

**COPELAND BOROUGH COUNCIL**

**STATEMENTS OF EXECUTIVE DECISIONS**

**MEETING HELD ON 14 JUNE 2005**

**MEMBERS PRESENT:** Councillors Miss E M Woodburn (Leader); Councillor M J Ashbrook (Deputy Leader); G Clements; J Hewitson; N Williams; H Wormstrup

Apologies for absence were received from Councillors G Blackwell and A Holliday

**OFFICERS IN ATTENDANCE:** Dr J Stanforth, Chief Executive; S Borwick, Head of Finance and Business Development; M Jepson, Head of Legal and Democratic Services; M Tichford, Head of Regeneration; I Curwen, Communications Officer; D James, Senior Member Services Officer

J Salt, Head of Customer Service (Agenda Items 1-10) Vic Emmerson, Environmental Health Manager & J O'Reilly Team, Leader (Food and Health & Safety) (Items 1-8); L Penfold, Senior Policy Officer (Items 1-7); K Parker, Head of Leisure and Environmental Services (Items 1-19) Catherine Nicholson, Accountancy Services Manager (Items 1-10); T Pomfret, Development Services Manager (Items 7-9)

**DECISIONS TAKEN IN PRIVATE:** The Executive resolved at EXE/05/023 to take the following items in private due to exempt information in the following categories:

**EXE/05/024 (paragraph 1 & 9)**

**EXE/05/025 (paragraph 7)**

**EXE/05/026 (paragraph 7 & 9)**

**START TIME: 4.00PM**

**CLOSE TIME: 5.50PM**

**CERTIFICATION:** \_\_\_\_\_

Certified a true record of decisions taken at the meeting of the Executive of Copeland Borough Council dated 14 June 2005.

## Copeland Borough Council

### Statement of Executive Decision

<b>Agenda Item Number: 1</b>	
Subject: Statements of Decisions made on 24 May & 1 June 2005	
Date of Decision: 24 May 2005	Decision made by:
Decision Reference: EXE/05/016	Full Executive

Portfolio Holder: Councillor M Ashbrook

Context: Decisions made at the previous meetings requiring formal approval

Key Decision Status: No

Decision

**That the Statements of decisions made at the meeting held on the 24 May & 1 June 2005 be agreed as a correct record.**

Explanation

N/A

Alternative Options Considered: None

Interests Declared: None

Implementation Date: N/A	Publication Date: 17 June 2005	Recorded by: D James
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Call-in Period Expires on: N/A	Contact Officers: D James
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 5	
Subject: Forward Plan	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference EXE/05/017	Full Executive

Portfolio Holder: Councillor M Ashbrook

Context: To consider the forward plan of Key decisions June - September 2005

Key Decision Status: No

#### Decision

That the Forward Plan of Key Decisions be noted subject to: -

- a) Councillor J Hewitson replacing Councillor B Dixon as Portfolio Holder
- b) It being noted that the unaudited final accounts would be submitted direct to Council; and
- c) The budget strategy would now be considered in August 2005.

#### Explanation

N/A

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D James
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Call-in Period Expires on: 22 June 2005	Contact Officers: T Capper – Principal Officer Secretariat
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 6	
Subject: Corporate Theme: Quality Of Life & Social Inclusion	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/018	Full Executive

Portfolio Holder: Councillor M Ashbrook

Context: Summarises progress against Corporate Plan objectives

Key Decision Status: No

Decision

**That the report be noted.**

Explanation

Sets out actions and progress in each for objectives in the Corporate Plan –  
A Quality Council Delivering Quality Services

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D A James
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Call-in Period Expires on: 22 June 2005	Contact Officers: L Penfold
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 7	
Subject: Adoption of Health and Safety Service Plan	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/019	Full Executive

Portfolio Holder: G Blackwell

Context: This report advises members of the Health and Safety Service Plan 2005-2006

Key Decision Status: No

Decision

**That the Executive approves the Health and Safety Service Plan 2005 - 2006 for adoption**

Explanation

Under section 18 of the Health and Safety at Work etc Act 1974 the Health and Safety Executive (HSE) has a duty to ensure that adequate arrangements are in place for the enforcement of the relevant statutory provisions of the Health and Safety at Work etc Act 1974 and associated regulations.

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D A James
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Call-in Period Expires on: 22 June 2005	Contact Officers: K Parker
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 8	
Subject: Planning Services – Use Of Planning Delivery Grant And Fee Income	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/020	Full Executive

Portfolio Holder: Councillors G Blackwell & N Williams

Context: To consider expenditure of the Government awarded Planning Delivery Grant.

During consideration of this item Members stressed the importance of flexibility of the use of future fee income ahead of budget allocated for staff costs.

