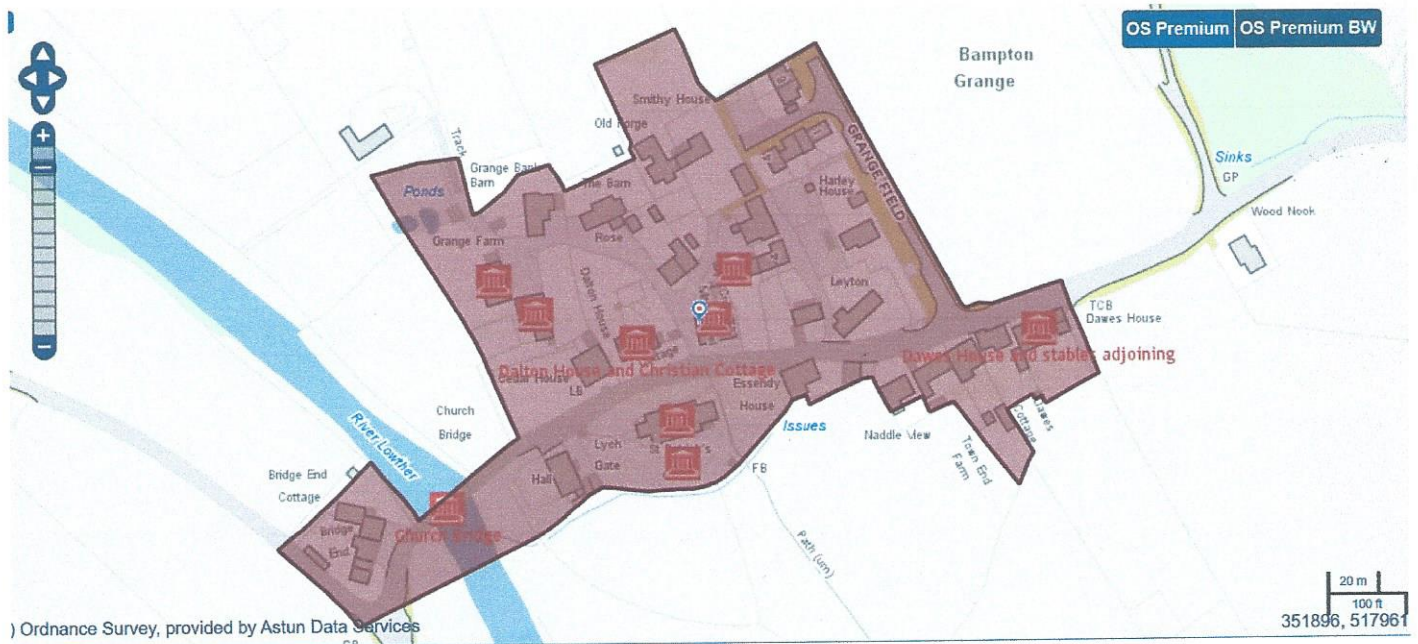
Please note this property only accepts bookings on starting Mondays and Fridays only

Summary

- Over three floors
 - 12 bedrooms: 1 x second-floor studio-style layout with a super-king-size, kitchenette, dining area, sitting area, TV and woodburning stove, 1 x super-king-size with TV and en-suite walk-in shower, basin and WC, 1 x second-floor super-king-size, 2 x king-size with TV and en-suite walk-in shower, basin and WC, 1 x second-floor king-size, 2 x double with TV and en-suite walk-in shower, basin and WC, 1 x twin with TV and en-suite roll-top bath, hand-held shower, basin and WC, 2 x twin with TV and en-suite walk-in shower, basin and WC, 1 x second-floor twin
 - Second-floor bathroom with roll-top bath, hand-held shower, walk-in shower, basin and WC
 - 2 x cloakrooms with two basins and two WCs
 - Kitchen
 - Dining room
 - Living/dining room with bar area
 - Games room
 - Central heating with woodburning stove
 - 2 x electric ovens and hobs, fridge/freezer, 3 x fridges, 3 x dishwashers
 - 10 x TVs, WiFi, selection of books
 - Fuel, power and starter pack for woodburning stove inc. in rent
 - Bed linen and towels inc. in rent
 - Off-road parking for 4 cars, with additional parking for 3 cars next to the church wall
 - Rear enclosed patio with hot tub
 - Sorry, no pets and no smoking
 - Shop 0.5 miles, pub 3.9 miles
 - Note: There are sloped ceilings in two of the second-floor bedrooms, please mind your head
 - Note: There are concrete steps in the property leading away from the Bar Area, please take care
- Note: This property has a Good Housekeeping bond of £1000.

APPENDIX B

Eden Local Plan 2014 – 2032: Extracts



4.34 Thriving Communities 4.34.1 Community services and facilities are an essential part of life for the residents of Eden, and make up a large part of what contributes to the quality of life for the population. It is important that the four main towns in particular offer a wide range of accessible community facilities, so there is no need to travel out of the district. **Eden also contains an extensive patchwork of smaller villages where the retention of community services and facilities remains a key challenge if such villages are to thrive and retain their character.**

4.35.3 The policy also provides specific safeguards to help prevent the loss of community facilities in rural areas, which can often run on the margin of viability. In rural Eden and in particular those villages that are not well served by public transport, a lack of such facilities can have a major impact on the vitality of local communities as well as individuals, particularly the less mobile and those without access to a car. Once lost, these facilities can be difficult to replace.

4.35.4 Linked closely to this policy is the Community Right to Bid. This is a new right created through the Localism Act that gives community groups the right to prepare and bid to buy community buildings and facilities that are important to them including a village shop, pub, community centre, allotment, parks, library etc. before they are privately sold.

4.35.5 Community services and facilities are an essential part of life for the residents of Eden. One of the major challenges facing small rural settlements in particular is their ability to retain local services and facilities, which are essential for maintaining villages as sustainable communities.

4.35.6 Supporting thriving rural communities is also one of the core planning principles set out in the National Planning Policy Framework (NPPF), which requires Local Authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings and places of worship.

4.36 Policy COM2 – Protection of Open Space, Sport, Leisure and Recreation Facilities
Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted.

LDNPP Strategy 2020-2025

One of the Key outcomes under the Vibrant Communities section aims keep people successfully living, working and relaxing within upland, valley and lakeside places where distinctive local character is maintained and celebrated.

It also states that a high proportion of housing should remain in permanent occupation.

They also support appropriate ways to tackle excessive numbers of empty and, or 'holiday houses' where this occurs. This is to ensure a sufficiently high proportion of existing houses are permanently occupied.

APPENDIX C

Crown and Mitre Conservation Group Constitution

CONSTITUTION - Adopted on 11th January 2022

1. The Name: The name of the group is **Crown and Mitre Conservation Group** ("the Group").

2. Area of benefit:

The area of the Crown and Mitre in Bampton Grange, Cumbria, the Parish of Bampton and surrounding areas.

3. Aims:

The Group's aims are:

- i) To prevent inappropriate development of the Crown and Mitre; a listed building in the centre of a small village in a conservation area within the Lake District National Park which has operated as a pub for over 200 years.
- ii) To encourage the use of the Crown and Mitre as a facility for the community; for socialising, community activity and community cohesion, with specific reference to isolated groups in order to improve the conditions of life for those persons making use of those facilities, and to promote the greater integration and cohesion of the communities in the area of benefit.
- iii) To apply to have the Crown and Mitre declared an Asset of Community Value.
- iv) To encourage the Group's members to actively participate in the management of their Group and activities.
- v) To promote such other purposes as may from time to time be determined.

4. Membership:

- i) Membership of the group shall be open to anyone living within the village of Bampton Grange, the Parish of Bampton and the surrounding area.
 - ii) Membership of the Group shall be open, irrespective of sex, sexual orientation, race, nationality, disability, or political, religious or other opinion.
 - iii) Members will agree to abide by the rules of the Group regarding membership and behaviour.
 - iv) Every member shall have one vote
- Membership will begin when the member has signed this document.
There will be no membership fee.

