

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 31 MARCH 2009

Present: Councillors: K Hitchen (Mayor); D Banks; G Blackwell; J W Bowman; H Branney; E Brenan; A Carroll; N Clarkson; Mrs Y R T Clarkson; G Clements; P C Connolly; Mrs M Docherty; E Eastwood; Mrs D A Faichney; G Garrity; Mrs C A Giel; F Gleaves; F R Heathcote; J Jackson; A E Jacob; J Kane; T J Knowles; M A McVeigh; S J Meteer; Mrs W Metherell; D W Moore; A D Mossop; A Norwood; J Park; R F Pitt; J Prince; R Salkeld; G Scurrah; W Southward; J G Sunderland; Mrs C Watson; P Watson; P Whalley; C J Whiteside; Mrs J Williams; D A Wilson; E M Woodburn; Mrs M Woodburn; H Wormstrup.

Apologies for absence were received from Councillors R Cole; B A Dixon; A Holliday; Mrs J I Hully; P D Tyson; N Williams; A Wonnacott.

Minutes

The Minutes of the Meeting held on 24 February 2009 were signed by the Mayor as a correct record.

C 105 Mayor's Announcements

The Mayor referred to the various engagements he had fulfilled since the last Council meeting.

C 106 Declarations of Interests

Councillors C Giel and H Wormstrup declared personal and prejudicial interests in Very Low Level Waste (Leader's Report) and withdrew from the meeting during the discussion.

Councillors G Blackwell, A Norwood and D Wilson declared personal interests in nuclear matters due to their employment in the industry.

Councillors N Clarkson and Mrs Y Clarkson declared personal interests in nuclear matters due to employment of a relative in the industry.

Councillor E Brenan declared a personal interest in Whitehaven RLFC due to his membership of the Club.

Councillor T Knowles declared a personal interest in Agenda Item 13 (West Cumbria Vision) as interim Chair of the organisation.

Councillor R Pitt declared a personal interest in the Overview and Scrutiny report due to the employment of a relative in the prison service

Councillor G Sunderland declared a personal interest in the Landlords' Forum (Promoting Prosperity Report) as a landlord.

C 107 Questions from Members of the Public

Mr M Mallard asked the following question of the Leader of the Council:

"Bearing in mind the Council's own policy on conservation (attached) how can the Albion Square project even be considered in its present form?"

The Leader of the Council replied as follows:

"Conservation is important to Copeland. We have already carried out an initial assessment which included looking at areas and judging them on content and capability of restoration and this area has been judged fit for new development. We are also undertaking an assessment with English Heritage and the Civic Trust which again will determine the historical value of the site. To date no planning application has been submitted for Albion Square. The scheme that is in the public domain is an example design and details what an office development could look like in that location and how the scale and massing might work. Not too much emphasis should be placed on sketch proposals of what a future development might look like. Once these proposals have been progressed to the planning application stage there will then be a full public consultation on the actual proposals. The determination of any future planning application will take full account of both local and national planning policies and guidance together with representations in response to statutory and wide-ranging public consultation procedures. The Council has now secured the service of specialist conservation and urban design consultants North of England Civic Trust who will be involved in the pre-application discussions with the applicant alongside Council officers from the outset. Bodies such as English Heritage recognise the positive contribution contemporary new development can make to the historic environment providing they are undertaken sympathetically and following a detailed appraisal and understanding of the historic context. Again this analysis will take place through the planning application process. English Heritage are aware of the project and attended a North west Development Agency Places Matter review in 2008 when the potential of this site was brought to their attention."

Mr Mallard then asked the following supplementary question:

"We have now been told that the Albion Square plans were merely an artist's impression and that such an out of character building would not be built in the Whitehaven town centre conservation area.

It would appear that many so called *artists impressions* have been or are being built in the Whitehaven Town centre conservation area, to name but a few, the Pears House flats, the police station and the Council Offices themselves.

This Council should be ashamed for allowing such universally despised buildings to be built, when it is possible to build attractive and functional buildings in a Georgian style or better still, restore existing historic buildings.

Will the Council ensure the electorate that from now on they will take their role in conservation seriously and not just by picking on the home owner and small developer?"

The Leader of the Council replied as follows:

"Thank you Mr Mayor. As I have already said we do take consultation seriously and recognise how important it is but it also cannot be used to stop progress in areas where we need to regenerate. As I've said we have already employed the Civic Trust which is a nationally recognised organisation. Modern development can enrich the historic environment and we will work with architects to design a scheme which works for the site and the town using these specialists and in consultation with English Heritage."

C 108 Briarwood Nursing Home

(Councillor Banks declared a personal and prejudicial interest in this item due to a relative being a resident of the home).

It was moved by the Leader of the Council, duly seconded and

RESOLVED – that representations be made to Anchor Housing Trust for a review of the decision to close Briarwood Nursing Home and asking the Trust to work with other providers towards a solution which will allow residents to remain in their homes.

