

COPELAND BOROUGH COUNCIL

STATEMENTS OF EXECUTIVE DECISIONS

MEETING HELD ON 19 DECEMBER 2006

MEMBERS PRESENT: Councillors Miss E M Woodburn (Leader); G Clements; A Holliday; N Williams; H Wormstrup.

Apologies for absence: M Ashbrook; G Blackwell; Mrs C A Giel

Also in attendance: Councillor Anne Bradshaw

OFFICERS IN ATTENDANCE: L Murphy, Chief Executive; T Chilcott, Corporate Director (Quality of Life); F McMorrow, Corporate Director (Economic Prosperity and Sustainability); S Borwick, Head of Finance and Business Development; M Jepson, Head of Legal & Democratic Services; H Mitchell, Head of Policy and Performance; M Tichford, Head of Regeneration; K Parker, Head of Leisure and Environmental Services; D James, Member Services Officer

J Carrol & J Walker Agenda Items 1-11; S Blacker Agenda Items 18 -19

START TIME: 2.00 PM

CLOSE TIME: 4.00PM

CERTIFICATION: _____

Certified a true record of decisions taken at the meeting of the Executive of Copeland Borough Council dated 19 December 2006.

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 1	
Subject: Statements of Decisions 21 November 2006	
Date of Decision: 19 December 2006	Decision made by:
Decision Reference: EXE/06/131	Full Executive

Portfolio Holder: N/A

Context:
Decisions made at the previous meeting requiring formal approval

Key Decision Status:
No

Decision
That the Statements of decisions made at the meeting held on 21 November 2006 be agreed as a correct record

Explanation
N/A

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 3 January 2006	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2006	Contact Officers: D James
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 5	
Subject: Forward Plan	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/132	

Portfolio Holder: Councillor M Ashbrook

Context:

To consider the forward plan of key decisions for December 06 – March 2007.

It was noted that that both the Monitoring of Revenue and Capital Budgets 2006/07 & the Annual Treasury Management and Actual Prudential Indicators reports had been submitted to the November meeting and therefore should not be included in this forward plan.

Key Decision Status:

No

Decision

That subjects to the amendments identified above the Forward Plan of Key Decisions December 06 – March 07 be noted

Explanation

N/A

Alternative Options Considered:

None

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: T Capper
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 6	
Subject: Presentation Cumbria Agreement	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/133	

Portfolio Holder:

Context:
Note – This item was withdrawn from the Agenda

Key Decision Status:
N/A

Decision
N/A

Explanation
N/A

Alternative Options Considered:
N/A

Interests Declared: N/A

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: H Mitchell
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 7	
Subject: Report of Overview and Scrutiny Committee Environmental Well-Being - Enforcement Services	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/134	

Portfolio Holder: Ms E Woodburn

Context:

To consider a report of the Overview and Scrutiny Committee Environmental Well-Being on Enforcement Services

Key Decision Status:

No

Decision

That

- a) any policy changes arising from recommendations in the Chief Executive's review report are followed by a consultation on all options which fully engages the public, stakeholders and overview and scrutiny;
 - b) a protocol that requests for information from Overview and Scrutiny be asked departmentally by the Scrutiny Support Officer and should the information not be forthcoming then the Chief Executive be advised immediately be verbally endorsed ; and
 - d) the OSC's and the relevant Portfolio Holders be encouraged to consult and debate on all areas of Council activity where there is mutual interest, and Portfolio Holders invited by Chairs to attend OSC's to discuss these on a regular basis.
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Explanation

On the 21 November 2006 the Executive considered a report on the Enforcement Services Business Plan Update.

