

## **COPELAND BOROUGH COUNCIL**

### **MINUTES OF MEETING HELD ON 24 JUNE 2010**

**Present:** Councillors: M McVeigh (Mayor); D Banks; G Blackwell; J W Bowman; H Branney; A Carroll; Mrs Y R T Clarkson; G Clements; P C Connolly; B A Dixon; Mrs M Docherty; Mrs E Eastwood; Mrs D A Faichney; G Garrity; K Hitchen; A Holliday; Mrs J I Hully; J Jackson; A E Jacob; J Kane; T J Knowles; S J Meteer; D W Moore; J Park; J Prince; G Scurrah; W Southward; J G Sunderland; P D Tyson; Mrs C Watson; P Watson; C J Whiteside; Mrs J Williams; N Williams; E M Woodburn; Mrs M B Woodburn; A Wonnacott; H Wormstrup.

**Apologies** for absence were received from Councillors E Brennan; N Clarkson; R Cole; Mrs C A Giel; F Gleaves; F R Heathcote; Mrs W Metherell; A D Mossop; A Norwood; R F Pitt; R Salkeld; P Whalley; D A Wilson.

#### **2 June Tragedy**

Before the start of the business of the meeting, all present stood in memory of the victims of the tragedy that had taken place in the Borough on 2 June 2010, and their families, friends and colleagues, and others affected by the tragedy.

#### **Minutes**

The Minutes of the Annual Meeting held 11 May 2010 were signed by the Mayor as a correct record.

#### **C 243 Declarations of Interests**

Councillors G Clements, P Connolly and M Woodburn declared personal interests in the question under Procedure Rule 13.1 from Councillor J Williams, as Copeland Homes Board Members.

Councillor H Wormstrup declared a personal interest in the Executive report on Cumbria in Bloom as Chairman of Whitehaven in Bloom and as an Executive member of Cumbriain Bloom.

Councillors A Faichney and J Hully declared a personal interest in the Executive report on nuclear issues due to relatives being employed in the industry.

Councillor J Park declared a personal interest in the Executive report on Millom Ironworks improvements as the Chair of the Friends Group.

Councillor G Sunderland declared a personal interest in Agenda Item 17 as a private landlord.

Councillor D Moore declared a personal interest in the Executive report on Whitehaven Fire Station as a fire service employee.

### **C 244 Mayor's Announcements**

The Mayor thanked those Members who had accompanied him on visits to local communities affected by the events of 2 June.

The Mayor then referred to his visit with the Mayoress to the Royal Garden Party in the presence of Her Majesty The Queen earlier in the week of the meeting, and thanked the Council for the opportunity to attend.

The Mayor then presented to representatives of the Beacon two awards which had been won at the Cumbria Tourism Awards in May.

### **C 245 Order of Business**

Arising from Mayor's Announcements it was moved, duly seconded and

**RESOLVED** – that the order of business of the meeting be varied by taking Agenda Item 14 as the next item.

### **C 246 Constitution Review**

The Council considered a report on the work carried out by the Constitution Working Group and the Choosing to Change Board reviewing the Council's Constitution and procedures on outside bodies.

**RESOLVED** –

(a) that the Council agrees to the amendment of the Member/Employee protocol agreed by Council on 13<sup>th</sup> April 2010 attached at Appendix A to the report;

(b) that the Council agrees to the amendment of the Council Procedure Rules agreed by Council on 13<sup>th</sup> April 2010 attached at Appendix B to the report and that they take effect at the meeting on 24<sup>th</sup> June 2010;

(c) that the Council agrees to extend the right of the public to ask questions at meetings to those of the Executive in accordance with a process the detail of which is delegated to the Leader of the Council and the Head of Legal & Democratic Services;

(d) that the Council agrees to delegate to the Planning Panel matters previously reserved to Council in relation to Council planning applications set out in Chapter 10 of the refreshed Constitution at Appendix C; and

(e) that subject to the Council's agreement to the recommendations at (a), (b), (c) and (d) above the Council agrees to the refreshed Constitution attached at Appendix C to the report, and to the consequential minor amendments of the Council's current Constitution by the Head of Legal and Democratic Services, subject to these being reported to the Constitution Working Group.