Key Decision Status:       Financial - Yes  
  Ward - No

Decision  
That

1. the proposals identified in the report, funded by Planning Delivery Grant for 2005/06 and development control fee income be approved subject to the decision on funding for the Town Centre Management being deferred pending the meeting being held on the 16 June 2005;
2. the Head of Regeneration be delegated authority to make any adjustments necessary within the overall parameters of the proposals made in the report;
3. future fee income ahead of budget targets be carried forward to reinvest in the Regeneration Service subject to the flexibility of the use of the income over and above that allocated for staff costs.

Explanation

The Town Planning functions of the Council: Development Control and Planning Policy, have been coming under increasing pressure due to the increase in the number of planning applications and the introduction of a new policy regime (Local Development Framework). Planning Delivery Grant (PDG) funding is awarded by the Government to assist in meeting the new demands being placed upon Local Authorities in their planning role, although the amount is dependant upon performance. The PDG settlement for 2005/06 has been announced and this report proposes activity to be funded.

Alternative Options Considered: None
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Interests Declared: None
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Implementation Date: 22 June 2005
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Publication Date: 17 June 2005
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Recorded by: D A James
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Call-in Period Expires on: 22 June 2005
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Contact Officers: M Tichford
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 9	
Subject: Draft Revenue Outturn 2004/05 For General Fund and Housing Revenue Account HRA	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/021	Full Executive

Portfolio Holder: Councillor Miss E Woodburn

**Context:** This report informs members of the draft, unaudited revenue outturn both General Fund and HRA for 2004/05. The report makes recommendations carry forwards and transfers

Key Decision Status:      Financial - Yes  
   Ward - No

#### Decision

**That a) the outturn position be noted**

- b) the carry forwards to 2005/06 as totalling £302,178 for General Fund be approved;**
- c) the balances on L&ES activities of £96,403 be transferred to the Strategic Reserve Account;**
- d) the balance on Contingencies as at 31<sup>st</sup> March 05, of £117,505, (uncommitted £30,077) be transferred to 2005/06 Contingencies;**
- e) the proposed potential allocations on L&ES Strategic Reserve Account for 2005/06 be approved;**
- f) the earmarking of the £100,000 contribution made to General Fund Reserve from Leisure and Environmental Services (L&ES) Strategic Reserve, for future alterations to Moresby Depot, be approved in principle subject to a further report to the Executive in July.**



## Explanation

This report summarises the outturns of the individual budget areas. These outturns will be consolidated together to form the final accounts of the authority along with other accounting entries as required by accounting framework.

The key decisions, which Members are asked to make, are the approval of budgets to be carried forward into the current year and the net under spending to be transferred to various funds. The approved policy is to transfer the final net under spend to the Major Project Fund.

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D A James
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Call-in Period Expires on: 22 June 2005	Contact Officers: S Borwick
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 10	
Subject: Capital Programme Outturn	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/022	Full Executive

Portfolio Holder: Councillor Miss E Woodburn

Context: This report informs Members of the pre-audit outturn position of the capital programme, for the financial year 1<sup>st</sup> April 2004 to 31<sup>st</sup> March 2005

Key Decision Status: Financial - Yes  
Ward - No

**Decision**

**That**

- a. the changes as detailed in Appendix A of the report be approved;**
- b. the carry forward of £1,879,118 (£769,085 CBC and £1,110,033 external funding), Appendix B be approved;**
- c. the transfer of the net CBC under spend of £37,429 to the Major projects Fund Appendix C and D, (paragraph 3.11) be approved subject to :-**
  - i) £3015 (Egremont Shop Front Scheme) & £8644 (Millom HERS), detailed in paragraphs 3.3 7 3.4 of the report, be carried forward and used as match funding for future market town initiatives; and**
- d. the position at the year-end be noted.**

**Explanation**

This report shows the expenditure against budget on the capital programme for the financial year 2004/05.

At the end of each financial month, a statement is prepared by accountancy, of the actual expenditure to date on each individual capital project. This is circulated to managers together with their monthly revenue monitoring and discussed in the monthly meetings.

Changes that affect the financing of the capital programme are reported to Executive throughout the year, for approval.

