

COPELAND BOROUGH COUNCIL

STATEMENTS OF EXECUTIVE DECISIONS

MEETING HELD ON 16 SEPTEMBER 2008

MEMBERS PRESENT: Councillors Ms E Woodburn, Leaders; G Blackwell; H Branney; G Clements; C Giel; A Holliday; N Williams

Councillor T Knowles also attended the meeting following his resignation from the Executive, he took no part in the meeting other than to answer questions relevant to those reports submitted in his name.

OFFICERS IN ATTENDANCE: L Murphy, Chief Executive; F McMorrow, Corporate Director of Development, M Robinson, Acting Head of Finance; H Mitchell, Head of Policy and Performance; M Jepson, Head of Legal and Democratic Services; D James, Member Services Officer

C A Boyce, N White, Councillors B Dixon and R Pitt Agenda Items 1 - 6

START TIME: 2.00PM

CLOSE TIME: 2.50PM

CERTIFICATION: _____

Certified a true record of decisions taken at the meeting of the Executive of Copeland Borough Council dated 16 September 2008.

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 1	
Subject: Statement of Decision – 12 August 2008	
Date of Decision: 16 September 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0058	

Portfolio Holder: N/A

Context:
To consider the statements of decision made on the 12 August 2008

Key Decision Status:
No

Decision
That the statement of decision made on the 12 August 2008 be signed as a correct record.

Explanation
N/A

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 26 September 2008	Publication Date: 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: D James
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 5	
Subject: Forward Plan	
Date of Decision: 16 September 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0059	

Portfolio Holder: A Holliday

Context:
To consider the forward Plan of Key Decisions September – December 2008

Key Decision Status:
No

Decision
That the Forward Plan of Key decisions September – December 2008 be noted.

Explanation
N/A

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 26 September 2008	Publication Date: 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: M Jepson
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 6	
Subject: Recommendation from OSC Economic Development and Enterprise Committee	
Date of Decision: 16 September 2008	Decision made by:
Decision Reference: EXE/08/0060	Full Executive

Portfolio Holde: N/A

Context:

To consider a recommendation from Overview and Scrutiny Committee Economic Development and Enterprise following a call in on the sale of land at Johnson House.

Key Decision Status:

No

Decision

Resolved:

- A** That the recommendations set out in the report be noted and that a further report be submitted to the Executive at a later date on implications arising from the recommendations;
- B** That in respect of the proposed disposal of the land that:
- (i) the proposed disposal be advertised in accordance with section 123(2A) of the Local Government Act 1972;
 - (ii) that negotiations take place with the owners of Johnson House for the disposal to them of the land which they require for development
 - (iii) that negotiations take place with the residents group for the disposal of the woodland to them with a view to implementing a sustainable woodland management plan;
 - iv) that should recommendation set out in iii) (above) be unsuccessful negotiations take place with the owners of Johnson House for the disposal of the woodland area; and
 - (v) that a report be made to the Executive meeting on the [] November detailing the outcome of negotiations and proposing a way forward for the disposal of the land.

Explanation

Five members of the Council (Councillors A Norwood, D Moore, Mrs Y Clarkson, E Eastwood, and C Whiteside) exercised their right under Overview and Scrutiny procedure rules to call in the Executive's decisions of 12 August 2008 (EXE/07/0036 and EXE/07/0054) on the 'Disposal of Property Land at Johnson House'. This report gives the findings and recommendations made by the Group that was set up to consider and recommend to the Executive on this call in by the Economic Development and Enterprise Overview and Scrutiny Committee. The Group consisted of Councillors Brian Dixon, Robin Pitt and Henry Wormstrup

Alternative Options Considered:

The Executive are asked to consider:

- (A) that consultation on this site should have followed that required for land as an open space and the site should be re-advertised under the requirements of Section 123(2A) of the Local Government Act 1972;
- (B) that on a disposal of land (whether by freehold or the grant of a lease in excess of 21 years) a letter should be sent to the owners of land whose boundaries adjoin the intended disposal site advising them of the Council's intention to dispose of the land so that their comments can be taken into account when the decision to dispose of the land is considered;
- (C) that future reports to the Executive on the disposal of land include full and detailed information on the land and the Council's policies so that the Executive can reach an informed decision;
- (D) that contract standing order 21 be amended so that disposals of land (whether by freehold or the grant of a lease in excess of 21 years) which are, in the opinion of the Monitoring Officer (in consultation with the Section 151 Officer), likely to raise significant public issues (irrespective of the value of the land) be referred to Full Council for consideration;
- (E) that a possible solution to this situation would be to (a) sell to the owners of Johnson House the land that it needs to enable the extension to proceed; (b) sell to the residents the woodland area for them to develop the site as a woodland area; and (c) to negotiate with the owners of Johnson House in respect of the area near the driveway to Johnson House so that a public right of way or easement is available for the public to access the woodland, and
- (F) that if the Executive is minded to endorse the solution at (E) that:
 - (a) notice of intention to dispose of the land is advertised in the Whitehaven News for two consecutive weeks in accordance with section 123(2A) of the Local Government Act 1972;
 - (b) that the Property Services Manager be requested following the placing of that notice to discuss the matter with the owners of Johnson House and the residents to explore and prepare heads of terms (subject to approval) for the respective purchases; and
 - (c) that a full report be made to the Executive on responses received to the notice of intention to dispose and the outcome of discussions with the owners of Johnson House and residents and a decision made on whether the land should be disposed of. If either disposal appears to be at a consideration less than the best that can reasonably be obtained that a separate valuation will be required confirming that the disposal falls within the General Disposal Consent 06/2003. The Executive decision can be made subject to that confirmation being received. If following the advert and outcome of discussions the matters remains one which is likely to raise significant public issues and the Executive has endorsed recommendation (D) above then the decision will be referred to Full Council.

