

**COPELAND BOROUGH COUNCIL**

**STATEMENTS OF EXECUTIVE DECISIONS**

**HELD ON 9 JANUARY 2013**

**MEMBERS PRESENT:** Councillors Elaine Woodburn; John Bowman; Hugh Branney; George Clements; Phil Greatorex; Allan Holliday

An apology for absence was received from Councillor Gillian Troughton

Councillor Norman Williams also attended the meeting – Councillor Graham Sunderland attended the meeting for Agenda Items 7 - 12

**OFFICERS IN ATTENDANCE:** Paul Walker, Chief Executive; Pat Graham, Director of Service; Darienne Law, Head of Corporate Resources; Penny Mell, Head of Policy and Transformation; Keith Parker, Head of Neighbourhoods; John Groves, Head of Nuclear, Energy and Planning; Tim Capper, Head of Democratic Services; Ian Curwen, Communications Manager; Denise James, Member Services Officer

**START TIME: 2.00pm**

**CLOSE TIME: 4.45pm**

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

**Certified a true record of decisions taken at the meeting of the 9 January 2013**

## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 1	
Subject: Statement of Decision	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0087	Full Executive

Portfolio Holder: N/A
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Context:  To consider the statement of Executive decision made on 18 December 2012
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Key Decision Status:  No
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<b>Decision</b>  <b>That the Statement of Executive Decisions be signed as a correct record.</b>
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Explanation  N/A
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Alternative Options Considered: None
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Interests Declared: None
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Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 3	
Subject: Declarations of Interest	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0088	Full Executive

Portfolio Holder: N/A
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Context:  To note declarations of Disclosable and Non Disclosable Pecuniary Interests
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Key Decision Status:  No
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<b>Decision</b>  <b>There were no declarations of Interest made.</b>
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Explanation N/A
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Alternative Options Considered: None
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Interests Declared: None
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Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 4	
Subject: Arrangement of the Agenda	
Date of Decision: 9 January 2013	Decision made by: Full Executive
Decision Reference: EXE/12/0089	

Portfolio Holder: N/A

Context:

To consider the order in which the items on the Agenda are considered and any additional or withdrawn items.

Key Decision Status:

No

**Decision**

**That the Agenda be considered in line with the revised agenda issued.**

Explanation  
N/A

Alternative Options Considered: None

Interests Declared:  
None

Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 6	
Subject: Proposals for Council Tax Technical Reforms 2013/14	
Date of Decision: 9 January 2013	Decision made by: Full Executive
Decision Reference: EXE/12/0090	

Portfolio Holder: N/A

#### Context:

To consider proposals for Council Tax technical reform following consultation and receipt of final Government Regulations.

#### Key Decision Status:

Yes

#### Decision

**That subject to the 100% discount given for flooded properties being amended from an indefinite period to a period of 6 months and then reviewed Council be recommended to consider the final proposals following consultation and receipt of final Government Regulations set out in the report at paragraph 3.5 – recommendations (i) to (v). This will enable the Tax Base implications to be taken into account in the Tax Base Calculation which is statutorily required by 31<sup>st</sup> January 2013.**

#### Explanation

The proposals will generate additional income from changes to discounts on empty properties and second homes. This could be used to offset the costs of the new Local Support for Council Tax (LSCT) scheme and other budget savings the Council is required to make. It will also assist Cumbria County Council and Cumbria Police authority in meeting the costs that will fall to it under the proposed LSCT scheme.

