

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 18 AUGUST 2011

Present: Councillors: John Jackson (Mayor); David Banks; Geoffrey Blackwell; John Bowman; Jackie Bowman; Hugh Branney; Yvonne Clarkson; George Clements; Brian Dixon; Margarita Docherty; Jon Downie; Eileen Eastwood; Anne Faichney; Geoffrey Garrity; Fred Gleaves; Phil Greateorex; Stephen Haraldsen; Reg Heathcote; Ian Hill; Keith Hitchen; Lena Hogg; Allan Holliday; Joan Hully; Alan Jacob; John Kane; Peter Kane; Michael McVeigh; David Moore; Alistair Norwood; Jack Park; David Riley; Sam Pollen; Robert Salkeld; Gilbert Scurrah; Graham Sunderland; Gillian Troughton; Peter Tyson; Paul Whalley; Jeanette Williams; Norman Williams; Doug Wilson; Elaine Woodburn; Carole Woodman; Henry Wormstrup.

Apologies for absence were received from Councillors Peter Connolly; Karl Connor; John Fallows; Dave Smith; William Southward; Peter Stephenson; Felicity Wilson

C 23 Minutes

The Minutes of the Meetings held on 23 June 2011 were signed by the Mayor as a correct record subject to Councillor Phil Greateorex be included in the attendances and Minute C14 being amended to state that Councillor Hugh Branney would provide the written reply and C18 the state that Councillor Phil Greateorex would provide the written reply.

C 24 Declarations of Interests

Councillor Joan Hully declared a personal interest in Agenda Item 8 – Executive Report Locality Working due to being a representative on Cleator Moor Town Council; Lakes Alive due to taking part as Town Chair; WISE due to being interviewed on behalf of Blue Skies Support Group; and Green Flag due to being a Member of the group that helped achieve the play park exchange corner and being a member of Cleator Moor Town Council who gave financial assistance.

Councillor Yvonne Clarkson declared a personal and prejudicial interest in Agenda items 7&8 Executive Report – Business Support Initiatives due to owning the applicant's property and left the meeting during item 7 and question arising in Item 8.

Councillor Elaine Woodburn declared a personal interest in Agenda item 8 Pow Beck Community Stadium due to being the Chairman of the Copeland Community Fund.

Councillor Alistair Norwood declared a personal and prejudicial interest in the item relating to the closure of MOX due to doing work for MOX and left the meeting during its consideration.

C 25 Mayor's Announcements

The Mayor referred to the various engagements he had fulfilled since the last meeting of the Council. He thanked all Members and officers who had attended the Civic Sunday parade and service on 24 July.

C 26 Petitions

There were no petitions under Procedure Rule 19

C 27 Questions from Members of the Public

Mrs J Micklethwaite asked the following question of the Leader of the Council

“What is Copeland’s Policy with regard to the sale of land/public assets?”

I have not found such a document on your website, but I have found documents pertaining to other council’s policies saying that if any land/assets that is to be disposed of has to be disposed of for best consideration and put on the open market unless there is a good reason otherwise.

And what policies were available for the public to view so that they knew what the policy was and what criteria and is this open and transparent are the good reasons for not selling land at the development value which is not necessarily land value it’s possible development value and what checks and balances are in place to ensure that this is carried out and are the elected members told in time?”

The Leader replied as follows:

” I’m sorry to correct you but that isn’t the question that was actually submitted but I will try and answer the parts I did hear.

The Council does comply with section 123 of the Local Government Act 1972 in disposing of land, namely that it will always seek to achieve a consideration which is the best that can reasonably be obtained.

If it does not achieve that consideration then the Council can, within certain limits, apply the Secretary of State’s General Disposal Consent and continue with the sale provided that the sale supports economic, environmental or social wellbeing.

Copeland’s policy is to apply the law. In addition and in respect of garden land a policy was approved by Full Council on the 29th April 1997 still actually applies now.

In respect of structures in place to ensure that best consideration is received the Council, whether or not bids are invited, obtains a qualified surveyor’s written opinion confirming that the best consideration is being achieved. If it is not being achieved the Council will carefully examine whether any of the wellbeing criteria applies.

