

At a meeting of the Council held in Rawnsley Hall, Keswick on Wednesday 26 January 2022 at 7.00 pm

Members

Councillor Allan Daniels (Vice-Chair)	Councillor Carmel Bell
Councillor Carole Armstrong	Councillor Markus Campbell-Savours
Councillor Herbert Briggs	Councillor John Crouch
Councillor John Cook	Councillor Marion Fitzgerald
Councillor Janet Farebrother	Councillor Iain Greaney
Councillor Peter Gaston	Councillor Michael Heaslip
Councillor Hilary Harrington	Councillor Vaughan Hodgson
Councillor Alan Hedworth	Councillor Mike Johnson
Councillor Daniel Horsley	Councillor Peter Kendall
Councillor George Kemp	Councillor Sally Lansbury
Councillor Adrian Kirkbride	Councillor Elaine Lynch
Councillor Jim Lister	Councillor Anthony Markley
Councillor Louise Maguire	Councillor Antony McGuckin
Councillor Carni McCarron-Holmes	Councillor Alan Pitcher
Councillor William Pegram	Councillor Andrew Semple
Councillor Paul Scott	Councillor Alan Smith
Councillor Colin Sharpe	Councillor Kevin Thurlow
Councillor Stephen Stoddart	Councillor Lynda Williams
Councillor Will Wilkinson	

Apologies for absence were received from Councillor Tony Annison, Councillor Mary Bainbridge, Councillor Nicky Cockburn, Councillor Patrick Gorrill, Councillor Alan Kennon, Councillor Owen Martin, Councillor Ron Munby MBE, Councillor Joe Sandwith and Councillor Alan Tyson

Staff Present

B Carlin, A Gilbert, N Hardy, C Nicholson, A Seekings, S Sewell and L Tomlinson

333. Minutes

The minutes of the meeting of Council held on 8 December 2021 were agreed as a correct record.

334. Declaration of Interests

Councillor S Lansbury declared a non-disclosable, other registrable interest in agenda item 6 (Notices of Motion) and took no part in the debate or voting.

335. Exclusion of the Press and Public

There were no items on the agenda for which the press and public should be excluded.

336. Questions and Petitions

Ms Debbie Devereux asked the question –

- a. Given that closing Keswick Pool was a non-key decision, as there was deemed adequate alternative provision for swimming within Allerdale for the community of Keswick, why is only one year group (year 6) from the largest primary school in Keswick having swimming lessons provided by Eden Council at Penrith Pool?
- b. Members of this council have alluded to the issue with Keswick Leisure Pool closure was based on health and safety grounds, can you ensure the community of Keswick the facility is safe to use, and the gym will remain open?

Councillor T Markley provided the following response -

- a. I can't answer on behalf of schools as it is their decision as to how they meet their swimming curriculum.

But I can say that the 4 Keswick Primary Schools were contacted and offered assistance in sorting their school swimming needs for the coming terms. They have been given the choice of sessions at either of the GLL centres at Penrith or Cockermouth. There is capacity to accommodate the Schools in Allerdale, but given the proximity to Penrith, and the same operators managing the pools, the offer was extended to provide more options to suit them.

Two schools have taken up the offer and have been linked up with lessons, with one school taking three-year groups.

GLL have a new intensive school swimming offer which means there's more availability and opportunity for schools to take it up with the programme, providing better value in longer lessons and less disruption to the school programme if they wish to do it that way.

Some schools have delayed returning to school swimming due to COVID, which is possibly why the other 2 haven't come back to lessons or they may have gone elsewhere. The same offer will go out to all the schools again during the next round of programming and hopefully schools will return with confidence.

As we said in the last meeting, if there's a school that is struggling to access swim lessons then if they let us or GLL know then we can look at supporting them.

- b. The health and safety concerns were pool related and in the main to do with deterioration of tiles, grout and drains both in the pool and on pool side, which was exacerbated by emptying the pool due to the pandemic.

GLL have rigorous facility management regimes, and in 2019 the Keswick Centre had the highest spend on maintenance and improvements of all 4

facilities, in excess of £160k on programmed **and** reactive maintenance and repairs, equipment and facility improvement as part of their full repairing lease.