5. Termination of Membership

Members may resign at any time.

The Committee shall decide if someone's membership is to be suspended or terminated on grounds of unacceptable behaviour or breach of membership rules.

6. Management Committee

The Management Committee shall:

- i) in the first instance consist of [REDACTED]
- ii) meet at least once a year.
- iii) have the power to co-opt, as additional members, such persons as can assist in the achievement of the Group's aims

7. Special General Meetings

The Management Committee may call a Special Meeting at any time, if at least 2 members request such a meeting in writing stating the business to be considered.

At least 5 days notice must be given stating the business to be discussed.

Special General Meetings may *only* consider the business for which they have been called, and this should be clearly noted on the notice of the meeting, which should be sent to all members.

8. Constitution

Notice of proposed amendments to the Constitution must be given in writing not less than 28 days before the meeting at which it is first to be considered.

The above Constitution shall only be altered by resolution passed by a two-thirds majority of the members.

Notice of each such meeting must have been given not less than 14 days prior to the meeting in question and giving the wording of the proposed alteration.

9. Dissolution

The procedure to wind up the Group shall be by simple majority at a Special Meeting.

10. Not for profit Status

The group's activities shall be solely directed towards the achievement of its aims and conducted on a not-for-profit basis. The group will not make any financial transactions.

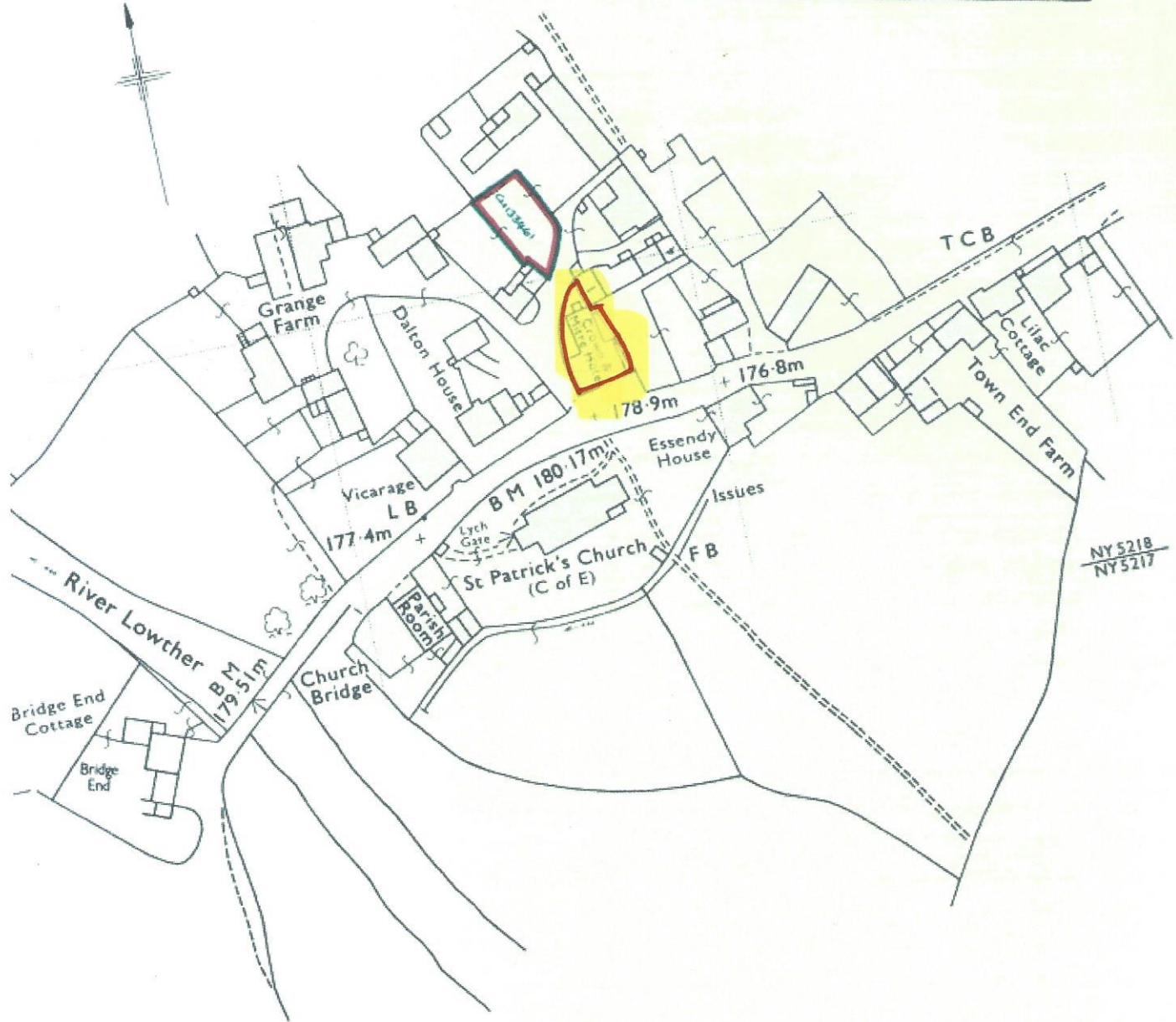
Signatures; name, address and date:

	Name and address	Signature	Date
1.	[Redacted]	[Redacted]	11/01/22
2.	[Redacted]	[Redacted]	11.1.22
3.	[Redacted]	[Redacted]	11/01/22
4.	[Redacted]	[Redacted]	11/1/22
5.	[Redacted]	[Redacted]	11/1/22

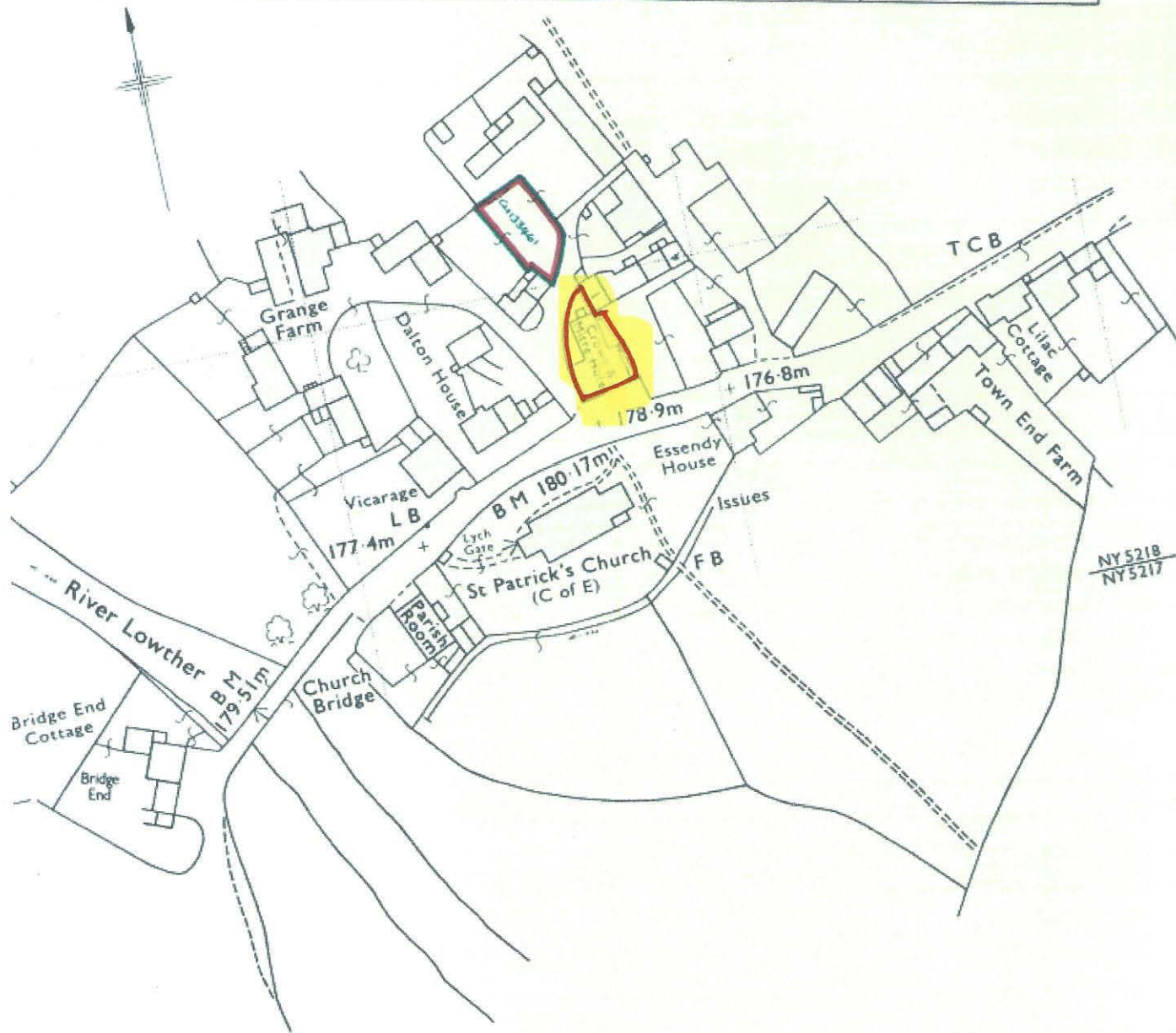
6.			11/1/22.
7.			11/1/22
8.			11/1/22
9.			11.1.22.
10			11.1.22
11			11-1-22
12			11-1-22
13			11.1.22.
14			11/1/22