Alternative Options Considered: None

Interests Declared: None
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Implementation Date: 22 June 2005
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Publication Date: 17 June 2005
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Recorded by: D A James
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Call-in Period Expires on: 22 June 2005
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Contact Officers: S Borwick
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## Copeland Borough Council

### Statement of Executive Decision

Subject: <b>Exclusion of Press and Public</b>	
Date of Decision: 14 June 2005	Decision made by: Full Executive
Decision Reference: EXE/05/023	

Portfolio Holder: N/A

Context: Excludes Press and Public from Meetings for exempt items 11-13

Key Decision Status: N/A

Decision

**That the Press and Public be excluded from the meeting for the remaining items of business on the grounds of exempt information as identified in paragraph 1; 7 & 9 of Schedule 12A of the Local Government Act 1972 as amended.**

Explanation

N/A

Alternative Options Considered: N/A

Interests Declared: None

Implementation Date: N/A	Publication Date: N/A	Recorded by: Denise James
Call-in Period Expires on: N/A	Contact Officer: Tim Capper, Principal Officer (Secretariat)	

## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 11	
Subject: Careline Transfer	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/024	Full Executive

Portfolio Holder: G Clememts

**Context:**

To agree the principles under which the Council will transfer its Careline service to a new provider.

During consideration of this item Members felt the monitoring of Attendos performance should be monitored, it was therefore recommended that

- a) Overview and Scrutiny be asked to monitor performance and report back to the Executive.

Members also felt that the conditions agreed, particularly (e) below should not set precedence and recommended that in future cases of out sourcing be considered of their own merit.

Key Decision Status: No

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Decision

**That**

- b) the Careline service be transferred to Attendo to take on responsibility for the service from 1 July 2005, staff transferring under TUPE arrangements;**
- c) the outstanding issues in the negotiations be noted;**
- d) the Council agrees to bear any liability arising from the deficit in pension funds for Careline staff arising from their time in employment of the Council up to the agreed maximum, (should the deficit be more a further report be submitted to the Executive);**
- e) the Council agrees to pay, for a maximum of 12 months, Attendo, for those members of Careline staff who after transfer choose redundancy because of restructuring of the business, the difference in cost between the standard redundancy package and that which would have been available to them from the Council; and**
- f) the Chief Executive and Portfolio Holder for Housing and Community Safety are given delegated authority to make decisions on the details of the transfer and to agree to the subsequent transfer on behalf of the Council;**
- g) Overview and Scrutiny be asked to monitor performance and report back to the Executive;**
- h) future cases of out sourcing be considered on their own merit.**

Explanation

In February 2004 the Council agreed that it would not wish to continue to deliver the Careline service post stock transfer and that alternative providers should be investigated.

Subsequently the Council invited expressions of interest, followed by a pre qualification questionnaire, and an invitation to submit formal proposals. A selection panel was established with HACS Chapman Hendy advising the Council throughout.

It was decided that Attendo was the preferred operator and negotiations were instigated. Draft proposals and draft contract have now been received from and we are ready to enter into a formal Agreement.

This report outlines in more detail of the proposed transfer and issues, which are still outstanding.

Alternative Options Considered:

Interests Declared:

Implementation Date:  
22 June 2005

Publication Date:  
17 June 2005

Recorded by:  
D A James

Call-in Period Expires on: 22 June 2005	Contact Officers: M Tichford
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 12	
Subject: Request for Easement Through Land at Lowca	
Date of Decision: 14 June 2005	Decision made by: Full Executive
Decision Reference: EXE/05/025	

Portfolio Holder: Councillor N Williams

Context:

A request has been received from the owner Moresby Hall Cottage for an easement to allow an electricity cable, gas, and water pipes to be laid through Copeland Borough Council land at Lowca to supply to Moresby Hall Cottage.

Key Decision Status: No

Decision

**That Council be recommended to approve the granting of an easement to the applicant on the terms detailed in the report.**

Explanation

Council approval is sought for an easement to allow gas pipes to be laid through Council land at Lowca to supply Moresby Hall Cottage.

Alternative Options Considered:

Interests Declared: None

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D A James
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Call-in Period Expires on: 22 June 2005	Contact Officers: C Lloyd
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 13	
Subject: Whitehaven (1992) Ltd	
Date of Decision: 14 June 2005	Decision made by:
Decision Reference: EXE/05/026	Full Executive

Portfolio Holder: A Holliday

#### Context:

To consider a request that Whitehaven (1992) Limited disposes of its shares in Whitehaven Rugby League Football Club Ltd.

Key Decision Status: No

#### Decision

**That a) the report be noted; and**

**b) Councillor A Holliday and the Head of Legal and Democratic Services attend the Whitehaven (1992) Ltd. AGM; and**

**c) No decision be made by Council at that meeting but that the matter be reported back and the Council's formal decision making process be followed.**

#### Explanation

The Council has received an offer to purchase the shares in WRLFC Ltd held by Whitehaven 1992 Limited, this report details terms and proposes a decision making process.

Alternative Options Considered:

Interests Declared:

Implementation Date: 22 June 2005	Publication Date: 17 June 2005	Recorded by: D A James
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Call-in Period Expires on: 22 June 2005	Contact Officers: M Jepson
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