

COPELAND BOROUGH COUNCIL

STATEMENTS OF EXECUTIVE DECISIONS

MEETING HELD ON 15 JULY 2008

MEMBERS PRESENT: Councillors G Blackwell; H Branney; G Clements; C Giel; A Holliday; N Williams

APOLOGIES FOR ABSENCE: Councillor Ms E Woodburn and T Knowles

OFFICERS IN ATTENDANCE: L Murphy, Chief Executive; F McMorrow, Corporate Director of Development, T Chilcott, Corporate Director, Quality of Life; S Smith Interim Head of Regeneration; M Robinson, Acting Head of Finance; J Salt, Head of Customer Services; H Mitchell, Head of Policy and Performance; M Jepson, Head of Legal and Democratic Services; D James, Member Services Officer

C Lloyd, T Magean: Part One of the Agenda

START TIME: 10.30 am

CLOSE TIME: 12.25PM

CERTIFICATION: _____

Certified a true record of decisions taken at the meeting of the Executive of Copeland Borough Council dated 15 July 2008.

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 1	
Subject: Statements of Decision made on 17 June 2008	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0021	

Portfolio Holder: N/A

Context:
To consider the accuracy of the Statements of Decision dated 17 June 2008

Key Decision Status:
N/A

Decision
That the Statements of Decision made on 17 June 2008 be signed as a correct record.

Explanation
N/A

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: Denise James
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Call-in Period Expires on: 25 July 2008	Contact Officers: D James
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 3	
Subject: Arrangement of the Agenda	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0022	

Portfolio Holder: N/A

Context: To consider the order in which the items on the Agenda are taken and any additional items for consideration.
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Key Decision Status: N/A

Decision That an additional Item – Whitehaven Rugby League Football Club be considered as Agenda Item 13 under Part Two of the Agenda by Virtue of Paragraph 3
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Explanation N/A

Alternative Options Considered: N/A
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Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: Denise James
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Call-in Period Expires on: 25 July 2008	Contact Officers: N/A
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 5	
Subject: Forward Plan	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0023	

Portfolio Holder: N/A

Context:
To consider the forward plan of Executive Decisions.

Key Decision Status:
No

Decision
That with the inclusion of a) Quarter 1 Management Accounts; and b) Quarter 1 Capital Monitoring the forward plan of Key Decisions July – October 2008 be noted.

Explanation
N/A

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: Denise James
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Call-in Period Expires on: 25 July 2008	Contact Officers: Denise James
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 6	
Subject: Local Area Agreement 2008-11	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0024	

Portfolio Holder: Councillor Ms E Woodburn
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Context: This report seeks the approval of the Executive for the Local Area Agreement for Cumbria 2008-11
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Key Decision Status: No

Decision That taking on Board comments made by Members Council be recommended to endorse the Local Area Agreement for Cumbria
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Explanation Cumbria Strategic Partnership has been negotiating with the Government on behalf of partners in Cumbria to develop a Local Area Agreement to last for three years. Partner agencies are asked to endorse formally the Local Area Agreement and to agree to work together to try to achieve the targets set in the Agreement.
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Alternative Options Considered: None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: H Mitchell
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 7	
Subject: Public Building Maintenance – Revenue and Capital	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0025	

Portfolio Holder: Councillor A Holliday

Context:

This report sets out detailed proposals for expenditure of the Public Buildings Capital and Revenue budgets for the financial year.

During consideration of this item members stressed the importance of preserving the Cleator Moor Council Centre for future use. It was noted that a Task group had been set up to look at the regeneration of Cleator Moor and this building would be part of their discussions. Members asked for their conclusions and proposals to be the subject of a further report.

Key Decision Status:

No

Decision

That a) the proposed programme of work as detailed out in the report be approved;

b) options for the future use of the Cleator Moor Council Centre be the subject of a further report.

Explanation

Executive has approved budgetary provision of £313,000 for Planned Preventative Maintenance based on five year Condition surveys, £188,000 to be funded from revenue and £125,000 to be funded from the Capital Programme.

Approval has also been given for the Revenue budget for Programmed and Responsive Repairs in the sum of £166,795.