**C 247 Petitions**

There were no petitions under Procedure Rule 19

**C 248 Questions from Members of the Public**

There were no questions from members of the public under Procedure Rule 12.

**C 249 Questions from Members of the Council Under Procedure Rule 13.1**

Written notice of the following questions had been given under Procedure Rule 13.1:

Councillor T Knowles asked the following question of the Leader of the Council:

“Would the Leader agree with me that the officers of this Council and those seconded from other organisations to provide assistance, did an exemplary job in handling the unprecedented level of demand placed on them. Would she join me in extending the thanks of this Authority for the dignified and professional way they have responded to the many and varied demands placed on them?”

The Leader of the Council replied as follows:

“Thank you Mr Mayor. As anyone can imagine, the recent events can never be planned for, but it was evident from the beginning that we didn’t have the capacity in house to deal with the thousands of calls that were coming in every hour. We requested help from Sellafeld Nuclear Management Partners and Low Level Waste Repository and their response was immediate. They seconded to us Karl Connor, Bill Anderton and Cath Giel, who alongside Ian Curwen and Leila Cox did an excellent job in very difficult circumstances and in an extremely professional way. We did get praise from the police on the way that we handled the media and the police themselves. So its right that all these should be thanked and they have all received letters of thanks. There’s no doubt that without this support we could not have coped. I will ask for the Council’s support in extending our thanks to all our staff who had to deal with these difficult circumstances, and to the secondees, who all in their own way helped Copeland manage the event.”

Councillor J Hully asked the following question of the Leader of the Council:

“As we know the Prime minister has recently visited the West Cumberland Hospital to offer condolences to those affected by those affected by the recent tragedy and to quite rightly praise all the emergency services something that we all echo.

As we know the funding for the hospital is under review, can we as a Council write to the Government to request an immediate decision on the funding to ensure that this community has the hospital that we all fought for?”

The Leader of the Council replied as follows:

“Thank you Mr Mayor. I spoke to our MP last night for an update on the work he has been doing. He has written to the Secretary of State for Health and unfortunately still has not received a response. He has met with the Prime Minister twice and again there has not been a specific commitment to the funding. I did hear the Prime Minister quite rightly praise the work of the emergency services and give a really strong endorsement to the West Cumberland Hospital. And that's good but what we need is good wishes to be translated into funding. The worry I have here is that we really have to hit the September timescale, because if we don't that's when services will start to be affected. Members also need to be mindful that the North West Development Agency committed £10m to this project. We know that the new government is making changes to development agencies in the south, and if this is replicated in the north we need to make sure the £10m set aside for the hospital is protected. Recent events have shown how important it is that we have a modern hospital. Time is ticking and the hospital is too important to play politics with and I'm sure I'm speaking for both sides of the Council in saying that we need to do everything we can as a local authority to urge that on.

I will add something that I only received earlier this afternoon, and I will ask if Councillor Moore and his colleagues will speak to the Leader of Cumbria County Council, who has written to the Secretary of State for Health, concluding 'the debate for us is not whether we need a hospital in West Cumbria, which I have no doubt we do, but what size should it be and what configuration of services should be provided'. Now we had this debate long and hard years ago about what size of hospital we needed, what number of beds and what services should be provided. I will put a plea out to Cumbria County Council that we don't go down that route again. We fought hard together as a Council to secure the hospital. What we need now is for government to provide that funding as soon as possible”.

Councillor H Wormstrup asked the following question of the Leader of the Council:

“Do we know the impact on the public funding cut to the N D A. What impact will this public funding cut have on Sellafield What impact will this public funding cut have on the decommissioning programme over the next five years?”

The Leader of the Council replied as follows:

“Thank you Mr Mayor. Just to clarify, in this financial year there has been no cut to the budget for the NDA. In March the NDA informed Sellafield that their site funding was £1.5m – that is slightly higher than last year. Quite rightly they have to prioritise the high hazard work on site that needs to be done as urgent and they also have to deliver efficiencies and value for money. We know because of the funding challenges they face and the amount they need to spend on high hazards, there will be an impact on other projects within the Sellafield site itself. They don't yet know what impact that will be but they have said they will consult both the unions and ourselves so that we do know what impact that will be. We also know the NDA like ourselves have to go through another 3 year spending review. So its difficult to predict what any cuts will be but I will ensure all Members are made aware when that information becomes available.”