On 24 November 2006 six Members of the Council (Councillors Anne Bradshaw, Mrs Y R T Clarkson, P C Connolly, K Hitchen, J Jackson and Mrs M B Woodburn), exercised their right under the Council's Constitution to call in the Executive decision for scrutiny prior to implementation, on the following grounds:

- We do not believe that all the Executive Members were fully aware of the work that scrutiny has carried out on the Enforcement Unit this year, including requests for financial information made by scrutiny, when they made their decision to delete recommendation 4.
- Enforcement is an important area of Council business, a high profile issue with a serious impact on both service delivery and the Council's financial position, which should be the subject of Member and public debate.
- The deletion of recommendation 4 has left scrutiny with no alternative but to call in the decision, given that public and member accountability are at the heart of why scrutiny exists and that if it fails to ask questions then the Council is failing in its scrutiny role.
- It would appear from subsequent press reporting that options to be included in the Chief Executive's review include changes to policy – scrutiny has a further role in contributing to policy development and would legitimately expect an input into any radical change of policy.

This report makes recommendations to the Executive.

Alternative Options Considered:

- a) any policy changes arising from recommendations in the Chief Executive's review report are followed by a debate on all options which fully engages the public, stakeholders and overview and scrutiny;
- b) a protocol be produced and agreed by the Council for ensuring that reasonable requests for information by OSC's on items of work within their work plans and/or in their terms of reference are actioned promptly;
- c) the Executive considers introducing a role for OSC's in monitoring revenue expenditure in service areas relevant to their terms of reference; and
- d) the OSC's and the relevant Portfolio Holders be encouraged to consult and debate on all areas of Council activity where there is mutual interest, and Portfolio Holders invited by Chairs to attend OSC's to discuss these on a regular basis.

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: T Capper
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 8	
Subject: Concessionary Travel (Scrutiny Report)	
Date of Decision: 19 December 2006	Decision made by:
Decision Reference: EXE/06/135	Full Executive

Portfolio Holder:

Context:

To consider recommendations from the Overview and Scrutiny Committee for Social Well-Being for the concessionary travel scheme.

Key Decision Status:

None

Decision

That

- 1) that the Executive note the continued support of the Concessionary Travel Scheme by the Overview and Scrutiny Committee for Social Well-being, which offers people who are eligible a choice of travel.**
- 2) that the Executive is asked to note the efficiency savings from the introduction of vouchers; and**
- 3) that a railcard be offered on a one-year trial basis, to be financed by a current underspend on the budget for 2006-07 and subject to the regional grant settlement for this Council for 2007-08 having no adverse impact on the proposal for a one-year trial.**

Explanation

Overview and Scrutiny Committee have considered the various options for the Council to take for the provision of concessionary travel; this report puts forward recommendations to the Executive.

Alternative Options Considered:

None

Interests Declared:

Councillors G Clements and N Williams declared prejudicial interests in this item due to being in receipt of concessionary travel passes, and left the meeting during its consideration.

Implementation Date:
3 January 2007

Publication Date:
22 December 2006

Recorded by:
D James

Call-in Period Expires on:
3 January 2007

Contact Officers:
Tim Capper

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 9	
Subject: Cleaner, Safer, Greener – South Whitehaven Neighbourhood Management Board	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/136	

Portfolio Holder: Councillor Miss E Woodburn

Context:

This report seeks Executive approval to extend the reporting arrangements for the Cleaner Safer Greener projects to include the South Whitehaven Neighbourhood Management Board.

Key Decision Status:

None

Decision

That:

- 1. the South Whitehaven Neighbourhood Management Board be included in the reporting arrangements for the Cleaner Safer Greener (CSG) projects;**
- 2. progress with the projects and likely year end position be noted;**

and

- 3. regular updating reports be submitted to the Executive.**

Explanation

Further to approval being given to 17 individual projects as part of a bid to Government Office North West (GONW) and County Council for Cleaner Safer Greener Funding. Strong links have now been established with the South Whitehaven Neighbourhood and it is appropriate that they should be included in the consultation/ reporting process for these projects. This report seeks to formalise this as procedure.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date:
3 January 2007Publication Date:
22 December 2006Recorded by:
D JamesCall-in Period Expires on:
3 January 2007Contact Officers:
K Parker

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 10	
Subject: Trade Waste Charges	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/137	

Portfolio Holder: Councillor A Holliday

Context:

The report seeks to implement a more flexible arrangement for establishing trade waste charges in order to become more responsive to market forces and increasing on costs. During consideration of this item Members confirmed that although this delegation would make interim changes to charges more flexible they still wished the annual charge setting to remain with the Executive and Council.