15	[REDACTED]	11-1-22
16	[REDACTED]	11/1/22
17	[REDACTED]	11/1/22
18	[REDACTED]	11/1/22
19	[REDACTED]	[REDACTED] 11/1/22
20	[REDACTED]	11-1-22
21	[REDACTED]	11.06.22
22	[REDACTED]	
23		

H.M. LAND REGISTRY		TITLE NUMBER	
		CU81152	
ORDNANCE SURVEY PLAN REFERENCE	NY 5218	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT EDEN	© Crown copyright 1986	



H.M. LAND REGISTRY		TITLE NUMBER	
		CU81152	
ORDNANCE SURVEY PLAN REFERENCE	NY 5218	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT EDEN		© Crown copyright 1986



Eden District Council

Assets of Community Value**A Summary of the Statutory Provisions
Procedure to Nominate Land****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 and 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.

[REDACTED]
Clerk
Bampton Parish Council

Tel: [REDACTED]

Email: [REDACTED]

Thursday, 7th April 2022

[REDACTED]
Solicitor
Legal and Democratic Services (MO)
Eden District Council
Town Hall
Penrith
CA11 7QF

Dear [REDACTED]

Re: Nomination to Register Crown and Mitre, Bampton Grange, as an Asset of Community Value

At the Parish Council meeting on 6th April 2022, the council resolved to fully support this application as a community asset.

Yours sincerely

[REDACTED]
Clerk to Bampton Parish Council

██████████
Eden District Council
Town Hall
Penrith
Cumbria
CA11 7QF

By email only: ██████████
Date. 7th April 2022

Dear Ms Ward

Re The Crown and Mitre Inn - Asset of Community Value (ACV) Nomination

I refer to your letter to ██████████ dated 7th March 2022. I am writing to respond to this nomination on behalf of the Joof Hotels Ltd (the 'owner') of the Crown and Mitre Inn (the 'property').

The owner **objects** to this nomination on the following grounds:

The Nomination

The Nomination is the 3rd such attempt to designate this property as an ACV since 2017. The first two attempts were reject by EDC Executive and subject to a formal complaint by CAMRA to EDC's process for determining the applications. The property has recently (October 2021) changed hands and the owner has been subject to a series of vexatious complaints since taking possession.

It is possible that this application is a further attempt to intimidate the owner.

The nomination is made by a group described as the Crown and Mitre Conservation Group (the 'CMCG') which appears to be a single purpose group aimed at controlling the property. The group was constituted on 11th January 2022 and submitted this application on 13th January 2022. It has not contacted the owner or invited his participation in the group. In fact, the owner had no knowledge of this nomination until contacted by the Council requesting a response. It is not credible that none of the 21 people who signed the application had a failure of common courtesy to inform the owner of their intentions. The conclusion to draw is that the nomination is indeed vexatious.

0131 215 1167
info@prospus.co.uk
www.prospus.co.uk

Purpose of an ACV

Notwithstanding the conclusions above, the purpose of seeking an ACV is to allow the community a 6 month opportunity to buy the property. In this case the property has been marketed via a number of agents¹ since at least 2008, for the preceding nine years before the previous ACV applications (July and November 2017) were made and continuously since then. There has been no offer by any community organisation to the owner's knowledge to purchase the property in all that time. The conclusion to draw is that members of the CMCG (who are capable of constituting a group and arranging an ACV application in 2 days) is not serious about seeking to purchase the property.

The Purchase Price

The second AVC nomination (November 2017) was supported by CAMRA who argued that the reason the community had not purchased the property was that asking price (£550,000) for the property in 2017 was too high and that the then owner was seeking to frustrate the wishes of the community by refusing to lower the price. Notwithstanding that such an argument is a gross misuse of the ACV process - it is not a mechanism to artificially reduce the value of properties - the property was in fact successfully sold in October 2021 for £410,000 to the current owner. Therefore, had the 21 members of the CMCG been serious about purchasing the property, they had ample opportunity to make a realistic offer. As they did not do so, the conclusion to draw is that the members of the CMCG are not serious about purchasing the property.

The Nomination

The regulations state that the nomination must include: a statement of all the information the nominator (CMCG) has about the current owner and the reasons for including the property in the register and evidence to support the nomination. It should be noted that the property is a Hotel, this is confirmed by the Local Planning Authority (The Lake District National Park Authority) who refer to the property in all formal correspondence as 'The Crown and Mitre Hotel'². The nomination makes four points:

1. The pub has been used to further the social well-being and social interests of the local community and could do so in the future.

This vague statement is not supported by any evidence and is simply the parroting of the regulations. The nomination provides no examples of how this has occurred or would occur in the future. The property operates as a Hotel.

2. The pub has been a destination for visitors to the area, in particular Coast to Coast walkers.

¹ Christies, PF&K, David Britton, Rightmove

² See planning and listed building applications: 7/2008/3050, 3051, 3109, 3110; 7/2009/3028, 3029

It is unclear how visitors from afar to the property will benefit the social well-being and social interests of the local community. Such visitors are by their nature transient. There may be some economic benefit of such visitors, but that would accrue mostly to the owner of the Hotel not to the wider community.

3. *The pub has provided local employment, both full and part-time and is an essential local service.*

This point has two parts:

A. *As a local employer* the property operates as a Hotel and has recently changed hands. The owner is in the process of fine tuning the operation of the property to best meet its financial imperatives and secure a sustainable business. Local people are currently employed in the operation of the Hotel and, most likely, will continue to do so.

B. *As an essential local service*, the property has operated as a Hotel for many recent years and will continue to do so. The complaint here seems to be that the property is not open to non-residents. How the property operates commercially is not a matter for an ACV. To be listed as an ACV will not affect the commercial operation of the property.