In respect of the assessment of the impact that a sale could have on the community the overriding principle is obtaining the best price. Clearly though if an adverse development was proposed the Council may well decide not to sell the land regardless of the price being achieved. Also planning controls will play a part in controlling adverse developments.

With regard to scrutiny procedures the Council has a scheme of delegation which requires approvals to the disposal to be obtained. There is a separation of duties from the surveyor and this approval might involve, depending on the value of the sale another officer, the Executive or sometimes even Full Council. Additionally prior to a sale taking place Ward Councillors and if applicable, the Parish or Town Council, are consulted which adds to the scrutiny of the proposal. We consider the combination of section 123 and the Council's contract procedure rules and the consultation I have mentioned to be adequate."

Mrs Micklethwaite asked the following supplementary question: -

"In one particular instance it wasn't clear that Ward Members had been informed in time and I just wanted to make sure that the procedures were a lot tighter with regards to the sale of land if best consideration is not applied or the land is not valued at development value and I just wanted to ensure that these procedure have been tightened up to allow greater scrutiny."

The Leader replied as follows:

"I can probably imagine which process or which particular sale you are referring to. I did receive a Freedom of Information request identifying that and you will have a reply to that within the legal timescale which I believe is Monday. I have also agreed to meet with Millom and Haverigg Councillors and Town Councillors next Tuesday to discuss many issues of the area but I'm quite happy that our procedures are in place and don't need to be tidied up as they work quite well or they work very well I might say and I look forward to meeting you on the 23rd".

C 28 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 Whalley asked the following question of the Leader of the Council

"We recently heard that the hospital redevelopment has yet again stalled. We have seen the Chief Executive and Deputy Chief Executive leave the Acute Trust and we are hearing stories of patients left on trolleys, deteriorating service all of which adds up, in the mind of the public to asking the question when or will we actually get the new hospital and what services will be left for the local community and to allow specialisms to be provided".

The Leader of the Council Councillor Elaine Woodburn replied as follows: -

"Thank you Mr Mayor. I really hope that this is going to be one of those rare occasions where I stand up and say I don't know the answer. I think I can say, Councillor Whalley, that I've heard a lot of rumours. I was in hospital on Tuesday afternoon and can probably confirm some of the rumours as well. There's an issue we all heard a presentation jointly from clinicians and GP Commissioners in one of the Churches within Whitehaven and it seemed that there was a consensus about what the strategy was and how it would deliver the Closer to Home strategy which we all supported and I thought that's great and I actually walked out of that room

thinking finally we seem to have something that's going to move us forward and then we hear that there's a strategy there but nobody's ever costed it. So when it actually goes down to the strategic health authority, quite rightly, they're going to turn round and say well how much is this going to cost us and nobody can say. What we did stand united on and I'm sure we still do is making sure that the ITU is within and added to that strategy as something that this community feels strongly about. Even though I said I won't answer the question, these are more comments because I'm not qualified to answer the question. Any other time I would have spent time ringing up the hospital and phoning the SHA to get an answer but it's not my job to do that. This issue is a major concern for the people of Copeland and what I am asking Councils support for today is to write to the acting Chief Executive to invite him to a meeting with all members and for him to hear and for you to hear from him face to face what the plans are for the hospital and the acquisition and merger rumours that are constantly going round".

Councillor Whalley then asked the following supplementary question of the Leader:

"It has been brought to my attention that there is concern from the members of the public of the number of routine operations that have been cancelled at the last minute. One instance that I can give is where a patient was attending an appointment for their operation that morning. They were actually prepped for that operation. They were then told that there was no bed available and sent home. It then transpired that the surgeon that was actually doing the operation was up in the theatre along with his team ready and waiting to do the operation. The last person to be told that the operation had been cancelled was the surgeon who knew nothing about it. I have been assured that this is not an isolated incident and was a regular occurrence and I would ask that the Leader would agree with me that we should inform the health authority that this Council has grave concerns over this custom and practice both in the effect on the patient who has prepared themselves for going into hospital and there's obviously a cost in cancelling the operations."