This report confirms to Executive the proposals for expenditure of these budgets for 2008/09, and to seek approval for such expenditure

Alternative Options Considered:

None

Interests Declared: None

Implementation Date: 25 July 2008

Publication Date: 18 July 2008

Recorded by: D James

Call-in Period Expires on: 25 July 2008
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Contact Officers: S Smith

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 8	
Subject: Closure of Accounts 2006 - 2008	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0026	

Portfolio Holder: Councillor E Woodburn

Context: To note the current position with regard to the closure of accounts 2006 – 08.
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Key Decision Status: No

Decision That the report be noted.

Explanation The report gives the background to the statutory requirement for the Council to adopt accounts by 30 June each year and to close the accounts by 30 September; and explains the reasons for the Council being unable to comply with the statutory requirements for the 2006/2007 accounts, and the requirements of the District Auditor as to the closure of the accounts for 2007/2008.

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: L Murphy
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 9	
Subject: Interim Measures Resources	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0027	

Portfolio Holder: Councillors A Holliday and C Giel

Context:

To consider the suspension of Contract Standing Orders in order to progress with interim recruitment measures.

Key Decision Status:

No

Decision

That Contract Standing Orders 5, 6 and 8 be suspended, in respect of advertising, ad hoc tender lists and acceptance for a period of 12 months for interim resource measures as detailed in the report.

Explanation

Executive approved at its meeting on 8 April 2008 to use of reserves, and more particularly, to enable interim appointments to be made in order to maintain critical work and support to the Development Directorate.

It is also fair to say that interim appointments have been/are also required in other Service Units across the Council to enable Council services to function at the necessary levels.

These recruitment needs are essentially required to address current staffing shortfall over the short term whilst permanent recruitment can be organised as well as meeting particular short term demands for additional capacity, and obtaining permanent appointees can in some instances take up to six months to complete. A number of the posts relate to critical service areas and are at management level.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: S Smith
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 10	
Subject: Distington Crematorium Replacement of Cremators	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0028	

Portfolio Holder: Councillor G Clements

Context:

This report seeks approval to progress the replacement of the cremators at Distington Crematorium.

Key Decision Status:

No

Decision

That

- a) **£30,000 be released from funding already set aside to obtain specialist support services for feasibility studies into the replacement of cremators at the Crematorium;**
 - b) **authority for selection of consultants for the ad hoc tender list and for acceptance of a tender be delegated to the Head of Regeneration in consultation with the Portfolio holders; and**
 - c) **Council's continuation to participate in the CAMEO scheme until, and if, such time as the cremators are fitted with abatement equipment be confirmed.**
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Explanation

The current cremators in the Crematorium were installed around 1994. Specialists were appointed in 2005 to report on the condition of these cremators and advised that replacement would be required in 2009.

Crematoria emit mercury and without action could contribute 25% of national mercury emissions by 2020. The Government announced in 2005 a requirement that emissions of mercury from 50% of crematoria should be abated by the end of 2012. At the request of the cremation sector, this requirement allows for the adoption of a 'burden sharing' approach, whereby cremation authorities can share the cost. The main burden sharing arrangement is a national scheme established by the Federation of Burial and Cremation Authorities and known as CAMEO (Crematoria abatement of emissions organization)

Further regulation has recently been enacted by the Government -

- DEFRA has recently written to all Chief Executives of local authorities advising of the Environmental Permitting (England & Wales) Regulations 2007 which include The Environmental Protection (England) (Crematoria Mercury Emissions Directive 2008) which require decisions by authorities by October 2008 on whether or not abatement equipment will be fitted, and if so expected dates for fitting.
- The alternative that is likely to apply to Copeland is to continue with the cameo scheme (payment of a 'charge' for each cremation carried out where there is no abatement equipment fitted to comply with new regulation).

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: S Smith
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 11	
Subject: Copeland Community Initiative Fund	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/07/0029	

Portfolio Holder: Councillor E Woodburn

Context:

This report seeks confirmation from the Executive that they support the form of the organisational vehicle being established to manage a community fund proposed to be established in recognition of the presence of the Low Level Waste Repository in Copeland.

