

## NUCLEAR GOVERNANCE

Lead Officer            Pat Graham  
                                 Corporate Director People and Places

Report Author         Steve Smith

### **SUMMARY:**

The purpose of this report is to consider the future of the Nuclear Working Group in the context of the new requirements for the energy regime, and to make recommendations for change.

### **RECOMMENDATIONS:**

1. That the Nuclear Working Group with its current remit be disbanded.
2. That a Strategic Nuclear and Energy Board be constituted, consisting of the Leader of the Council, the Leader of the Opposition, and three other Members of the Council.
3. That the terms of reference of the Strategic Nuclear and Energy Board be as follows:
  - i) To receive and consider all strategic matters affecting West Cumbria relating to Nuclear New Build, Nuclear De-commissioning, Nuclear Waste and any other nuclear related matters, including National Grid, and report to the Council and the Executive.
  - ii) To receive and consider all strategic matters affecting West Cumbria relating to energy and the Energy Coast, including National Grid, and report to the Council and the Executive.
  - iii) In receiving such information at ii) above to consider the establishment of Task and Finish Groups and invite Members of the Council to participate in the work of the groups.
  - iv) To consider and direct the most appropriate way for the Council to fulfill any scrutiny role of the nuclear and energy industry required of it, including the re-introduction of quarterly meetings with Nuclear Partners to which all Members of the Council will be invited; and

4. That appointments be made on 16<sup>th</sup> June 2011 to the West Cumbria Site Stakeholders Group from members of the current Nuclear Working Group considered by the Council to have sufficient expertise to fulfill this role.

## **1. BACKGROUND**

- 1.1 The main drivers for this report are the advent of nuclear new build and the new planning regime, new nuclear missions, and the next phase in the decommissioning contract at the Sellafield plant.
- 1.2 There is also a need for the Council to make better use of Members professional expertise in a more focused way.
- 1.3 The increasing significance of the Council on the national stage around all elements of the nuclear and energy agenda is also recognised, and this in turn will mean additional pressure on the Council to perform professionally and competently to ensure its reputation is not only maintained but enhanced.
- 1.4 There is therefore a pressing need for the Council to re-organise its business around the energy agenda generally. It is noted that the Council re-structured its officer support in this area in 2010.

## **2. CURRENT ARRANGEMENTS**

- 2.2 Business is currently conducted through a number of internal and external arrangements.
  - 2.2.1 The internal arrangements are Council, Executive, Planning Panel, Local Development Framework Party, Nuclear Working Group and Officer delegation.
  - 2.2.2 External arrangements are not considered in this report, except in passing, and to make the suggestion that the membership of the West Cumbria Site Stakeholders Group be increased. A function of this Group is to scrutinise the nuclear industry in West Cumbria. It is also undergoing a review.
- 2.3 Concern has recently been expressed that the Council needs to ensure its governance arrangements are sufficiently robust, including around the operation of the Nuclear Working Group, which is the subject of this report, and whether it is fit for purpose in the current climate.

### **3. REVIEW**

- 3.1 A consideration of the business carried out by the committees at 2.2 above has thrown up a number of anomalies in their operation. Terms of reference are not always followed. These will need a more detailed review as the nuclear and energy agenda develops.
  - 3.1.1 A recent example is that the Nuclear Working Group considered the National Policy Statements relating to the Energy Agenda, reporting to Council, when the Local Development Framework Party's job is to oversee all planning policy guidance.
  - 3.1.2 This becomes of particular relevance when the Infrastructure Planning Commission considers an application for a nuclear power installation, as it will expect the Council's Local Development Framework to comply with relevant National Policy Statements.
- 3.2 The focus of the Nuclear Working Group generally, however, is operational, often with an attention to detail at the Sellafield site which is disproportionate to other work which requires member input and concentration. It does not fit with what the Council now needs to deliver to perform, and a fresh approach is therefore needed to fulfil future requirements.
  - 3.2.1 There are pressing timetables which require members and officers to work on together, and a need for a genuine collective oversight of key strategic issues at senior member level. There is currently no evidence that the Nuclear Working Group as it is currently constituted is providing or indeed can provide the lead which is now required to take the Council forward.
  - 3.2.2 This is not necessarily the fault of the Group, as its current format and membership makes it difficult if not impossible for it to realistically carry out this leadership role in the new climate.
  - 3.2.3 The members involved in future strategy by definition should be both senior and knowledgeable members of the Council who are in a position to shape and provide direction for the forthcoming strategies and key decisions on a local, regional and national level at speed and with authority. This group should also be small and focused, accountable to Council and the Executive.
- 3.3 There is therefore scope for a new strategic body within the Council to lead and drive the nuclear and energy agenda, which will ensure both that the Council's interests and obligations are met in any energy projects coming on stream, and that the Council contributes to and fulfils the democratic requirement for scrutiny and consultation in all

areas falling within this remit.

- 3.4 Scrutiny of the nuclear industry remains important, as it enters a new phase of its decommissioning contract at the Sellafield site, and it is therefore suggested that additional members are appointed to the outside body responsible for this area as soon as constitutionally possible, the West Cumbria Site Stakeholders Group, to influence this process.
- 3.5 Monitoring performance requires a review, given the Sellafield Performance Plan currently being developed, and this could be one of the first tasks of the new strategic board to consider how best to do so, informed by the review of the West Cumbria Site Stakeholders Group.
- 3.6 In due course members will also be required to contribute to the various stages of consultation and reporting in the nuclear new build programme, so it is essential that any initial governance changes are embarked upon as soon as possible.
- 3.7 It is accepted that new governance arrangements are an evolving process, and further work is ongoing to ensure best practice and fit for the national and regional stage.
- 3.8 The remit of other internal committees are currently being considered. For example, it is envisaged that Managing Radioactive Waste Safely should continue to be advanced through the Partnership and reported to full Council. The strategic board would however have an understanding and overview of how it fits in with the nuclear framework.
- 3.9 In the light of this review, therefore, the recommendations set out at the start of this report are proposed. The Nuclear Working Group, and the Monitoring Officer and the S.151 officer have been consulted and any additional comments will be reported to Council.

List of Background Papers: None

Consultees: Nuclear Working Group  
Chief Executive  
Monitoring Officer  
S.151 Officer