Councillor Wormstrup asked the following supplementary question:

“Who will the consultees be?”

The Leader of the Council replied as follows:

“Again I think the trades unions and the local authority”.

Councillor J Williams asked the following question of the Portfolio Holder for Housing and Customer Services:

“Can the Portfolio holder inform this Council on the outcome of the Urgent action that was raised at the 2nd of March Full Council into the possibility of Home Group introducing a cleaning service into blocks of flats, where a cleaning charge may be made?”.

The Portfolio Holder, Councillor G Clements, replied as follows:

“Thank you Mr Mayor. After the meeting instructions were given to the Housing Services Manager to write to Home Group asking them to clarify service charges and a reply has been received which I will read out: ‘Thank you for your letter of 16 March enquiring about cleaning of communal areas within blocks of flats. In January we completed an annual fire risk assessment in all of the flats in Whitehaven town centre which highlighted a risk that customers could place items of furniture within communal areas which were causing obstruction in the event of emergency evacuation. A letter was sent to all customers living in these properties in February to highlight the issue and the fact that some of the communal areas were in need of a good clean. The cleaning of these areas is currently the responsibility of the residents and in most cases they maintain them to a high standard. A suggestion was made in a letter that Home could arrange contractors to provide a service to customers in blocks where they do not want to undertake cleaning themselves. Where this was arranged a service charge would be applicable to cover the cleaning costs but we do stress that we have no plans to implement a cleaning service unless our customers approach us and ask us to do this on their behalf. We will continue to inspect the communal areas in the future and we will make contact with any individual residents who are not fulfilling their responsibilities by maintaining cleanliness of the communal areas. I trust that this clarifies the situation. However if any of you have any queries please do not hesitate to contact me’.

I have also spoken to the Home Group this morning to ask if they could help vulnerable people, disabled people, elderly people where if they could not manage to do the cleaning, what would happen. They have said that if there are people who cannot manage themselves, they will work in conjunction with all the residents in a block to try to come to some arrangements. But again they have stressed there are no plans to implement service charges.”

Councillor Williams asked the following supplementary question:

“Did the Portfolio Holder say that some tenants might have a choice?”

The Portfolio Holder, Councillor G Clements, replied as follows:

“Yes if tenants cannot clean communal areas they can choose to approach Home to arrange a cleaning service at a cost.”

Councillor P Watson asked the following question of the Portfolio Holder for Leisure and Tourism:

“The Labour Government introduced free swimming for those under 16 and those over 60, can the portfolio holder tell me if this will continue under the new coalition?”

The Portfolio Holder, Councillor H Branney, replied as follows:

“Thank you Mr Mayor and thank you Councillor Watson for the question. I can tell you that we have been informed by the Coalition Government that Copeland Borough Council’s free swimming scheme for under 16’s and over 60’s will cease. A decision has been taken as part of the savings announced in the past week. The news is a great disappointment to me, and I’m sure to a lot of other people as the removal of the financial barrier proved to be incredibly successful, and helping our aim to promote healthy living, and reduce childhood obesity, and reducing ongoing obesity costs. In Copeland over 19,000 over 60’s and 34,000 under 16’s took advantage of the scheme in the first year. And I’m sure you’ll all agree that was a terrific response. The scheme was intended to finish in March next year but will end in July this year.”

Councillor Watson asked the following supplementary question:

“You referred to proposed savings in costs. Would you be able to make an estimate of the costs that will be incurred by this authority as a result of the decision in terms of the health of the young and old and possibly costs to our health services?”

The Portfolio Holder replied as follows:

“Thank you Councillor Watson – the short answer is no, this will be an ongoing cost which continues to be ongoing, and no doubt escalating; but a slightly different answer, if I can wear my young person’s portfolio, the free school meals pilot for 700 people in Workington and Millom who were due to have free school meals has also been scrapped, and the intention there was to look at healthy eating, very similar to free swimming, reducing childhood obesity and the Body Mass Index for young people, therefore generally improving their lifestyle and life expectancy. And similarly under review, the Building Schools for the Future project, described as a once in a generation scheme for schools, is now under review also.”