C 109 Executive Reports

The Leader of the Council, Councillor E Woodburn, the Deputy Leader (Achieving Transformation) Councillor C Giel and the Deputy Leader (Promoting Prosperity), Councillor G Clements gave progress reports on matters considered by the Executive since the last Council meeting.

C 110 Shadow Siting Partnership

Arising from the Executive report (Effective Leadership), the Leader agreed to make available to Councillor Jacob details of the terms of reference of the Shadow Siting Partnership

C 111 Banking Tender

Arising from the Executive report (Effective Leadership), the Leader agreed to provide a written reply to Councillor Norwood on details of the tender for banking services.

C 112 Nuclear New Build

Arising from the Executive report (Effective Leadership), the Leader agreed to circulate details of the three potential sites for nuclear new build to all Councillors.

C 113 Concessionary Travel

Arising from the Executive Report (Promoting Prosperity), the Deputy Leader Councillor Clements agreed to provide Councillor Norwood with a written reply on the impact of the recent change in government policy on the Council's concessionary travel scheme.

C 114 Fly Tipping Prosecutions

Arising from the Executive Report (Promoting Prosperity), the Deputy Leader Councillor Clements agreed to provide Councillor Carroll with a written reply on performance in fly-tipping prosecutions.

C 115 Free Swimming

Arising from the Executive Report (Promoting Prosperity), the Deputy Leader Councillor Clements agreed to investigate possible sources of funding to permit continued provision of free swimming for Under 16's.

C 116 Overview and Scrutiny Report

The Chairman of the Overview and Scrutiny Management Committee gave an update on matters discussed by scrutiny since the last Council meeting.

C 117 Wind Energy

Arising out of the Overview and Scrutiny report, it was moved by Councillor J Kane, duly seconded and

RESOLVED – that recommendation (A) (Energy and Climate Change) be referred back to OSC Economic Development and Enterprise for further consideration by a Task and Finish Group.

C 118 Haverigg Prison

Arising out of the Overview and Scrutiny report, it was moved by Councillor P Connolly and duly seconded by way of amendment to recommendation (B) of the Overview and Scrutiny Report that

Council in principle supports the concept of a community prison but that it would like to see the Cumbria Community Justice Board undertake:

(a) a detailed proposal for a community prison for consideration by the Home Office

(b) a full public consultation exercise to include this council and southern Copeland on those plans

(c) an expression of interest with the Justice Secretary in the first tranche of funding being made available to develop the Corston model of support and supervisory centres in the community for women who offend.

A requisition having been made under Standing Order 12.26, a recorded vote was taken on the amendment, and the voting was as follows:

FOR THE AMENDMENT: Councillors Banks, Blackwell, Bowman, Branney, Brennan, Clements, Connolly, Docherty, Faichney, Garrity, Giel, Kane, Knowles, McVeigh, Meteer, Metherell, Park, Pitt, Prince, Scurrah, Southward, C Watson, P Watson, Whalley, J Williams, E Woodburn, M Woodburn, Wormstrup.

AGAINST THE AMENDMENT: Councillors Carroll, N Clarkson, Y Clarkson, Eastwood, Gleaves, Heathcote, Hitchen, Jackson, Moore, Mossop, Norwood, Salkeld, Sunderland, Whiteside, Wilson.

The amendment was declared CARRIED by 28 votes to 15.

It was then

RESOLVED – that

Council in principle supports the concept of a community prison but that it would like to see the Cumbria Community Justice Board undertake:

(a) a detailed proposal for a community prison for consideration by the Home Office

(b) a full public consultation exercise to include this council and southern Copeland on those plans

(c) an expression of interest with the Justice Secretary in the first tranche of funding being made available to develop the Corston model of support and supervisory centres in the community for women who offend.

C 119 Planning Scheme of Delegation

Further to Minute C 103 of the last Council meeting, when a report proposing changes to the Planning Scheme of Delegation was deferred for further consideration of amendments proposed at the meeting by Councillor Whiteside, it was moved by Councillor C Giel and duly seconded that the revised Planning Scheme of Delegation as shown at Appendix “A” to the report be approved without further amendment and the Council’s Constitution amended accordingly, subject to a review after six months’ operation.

It was then moved by Councillor C Whiteside by way of amendment and duly seconded that the word “substantive” be deleted from paragraph (g) and that the following be added to the scheme as paragraph (j):

“Resubmissions, e.g. where an identical or similar proposal on the same site has been considered by the Planning Panel within the last five years.”

A requisition having been made under Standing Order 12.26, a recorded vote was taken on the amendment, and the voting was as follows:

FOR THE AMENDMENT: Councillors Carroll, N Clarkson, Y Clarkson, Eastwood, Gleaves, Heathcote, Hitchen, Jackson, Meteer, Moore, Mossop, Norwood, Salkeld, Scurrah, Sunderland, Whiteside, Wilson.