Alternative Options Considered: None

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Interests Declared: None
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Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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**Copeland Borough Council**

**Statement of Executive Decision**

Agenda Item: 7	
Subject: Update – Medium term Financial Strategy projections 2013/14 to 2016/17 and Revenue Budget Proposals	
Date of Decision: 9 January 2013	Decision made by: Full Executive
Decision Reference: EXE/12/0091	

Portfolio Holder: N/A
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Context:  To consider the updated projections on the Medium Term Financial Strategy and Revenue Budget Proposals for 2013/14, following the details of the Government settlement for 2013/14, which were received 19 December 2012.
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Key Decision Status:  No
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## **Decision**

### **That**

- (i) the total settlement figure received from Government on 19<sup>th</sup> December of £5,515m be noted;**
- (ii) the guaranteed cash receipt element of this settlement is £3.312m and the risk associated with the remaining £2.203m as detailed in paragraph 5.2 be noted;**
- (iii) the revised budget setting timetable and contingency special council meeting for council tax should parish councils be unable to meet the original deadlines be agreed;**
- (iv) the use of the New Homes Bonus to support existing Council services, see paragraph 1.6 be approved;**
- (v) the detailed saving proposals set out in Appendix A, which seeks to balance the council's budget and address the 2013/14 budget shortfall as detailed in paragraph 4.1 be approved;**
- (vi) the use of £175k of unallocated general fund balance, as detailed in Unallocated and Risk Based General Fund Balances report presented elsewhere on this agenda, to be used to fund the 2013/14 budget shortfall in supporting general expenditure as detailed in paragraph 4.1 be agreed;**
- (vii) the use of £132k from Earmarked Reserves, as detailed in Earmarked Reserves report presented elsewhere on this agenda be agreed;**
- (viii) the working MTFs assumptions set out in paragraph 3 including the assumption that the council will not accept the Council Tax freeze grant of 1% from government, and will instead seek a raise in council tax of 1.9% as detailed in paragraph 3.4 be approved;**
- (ix) the content of this report, and others on this agenda, will form the basis of the statutory budget consultation (under Statutory Instrument 1992 No.3171) under which the council is required to consult business ratepayers or business representatives on proposed spending be agreed;**

Explanation

The Council has a statutory duty to consult every year with local businesses on the budget and this helps inform decisions made on the council's budget and corporate plan. This report therefore seeks approval from the Executive for the budget proposals to be consulted upon under Statutory Instrument 1992 No.3171).

Following this consultation and further consideration these final proposals will be presented to Executive at its meeting on 12<sup>th</sup> February 2013, for recommendation to Council for approval of the budget on 21 February 2013.

Alternative Options Considered: None

Interests Declared:

None

Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 8	
Subject: Unallocated and Risk Based General Fund Balances	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0092	Full Executive

Portfolio Holder: N/A

#### Context:

This report updates Executive on the recent review of unallocated and Risk Based General Fund balances for 2013/14 onwards

#### Key Decision Status:

No

#### Decision

##### That

- the utilisation of £175,000 from the unallocated reserve in 2013/14 as detailed in paragraph 1.8 and shown in Appendix A of the report be approved;
- the release of £27,810 of Earmarked Reserves to the unallocated general fund in 2012/13 as detailed in paragraph 3.1 of the report be noted;
- the re-establishment of the Building Control Earmarked reserve, at £19,811 in 2012/13 as detailed in paragraph 4.1 of the report be noted.

#### Explanation

Revenue reserves play a key role in the management of the Council's budget. They are used as a contingency against risk, to fund new policy initiatives and to support the Council's revenue and capital budgets when needed.

Alternative Options Considered: None
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Interests Declared: None
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Implementation Date: 21 January 2013
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Publication Date: 14 January 2013
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Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013
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Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 9	
Subject: Earmarked Reserves	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0093	Full Executive

Portfolio Holder: N/A

#### Context:

This report updates Executive on the recent review of Earmarked reserves and seeks approval for use in 2013/14.

#### Key Decision Status:

No

#### Decision

##### That

- the previously agreed utilisation of reserves as detailed in paragraph 2.1 for 2013/14 useage of £132k as shown in Appendix A of the report be noted;
- the release of Seawalls Reserve back to unallocated general fund balance in 2012/13, see paragraph 3.1 of the report be approved;
- the re- establishment of Building Control Reserve from unallocated general fund balance in 2012/13, see paragraph 4.1 of the report be approved.