Key Decision Status:

No

Decision

That

- 1. the nature of the partnership body now being proposed be agreed in principle;**
 - 2. the request that the Council act as the accountable body for the fund be agreed;**
 - 3. approval of the final details of the proposal be delegated to the Director of Development in consultation with Corporate Team and the Leader of the Council; and**
 - 4. the position regarding legal appointments be noted.**
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Explanation

In December last year the Council considered a report on this topic and agreed, in principle, to a Community Interest Company (CIC) being established to manage the community funding being derived from planning obligations associated with the extension of the Low Level waste repository in Copeland. It was agreed that finalising detailed arrangements would be delegated.

The report made it clear that further investigations into the tax implications would be necessary before a final decision could be reached. Tax advice has been taken and has revealed that a CIC would not be a tax efficient vehicle for a fund of this nature. The long term nature of the fund will mean the funding will not necessarily be immediately disbursed and investing all or part of the funding is likely to be an integral part of the management strategy. The CIC will have no tax exempt status and any earnings will be taxable. This will result in very significant amounts being handed back to the exchequer and not available for community uses.

The wording of the Section 106 agreement allowed for the potential of reviewing the management vehicle. The wording in the agreement makes it clear that the funding will be transferred to a CIC for management unless the three parties agree an alternative management vehicle.

Consideration has been given to every kind of management vehicle. This has included a charitable trust which would have tax advantages but would have limited flexibility in delivering its socio economic objectives. The Council has taken its own legal advice which has helped clarify the correct legal vehicle and led in the drafting of the necessary legal documentation. The Council would be looking to the NDA for re-imbursement of these costs.

It should be noted that expenditure will be bounded by the content of the current NDA Socio Economic Strategy.

Alternative Options Considered:

None

Interests Declared: Councillor C Giel declared a prejudicial interest in this item due to being employed by Drigg LLR and left the room during consideration of the item.

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: F McMorow
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: N/A	
Subject: Exclusion of Press and Public	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/07/0030	

Portfolio Holder: N/A

Context:
Excludes Press and Public from Meetings for Agenda Items 12 & 13

Key Decision Status:
No

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 paragraphs 3 of Schedule 12A of the Local Government Act 1972 as amended.

Explanation
N/A

Alternative Options Considered:
N/A

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 15 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: N/A
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 12	
Subject: Closure of Accounts	
Date of Decision: 15 July 2008	Decision made by: Full Executive
Decision Reference: EXE/07/0031	

Portfolio Holder: Councillor E Woodburn

Context:

Under the Part I report for this item, Executive was made aware of the urgent need for the professional services of a major accountancy firm.

This report provides the necessary details and proposals for the appointment of such a firm.

Key Decision Status:

No

Decision

That a) the decision of the Chief Executive and Acting Head of Finance to approve Deloitte for output (a) detailed in the report be noted;

b) expenditure of a further £15,000 for output (b) detailed in the report be approved;

c) Contract Standing Orders be waived to allow negotiation to take place with less than the required number of tenderers;

d) the budget for the contract as a priority spend from the revenue under spend of the Councils 2007 -08 budget be approved;

e) the proposed decision process for further contract approvals be approved; and

f) a further report be submitted to the August meeting of the Executive if necessary

Explanation

Under the Part I report for this item, Executive was made aware of the urgent need for the professional services of a major accountancy firm.

This report provides the necessary details and proposals for the appointment of such a firm.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date:
25 July 2008

Publication Date:
18 July 2008

Recorded by:
D James

Call-in Period Expires on:
25 July 2008

Contact Officers:
M Robinson

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 13	
Subject: Whitehaven Rugby League Football Club	
Date of Decision: 15 July 2008	Decision made by:
Decision Reference: EXE/07/0032	Full Executive

Portfolio Holder: Councillor T Knowles
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Context:
To consider a request from the Whitehaven Rugby League Football Club to underwrite an overdraft of £50,000 for a period of 6 months

Key Decision Status:
No

Decision
That the request from the Whitehaven Rugby League Football Club to underwrite an overdraft facility to the Club of £50,000 for a period of up to 6 months be approved.

Explanation
To consider a request from the Whitehaven Rugby League Football Club to underwrite an overdraft of £50,000 for a period of 6 months

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 25 July 2008	Publication Date: 18 July 2008	Recorded by: D James
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Call-in Period Expires on: 25 July 2008	Contact Officers: L Murphy
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