Councillor C Whiteside then asked the following question of the Leader of the Council:

“Given that proposals to reduce Whitehaven Fire Station to full service during the day and retained cover only at night are causing concern to fire-fighters and members of the public alike, has the executive made any representations on this subject, or would it be more appropriate for Overview and Scrutiny to examine the issue?”

The Leader of the Council replied as follows:

“Thank you Mr Mayor and Councillor Whiteside for the question. Its quite right we should be concerned if there are any proposed changes to this service. I have spoken to the Chair and Deputy Chair of the External Overview and Scrutiny Committee who have

agreed to include this in their work plan, and to carry out this piece of work as soon as possible. We have also spoken to the County Council who are obviously happy for Copeland to scrutinise this. We know there will be some public consultation on it in September and I'm hoping the OSC will be able to feed their information into the public consultation. I think we all agree that this is a vital service for Copeland and that we do everything we can to make sure its protected."

Councillor Whiteside then asked the following question of the Planning Operations Portfolio Holder:

"Will the executive member make a statement about the current planning position with respect to Whitehaven Golf Course?"

In particular

1. has this council received any communication from the government on when they plan to make a final decision on the application to move the right of way, and what the implications will be for any screening required around the Driving Range to ensure that there is no risk to public safety, and
2. This council was previously told that the county council required the removal of the dry stone wall on highway safety grounds. Can we be advised who at the county council or the police gave this advice, whether this council has been given any details of the grounds or evidence supporting this view, and whether the banking and posts which have replaced the wall meet the requirement for improved road safety?"

The Portfolio Holder, Councillor G Blackwell, replied as follows:

"Thank you Mr Mayor and Councillor Whiteside for the question. The original line of the public right of way crossing the golf course was modified by a planning inspector following a public inquiry. Consultations on this revised route were carried out and following objections by a local resident the planning inspectorate by written representation procedure are now in the process of inviting all parties to submit their written statements, with a closing date of 10 September 2010. The Inspector's final decision will therefore be issued sometime after that date. Subject to the Inspector's final decision, a fresh if retrospective planning application may need to be submitted to regularise the current situation regarding the golf course driving range. Any additional landscaping and public safety issues can be addressed as part of this statutory process. With regard to the sandstone wall, this was protected in planning terms and as such planning permission was not required for its removal. Copeland Borough Council was therefore not a party to the discussions which it is understood took place between the golf course operators who own the wall, the highway authority and the police concerning the subsequent removal of a substantial length of wall."

Councillor Whiteside then asked the following supplementary question:

"With regard to the wall, as the Portfolio Holder is aware, the original planning application did show this as retained and when we asked why it had been removed the

officers gave to both the Portfolio Holder and myself the answer that it had been removed on highway safety grounds. There is a certain amount of controversy about that and I think it would be a helpful process in the interests of transparency to try and get the evidence and reasons for that into the public domain. Do we know anything else about what the grounds were on which the wall was regarded as a threat to public safety or is this an issue I need to take up with my County Councillor?"

The Portfolio Holder replied as follows:

"It will have to be taken up with the highway authority, the County Council. You can have my assurance that I will personally be pursuing it to see what the reasons were behind it. We are led to believe that it was purely on safety grounds because of the wall and the amount of accidents that were happening in that particular area and as Portfolio Holder I will try to get you that additional information."

### **C 250 Executive Report**

The Council received and noted the Executive report.

(Note: Councillors E Woodburn, G Blackwell, D Banks, J Hully, R Salkeld, and A Wonnacott declared personal interests in the discussion on the nuclear industry due to having relatives employed in the industry.)

### **C 251 Audit Committee Report**

The Council received and noted the quarterly report of the Audit Committee

### **C 252 MRWS Partnership Progress Report**

The Council received and noted the MRWS Progress Report

### **C253 Cumbria Leadership Forum**

The Council received and noted a report on the Cumbria Leadership Forum

### **C 254 Questions from Members of the Council Under Procedure Rule 13.2**

Written notice of the following questions had been received under Procedure Rule 13.2:

Councillor K Hitchen asked the following question of the Leader of the Council:

"MRWS Paper - Can the leader confirm that the Terms of Reference of the Partnership are still in draft form and that Copeland Borough Council, Allerdale Borough Council and Cumbria Council have signed up to a Memorandum of Understanding?"

