

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 22 March 2011

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

Apologies for absence were received from Councillors E Brenan; A Carroll; N Clarkson; R Cole; Mrs C A Giel; T J Knowles; Mrs W Metherell; R F Pitt; A Wonnacott.

C 331 Minutes

The minutes of the meeting held on 22 February 2011 were agreed as a correct record.

C 332 Declarations of Interests

Councillor H Wormstrup declared a personal interest in the first question under Procedure Rule 13.1 (Agenda Item 7), as a member of Cumbria in Bloom.

C 333 Mayor's Announcements

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

The Mayor then thanked those Members who would not be seeking re-election on 5 May 2011 for their service on the Council.

C 334 Questions from Members of the Public under Procedure Rule 12

Mr B Crawford asked the following question of the Portfolio Holder for Environment and Sustainability:

“Does Copeland Borough Council receive income for car parking wardens?”

The Portfolio Holder replied as follows:

“All figures concerning car parking income have been presented to Resource Planning Steering Group. I can confirm that there is a contract in place with Cumbria County Council and I will provide details to you in writing.”

C 335 Questions from Members of the Council under Procedure Rule 13.1

Councillor H Wormstrup asked the following question of the Leader of the Council:

“Could the Leader provide an update on the Cumbria Enterprise Partnership?”

The Leader of the Council replied as follows:

Progress has been made with the formation of the LEP with the announcement of the Board members. The date of the first meeting of the Board has been set for 7 April 2011. The Government has announced details of a capacity fund for LEPs however this will not fund secretariat support. The first national LEP Summit was held in Coventry on 7 March 2011. The members of the Cumbria LEP Board have now been agreed. For information the private sector members will be:

- | | |
|---------------------|------------------------------------|
| ▪ George Beveridge | (Interim Chair) Sellafield Limited |
| ▪ Fred Story | Story Construction |
| ▪ Jackie Arnold | BAE Systems |
| ▪ Maria Whitehead | Hawkshead Relish |
| ▪ Michael Cowan | M&J Cowan |
| ▪ Stephen Broughton | Lindeth Howe/Mountain Goat |

The public sector members will be:

- | | |
|---------------------|--|
| ▪ Eddie Martin | Cumbria County Council |
| ▪ Brendan Jameson | South Lakeland and Barrow |
| ▪ Elaine Woodburn | Copeland and Allerdale |
| ▪ Mike Mitchelson | Carlisle and Eden |
| ▪ Bill Jefferson | Lake District National Park |
| ▪ Moira Tattershall | Skills and education, Carlisle College |

A brief profile for each of the members can be found on the Cumbria LEP website: www.cumbrialep.co.uk

The first Cumbria LEP Board meeting will be held on 7 April 2011. The meeting will be assisted by a facilitator commissioned by the North West Efficiency and Improvement Partnership. The Board will initially be considering its roles and responsibilities and the roles and responsibilities of the members before considering a planned work programme.

A capacity fund for LEPs has been established by the Government and bids need to be submitted by the end of March. Up to £1 million is available nationally in each of the next four financial years. Some 31 LEPs have now been established so the scale of the bid will need to be in the order of £40k to £50k. Bids must be for projects that meet one or more of the following objectives:

- Address a gap in the intelligence available to LEPs on business needs and barriers to growth;
- Facilitate business engagement and interaction with the LEP; or
- Boost board capacity to prioritise actions which will support business-led growth and jobs within the LEP area.

Bids for LEP secretariat support are not eligible. Subject to discussions within the steering group and the interim chair a bid to develop economic modeling and forecasting capacity will be submitted in line with the above objectives. This will build on the work done through the Cumbria Economic assessment and allow greater business engagement in the forecasting and understanding of economic trends. The bid will be developed with partners before submission.

The first National LEP Summit was held on Monday 7 March 2011 in Coventry. The Cumbria LEP was represented by the Interim Chair George Beveridge and Allan Haile. The Prime Minister, Deputy Prime Minister, Secretary of State for Business, Innovation and Skills and Secretary of State for Communities and Local Government.

The Prime Minister emphasised the importance of strong economic growth and that the Coalition Government's saw the LEPs playing a key role in ensuring the UK increases jobs in the private sector and reduces dependency on public sector employment. Innovation in removing barriers to business growth was called for and LEPs were asked to identify what needs to change to allow growth in the private sector. LEPs were encouraged to be inventive and creative and then ask the Government for powers."

Councillor Wormstrup asked the following supplementary question:

"Will the Council apply for funding from the £3million European Development Fund?"

The Leader of the Council replied as follows:

"Responsibility for European funding transfers to Local Enterprise Partnerships when Regional Development Agencies close and it is vital to ensure that management of the funding is located close to Cumbria. We are looking at what programmes to submit and believe we have a very strong case for making sure that Copeland gets its fair share."