AGAINST THE AMENDMENT: Councillors Banks, Blackwell, Bowman, Branney, Brennan, Clements, Connolly, Docherty, Faichney, Garrity, Giel, Kane, Knowles, McVeigh, Metherell, Park, Pitt, Prince, Southward, C Watson, Whalley, J Williams, E Woodburn, M Woodburn, Wormstrup.

The amendment was declared LOST by 25 votes to 17.

It was then

RESOLVED - that the revised Planning Scheme of Delegation as shown at Appendix "A" to the report be approved without further amendment and the Council's Constitution amended accordingly, subject to a review after six months' operation.

C 120 Time Limit on Meetings

During the debate on the matters referred to in Minute 119 above the Mayor informed the meeting that the time limit for meetings set out in Standing Order 13 has been reached.

It was moved by Councillor G Clements and duly seconded that the meeting be extended under Standing Order 13 (1) (b) by 10 minutes, subsequently amended under Standing Order 12 (18) to 30 minutes.

It was then moved by Councillor D Moore by way of amendment and duly seconded that the meeting be extended under Standing Order 13 (1) (b) by 60 minutes.

Upon being put to the vote the amendment was declared LOST.

It was then

RESOLVED – that the meeting be extended under Standing Order 13 (1) (b) by 30 minutes.

C 121 Notice of Motion Under Standing Order 8

Notice under Standing Order 8 having been given, it was moved by Councillor Norwood and duly seconded:

"That Full Council should fully analyse and debate the use of resources report and the annual audit and inspection letter issued by the audit commission.

That the Council analyse the impact of the findings of these reports have had on the governance of the Council and outline any weakness in leadership both at corporate and executive level.

That any action plans that come from audit to address these shortcomings be monitored by Full Council and amended as required.

That the Leader report back as part of her report on the progress of any actions.”

During consideration of this item the Mayor informed the meeting that the extended time limit for the meeting under Standing Order 13 had expired and that Standing Order 13 (1)(b) now required the Council to put the remaining business to a vote without debate or defer the business to another time.

It was then moved by the Leader of the Council, and duly seconded that the Motion under Standing Order 8 before the Council be put to the vote without further debate.

It was then moved by Councillor D Moore by way of amendment that the motion under Standing Order 8 be deferred to another meeting.

Upon being put to the vote the amendment was declared LOST.

The Motion under Standing Order 8 was therefore put to the vote and was declared LOST.

C122 Nomination of Members for Election as Mayor and Appointment as Deputy Mayor 2009/2010

It was moved by Councillor G Blackwell, duly seconded and

RESOLVED – that Councillor H Wormstrup be nominated for election as Mayor of the Borough in 2009/2010.

It was then moved by Councillor Mrs M Woodburn, duly seconded and

RESOLVED – that Councillor M McVeigh be nominated for appointment as Deputy Mayor of the Borough in 2009/2010.

C123 Annual Meeting of the Council 2009

RESOLVED – that the Annual Meeting of the Council be held on Friday 15 May 2009 and that a Special Meeting of the Council be held on 15 May 2009 for the purposes of appointment of an Honorary Alderman.

C124 Calendar of Meetings 2009/2010

RESOLVED – that the Calendar of Meetings for 2009/2010 be agreed as submitted.

C125 Appointment to West Cumbria Vision Board

RESOLVED – that Councillor Mrs C Giel be appointed as the Council representative on the West Cumbria Vision Board.

The meeting closed at 5.35 pm

Mayor

COPELAND BOROUGH COUNCIL

MINUTES OF EXTRAORDINARY MEETING HELD ON 9 APRIL 2009

Present: Councillors: K Hitchen (Mayor); D Banks; G Blackwell; J W Bowman; H Branney; G Clements; R Cole; P C Connolly; Mrs M Docherty; E Eastwood; G Garrity; Mrs C A Giel; F Gleaves; F R Heathcote; A Holliday; J Jackson; A E Jacob; T J Knowles; M A McVeigh; Mrs W Metherell; D W Moore; A Norwood; J Park; R F Pitt; 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 Woodburn; H Wormstrup.

Apologies for absence were received from Councillors E Brenan; A Carroll; N Clarkson; Mrs Y R T Clarkson; B A Dixon; Mrs D A Faichney; Mrs J I Hully; J Kane; S J Meteer; A D Mossop; J Prince; R Salkeld; P Whalley; D A Wilson; A Wonnacott.

C 126 Financial Management of the Council

This extraordinary meeting of the Council having been requisitioned by five Councillors under Standing Order 1.3, the Mayor invited Councillor Moore as representative of the requisitioning Members to open the meeting.

Other Members then contributed to the debate.

It was then moved by Councillor C Whiteside and duly seconded that the Council set up a sub set of the Full Council to:

- Investigate the audit reports and recommendations over the past year. Presenting Council with a full outline of both the facts and issues.
- To make recommendations to both Full Council and Executive on any solutions, this could include constitutional changes, organisational changes and reporting structure changes.

Upon being put to the vote the motion was declared LOST by 22 votes to 12.

The meeting closed at 5.52 pm

Mayor