Key Decision Status:

No

Decision

That a) the setting of annual charges remain with the Executive and Council; and

b) the responsibility for setting interim changes to charges in be delegated to the Director Quality of Life in consultation with the Portfolio Holder.

Explanation

At present the Council's fee setting allows no flexibility and hence the inability to react to change. This change would enable Copeland's service to maintain pace with the market and to react where costs change significantly whilst still keeping the annual fee setting within the remit of the Executive/Council.

Alternative Options Considered:

That the responsibility for setting interim charges be delegated to the Director Quality of Life in consultation with the Portfolio Holder.

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: M Tichford
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 11	
Subject: Whitehaven Regeneration Programme – Coastal Fringe	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/138	

Portfolio Holder: Councillor M Ashbrook

Context:

To inform Members of progress of the Coastal Fringe and the agreed scheme and to seek agreement to lease the land to the Land Restoration Trust.

It was noted that recommendation 3 should read “subject to HMCE” and not “HRM”

Key Decision Status:

No

Decision

That

1. progress of the development of the Coastal Fringe scheme be noted;
2. the scope of the works to be undertaken on Copeland land through the Coastal Fringe development be noted;
3. subject to HMCE confirmation the Council opt to Tax the land for VAT purposes;
4. a lease being granted to the Land Restoration Trust subject to Council approving the disposal and satisfactory terms being negotiated with the Trust be approved in principle; and
5. the proposal to enter in to discussions with the Land Restoration Trust with regard to them being the delivery partner for the programme subject to clarification of roles/responsibilities be approved in principle.

Explanation

A report was presented the Executive on the 14th March 2006 detailing the concept of the Coastal Fringe project as part of the wider Whitehaven Regeneration Programme and subsequently updated on the 13th June 2006.

This report presents the final proposals for redevelopment of land in Copeland Borough Councils ownership following local consultation and engagement with key partners

Alternative Options Considered:

None

Interests Declared: Councillor H Wormstrup declared a personal interest in this item due to working closely with the Land Restoration trust through the Coalfields.

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: M Tichford
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 12	
Subject: Annual Monitoring Report on Planning Policy 2005/06	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/139	

Portfolio Holder: Councillor Geoff Blackwell

Context:
To update Members of Progress of the adopted Local Plan.

Key Decision Status:
No

Decision

That a) the assessments of Local Plan objectives through policy implementation and of progress with the Council's Local Development Framework be noted; and.
b) the Annual Monitoring Report for submission to the Secretary of State and for posting on the Council's website be approved.

Explanation

As part of the new planning regime, all local authorities are required to submit an Annual Monitoring Report to the Secretary of State by 31 December each year.

This report sets out:

- a) how successfully existing planning policy is being implemented; and
- b) progress on the production of planning policy documents which make up the Local Development Framework (LDF)

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: M Tichford
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 13	
Subject: Private Sector Housing Renewal	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/140	

Portfolio Holder: Councillor G Clements

Context: To present to Members WITH an update on the current Private sector Grants Programme and Trusteel Houses Renovation programme options for implementation.

Key Decision Status:

N/A

Decision

That

- 1. progress of the Private Sector Housing Renewal Programme be noted;**
- 2. progress of the Trusteel Houses Renovation programme be noted; and**
- 3. options 1 for progressing the Trusteel programme be approved.**

Explanation

Commitments against the Grants budget in regard to Renovation Grants, Disabled Facilities Grants and Home Improvement Assistance up to 31st October 2006 are submitted for noting.