4. *The closure of the pub has had an impact on the community.*

The vague and unsubstantiated assertion has, in fact, little merit at all except as a positive impact. The other settlement in the Parish, Bampton, contains The Mardale, an historic pub which has, been 'saved as a community pub' and purchased by the Bampton Valley Community Pub Co-op (BVCP). The BVCP website makes clear that there is a connection, at least in the minds of the BVCP, between the Crown and Mitre in Bampton Grange and the Mardale in Bampton. This pub is precisely 850m distant from the Hotel.

Extract from the BVCP website.

Date	Bampton Valley Community Pub comment
<i>June 2017</i>	<i>With rumours circulating of a possible saleⁱ, a community group gets together and tries to lodge an 'Asset of Community Value' (ACV) on the 'Crown and Mitre'. An ACV order would prevent it from being sold without the community being given a 6 weekⁱⁱ opportunity to make an offer</i>
<i>November 2017</i>	<i>The application for an ACV on the 'Crown & Mitre' is rejectedⁱⁱⁱ as the owner successfully argues that 'there are other facilities in the village' (The Mardale Inn - which just reopened in September 2017)</i>
<i>June 2018</i>	<i>'The Mardale' closes again - but at least the 'Crown & Mitre' is still open for food, drink and overnight stays (mainly 'Coast to Coast' walkers)</i>

<p><i>May 2021</i></p>	<p><i>'The Crown & Mitre' never reopens to non-residents post pandemic^{iv} and is being actively marketed for sale. With no ACV in place, the community has to assemble local support, review options and compete with other buyers^v</i></p>
<p><i>July 2021</i></p>	<p><i>The first Public Meeting is held on July 23rd in Bampton Memorial Hall to assess interest in saving a pub for the valley. Over 60 people attend and a survey is launched. 'The Crown & Mitre' is confirmed as having been exchanged for sale 8 days later</i></p>
<p><i>August 2021</i></p>	<p><i>The Survey closes with an amazing 186 responses and with over 91% supporting the principle of a Community Pub (9% Maybes). Our results are shared with Plunkett Foundation to access some of their funded support - which they quickly agree to. A follow up Public Meeting on August 19th to review results and talk to everybody about Stage 2 - Feasibility Assessment.</i></p>
<p><i>October 2021</i></p>	<p><i>'The Crown & Mitre' sale completes on October 1st - and it is confirmed it will not be reopening as a pub^{vi} for the Valley. A professional valuation is completed on 'The Mardale' and further feasibility work is completed to prove its suitability as a potential asset of long term value to the community</i></p>
<p><i>November 2021</i></p>	<p><i>Another Public Meeting in late October further endorses a community led approach. This website is launched and we start to take our story beyond the Valley</i></p>
<p><i>December 2021</i></p>	<p><i>Interest in project ramps and our supporter base grows significantly. Award winning filmmaker and photographer Terry Abraham joins our campaign and shares an exclusive gallery of Valley photos with us. Our local MP, Dr Neil Hudson, confirms his support for the initiative. Our press coverage kicks off with a conversation with on BBC Radio Cumbria.</i></p>
<p><i>January 2022</i></p>	<p><i>With the clock ticking down to our share launch target of early February, more people join the 'Save a Pub for the Valley' campaign on the website and social, often drawn by common interest in Withnail or Wainwright, and their past association with Mardale. Our draft business plan and share offer documents are finalised and reviewed by Community Shares Unit. After some changes they are accredited with a Community Shares Standard Mark and ready to be promoted for investment.</i></p>

<p><i>February 2022</i></p>	<p><i>The Share Offer is launched on Wednesday February 2nd with over 130 people attending the event either in person or online; coverage kicks off in <u>local press</u> and the campaign is up and running. Within one week, we have achieved over £180,000 in shares sold which is an amazing start. We continue to make progress receiving great coverage in social online and offline in traditional media. With one week to go we just cross the £300,000 mark and then surge through to the final <u>£400,000 maximum target</u> by the end of March 1st!</i></p>
<p><i>March 2022</i></p>	<p><i>After all the excitement of the Share Offer raising cash to buy the <u>Mardale</u>, work continues in earnest to secure critical grants to underpin the phased work on the pub.</i></p>

What this exciting version of events makes clear is that the closure of the property during the pandemic has had an extremely beneficial impact on the local community. Who can doubt that had the property not closed to non-residents or, had reopened in that way, the community campaign required to purchase the Mardale would not have been successful?

Note of inaccuracies in the BVCP timeline:

As this letter will appear in the public record, it is important to clarify some of the inaccuracies in the quotation from BVCP above. These are set out in the endnotes to the letter.

Supporting information

The nomination provides some supporting information in the form of:

1. A quote from the LDNPA Strategy about Vibrant Communities

It is not clear what these quotations are attempting to demonstrate.

Other quotes from the LDNPA documents say:

LDNP Management Plan Vision

A prosperous economy

Businesses will locate in the National Park because they value the quality of opportunity, environment and lifestyle it offers – many will draw on a strong connection to the landscape. Entrepreneurial spirit will be nurtured across all sectors and traditional industries maintained to ensure a diverse economy.

0131 215 1167
 info@prospus.co.uk
www.prospus.co.uk

This suggests that inward investment such as that provided by the owner to this property is an intended and welcome outcome from the Lake District Management Plan.

2. A quote from the EDC Local Plan

This document is not the adopted plan for the Parish of Bampton, so it is curious as to why it is produced by the Nominator as evidence. The section chosen contains a highlighted text referring to the retention of facilities within villages. The property will continue to run as a Hotel.

Another section of highlighted text refers to development proposals resulting in the loss of recreational and cultural facilities. Again, no development proposal is suggested that would do so.

3. A quote from Sykes Holiday letting website

This includes the text from a web advert used to find holiday bookings for the Hotel during the quieter periods. This advert is part of a strategy in increase bookings overall and ensure that the property remains viable.

Conclusions

This Community AVC Nomination appears to be a rushed submission with a poor level of evidence and no argument to back up its vague statements. It has been made without the courtesy of informing the owner of its submission nor any attempt to seek the owner's views or support. Furthermore, it is superfluous, in that the community has successfully raised funds for a Community Pub for the Bampton Valley at the Mardale. This Nomination has the hallmarks of a vexatious submission designed to intimidate the owner and cause distress. I respectfully urge the Council to reject this nomination.

Yours faithfully

████████████████████
████████

Notes on the BVCP website timeline.

ⁱ The Crown and Mitre Hotel was marketed for nine years before this date as evidenced in the Taylor and Hardy submission to the ACV application in 2017.

ⁱⁱ The period of 6 weeks is to register interest before making an offer. Once the community has registered an interest it has 6 months to make an offer. This fundamental misunderstanding of the ACV process is further evidence that the community (at least the BVCP) is not serious about seeking to purchase the property.

ⁱⁱⁱ The reasons given the EDC Executive minute is: 'that there were other facilities in the village and the application did not meet the criteria of furthering the social well-being of the community.' The owner's main argument was that the property had been for sale for 9 years.

^{iv} The pandemic is not over. The Crown and Mitre closed at the start of the pandemic in April 2020.

^v The property was marketed throughout. There was a change in marketing agent. The sense of urgency is entirely fabricated.

^{vi} The property had reopened, for hotel guests.

APPENDIX G

It will be useful if we provide some background as to how and why the Crown and Mitre pub got to where it is today.

The previous owner was very vocal and public about her dislike of owning and running a pub. She didn't enjoy living in the village and was impolite to many locals. In a small community, word easily spread that many were not welcome in their village pub.

Between 2015 and 2017 the landlady / owner of The Crown and Mitre facilitated the following:

- Both Pool teams (Shap & District league) were forced to disband as the pool table was removed.
- Both Darts teams (Shap & District league) had to disband as it was decided to close the pub in Jan & Feb, so no venue for home matches.
- Church choir stopped coming into to pub. To quote a choir member "She at best made us feel unwelcome and at worst was rude to us".
- History Society stopped because they too were made to feel unwelcome.
- Quiz team were asked to find a new venue, to quote the owner, "as they were too much trouble".
- Sunday Card Night curtailed as the owner felt they "didn't spend enough".