#### Explanation

Revenue reserves play a key role in the management of the Council's budget. They are used as a contingency against risk, to fund new policy initiatives and to support the Council's revenue and capital budgets when needed

Alternative Options Considered: None

Interests Declared: None
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Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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## Copeland Borough Council

### Statement of Executive Decision

Agenda Item: 10	
<b>Subject:</b> Proposed Draft Capital Programme for 2013/14 – 2015/16	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0094	Full Executive

Portfolio Holder: N/A
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#### Context:

To consider the draft Capital Bids put forward, for inclusion in the Capital Programme for 2013/14 and beyond, as well as the existing Capital Programme of those bids approved in principal for 2013/14 and 2015/16; to give the proposed capital programme for the three years 2013/14-2015/16, and how they will be funded.

The report also provides a summary of the draft Capital Programme 2013/14-2015/16, which will form the basis of the statutory budget consultation (under Statutory Instrument 1992 No.3171) under which the council is required to consult business ratepayers or business representatives on proposed spending.

#### Key Decision Status:

No

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**Decision**

- (i) the existing bids that were presented and approved by Council in February 2012 as outlined in paragraph 2 of the report be noted.
- (ii) the anticipated new capital bids as detailed in paragraph 4 and make recommendations for the inclusion in the draft Capital Programme which will form the basis of the statutory budget consultation (under Statutory Instrument 1992 No.3171) under which the council is required to consult business ratepayers or business representatives on proposed spending be noted;
- (iii) the proposed draft Capital Programme for 2013/14 to 2015/16, can be funded from capital receipts reserve subject to approval at Council on 22<sup>nd</sup> January 2013 to use the VAT Share receipts and assuming current forecast of capital receipts are realised in the three year period, see paragraph 6.3 be noted; and
- (iv) the forecast opening balance on total Useable Capital Receipts Reserve at April 2013 is £2,998,294 taking into account any anticipated carry forwards as at 30<sup>th</sup> November 2012 and the 1<sup>st</sup> call on reserves for the Howbank Road remedial works approved at Council on 6<sup>th</sup> September 2012 be noted.

**Explanation**

As part of the Budget setting process

Alternative Options Considered: None

**Interests Declared:**

None

Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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**Copeland Borough Council**

**Statement of Executive Decision**

Agenda Item: 11

**Subject:** Proposed Treasury Management Strategy Statement 2013/14 - 2015/16 incorporating Annual Investment Strategy 2013/14 & Minimum Revenue Provision Statement 2013/14

Date of Decision: 9 January 2013

Decision made by:

Decision Reference: EXE/12/0095

Full Executive

Portfolio Holder: N/A

Context:

To consider the proposed treasury management strategy statement 2013/14 - 2015/16 incorporating annual investment strategy 2013/14 & minimum revenue provision statement 2013/14 prior to being presented for scrutiny at Audit Committee on 31<sup>st</sup> January 2013, and further considered by Executive on 12<sup>th</sup> February 2013 and finally submitted to Full Council for formal approval on 21<sup>st</sup> February 2013.

Key Decision Status:

Yes

**Decision**

That the Treasury Management Strategy Statement 2013/14 – 2015/16, the Annual Investment Strategy 2013/14 and the Minimum Revenue Provision Statement 2013/14 contained within this report be agreed in principal. It be noted that the report will be presented to Audit Committee for further scrutiny before returning to Executive for recommendation to Council for approval at its meeting on 21<sup>st</sup> February 2013.

Explanation

In accordance with Councils budget setting process and reporting procedures.