Consideration is also sought for option for the progression of the trusteel programme.

Alternative Options Considered:

Option 2 - the Member working Group to be re established to asses the additional resident option mentioned in 3.2 alongside previously agreed proposals.

Interests Declared:

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007
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Contact Officers: M Tichford

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 14	
Subject: Partnership Protocols	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/141	

Portfolio Holder: Councillor E Woodburn

Context:
To recommend a format for Partnership Protocols

Key Decision Status: None

Decision
That the format provided for the content of the partnership protocols be approved.

Explanation
In 2005 Corporate Team agreed through the Corporate Governance Audit 2005/06 the development of Partnership Protocols with our partners.
Council has numerous informal arrangements with public and voluntary sector organisations but there are very few formal written arrangements. This report seeks to formalise arrangements in the future.

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: M Jepson
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 15	
Subject: Compulsory Acquisition of land at Powbeck, Whitehaven	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/142	

Portfolio Holder: Councillor M Ashbrook

Context: To advise Members of the current position regarding the South Whitehaven Pow Beck regeneration project and to seek authority to report back on possible exercise of compulsory purchase powers to progress the project particularly in respect of two areas of land known as The Meadows, Whitehaven and Railway land adjacent to the Meadows.

Key Decision Status:

N/A

Decision

That:

(a) The two areas of land situated at The Meadows, Whitehaven and former railway land at the Meadows, Whitehaven and more particularly described in paragraph 2 of the report, be the subject of a report back to Executive with a view to compulsory purchase orders being made under section 226(1)(a) Of the Town and Country Planning Act 1990 (as amended) to facilitate the carrying out of development, re-development or improvement of the land as part of the project relating to the construction of a road to facilitate re-development at Pow Beck the location of wet and dry public sports facilities and the relocation of the Whitehaven Social Welfare Centre's sports and recreational facilities should negotiations continue to be unsuccessful subject to suitable evidence being demonstrated through the forthcoming supplementary planning document.

(b) Subject to securing funding from West Lakes Renaissance to begin the procurement of specialist assistance to prepare for compulsory purchases processes for the above two areas of land;

c) Should compulsory purchase action be necessary any report back to Executive be accompanied by details of a proposed indemnity agreement with West Lakes Renaissance;

(d) Authority be delegated to the Corporate Director (Economic Prosperity and Sustainability) to negotiate terms for the acquisition of the land referred to in (a) above on a voluntary basis with any proposed terms being approved by the Head of Finance and Business Development in consultation with the Portfolio Holder; and

(e) The continuing negotiations in respect of the remaining parts of the Pow Beck area be noted and that Executive confirm that should it be necessary to do so it would also be willing to consider Compulsory Purchase Order in respect of these alternative sites subject to a further report back.

Explanation

At its meeting on 25th July 2006 the Executive received a report on the delivery of the Pow Beck Regeneration Initiative and approved various actions arising from the council's work with West Lakes Renaissance.

The current position on the project is that negotiations on the essential first two portions of the Pow Beck Development have stalled because of the inability to negotiate the purchase price with the owners of the land in question. The two areas of land are known as "The Meadows" and "Railway Land adjacent to the Meadows". In both cases, Valuers appointed by West Lakes Renaissance report that the gap between valuation and that requested by the owners is unbridgeable.

This report details proposals for a way forward.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: M Jepson
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 16	
Subject: Cumbria Information Hub	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/143	

Portfolio Holder: Councillor N Williams

Context: This report seeks Members approval to a financial contribution to the Cumbria Information Hub

Key Decision Status:

None

Decision

To the payment of £24,000 as a contribution to the Cumbria Information Hub be approved in retrospect.

Explanation

In 2003 the Council joined the Cumbria information Hub alongside the five other Cumbria District councils and the County Council.