In terms of the gym operation specifically, this was refurbished in 2019 along with the nearby toilets, this included new windows, roof, ceiling, air conditioning, flooring, equipment and decorating.

We do 2 site visits per year with the Facility Manager, and currently have no health and safety concerns regarding keeping it open while plans for leisure in the town are considered.

I am pleased to say that gym usage is steadily increasing as we start the new year and try and get back to normal leisure activity following the pandemic and the best thing that locals can do is use it and support it.

Ms Devereux asked the supplementary question –

Given the facts and public need, will the Council allow Keswick Pool to be operated as a community asset?

Cllr T Markley responded –

There would need to be a formal request.

Ms Lorraine Taylor asked the question –

The number of houses paying council tax in Keswick area is reducing year on year due to the uncontrolled growth in holiday lets. Could the council tell me how many self-catering holiday lets there are registered in the CA12 post code area for small business rate relief, how many second homes are similarly registered for the reduced council tax rate and how many self-catering holiday lets received government grants as a result of covid pandemic business support?

Councillor M Fitzgerald provided the following response –

I can confirm that there are currently 648 self-catering properties within the CA12 post code area which are in receipt of small business rates relief. In addition, there are currently 470 second homes within the CA12 post code area.

As part of the government's response to coronavirus, they have offered a number of grant schemes to support businesses. These included:

- Small Business Grant
- Retail Hospitality and Leisure Grant
- Local Restrictions Support Grant
- Closed Business Lockdown Payment
- Christmas Support Payments
- Restart Grants

- Additional Restrictions Grant

In 2020, Allerdale Borough Council paid 1,018 grants to self-catering accommodation premises, these were made up as follows:

1. 797 grants to self-catering properties in receipt of small business rates relief
2. 221 grants to self-catering properties not in receipt of small business rates relief

In 2021, the government announced restart grants as part of their roadmap. Allerdale Borough Council paid 902 restart grants to self-catering properties.

Ms Taylor asked the supplementary question –

The figures show a real increase in second homes and holiday lets. Each of these represent the loss of a home for a couple or a family and the balance has now tipped towards holiday lets. What will the council do to stop this town from dying?

Councillor M Fitzgerald responded –

The council is very conscious of the issue and will take all steps we can, including lobbying central government, and will do what we can to alleviate the problem in the meantime.

337. Notices of Motion

Councillor Markus Campbell-Savours moved the following –

This Council calls upon the Government to recognise the extent of the UK housing crisis, in particular the proliferation in self-catering holiday lets in national parks and other tourism hotspots, where private housing stocks are being rapidly eroded.

We call upon the Government to investigate the current tax arrangements for holiday lets (e.g. Small Business Rate Relief and reduced Capital Gains Tax) and consider if these have an inflationary impact on house prices and if they are reducing the supply of private rental properties.

Finally, we call upon the Government to urgently provide local housing authorities with the powers to introduce a holiday let licensing scheme with the ability to control holiday let numbers through locally defined caps. Caps could be developed during existing housing needs assessments and a system of enforcement self-financed through licence fees.

The motion was seconded by Councillor C McCarron-Holmes who spoke in support and commented on the disadvantages experienced by local families due to the proliferation of second homes and stated that a licensing scheme was needed.

Councillor M Fitzgerald stated that she was keen to support the motion as it was evident that there was a shortage of homes that were affordable to local people in parts of Allerdale. She added that a proliferation of second homes and holiday-lets also impacted on the community and local businesses when there were significant numbers of houses in towns and villages standing empty for large parts of the year.

Councillor Fitzgerald suggested that any communication to central government should include some acknowledgement of recent announcements from DLUHC that recognise this problem and prepare the way for steps to be taken to regulate the uncontrolled rise of short-term holiday lets in parts of England. In June 2021, the Government indicated that, as part of its Tourism Recovery Plan, it would consult on the introduction of a 'Tourist Accommodation Register'. Consequently, in association with Visit Britain, the Government was already looking at exploring a Tourism Data Hub.

Further, in November 2018 the Ministry for Housing, Communities and Local Government published a consultation that sought views on the council tax and business rates treatment of holiday lets. In January 2022 the Department for Levelling Up, Housing and Communities published its response to the consultation including details on how the rules will be changed with the new regulations taking effect from 1 April 2023.