Councillor C Whiteside asked the following question of the Portfolio Holder for Environment and Sustainability:

“When did the council last carry out a survey of the herring gull population of Whitehaven?”

At the last meeting of the Bransty and Harbour neighbourhood forum, residents of both wards expressed concern about the environmental issues associated with seagulls. Will the portfolio holder please publish a summary of the results of the most recent survey of Herring gull nests, including an indication of the change since the previous survey, and indicate whether any action is proposed to address the public health issues involved?”

The Portfolio Holder, Councillor A Holliday, replied as follows:

“June 2009. A copy of the nest count has been circulated for Members today

The following actions are proposed:

- a) A Survey of nesting sites in Whitehaven area will be conducted so that any trend in numbers can be identified
- b) Efforts will be made to control of food sources – gulls will scavenge poorly stored rubbish and rip open plastic bags to look for food. Wheelie bins (domestic and trade waste) if used correctly limit easy access to food. It is therefore proposed to
 - Extend wheeled bin provision wherever practical this year, and
 - Visits will be made to trade premises in Whitehaven to highlight the importance of not leaving waste which can provide a food source for gulls
- c) To help control the number of nesting sites advice will be provided on proofing buildings to property owners.
- d) Officers will work with other land and property owners to coordinate action – for example Whitehaven Harbour Commissioners
- e) A public information leaflet will be updated and circulated
- f) Work will be done in schools under the banner of the In Bloom competition”.

Councillor Whiteside asked the following supplementary question:

“Does the Portfolio Holder agree that it is important to get local people and businesses to work with us on this, and that there will be no gull cull, and that we need to ensure that there are no accumulations of waste in places that encourage gulls?”

The Portfolio Holder replied as follows:

"I agree that we need to get local people and businesses to work with us, especially in town centre areas, where this is a problem for everyone."

Councillor D Moore asked the following question of the Leader of the Council:

"1. Regarding Whitehaven Rugby League Club, can the Leader tell the Council how much of the loans that were guaranteed or under written by the Council have to date been paid back to the bank or other funds?"

The Leader of the Council replied as follows:

"The Council is currently in discussions regarding the repayment of the outstanding overdraft to the bank, but at this time no payments have been made. The loan to the WCDF is expected to be made during the week commencing 14 March 2011".

Councillor S Meteer asked the following question of the Leader of the Council:

"In June 2009 this Council agreed a motion put forward by me, and subsequently amended by Councillor Moore that the Council would display on line: All allowances paid to members, transport and subsistence claims from members, to include items where the Council has prepaid the item such as hotel rooms or hire cars; and the attendance at meetings of all members.

The spirit of this agreement was that the information would be displayed on-line every quarter and that it would be kept up to date and relevant.

On checking the Council's website today I could only find information relating to the aforementioned under Councillors information which stated 'View Councillors expenses July- September 2009'.

1) Is the relevant up to date information relating to Councillors expenses available somewhere else on the Council's website?

2) If not why not?

3) Do you accept that the spirit of the decision made in June 2009 has not been adhered to, and will you ensure that in the future this information is displayed on the website and is kept up to date?"

The Leader of the Council replied as follows:

"There have been some problems recently in keeping this information up-to-date in accordance with the Council's previous decision. However I can confirm that at the time of this Council meeting the information is up to date and I will ensure that it remains so in the future."

Councillor H Wormstrup asked the following question of the Leader of the Council:

“Could the Leader provide an update on any bids that went forward to the Regional growth fund?”

The Leader of the Council replied as follows:

“The Deputy Prime Minister announced that there had been a strong response to the first Round of bids to the Regional Growth Fund. The outcome of the first round will be announced during week commencing 21 March 2011. As a result of the strength of the bids received the Coalition Government planned to release more than the £250 million originally proposed.

7 bids from Cumbria went through the LEP, only 2 of these received a letter of support from the LEP. Other bids were submitted from Cumbria outside of the LEP – we do not have a complete knowledge of the number until the outcome is known in the week of full council.

The second bidding round will open on 12 April 2011 and it was confirmed that bids for programmes will be accepted. There was no indication of the time allowed to submit bids. The bidding guidance for Round 2 has still to be published by BIS but there is an expectation that LEPs will be permitted to submit programme bids.”

Councillor Chris Whiteside –asked the following question of the Portfolio Holder for Environment and Sustainability:

“Following on from the presentation by children at Bransty School about dog fouling to an Overview and Scrutiny meeting last year, officers took away a number of actions to address the problem.

Can the council please have an update of the progress on those actions?”