So, we believe the Pub was intentionally and systematically run down by the previous owner.

During 2017, the owner and her partner informed the locals that they were going to seek planning permission to convert the pub into flats. This prompted the first ACV Nomination in Oct 2017. The owner objected to the ACV on the grounds that that the business was no longer supported by locals. She recruited the assistance of a local Parish Councillor from Askham, to support her objection, even though he was never seen in the Crown, nor resident in the parish. This subsequently prompted an article in the local paper regarding the honesty of his statement. The ACV application failed. Following on from this, several locals involved in this ACV nomination and others who she felt had not been supportive of her were barred from the premises.

Despite this the Crown and Mitre continued to function as a pub serving meals and drinks to its' residents and the public until the beginning of the Covid pandemic. The pub remained popular with Coast-to-Coast walkers and had enough potential custom to be full most of the week.

During the pandemic it remained open as a pub serving drinks to locals and visitors, abiding by lockdown rules. At this time food was usually only available to residents of the pub. The Crown and Mitre closed to the public in the summer of 2021 (when it was more aggressively marketed for sale), during this time it served pub residents only.

Over recent years (to 2021) the pub has also continued to be used for a number of events / activities including; local hunt evenings, birthday parties, leaving parties, crossword club, fish and chip supper nights, Halloween, conker evenings, annual charity Boxing Night quiz, local meetings and themed evenings. It has served food and drink to pub residents, passers-by, locals, holiday makers and visitors.

When the pandemic occurred the Crown and Mitre bar remained open (subject to government rules) and continued to serve the public as well as pub residents. When it

was allowed to it continued to be used for birthday parties etc. At this time the landlady also held a series of evenings, serving themed food (BBQ / curry / Italian etc) as well as drinks from the bar to the general public.

The pub was up for sale from 2012, with varying asking prices over the years of between £500,000.00 to £650,000.00. This attracted very little interest especially when other pubs locally were selling for considerably less. These alternative venues had parking onsite as well as outside sitting areas which the Crown lacked. For example: -

- The Greyhound, Shap. Much larger pub with letting rooms, outside space and parking. Sold in 2017 for £206,000.
- Queens Head, Askham. Pub of similar size, including letting rooms, parking and outside space. Sold in 2018 for £271,000.

In an effort to sell the Crown and Mitre the owner stopped calling it an Inn / Pub and tried marketing it as a Hotel, Boutique Hotel or Guest House. There was no legal change of use.

The pub was eventually sold in October of 2021. The locals anticipated the reopening of the pub only to be dismayed when it started operating as a 12-bedroom self-catering holiday let with games room and hot tub, used primarily by stag / hen parties who are causing considerable disruption and mess in the village. Exactly the situation the original ACV application was trying to prevent.

Neither the previous owner nor the current owner have applied for a Change of Use for the Crown and Mitre pub.

Report No: DCE16/22

Eden District Council

Cabinet

24 May 2022

Devolution of Assets

Portfolio:	Resources
Report from:	Assistant Director Delivery
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 The purpose of this report is for the Cabinet to consider how to proceed with the review into the devolution of assets as set out in the report.

2 Recommendation

It is recommended that Cabinet considers the following recommendations:

- 2.1 that pending Local Government Reorganisation (LGR), the recommendations in this report will replace any previous decisions made in relation to the devolution of assets.
- 2.2 that no recharges in relation to the provision of footway lighting are levied in 2022/2023 as a good will gesture for those Councils who have adopted their footway lighting.
- 2.3 that provision is made to sustain the footway lighting contract until the end of its current term in 2027 giving Parish Councils the option to complete on those already engaged in transfer process.
- 2.4 that a program is established to remove sodium lights without replacements as they cease to function.
- 2.5 that play areas and toilets that are not yet agreed for transfer remain as they are.
- 2.6 that £500 be paid in 2022/2023 to the adopting Councils of public conveniences as an ex gratia payment towards running costs.

3 Background

- 3.1 Following the Motion of Notice to Council on 29 April 2021, Council 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 to instruct officers to work with Overview and Scrutiny and partners, including Parish and Town Councils and/or their representatives to develop a new policy.
- 3.2 Overview and Scrutiny set its annual work programme at its meeting of 15 July 2021. This included a policy review of the transfer of assets. This was

intended to review the policy decision to close any assets not transferred by 2022/2023, and encouraging transfer assets to Parish Councils.

- 3.3 Overview and Scrutiny established a Task and Finish group, and following its commencement, Local Government Reorganisation was announced.
- 3.4 The Task and Finish Group, following various meetings, considered all the information provided, such as the details on devolution for each Town or Parish Council, the feedback from the questionnaire sent to every Town and Parish Council, and the details on costings, including the funding that had been provided. The Group also considered the relevant information with regard to the Councils that would make up the Westmorland and Furness Authority.
- 3.5 The Task and Finish Group noted substantial differences in the circumstances of transferring public toilets, footway lighting and play areas to Town and Parish Councils. Consequently each category was dealt with separately. It was also noted that within each category the interests of individual Town and Parish Councils varied. It was important therefore to develop recommendations that took the interests of all Town and Parish Councils into account.
- 3.6 The starting point was that most Town and Parish Councils had made a decision about whether to adopt assets. Examples as follows:
- Footway Lighting - From the 73 Local Councils. To date, 38 have taken on responsibility for their footway lights. 18 did not wish to take on their footway lighting assets. And the remaining 17 had no footway lights or no "Agreed" footway lights.
- Toilets – From the 10 Local Councils and a Community Group with these facilities within their areas. 6 have adopted them. And, at this time, 5 do not wish to take on the responsibility for the asset. The toilets at Castle Park have not been part of the devolution process.
- Play Areas – From the original 41 play areas, 4 Local Councils have taken on the responsibility for 6 play areas. 5 have shared Management Agreements. 2 Local Councils wish to take on the play areas within their areas, along with the significant areas of adjacent land. This leaves 17 Local Councils who do not wish to take over their 21 play area assets.
- 3.7 It is likely that LGR means that a decision on the future of management and responsibility of assets in the Eden area will be made by the Westmorland and Furness Council. Therefore it is recommended that review of the transfer of assets work plan does not go ahead. This would free up space in the work programme to consider other priorities.
- 3.8 In January 2022 Overview and Scrutiny Committee reviewed this information and supported the recommendations as set out in Section 2.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, Safe and Secure;
 - Connected; and

- Creative

4.2 This report relates to the Sustainable, Connected and Healthy, Safe and Secure priorities.

5 Consultation

5.1 In November 2021 Parish Councils were encouraged to share their views on their ability to complete the transfer assets programme and their willingness to do so. Results were collated and shared with the Task and Finish group for assistance with recommendations.

5.2 Councillor Mike Tonkin has been kept apprised of progress of the Task and Finish group through informal portfolio holder meetings throughout the process.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 2022/2023 – Potential for no recharge for Local Councils where footway lights have been transferred (circa £32,000) However potential for electricity supply costs to be increased significantly, therefore total will be circa £39,000. There is no current provision in the budget for this. Funding would be required to come from the General Fund over and above the budget approved by Council on 24 February 2022.

6.1.3 £500 ex gratia payment for transferred toilets in 2022/2023 totalling £3,000 as above in 2.6. The councils would also be able in 2023/2024 to submit an application to be part of a Community Toilet Scheme. Public conveniences revenue budget for 2022/2023 holds £1600, remaining £1400 would be found from savings elsewhere in service.

6.1.4 Costs associated with 2.3 are in the budget and would not have any financial implications over and above the current budget and inflation.