Councillor J Farebrother and A Semple both also spoke in support of the motion.

Councillor Campbell-Savours, in his right to reply, reiterated the need for a licensing scheme and the ability to place caps on the numbers of second homes.

A vote was taken: 35 in favour, 0 against, 2 abstentions.

The motion was carried.

338. Councillor Speeches

Councillor A Semple gave a speech on the issues concerning the recycling centre on Sullart Street, Cockermouth. Councillor Semple referred to fly tipping instances and the fact that the site was overwhelmed by demand at Christmas. He suggested CCTV cameras would help alleviate the problem and asked for enforcement work, additional kerbside recycling facilities and suggested recycling collections could be made on market days in the town.

339. Announcements from the Mayor, Leader or Head of Paid Service

There were no announcements.

340. Portfolio Holder updates (non-key)

Councillor M Johnson moved the Portfolio Holders update report.

Questions were raised in connection with:

- The Operation Respect campaign and enforcement around fly tipping
- The need to reopen Allerdale House to walk-in customers
- The success rates for the licensing enforcement work
- Green Homes grants
- Street cleaning requirements in Workington

341. Executive Minutes

The minutes of the meeting of the Executive held on 24 November 2021 were noted.

342. Reference from Executive 12/01/2022 - Establishment of Cumberland Joint Committee

The Cumbria Structural Changes Order required the establishment of two Joint Committees, one for the Cumberland area and one for the Westmorland & Furness area. The membership make up was the same for each Joint Committee so for Cumberland the Joint Committee would comprise three persons nominated by the County Council and nine persons nominated by the relevant District Councils (with each of the Cumberland districts nominating three persons).

As the proposed arrangements included the discharge of non- executive and executive functions it was necessary to apply political balance. For Allerdale Borough Council, operating Executive arrangements, the appointments were the responsibility of the Council with the agreement of the Executive. At least one of the members appointed to the Joint Committee must be a member of the Executive. The political balance of appointments provided for one Conservative Member, one Labour Member and one Allerdale Independent Member.

The following recommendation has been referred to Council by Executive considered the matter at its meeting on 12 January 2022 and resolved to refer the recommendation to Council.

Members considered the report and the recommendations.

Councillor M Fitzgerald moved the report and nominated Councillor M Johnson as the Conservative Group representative on the Joint Committee. Councillor M Heaslip nominated Councillor A Smith as the Labour Group representative and Councillor P Scott nominated Councillor N Cockburn as the Allerdale Independent Group representative. The motion was seconded by Councillor D Horsley.

A vote was taken: 6 in favour, 0 against, 1 abstention.
The motion was carried.

Resolved

That

- (1) The establishment of the Cumberland Joint Committee as detailed in the report and the terms of reference attached at Appendix 1 to the report be agreed
- (2) The Non-Executive Functions within the Terms of Reference be delegated to the Cumberland Joint Committee
- (3) The Monitoring Officer be authorised to make the necessary amendments to the Council's Constitution and to update the Council's scheme of delegation within the Constitution
- (4) The following be appointed to the Cumberland Joint Committee in accordance with political proportionality:
 - Councillor N Cockburn
 - Councillor M Johnson
 - Councillor A Smith
- (5) Authority be delegated to the Chief Executive in consultation with the Leader to agree the host authority
- (6) This Joint Committee be agreed as the Cumberland Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022.

343. Calculation of Council Tax Base 2022/23

The Local Government and Finance Act 1992 (the "1992 Act") and accompanying regulations required the Authority to calculate, each year, the Council Tax Base for its area as a whole and for each individual Parish or Town Council area. The rules for calculating the council tax base were prescribed by the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

The Council Tax Base was used in the calculation of the council tax by billing authorities and major precepting authorities and in the calculation of the amount of a precept payable by a billing authority to a major precepting authority. The 2012 Regulations required the Authority to determine its Council Tax Base by 31 January in the financial year preceding that for which the calculation of the council tax base is made i.e. by 31 January 2022 for the financial year 2022-23.