The Leader of the Council Councillor Elaine Woodburn replied as follows:

"I agree whole-heartedly, having had operations, there's nothing worse than sitting there waiting, to be then told when you're ready to go that it's not going to happen. There's probably no worse feeling as you've built yourself up that much. Can I make clear though that what we're saying is that there is no criticism of the nurses or the doctors or any of the medical staff within the hospital. We know how hard they work, and to do what they do in difficult circumstances and I am more than happy to include in the letter in our request to invite them here to answer some of those question as to what our concerns are".

Councillor Sam Pollen asked the following question of the Portfolio Holder for Housing and Planning Councillor George Clements.

"As a new Councillor I have found many of the issues raised are about anti- social behaviour and in light of recent events many people are increasingly concerned over the continuing cuts to the

police force. Therefore can the Portfolio Holder for Community Safety please update Council on the cuts to the Cumbria Police Force and what the impacts they will have on Copeland."

Councillor Clements replied as follows:

"Thank you Mr Mayor. The cuts for Cumbria are £18.7 million in the police budget for Cumbria over the next 4 years so we can expect a change in policing in Copeland. The Chairman of the Police Authority Ray Cole said that the cuts mark some pretty unimaginable outcomes. The Chief Constable Dave McKay said that "with such significant reduced budgets in Cumbria the Cumbria Constabulary would have to shrink by a fifth by 2015 and this can't be achieved by reducing support functions only. We the police have a detailed programme of work to change this structure and the way that we work; this includes the restructuring of the way the constabulary deal with urgent community calls". But one thing that we do have remember, Councillors, is that the last Government brought out a few years ago the respect agenda, which set out how we could tackle a lot of anti-social behaviour and many other crime related things. I thought it was a fantastic document and so did a lot of other people. It involved the schools, it involved the parents, it involved the social rented housing providers and the NHS, the fire and rescue, the police and the district Councils. We cannot expect one partner in the whole of Cumbria to deal with the problem of anti-social behaviour, it's up to us all. We have a Section 17 officer at the moment at Copeland and with the help of the Section 17 officer we as a Council will be able to be of some help to the partnership which I represent Copeland on, the West Cumbria Community Safety Partnership. I as a Copeland representative on the WCCSP will keep everyone informed on, and we can't afford to let the coalition cuts eradicate all the good work the police and council have done over the last few years. We're not sure what's going to happen with the PCSO's. They've done a fantastic job in our community. South Whitehaven was one of the first areas to get PCSO's. Within six months of the PCSO's being in post the people of our area said it's great to see the policemen in their uniforms walking the streets again. The perception of crime had dropped drastically and if the PCSO's are going to be a casualty of police cuts in Cumbria or even in the Country it's going to be a sad day. I do agree with you Councillor that on the television over the last week or so we have witnessed things which we thought that we'd never see in our lifetimes in our cities but it just shows you it can happen and it happens because the police didn't ever think it would happen and they weren't geared up for it. If the cuts go ahead that the Government are say are going to go ahead then I'm afraid then there's a possibility that there could be more around the country. Hopefully someone will see sense and say yes we do need more police officers on the streets.

I have been led to believe that the Sellafield Site is going to have more police on it in the future than the rest of Copeland has on the streets and even though they do have all those police I am led to believe that they are changing the way that some things are policed on site. They are going to use our own civil police and not the nuclear police. Rather than call specialists in for alcohol and other drugs related cases they will just phone the civil police and get them to come on site. I am led to believe that's going to happen it's yet to be confirmed but I've been lead to believe."

Councillor Sam Pollen then asked the following supplementary question of the Portfolio Holder.

"I would like to endorse and agree with the Councillors comments on the police and appreciate those in particular those in my area do a fantastic job. I have a couple of concerns in my area which is Egremont, about the Police Station. Can the Councillor confirm that it's going to remain open or is it going to suffer under the cuts?"

Arising from this question the Portfolio Holder undertook to provide a written reply on the position with regard to the future of all Police Stations throughout Copeland.

Councillor Mrs Jackie Bowman asked the following question of the Portfolio Holder for Finance and Resources, Councillor Gillian Troughton.