6.1.5 The costs associated with 2.4 are covered by existing budget of £50k in the capital programme. If costs are likely to be exceeded then further approval would be sought.

6.2 Legal

6.2.1 Commitment to maintain the footway lighting provision until the end of the contracted term of 2027 removes the need to renegotiate contract terms with our supplier.

6.3 Human Resources

6.3.1 No direct implications from this report.

6.4 Environmental

6.4.1 No direct implications from this report.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no direct impacts on Equality and Diversity.
Health, Social Environmental and Economic Impact	There are no direct impacts on Health, Social Environmental and Economic Impact.
Crime and Disorder	There are no direct impacts in relation to Crime and Disorder.
Children and Safeguarding	There are no direct impacts in relation to Children and Safeguarding.

6.6 Risk Management

Risk	Consequence	Controls Required
That the new authority adopts an approach which conflicts with any decisions made prior to transfer.	Service configurations may need to be changed in the future.	To document adopted assets and make clear the position of remaining assets for the future authority.

7 Other Options Considered

- 7.1 The option to carry on with the transfer of assets has been considered. This would mean investing significant resources prior to vesting day in transferring or closing footway lighting, play areas and toilets. As the transfer of assets now has wider implications across LGR, proceeding it is not recommended.

8 Reasons for the Decision/Recommendation

- 8.1 The intended purpose of the transfer of assets review is no longer valid and that considerations should be made for those parishes to have taken on assets.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	12 May 2022
Monitoring Officer (or Deputy)	12 May 2022
Relevant Assistant Director	05 May 2022

Background Papers: None

Appendices: None

Contact Officer: Laura Cadman, Assistant Director Delivery

Report No: DCE24/22

Eden District Council

Cabinet

24 May 2022

Patterdale Parish Community Land Trust – Application to Community Housing Fund

Portfolio:	Housing and Health Portfolio
Report from:	Assistant Director Communities
Wards:	Ullswater Ward
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 The purpose of this report is to present an application to the Community Housing Fund from the Patterdale Parish Community Land Trust for additional funding of £395,000 to mitigate rising construction and labour costs and to upgrade the proposed properties to Passivhaus standards.

2 Recommendation

It is recommended that the application be supported and approved.

3 Report Details

- 3.1 The Council's Community Housing Fund (CHF) aims to support community-led housing schemes in the district.
- 3.2 The Patterdale Parish Community Land Trust (CLT) was originally allocated funding from the CHF (at Council's Executive Committee of 4 Sept 2018 item TES 45/18), which supported the proposals for affordable housing in Glenridding.
- 3.3 Grant funding has to date covered the costs of conducting a Parish Housing Needs Survey; which Eden District Council carried out on behalf of the CLT. The Survey achieved a strong response rate, and provided a detailed evidence base confirming affordable housing need in the Parish.
- 3.4 A further grant related to costs associated with group incorporation, legal costs and community housing enabler support.
- 3.5 The CLT is partnering with Eden Housing Association to develop affordable housing in Glenridding. The scheme will provide 10 dwellings, comprising 2 x 2 bedroom bungalows, 1 x 3 bedroom house, 5 x 2 bedroom houses and 2 x 1 bedroom flats.
- 3.6 The site has now been purchased from the Lake District National Park Authority and planning permission was approved for development on 3 November 2021. The CLT will grant a long lease (likely to be 125 years) to Eden Housing Association. Eden Housing Association will develop and manage the housing under an agreement with the CLT, ensuring that the scheme remains 'community-led' and available for local people.

3.7 Further to recent discussions with the CLT regarding progress of the scheme it has become clear that the estimated build costs have risen, and will continue to rise due to increased building and material costs. Moreover, there is a desire to upgrade the properties to be as energy efficient as possible (in line with Eden District Council's ambition to reduce the Council's carbon footprint to zero by 2030). This will 'future proof' the properties as they will not have to be retrofitted, and will reduce fuel poverty by making them much more affordable for the tenants.

3.8 As a result, a request has been made by the CLT for additional funding from the Councils Community Housing Fund due to increased building (material and labour) costs associated with the Covid pandemic, costs associated with upgrading the properties to meet Passivhaus standards and increased legal/technical expenses associated with pre-site purchase, such as a drainage survey.

* Passivhaus is a performance-based set of design criteria for very low energy buildings, which can help create buildings which typically use around 90% less energy than standard UK buildings.

3.9 The proposed additional estimated costs, which can be funded within the existing CHF budget, can be summarised as follows:

Total estimated additional costs to Patterdale CLT	
Estimated extra building/labour/legal costs	£200,000.00
Estimated cost to upgrade to Passivhaus standards	£195,000.00
Total estimated additional costs	£395,000.00

3.10 The increase in costs can be evidenced by analysis of the BCIS General Building Cost Index, provided by the Royal Institute of Chartered Surveyors. This indicates a rise of 10.2% in September (2021) compared to the same period one year previously. The BCIS Materials Cost Index represents the largest contribution to this increase, with the overall cost of materials in the index rising approximately 19.7% during this period (this data is for the period 2021/2022).

3.11 In addition, the Government's own data shows that the cost of construction materials, such as steel, timber and concrete for all types of work, rose by 23% last year. The increase is roughly equal to the rise that was seen across the previous 12 years in total.

3.12 Whilst the planned buildings already have provision for air source heat pumps and significant insulation, possible options to deliver greater environmental sustainability include solar panels at an additional cost of £40 - 60,000. This would deliver greater sustainability than the present already high specification.

3.13 The use of Structural Insulated Panels SIPs are being carefully considered in the planned development. They can add around 2% to the cost of a development but can add to the longer term sustainability of buildings, and reduce the running costs for the occupiers.

3.14 Estimates provided for moving to full Passivhaus standard could add between 8% (£80,000) and 15% (£195,000) to the planned construction costs.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, Safe and Secure;
- Connected; and
- Creative

4.2 This report meets the Sustainable and Healthy, Safe and Secure corporate priorities as it supports the creation of safe, secure affordable homes in an area of need, and upgrades the properties to the highest carbon neutral standard. This will reduce carbon emissions, 'future proof' them to ensure the properties are cheaper to run, and hence alleviating fuel poverty.

5 Consultation

5.1 The Community Land Trust have consulted their local community (e.g. an open day held on 25 May 2021 and regular newsletters). These have been well received garnering a great deal of support from the local community. The Portfolio Holder for Housing and Health has been consulted on this proposal.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

6.1.2 The proposals within this report fit in within the criteria of the Community Housing Fund and the General Reserve Fund – Summary of Spending Plans approved by Executive on 4th September 2018.

6.1.3 The Community Housing Fund is external grant funding awarded to the Council by central Government in July 2017. The fund is ring fenced for the delivery of Community Housing projects.

6.1.4 The Council will only be invoiced for actual costs incurred up to the agreed amount in section 3.9. Provision can be made within the existing CHF budget to support the scheme up to this level.

6.2 Legal

6.2.1 Legal advice was provided by the Council's Locum Solicitor regarding the Trust's proposal to contract with Eden Housing Association directly for the work detailed within the application. The solicitor confirmed that this is a viable option.

6.3 Human Resources

6.3.1 There are no Human Resources implications arising from this report.

6.4 Environmental

6.4.1 These properties will be upgraded to Passivhaus standards ensuring they will be properly insulated and efficiently heated via an air source heat pump. This will improve the energy rating, reduce carbon emissions and 'future proof' the properties so they do not need to be retro-fitted in the future. In light of the

increase in energy prices these properties will be more fuel efficient which will make them cheaper to run and help to alleviate fuel poverty.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	No implications
Health, Social Environmental and Economic Impact	A Community-Led Housing scheme delivered by the Community Land Trust has the potential to have positive health, social, environmental and economic impacts for persons within the Ward
Crime and Disorder	No implications
Children and Safeguarding	No implications

6.6 Risk Management

Risk	Consequence	Controls Required
That the project cannot progress due to lack of funding due to increased building costs.	The project stalls and the site is no longer financially viable. The Community Land Trust are unable to develop much needed affordable housing.	Homes England have been informally consulted on the scheme throughout the project to date and remain keen to provide financial support.
Opportunity missed to upgrade properties to Passivhaus standards.	In order to achieve net zero by 2050 these homes will have to be retrofitted at considerable expense and disruption.	Use the CHF monies available to 'future proof' these properties and reduce fuel poverty by ensuring they are energy efficient and cheaper to run/heat.