Interests Declared: None

Implementation Date: 26 September 2008	Publication Date: 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: N White
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 7	
Subject: Whitehaven Regeneration – Car Park Strategy	
Date of Decision: 16 September 2008	Decision made by:
Decision Reference: EXE/08/0061	Full Executive

Portfolio Holder: Councillors C Giel & G Clements

Context: The report provides details of the Whitehaven Town Centre Car Parking Strategy as part of the Whitehaven Regeneration Programme

Key Decision Status: No

Decision That a) the car parking strategy and proposals to take the strategy forward be supported in principle; and b) a further detailed report be submitted for consideration of the review of implementation details.
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Explanation The Whitehaven Regeneration Programme is a key element of the Copeland Regeneration Plan. The Car Parking Strategy was highlighted as one of the key high priority projects within the Whitehaven Regeneration Programme with the potential for creating coherent and effective parking in Whitehaven Town Centre. Executive approved funding contribution towards the strategy on 12 06 07.

Alternative Options Considered: None

Interests Declared: None

Implementation Date: 26 September 2008	Publication Date: 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: S Smith & K Parker
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 8	
Subject: Free Swimming Programme	
Date of Decision: 16 September 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0062	

Portfolio Holder: Councillor H Branney

Context:

To consider a proposal to allow free swimming for 60+ and to seek approval for the Council to express an interest in providing swimming for the under 16's.

Key Decision Status:

No

Decision

That

- a) the confirmation submitted to the Department of Culture, Media and Sport indicating that Copeland wishes to accept pre-allocated funds to enable people aged 60+ years to access free swimming be endorsed;**
 - b) the expression of interest submitted to enable Copeland to be allocated funds to provide free swimming for those aged under 16 years be endorsed; and**
 - c) officers work with swimming providers and other partners to develop the programme and seek funding to enable the free swimming initiative to be sustainable.**
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Explanation

Government announced on 6 June 2008 that it intends to fund councils to provide free swimming for some groups, as a first step towards an aspiration to provide free swimming for everyone by 2012. Swimming is recognised as an accessible activity that has measurable positive effects on an individual's health and well being.

On 29 July 2008 the Department for Culture, Media and Sport (DCMS) wrote to all District Councils, Unitary Authorities and London Boroughs setting out the offer, with an indication of the level of support and the approach to be adopted.

This report looks at these proposals.

Alternative Options Considered:

None

Interests Declared: None

Implementation Date:
26 September 2008

Publication Date:
16 September 2008

Recorded by:
D James

Call-in Period Expires on:
26 September 2008

Contact Officers:
C Coombes

Copeland Borough Council

Statement of Executive Decision

Agenda Item: N/A	
Subject: Exclusion of Press and Public	
Date of Decision: 16 September 2008	Decision made by:
Decision Reference: EXE/08/0063	Full Executive

Portfolio Holder: N/A

Context:
Excludes Press and Public from Meetings for Agenda Item 9 – Call in Recommendation Land at Johnson House

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: 26 September 2008	Publication Date 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: N/A
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 9	
Subject: Report of OSC – Economic Development & Enterprise – Land at Johnson House	
Date of Decision: 16 September 2008	Decision made by: Full Executive
Decision Reference: EXE/08/0064	

Portfolio Holder: N/A

Context:
To receive additional information to the report considered at Item 6 of the Agenda

Key Decision Status:
No

Decision
That the report be noted and the decision made in Part 1 of the Agenda be endorsed.

Explanation
To receive additional information which could not be considered under part 1 of the agenda.

Alternative Options Considered:
None

Interests Declared: None

Implementation Date: 26 September 2008	Publication Date: 19 September 2008	Recorded by: D James
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Call-in Period Expires on: 26 September 2008	Contact Officers: N White
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