Unfortunately no budget bid or request for provision of funding was ever made within the Council and funding was not sought at the time. The time has now come for Copeland to pay the £24,000 and this cannot be done without budgetary approval and funding. This report seeks funding in retrospect.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: S Borwick
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 17	
Subject: Lease Renewal – Egremont Bowling Green	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/144	

Portfolio Holder: Councillor N Williams

Context:

The report deals with the renewal of the lease for the Egremont Bowling Green.

During consideration of this item Members noted that there had been an anomaly with other small sports facilities throughout the Borough and asked for this issue to be addressed by Overview and Scrutiny - Social Well Being.

Key Decision Status:

No

Decision

Due to the Chairman declaring a prejudicial interest in this item and the deputy chair having submitted his apologies it was moved duly seconded and

RESOLVED – that a) Councillor N Williams be appointed Chairman for this item;

b) the renewal of the lease to Egremont Town Council, and continuation of the Council maintenance, as set out in the report be approved;
and

c) Overview and Scrutiny – Social Well Being be recommended to consider the provision of leases for small sports facilities throughout the Borough.

Explanation

The Council has leased the Bowling Green to the Egremont Town Council for some time, the current lease was for a period of three years and is due to expire on 26 June 2006

Alternative Options Considered:

That the renewal of the lease to Egremont Town Council, and continuation of the Council maintenance, as set out in the report be approved;
and

Interests Declared:

Councillor Ms E Woodburn declared a prejudicial Interest in this item due to her mother being employed by Egremont Town Council and left the room during its consideration.

Implementation Date:
3 January 2007

Publication Date:
22 December 2006

Recorded by:
D James

Call-in Period Expires on:
3 January 2007

Contact Officers:
S Borwick

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 18	
Subject: Enforcement Review	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/145	

Portfolio Holder: Councillor A Holliday

Context:

This report advises the Executive of the findings and conclusions of the Review of Enforcement that was requested at their previous meeting. During consideration of this item Members stated under the proposed Financial Solution that they did not wish the £75,800, earmarked for CCTV, to be used.

Key Decision Status:

No

Decision

That

- 1. the findings of the review be noted;**
- 2. subject to the omission of the £75,000, earmarked for CCTV, the proposed resources shown in paragraph 4 of the report be utilised to fund the shortfall in enforcement income and members to note that if insufficient resources are available a call could be made on the reserve fund; and**
- 3. the Overview and Scrutiny – Environmental Well Being be asked to form a small task and finish group along with the Portfolio Holder to work along side the Chief Executive and report back to the February Executive with options and recommendation for the future of the service; and**
- 4. future service reviews must involve the Overview and Scrutiny Committee**

Explanation

Further to the meeting of the Executive held on 21 November 2006, the chief executive was requested to investigate and find a solution the situation of the Councils enforcement unit. This is the first report back.

Alternative Options Considered:

1. the findings of the review be noted;
2. the proposed resources shown in paragraph 4 are utilised to fund the shortfall in enforcement income and members to note that if insufficient resources are available a call could be made on the reserve fund; and
3. request that the Chief Executive report back to the February Executive on a definitive recommendation for the future of the service.

Interests Declared: None

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: L Murphy
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 19	
Subject: Urgent Actions	
Date of Decision: 19 December 2006	Decision made by: Full Executive
Decision Reference: EXE/06/146	

Portfolio Holders: Councillor M Ashbrook & N Williams

Context:
To note actions taken on grounds of urgency

Key Decision Status:
N/A

Decision
That a) action taken by the Head of Regeneration in consultation with the Deputy Leader in the safe removal of asbestos from the Askham Hall engine be noted; and
b) action taken by the Head of Leisure and Environmental Services in consultation with the Portfolio Holder – Resources and Local Democracy be noted

Explanation
In accordance with Council's reporting procedure.

Alternative Options Considered:
N/A

Interests Declared:

Implementation Date: 3 January 2007	Publication Date: 22 December 2006	Recorded by: D James
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Call-in Period Expires on: 3 January 2007	Contact Officers: D James
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