The Portfolio Holder replied as follows:

“Enforcement officers undertook weekly patrols in the area during the Autumn, but did not identify any offenders. Patrols continue on an ad hoc basis.

Following the presentation of the petition, the Council’s Enforcement Manager went into the school and gave a presentation about dog fouling and litter issues, and in addition a further litter bin was sited close to the school in order to enhance facilities provided to improve the environment .”

Councillor D Moore asked the following question of thre leader of the Council:

“2. Can the Leader tell us when all members of the Council will see the plans and the business case for the Pow Beck Stadium that Executive committed over 4 million pounds of nuclear money to?”

The Portfolio Holder for Leisure, Culture and Youth replied as follows:

“There is some commercial sensitivity around ongoing discussions on the business case, and and is expected to be shared more widely at the time of making the planning application.”

Councillor Moore asked the following supplementary question:

“Does the Portfolio Holder agree that funds held by WCDF on behalf of BHNL can only be released with the consent of the Council?”

The Portfolio Holder replied as follows:

“Yes”

Councillor Chris Whiteside asked the following question of the Leader of the Council:

“The budget resolution at the previous council meeting included a review of future car parking charges. Can the leader please

- a. Confirm that the scope of this review will include an opportunity to discuss with other bodies such as the Harbour Commission and Town and parish councils the rates charged in non-council car parks, and
- b. Indicate when this review is likely to be set up and who will be involved?”

The Leader of the Council replied as follows:

“a) The scope of the review has not yet been agreed but will be determined by the Overview and scrutiny committees.

b) The date for the review has not yet been agreed but will be considered as part of the overview and scrutiny work programme for 2011/12. The work programme will be considered by the new scrutiny committee but it will not commence until the overview and scrutiny committees have agreed their work programmes and it is unlikely that this will be before June 2011”.

Councillor Chris Whiteside asked the following question of the Portfolio Holder for Environment and Sustainability:

“On Friday 4th February a Bransty ward resident took the trouble to visit the council offices to report a potentially dangerous hole in the surface of the Senhouse Street Car park. When her concerns were eventually investigated they were found to be entirely accurate and the council took action to rectify the

problem, but she initially had great difficulty in getting those concerns taken seriously.

Can we please be assured that the action has been taken to address the customer service issues raised by this case. This council cannot expect residents to work with us to improve services unless public spirited individuals who try to draw problems to our attention are treated as allies and not as a nuisance."

The Portfolio Holder replied as follows:

"The background to this is surrounding a hole which appeared in the Senhouse Street car park. The customer in question went out of their way to report this to the Council late on Friday afternoon 4th February for which we were very grateful.

Initially there was some confusion as to whether there was indeed a hole, an open drain or an uncovered manhole; as we had already received reports that there was one in this car park. There was then further uncertainty as we tried to establish whether the problem was on Council land or on two privately owned parking bays.

The customer was in a hurry as she had a dental appointment to attend, so without delaying the customer further it was agreed that, having provided us with a hand drawn map of the position of the problem, we could send someone round to establish the exact position and ownership of the problem.

Later on Friday a visit was made to the site taken in order to pinpoint the exact location, undertake a visual risk assessment and ascertain the likely scale of the issue.

By the following Monday morning the hole had been more thoroughly inspected, precautionary safety fencing organised to prevent a trip hazard and remedial action planned.

By Tuesday the hole had been fully repaired.

It was only through the concern of this customer and her taking time out to report the problem that the remedial action could be taken so quickly. And as you rightly say such actions should be welcomed and encouraged.

Subsequently we have written to the customer involved, thanked her for taking the time to report the problem and apologised to her if she felt that we were not taking the incident seriously."

Councillor Whiteside asked the following supplementary question:

“The important point is that the lady concerned was satisfied with the work that was done – the problem was the way the complaint was initially dealt with. We need to learn lessons concerning the way customers are dealt with, and we need to treat complaints as opportunities to learn.”

The Portfolio Holder replied as follows:

“I agree.”

C 336 Executive Report

The Council received and noted the Executive report.

C 337 Windscale Fire

Arising from the Executive report on Nuclear New Build, it was agreed that representations be made to the Daily Mail and the Press Complaints Commission concerning the recent press coverage of the Windscale fire.

C 338 Choosing to Change

The Council received and noted an update report on Choosing to Change.

C 339 Review of Constitution

The Council considered a report of the Constitution Working Group on Council Procedure Rules 6,7, 12 and 13.