"Could I ask the Finance and Resources Portfolio Holder what will be the implications of the coalition Government's recent announcement with regard to changes in local authority funding for council tax benefit?"

Councillor Gillian Troughton replied as follows: -

"Thank you. In the spending review in 2010 the Conservative led Government announced that it would localise the support of Council tax whilst at the same time reduce the expenditure on relief by 10%. The consultation paper which is available on the web site called Localising the Support on Council Tax has been issued to coincide with the consultation period which runs until the 14th October 2010. At this point in time there's limited information available regarding the actual detail of how the summary will work but the headlines are that overall there will be a need to make a 10% saving on Council Tax benefit and setting the criteria to meet them will be transferred to Local Authorities as will the budgets. Therefore locally we will need to decide who will need more or less support from now on i.e. which are our priority groups. However the documents so far make it clear that some groups and particularly pensioners will be protected as they are now and it also gives us guidance on who the priority groups ought to be and what we ought to be encouraging. Potential implications are that the money we currently claim from Government to cover the cost of Council tax spend will be paid up front to us and therefore if we want to alter levels of support this will have budgetary implications and as I said there will be a 10% cut in the level of support for Council tax benefit coming into our budget. We expect to receive additional information in the future and this will be used to feed into our proposals. The Resource Planning Working Group will be considering the implications for Copeland Borough Council and it's unclear at this stage how this is going to work in the two tier areas such as Cumbria.

Additionally we will be working with our partners in the Revenues and Benefits shared service to try and minimise the impact, so the changes will be implemented in the 2013/14 financial year and the Council must consult on its scheme before its implementation."

Councillor Carol Woodman asked the following question of the Portfolio Holder for Performance and Transformation – Councillor John Bowman

“With more and more people losing their jobs following the reckless behavior of the banks and the current Government’s rigid handling of the economy. Despite the small remuneration paid to Councillors for the amount of work they do, it is right that the numbers of Councillors for each District or Borough are periodically looked at. I note, quite rightly, that this is looked at by an independent body and should not be a decision made on political grounds. Will the current review of constituency boundaries give any consideration to this?”

Councillor John Bowman replied as follows:

“The Local Government Boundary Commission for England has duties to carry out periodic electoral reviews in principal authorities. These are counties and districts. These review the number of councillors, the names of the divisions or wards and the number of Councillors to be elected to each ward or division. The last periodic review in Copeland was completed in the early 2000’s and the earliest date for another review would be 2015..

Electoral reviews are intended to improve electoral equality and to ensure, so far as is reasonable, that each Councillor elected to a Local Authority represents the same number of electors.

Electoral reviews can also be carried out at a local authority’s request, for example to look at Council size, the total number of Councillors, or single Member wards.

The current review of parliamentary constituencies under the Parliamentary Voting System and Constituencies Act 2011 is reviewing the boundaries between Parliamentary Constituencies, not boundaries or electoral arrangements in Local Authorities. An electoral review by the Boundary Commission would be a separate exercise using the procedures I have described. I would hope that the changes are based on common sense and have real links to communities. With regard to the remuneration paid to Councillors this is set by an independent body and has not increased during the last term. Current remuneration are at 2008 levels”.

Councillor Stephen Haraldsen asked the following question of the Portfolio Holder for Environment and Sustainability Councillor Allan Holliday

“Can the portfolio holder update the Council as to what measures have been implemented and where to control the seagull population, prior to a cull as outlined in the Executive Report, and at what level of effect on the gull population will these have to achieve to be deemed a success?”

Councillor Allan Holliday replied as follows:

“Firstly can I correct you about the cull, we have never said that there would be a cull in Copeland. This certainly was talked about a lot of years ago and due to the nature of the cull we decided to use other methods.

The measures that we've taken so far have been speaking to the local businesses, and this is 156 different businesses, about the way we can dispose of waste and the Gull problem in order to cut out the food source for the Gulls and hopefully this will help to reduce the feeding areas. I can say that all the businesses that we spoke to have been very supportive. I think that the businesses certainly within the Whitehaven Town Centre area have been very supportive.