The Leader of the Council replied as follows:

"Thank you Mr Mayor. Can I confirm that yes the draft terms of reference of the partnership are still being drafted and that yes a Copeland, Allerdale and the County Council have signed a memorandum of understanding."

Councillor Hitchen then asked the following supplementary question:

“In the interests of clarity, openness and transparency, does the Leader think that Members of the Council ought to be aware of the memorandum of understanding – because unless they have been on to the website and read all the papers of the MRWS partnership they are probably unaware of the memorandum of understanding. Having taken advice from the Legal Officer, it is not a legally binding document and therefore does not need approval by the Council but in terms of openness and transparency does the Leader agree that it could be made available to all Members?”

The Leader of the Council replied as follows:

“As I think I mentioned in one of the reports to full Council it is not a secret document, it sets out how the three local authorities will work together on MRWS and I will certainly make it available”.

### **C 255 Choosing to Change**

The Council considered a report on progress in the Choosing to Change Initiative.

**RESOLVED** – that the Council agrees to the recommendations in the Choosing to Change Board meetings of 18 May and 15 June 2010.

### **C 256 Overview and Scrutiny Structure and Memberships**

The Council considered a revised structure for overview and scrutiny committees and considered appointment of Members to the new committees.

#### **RESOLVED**

1. That the two committee Overview and Scrutiny structure of one Internal Overview and Scrutiny Committee and one External Overview and Scrutiny Committee is agreed, with members appointed as shown in the schedule to these minutes
2. That the terms of reference for the Internal Overview and Scrutiny Committee as set out in the report are agreed
3. That the terms of reference for the External Overview and Scrutiny Committee as set out in the report are agreed
4. That an informal co-ordinating group made up of the Chairs and Deputy Chairs of each committee is established and its remit at 4.1 is agreed
5. That the structure is implemented with immediate effect

6. That Members of both Overview and Scrutiny Committees undergo relevant training
7. A review of the new structure take places in 12 months
8. That the Independent Remuneration Panel be asked to advise on appropriate remuneration

**C 257 Personnel Panel**

**RESOLVED** – that Councillors F Gleaves, R Heathcote and A Wonnacott be appointed to the vacancies on the Personnel Panel.

**C 258 Petitions Scheme**

The Council considered introduction of a draft Petitions Scheme as required by legislation.

**RESOLVED**

1. That the Draft Petitions Scheme be adopted to take effect from this meeting with the exception of e-petitions which will be adopted following the establishment of an e-petitions scheme on the Council's web-site but in any event by no later than 15<sup>th</sup> December 2010;
2. That Council approve the making of consequential amendments to the Council's Constitution.

**C 259 Choice Based Lettings**

The Council considered a recommendation from the Strategic Housing Panel on introduction of a Choice Based Lettings Scheme.

**RESOLVED** – that the Choice Based Lettings Scheme as recommended by the Strategic Housing Panel be approved and implemented.

The meeting closed at 6.25 pm

Mayor

**COPELAND BOROUGH COUNCIL**

**MINUTES OF SPECIAL MEETING HELD ON 27 JUNE 2010**

**Present:** Councillors: M McVeigh (Mayor); G Blackwell; H Branney; A Carroll; G Clements; R Cole; Mrs M Docherty; Mrs E Eastwood; Mrs D A Faichney; G Garrity; K Hitchen; A Holliday; Mrs J I Hully; A E Jacob; J Kane; D W Moore; A Mossop; W Southward; P D Tyson; Mrs C Watson; P Watson; C J Whiteside; Mrs J Williams; N Williams; E M Woodburn; Mrs M B Woodburn; H Wormstrup.

**C 260 Freedom of the Borough of Copeland**

It was moved by Councillor E Woodburn, seconded by Councillor D Moore and

**RESOLVED** – that in accordance with Section 249 of the Local Government Act 1972 –

(a) the Freedom of the Borough of Copeland be conferred on the Whitehaven Sea Cadet Corps;

(b) the Freedom of the Borough of Copeland be conferred on the Whitehaven Army Cadet Corps;

(c) the Freedom of the Borough of Copeland be conferred on the Whitehaven Air Cadet Corps; and

(d) the Freedom of the Borough of Copeland be conferred on Her Majesty's Armed Forces based in the Borough.

The meeting closed at 11.45 am

Mayor