Based on relevant assumptions, the council tax base for 2022-23 was 31,031.82 after allowing for a collection rate of 98.5%. This represented an increase of 142.06 for Band D equivalent properties on the 2021-22 Council Tax base of 30,889.76.

Members considered the report and the recommendations.

Councillor C Sharpe moved the report. The motion was seconded by Councillor M Johnson.

A vote was taken: 36 in favour, 0 against, 1 abstention.
The motion was carried.

Resolved

That

- a) the calculation of the Authority's Council Tax Base for the financial year 2022-23, as set out in the Appendices to the report, be approved.
- b) in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the amount calculated as its Council Tax Base for the whole area for 2022-23, totalling 31,031.82 (Band D equivalent properties), be approved.
- c) the major precepting authorities (Cumbria County Council and the Police & Crime Commissioner for Cumbria), are notified of the Council Tax Base for the purpose of calculating the basic amount of its council tax.
- d) the tax base of 31,031.82 is used by Allerdale Borough Council for the purpose of calculating the basic amount of council tax in accordance with the requirements of the Local Government Finance Act 1992 (as amended).

344. Members Allowance Scheme Review 2022/23

The Independent Panel for Councillors Allowances on 16 December 2021 had carried out a review of the Council's Members Allowances Scheme for 2022/23. The report of the Independent Panel including its recommendations was presented to Members.

The Panel's recommended changes to the existing scheme of Member Allowances were as follows:

- That the Basic Allowance be increased from £3,366.65 to £3,466.65
- That the allowance payable to members of the Executive be increased by £300 to £5,741.42
- That the allowance payable to the Leader(s) of the Opposition Groups are set as follows:
 - 15 or more group members £2,750
 - 10-14 members £2,250
 - 5-9 members £1,750
 - below 5 members - no allowance
- That each Independent Person for Standards should receive a £25.00 allowance for each two-hour session attended. A session is defined as an individual assessment meeting, whether that be in person or via Teams or as attendance at a meeting of the Standards Committee.

Councillor M Johnson moved that the recommendations in respect of the allowances payable to Opposition Group leaders and the allowance payable to the Independent Person for Standards be accepted and that the proposal to increase the basic allowance and the proposal to increase the Executive member allowance be rejected.

Councillor W Wilkinson and Councillor A Smith both spoke in favour of the motion and supported the rejection of the increase in basic allowance and the increase for Executive members.

Councillor M Heaslip seconded the motion.

A vote was taken: 35 in favour, 0 against, 2 abstentions.
The motion was carried.

Resolved

That

- a. The report and recommendations of the Independent Panel as set out in Appendix 1 to the report be noted;
- b. The Members' Allowance Scheme 2022/23 as set out in Appendix 2 to the report, amended to retain the existing basic allowance of ££3,366.65 and the existing Executive member allowance of £5,441.42, be approved;
- c. The Maternity, Paternity and Adoption Allowance Policy for Members as set out in Appendix 3 be approved.
- d. A payment be made to the Independent Person(s) for Standards of £25.00 or each two-hour session attended

345. Proposals for the Appointment of External Auditors

From 1 April 2015, local public bodies in England had been required to appoint their own external auditors to audit their accounts annually. This system was introduced by the Local Audit and Accountability Act 2014 and came into effect fully in 2018-19. Council considered a report setting out proposals for the appointment of external auditors for the five-year period 2023-24 to 2027-28.

In meeting the statutory requirement to appoint an external auditor, the Authority had three options:

- i. to appoint its own auditor, which required it to follow the procedure set out in the Act including the setting up of an Independent Auditor Panel
- ii. to act jointly with other authorities to procure an auditor following the procedure in the Act
- iii. to opt into the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'.

Members considered the report and the recommendations.

Councillor C Sharpe moved the report. The motion was seconded by Councillor M Fitzgerald.

A vote was taken: 36 in favour, against, 1 abstention.

The motion was carried.

Resolved

That

- a. The Authority accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors for the five-year period from 2023-24 to 2027-28; and
- b. The Chief Officer- Assets (s151 Officer) be authorised to complete and submit the Formal Notice of Acceptance on behalf of the Authority.

The meeting closed at 8.20 pm