Alternative Options Considered: None

Interests Declared:

None

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Implementation Date: 21 January 2013	Publication Date: 14 January 2013	Recorded by: Denise James
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Call-in Period Expires on: 21 January 2013	Contact Officers: Tim Capper
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**Copeland Borough Council**

**Statement of Executive Decision**

Agenda Item: 12	
Subject: Policy Framework 2013-15 – Local Community Rights and Community Asset Transfer	
Date of Decision: 9 January 2013	Decision made by:
Decision Reference: EXE/12/0096	Full Executive

Portfolio Holder: N/A
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<p>Context:</p> <p>The report outlines the Council’s policy response and key principles on key components of the Localism Act 2011, specifically Community Right to Challenge and Assets of Community Value (Community Right to Bid). It also outlines revisions to the Council’s Community Asset Transfer Policy. The policy guidance demonstrates the Council’s compliance with the Localism Act and an updated approach to Community Asset Transfer which supports the development of the new Policy Framework for the Council</p>
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<p>Key Decision Status:</p> <p>No</p>
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## **Decision**

**That Council be recommended that:**

- (a) the report and its appendices form the basis of the policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge;**
- (b) in respect of community asset transfer that the key principles in paragraph 3.3 of this report and the policy at Appendix A be approved;**
- (c) in respect of the community right to bid that:**
  - (1) that the Head of Nuclear, Energy and Planning be delegated with authority to determine (a) whether a community nomination request for a community asset be included in the list of assets of community value should be accepted and (b) in consultation with the Head of Corporate Resources applications for compensation and the amount thereof; and that the Director of Services be delegated with authority to determine requests for a review of a decision made by the Head of Nuclear, Energy and Planning;**
  - (2) that the Head of Nuclear, Energy and Planning be delegated with authority to oversee the implementation and day to day management of the community right to bid process;**
  - (3) in respect of community right to bid that the key principles in paragraph 4.2 of this report and the policy at Appendix B be approved;**
  - (4) that a risk based reserve be set up utilising funds currently in the general fund for a sum up to £20,000 for the period 1<sup>st</sup> December 2012 to 31<sup>st</sup> March 2014 to fund claims for compensation which may become payable;**
  - (5) that a separate report be made to the Executive in the event of any appeal being made to the First Tier Tribunal to put in place funding for dealing with such appeal; and**
  - (6) that the scheme be reviewed in December 2013 to assess scheme take up, budget requirements for 2014/15 and whether it is advisable to specify any definition or guidelines on the meaning of social interest or wellbeing for the determination of compensation.**
- (d) in respect of the community right to challenge that the key principles in paragraph 5.2 of this report and the policy at Appendix C be approved;**
- (e) that the policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge and associated arrangements are reviewed within 12 months;**
- (f) that resources required for the implementation of policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge set out at 4.3 are noted and that these are monitored and reviewed; and**
- (g) subject to approval, each policy will be made available via the Council's website and made available upon request.**

**Explanation**

The Localism Act 2011 introduced two new requirements: Assets of Community Value (Community Right to Bid) and Community Right to Challenge. Localism has also placed a renewed emphasis on Community Asset Transfer and as a result, it is considered timely to review and update the Council's Community Asset Transfer Policy. Similarly the proposed revised Community Asset Transfer Policy complements this wider localism agenda.

It is advised that the revised policy response provides adequate guidelines while ensuring proportionality and the degree of flexibility required for the communities we work for and with.

On approval of the policies, a detailed action plan will be developed.

Alternative Options Considered: None

Interests Declared:

None

Implementation Date:

21 January 2013

Publication Date:

14 January 2013

Recorded by:

Denise James

Call-in Period Expires on:

21 January 2013

Contact Officers:

Tim Capper

**Copeland Borough Council**

**Statement of Executive Decision**

Agenda Item:

Subject:

Date of Decision: 9 January 2013

Decision made by:

Decision Reference: EXE/12/00

Full Executive

Portfolio Holder: N/A

Context:

Key Decision Status:

No

**Decision**

Explanation

Alternative Options Considered: None

Interests Declared:

None

Implementation Date:

21 January 2013

Publication Date:

14 January 2013

Recorded by:

Denise James

Call-in Period Expires on:

21 January 2013

Contact Officers:

Tim Capper