7 Other Options Considered

7.1 No other options have been considered at this time.

8 Reasons for the Recommendation

8.1 Approval of the application is recommended because the application meets the requirements and aims of the Community Housing Fund, and provides much needed affordable housing in Glenridding.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	26 April 2022
Monitoring Officer (or Deputy)	26 April 2022
Relevant Assistant Director	05 May 2022

Background Papers:

Contact Officer: Louise Jeffery, Housing Services Manager

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Report No: DCE31/22

Eden District Council

Cabinet

24 May 2022

COP26 Award Delegation

Portfolio:	Leader/Green Growth
Report from:	Assistant Director Delivery
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 This report is to seek authorisation to approve the delegation of awarding grants under the COP26 fund to the relevant portfolio holder.

2 Recommendation

- 2.1 It is recommended that Cabinet delegate the decision to award grant related to the COP26 community fund to the Green Growth Portfolio holder.

3 Report Details**Background**

- 3.1 In the Zero Carbon Strategy approved in 2021 the objective was included to launch the new COP26 community funding grant to engage with the community to develop green projects that will have a significant impact of carbon emissions and that will benefit communities across the Eden District.
- 3.2 A decision panel will assess the applications and recommendation which projects to make awards to.
- 3.3 Delegating the authorisation of the grant panel's recommendation to award the grant to the Green Growth Portfolio holder will speed up the process and will have a positive impact on Climate Change.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, safe and secure;
 - Connected; and
 - Creative
- 4.2 This report meets Sustainability, Healthy, safe and secure, and creative corporate priorities. Reducing carbon is key area of work align with our corporate priorities that will have a positive impact on the resident health and wellbeing.

5 Consultation

- 5.1 The changes to the funds awarding process and criteria have been discussed with both Green Growth Portfolio Holder Councillor Mark Rudhall and Council Leader Councillor Virginia Taylor who support the proposal.

6 Implications

6.1 Financial and Resources

- 6.1.1 There are no proposals in this report that would reduce or increase resources.
- 6.1.2 Grant award levels are as follows:

Project Category	Types of Projects Supported	Maximum Grant Levels
Climate change and resilience	Nature based solution to resilience and climate change adaptation. Enhancing climate change resilience of rural communities (e.g. Ecosystem-based adaptation (EbA), multi-use native tree species).	£20,000
Renewable energy projects	Installation of solar pv, wind turbine, battery system or other renewable technology.	£30,000
Heat network projects	Common ground heat pump for heating multiple buildings.	£30,000
Biodiversity projects	Enhancing natural habitat (woodland, rivers, peat, etc.) and biodiversity.	£5,000
Reduction of carbon emissions	Electric car charger, renewable energy, building improvement.	£10,000
Waste and resources	Local waste management and circular economy projects for community.	£5,000

- 6.1.3 Occasionally a special award may be made outside of these grant level for exceptional projects which would deliver high levels of carbon reduction.

- 6.1.4 All awards will be awarded from existing budget allocation.

6.2 Legal

- 6.2.1 No legal implications identified.

6.3 Human Resources

- 6.3.1 No HR implications identified.

6.4 Environmental

- 6.4.1 The COP26 community fund will have a significant positive impact on the carbon emissions, biodiversity, natural habitat, climate change and community. Allowing the Green Growth Portfolio holder to authorise the awards will speed up the process and allow community to start working and completing their projects sooner, therefore reducing more carbon.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	No Equality and diversity impact
Health, Social Environmental and Economic Impact	Positive impact on sustainability and on community health and wellbeing.
Crime and Disorder	No impact
Children and Safeguarding	No impact

6.6 Risk Management

Risk	Consequence	Controls Required
Waiting to release the grant will slow down the processes and improvements that can be made within the district.	Detrimental consequences to Councils reputation.	Delegated authority to portfolio holder.

7 Other Options Considered

- 7.1 Delegated authority not given and each application would need to be reviewed by Executive.

8 Reasons for the Decision/Recommendation

- 8.1 Delivery of the COP 26 community fund is a strategic priority designed to support communities in striving for a zero carbon Eden.
- 8.2 Failure to provide smooth and speedy awards for the fund may result in opportunities for match funding to be lost for schemes or hinder delivery.
- 8.3 To provide a more responsive awarding process which will enable more grants to be awarded prior to vesting day.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	13 May 2022
Monitoring Officer (or Deputy)	12 May 2022
Relevant Assistant Director	05 May 2022

Background Papers: None

Appendices: COP 26 Community Fund Application Guidance

Contact Officer: Laura Cadman, Assistant Director Delivery

Guide to the Criteria, Application Process and Conditions of Funding

Please read these guidance notes carefully and refer to them when completing the application form.

1. Introduction

- 1.1 To celebrate and continue the momentum of the COP26 in Glasgow, Eden District Council has allocated £160k for the 2022/2023 period to develop sustainability project led by community across the Eden District. Since the COVID19 pandemic, many people have found a refuge in outdoors spaces and started to be more conscious of the state of the natural environment and renewing their sense of community.
- 1.2 The COP26 community fund has been established to support and develop community based projects that will contribute to tackle climate changes, protect and enhance biodiversity and reduce carbon emissions.
- 1.3 Grants are available for groups and organisations who are involved in sustainability projects that benefit the residents of communities in Eden. Groups and organisations must demonstrate how their project or event will deliver wide benefit, contributing to the sustainability, vitality and well-being of Eden's communities.

2. Aim of the fund

The COP26 community fund scheme aims to:

- ✓ Improve the natural environment in Eden district
- ✓ Encourage sustainability and long-term actions
- ✓ Promote community engagement and participation in environmental and sustainability projects

This fund will assist Eden District Council to enact its plan to reach net-zero by 2030, improve the use of renewable energy, promote and enhance natural habitat and biodiversity, reduce air pollution and improve the health and wellbeing of the residents of Eden.

3. What can be funded?

The fund will support a wide range of environmental and sustainability projects covering the following themes.

Project Categories

Project Category	Types of Projects Supported	Maximum Grant Levels	Category (see section 8)
Climate change and resilience	Nature based solution to resilience and climate change adaptation. Enhancing climate change resilience of rural communities.(e.g. Ecosystem-based adaptation (EbA), multi-use native tree species)	£20,000	3
Renewable energy projects	Installation of solar pv, wind turbine, battery system or other renewable technology.	£30,000	3
Heat network projects	Common ground heat pump for heating multiple buildings.	£30,000	3
Biodiversity projects	Enhancing natural habitat (woodland, rivers, peat, etc.) and biodiversity.	£5,000	1
Reduction of carbon emissions	Electric car chargers, renewable energy, building improvement.	£10,000	2
Waste and resources	Local waste management and circular economy projects for the community.	£5,000	1

Successful projects will have a community interest and a positive impact on one or more of the themes listed above.

If you are applying to fund a new natural habitat project (e.g. wildflower, meadow, woodland, etc.) you must consider who will carry out the maintenance of this place in the future.

- 3.1 Up to 80% of total project can be applied for. The minimum contribution (match funding) required from applicants is 20%. This can be made up of the group's own cash contribution, donations, grants and sponsorship and a maximum of 10% in-kind volunteer time or materials.
- 3.2 Please note that the average level of grant is likely to be in the region of £5,000 - £20,000.
- 3.3 Ambitious projects that demonstrate exceptional benefits for the environment and for communities can be eligible for higher grants level.