We have also contacted all the local businesses and housing providers to give advice on roofing the roofs to stop the Gulls nesting in the first place. An additional control could be to remove the nest and the egg but at this stage there is no budget for that, it is just a suggestion that may happen if all else fails. We are also in the process of sending out wheelie bins to certain areas which would be suitable in the Town Centre. We have noticed that wherever we have put out wheelie bins there has been a reduction. We have just completed the exercise in Millom and they have already realised how effective it is by again cutting off the food supply to the Gulls.

Finally how do we measure success? Success can only be measured but hopefully we'll see a reduction in mess in and around the town centre."

C 29 Executive Report

The Council received and noted the Executive report.

C 30 Closure of MOX

Members agreed to receive an update from Councillor Peter Kane on his understanding of the current position with regards to the closure of the MOX plant at the Sellafield site.

RESOLVED – That a letter be written to The Secretary of State advocating the need for a MOX 2 Plant on Site.

C 31 Pow Beck

Arising from the Executive report the Portfolio Holder for Regeneration undertook to provide a written reply to Councillor David Moore on the costs of the Pow Beck project from start to date.

C 32 Special Purpose Vehicle

Arising from the Executive report the Portfolio Holder for Regeneration undertook to provide a written reply to Councillor David Moore with regards to Special Purpose Vehicle explaining what it looks like, who are the partners, and what is expected of them.

C 33 Choosing To Change

Consideration was given to a recommendation from the Choosing to Change Board relating to it's future role.

RESOLVED – That a) the progress and achievements of the Choosing to Change Board as set out in the report be noted: and

b) subject to the Terms of Reference being amended to meeting being bi-monthly the changes to the future role of the Board and the Resource Planning Working Group be approved.

C 34 Review of Polling Districts

Consideration was given to proposed changes to the Terms of Reference of the Parish Review Working Party.

RESOLVED – That subject to the Terms of Reference being amended to “ To consider issues referred to the Council relating to Parish boundaries outside Whitehaven, and other electoral matters, with delegated authority to respond to such issues after consultation with all Ward Members, on the Council’s behalf” the terms of reference of the Parish Review Working Party be amended to include other electoral matters and the Working Party be restyled the Electoral Review Working Party.

C 35 Revised Scheme of Delegation

Consideration was given to a recommendation from the Constitution Working Group to approve a revised scheme of delegation following the successful recruitment of the remaining two Heads of Services posts.

RESOLVED – That subject to the addition of any minor changes being delegated to the Democratic Services Manager the revised scheme of Delegation be approved.

C 36 Dog Control Orders

Consideration was given to a recommendation to approve the draft proposed Dog Control Orders following the consultation process.

RESOLVED – That subject to minor changes being delegated to the Legal Services Manager in consultation with the Head of Neighbourhoods the Portfolio Holder and relevant Ward Councillor:-

(a) the outcome of the consultation exercise referred to in paragraph 2 of the report be noted;

(b) that, under section 55 of the Clean Neighbourhoods and Environment Act 2005, the draft orders attached as Appendix 1 to this report and titled (i) The Fouling of Land by Dogs (Copeland Borough Council) Order 2011; (ii) The Dogs on Lead by Direction (Copeland Borough Council) Order 2011; (iii) The Dogs Exclusion (Copeland Borough Council) Order 2011; and (iv) The Dogs on Leads (Copeland Borough Council) Order 2011 be made and to come into force on the 3rd October 2011 with the inclusion of Egremont Castle and all designated cemeteries;

(c) the amount of a fixed penalty, payable for an offence under an order where a fixed penalty notice is issued, be fixed at £80;

(d) for the purposes of issuing fixed penalty notices that (i) the Enforcement Manager; (ii) Enforcement Officers; (iii) Beach Cleaning Operatives; and (iv) Police Community Support Officers be authorised for the purposes of section 59 of the Clean Neighbourhoods and Environment Act 2005 as authorised persons;” and

(e) 12 months after implementation the Orders be reviewed by the Executive.

C 37 Disabled Facility Grants

RESOLVED – That the recommendation that a legal charge be placed on such properties where the conditions described in the report are met be approved.

The meeting closed at 9.15PM

Mayor