4. What will not be funded?

- 4.1 The COP26 Community Fund grant will not support:
- i. Projects or events located outside the boundary of Eden District.
 - ii. Projects which are for private gain.
 - iii. Project that do not provide any benefit to Eden communities.
 - iv. Revenue costs (salaries, project officer or other employee costs, rents, statutory training etc.).
 - v. General appeals or sponsorship.
 - vi. Activities of a mainly political or religious nature, including improvements to the fabric of church buildings (non-religious community activities held within a place of worship may be eligible).
 - vii. Contingency funds, income deficits, bridging loans or security against a loan.
 - viii. Project that do not demonstrate a need for community and sustainability.

5. Criteria for funding

- 5.1 Applications to the COP26 community fund scheme are welcome from community groups or properly constituted organisations serving the resident of Eden.
- 5.2 The organisations applying for the grant must:
- ✓ be non-profit making
 - ✓ be properly managed and hold regular meetings
 - ✓ have audited accounts and financial transparency
- 5.3 Community organisations who may apply include:
- ✓ Voluntary and community groups
 - ✓ Residents associations
 - ✓ Registered charitable organisations
 - ✓ Constituted clubs and societies – i.e. an organisation with a governing document such as a constitution or a set of rules and a committee.
 - ✓ Parish and Town Councils.
- 5.4 The community group or organisation must be based in Eden and locally managed – e.g. the main part of the committee/ board members/ trustees must be from the local community within Eden district boundaries.

5.5 We do not accept applications from:

- ✗ Any statutory organisations, including schools
- ✗ Families
- ✗ Individuals
- ✗ For-profit companies
- ✗ Groups that have no formal constitutions

5.6 Applications will be assessed on their ability to:

- deliver wide community benefit, contributing to the sustainability, vitality and well-being of Eden's communities, such as encouraging volunteering and participation;
- contribute to locally identified community needs and priorities (such as in Community Led Plans etc);
- demonstrate value for money (through obtaining written quotes and estimates);
- measure the success of a project
- demonstrate equality of opportunity and the elimination of discrimination.

5.7 To apply to the COP26 community fund your group or organisation must have:

- a written governing document or constitution
- a bank or building society account in the name of your group or organisation with at least two unrelated signatories. (Please do not use any personal bank or credit card accounts to make purchases.)

5.8 You are required to provide all necessary documentation to support your application, including copies of written quotes and estimates for **all** items of expenditure of £50 and over. The written quotes and estimates must display the relevant company names and addresses and be less than six months old.

5.9 Grants will not be awarded retrospectively (eg for work or equipment already purchased or events which have already taken place).

5.10 We will not make more than one award during 2022/2023 to the same organisation or group unless they are towards an identifiably different. The first must be completed and a Project Completion Form returned before a second application is considered.

5.11 It is unlikely that the COP26 community fund will be able to provide grants for all potentially eligible applications. Therefore, we reserve the right to prioritise applications to achieve best value for money. We also reserve the right to decline applications which do not meet the stated criteria.

5.12 If your project is based in a building or on land that is leased from someone else, you need to demonstrate that you have a reasonable amount of time left on your lease. Your current lease should be at least as long as the expected lifespan of equipment purchased. If you are applying for building work to be carried out on a leased property, you should demonstrate that the length of your lease enables your organisation to get value for money from the project.

6. How your application is dealt with

- 6.1 On receipt of your application we will make an initial assessment. This will check that your group or organisation and project or event are eligible and that all required supporting documentation has been provided. We may contact you to obtain missing information, documentation or for clarification.
- 6.2 We aim to acknowledge receipt of your application within five working days. This will be by email unless no email address is provided, in which case a letter will be posted.
- 6.3 You may be contacted by an officer for further details and clarification if you have a large cash reserve that is not being used towards the project. This will not necessarily effect your application.
- 6.4 Eligible applications which are accompanied by the required supporting documentation will be forwarded to the COP26 Community Grant Panel for consideration. The COP26 Community Grant Panel is a forum of key partners capable of influencing the delivery of sustainability and community based projects that contribute to the sustainability, vitality and well-being of communities in the Eden district.
- 6.5 The COP26 Community Grant Panel will meet for three separate tranches of applications during 2022-2023. Applications will be presented to the COP26 Community Grant Panel in summary format although the full applications will also be made available to them.
- 6.6 The COP26 Community Grant Panel will make recommendations to Eden District Council's Executive for which applications to support and the level of grant to be awarded.
- 6.7 Applicants will be informed (usually by email) whether the COP26 Community Grant Panel has recommended their project or event to receive a grant, within five working days of the meeting taking place.
- 6.8 The COP26 Community Grant Panel may request further information to answer queries and provide greater detail of your project or event or they may ask for a site visit where appropriate.
- 6.9 Eden District Council's Executive will consider recommendations from the COP26 Community Grant Panel and will either agree or refuse applications. The Executive may also amend the level of grant recommended by the COP26 Community Grant Panel.
- 6.10 Decisions taken by Executive are subject to a 'Scrutiny call-in' period of five working days from the decision notice being issued during which time a decision regarding an award could potentially be challenged. Therefore it is not possible to confirm an award until the Scrutiny call-in period has ended.
- 6.11 Eden District Council's Executive decision is final and cannot be changed (no appeals or discussions will be entered into).
- 6.12 We will aim to inform you of the outcome of your application within five working days of the Scrutiny call-in period ending. This will be by letter and if your application has been successful we will arrange for the funds to be released.
- 6.13 Applicants who are unsuccessful will be notified by letter within two weeks of the end of the Scrutiny call-in period.
- 6.14 Payment will be made in two stages, 75% of the grant being paid prior to commencement of the project or event and 25% on completion.
- 6.15 A Project Completion Form will be completed and submitted by the applicant on completion of their project or event in order to draw down the final 25% payment.

7. Conditions of funding

- 7.1 Grants must be spent within two years of an award being made (from the date on the grant offer letter).
- 7.2 Grants awarded must be spent on the purpose stated in the application. If for any reason your circumstances change or you wish to vary the way in which you spend your grant, you are required to contact us to request written permission to do so.
- 7.3 In the event of a group or Organisation ceasing to operate or failing to undertake or complete the project or event for which the grant was offered, Eden District Council reserves the right to withhold payment, to reduce an award or seek its recovery.
- 7.4 Financial support provided by Eden District Council should be acknowledged on all relevant printed publicity, on websites and in information given to the press. Relevant guidance will be provided to applicants at the time of a grant offer being made.
- 7.5 Your group or organisation must ensure that its project or event operates within the requirements of all legislation.
- 7.6 Your group or organisation should ensure equality of opportunity and the elimination of discrimination in the delivery of its project or event.
- 7.7 You will be required to inform the Council when your project or event has been completed and to submit a Project Completion Form within three months of completion (we will provide you with a template). You will also need to provide relevant invoices and a bank statement showing payments made. Groups or organisations who do not complete and return a satisfactory Project Completion Form may be required to return their funding and will not be considered for future funding.

8. Project Delivery

- 8.1 By submitting an application to Eden District Council, the organisation named in the applications agrees (if awarded a grant) to:
- Use the grant only for the project described in the application and only for expenditure made after the date of the grant award.
 - For category 1 and 2 projects – to provide information and report about the project and its benefit on community and sustainability both during (after 6 months) and after the end of the project.
 - For category 3 projects – to provide information and regular reports about the project and its benefit on community and sustainability (every 6 months until end of the project and one final report at the end of the project).
 - Act lawfully in carrying out the project in relation with best practices and guidance from any relevant regulators and follow any guidelines issued.
 - Hold the grant in a UK based bank account or building society account.

Contact us

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