RESOLVED – that (a) the Member Training and Development Panel be asked to reconsider Rule 6 and report back to Council in June 2011, with a view to PDP interviews becoming compulsory for all Members and PDP outcomes being made available to Group Leaders ;

(b) the pilot substitute scheme for Planning Panel be discontinued and removed from the Constitution and the Working Group be asked to consider whether a further substitute scheme should be introduced with a different committee;

(c) Rule 12(3) be amended to say: “Notice to the public should be as follows: You must give at least four hours notice of the question before the Council meeting to ensure the best possible chance for a meaningful answer to be given. It will help the Council to prepare an answer to your question if you submit it before the day of the meeting. All questions should be in writing and sent by e-mail to the Head of Legal and Democratic Services with a name, address and other relevant contact details.”

(d) a workshop is held for all Members in the new Council year to consider Rule 13.

C 340 Nuclear Governance

The Council considered revised arrangements for nuclear governance.

RESOLVED

- 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 MRWS 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, to make use of the experience and knowledge across the Council, invite Members 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 16th 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.

C 341 Review of Constitution – Personnel Panel and JCSP

Consideration was given to a report proposing changes to the Terms of Reference of Personnel Panel and the winding up of the Joint Consultative and Safety Panel.

RESOLVED – that (a) paragraph 14 of the terms of reference of Personnel Panel be removed;

(b) the Joint Consultative and Safety Panel be disbanded; and

(c) the terms of reference of Executive include development and monitoring of the Council's corporate health, safety and well-being policies and procedures in the Council's capacity as an employer.

C 342 Interim Changes to Delegations and Appointment of Interim Monitoring Officer

The Council considered interim arrangements for the effective conduct of the Council's business in view of the impending retirement of the Head of Legal and Democratic Services.

RESOLVED – that

(a) the Chief Executive is authorised to make interim changes to delegations, proper officer appointments etc in the Council's Constitution which are required as a result of the Head of Legal and Democratic Services Leaving the Council on the 31 March 2011, pending appointments to the new Head of Service posts and report back to Members on any changes made;

(b) a full review of the Scheme of Delegations is carried out once appointments of new Heads of Service are made; and

(c) the Council appoints the Democratic Services Manager as Interim Monitoring Officer with effect from 1 April 2011 pending the review in (b) above.

C 343 Overview and Scrutiny Annual Report

The Council received and noted the Annual Report for Overview and Scrutiny for 2010/11.

C 344 Calendar of Meetings 2011/12

RESOLVED – that approval of the Calendar of Meetings for 2011/12 be delegated to the Chief Executive in consultation with the 3 Group Leaders.

C 345 Nominations for Election as Mayor and Appointment as Deputy Mayor 2011/12

It was moved by Councillor D Moore, duly seconded and

RESOLVED – that Councillor J Jackson be nominated for election as Mayor in 2011/12.

It was moved by Councillor P Connolly duly seconded and

RESOLVED – that Councillor P Tyson be nominated for appointment as Deputy Mayor in 2011/12.

C 346 Notices of Motion Under Procedure Rule 14

(During this item it was agreed under Procedure Rule 11 that the meeting continues for a further 30 minutes, and concludes at 5.30 pm)

(a) It was moved by Councillor A Holliday and duly seconded that

This Council notes that:

The increase in VAT to 20% has added 3p to the cost of a litre of petrol and helped push up petrol prices to record levels.

The Treasury is getting an extra £700m from the higher VAT on petrol, and while the Chancellor has given the banks a tax cut compared to last year, they are now going to pay £800m more than this government was planning.

This Council believes that:

The rise in fuel prices has added to pressure on families already facing a tough year and their incomes squeezed.

With the recovery not yet secured this is the wrong tax at the wrong time and is hurting families, businesses and our fragile economy.

This Council therefore calls upon the Chancellor to:

Come up with a plan to get our stalled economy moving again and get more people into work paying taxes.

Use the extra revenue from the bank levy to immediately reverse the VAT rise on fuel and look again at the annual fuel duty rise due in April.

A recorded vote was requisitioned on the amendment, and the voting was as follows:

FOR the motion: Councillors Banks, Blackwell, Bowman, Branney, Clements, Connolly, Dixon, Docherty, Faichney, Garrity, Holliday, Hully, Kane, McVeigh, Meteer, Park, Prince, Southward, Sunderland, Tyson, C Watson, P Watson, Whalley, J Williams, N Williams, E Woodburn, M Woodburn, Wormstrup.

AGAINST the motion: Nil

ABSTAINED: Councillors Y Clarkson, Eastwood, Gleaves, Heathcote, Hitchen, Jackson, Jacob, Moore, Mossop, Norwood, Salkeld, Scurrah, Whiteside, Wilson.

The motion was declared CARRIED by 28 votes to nil, with 14 abstentions, and it was RESOLVED accordingly.

(b) It was moved by Councillor E Woodburn, and duly seconded that

This Council notes that:

The Trust Board of the North Cumbria University Hospitals NHS Trust has decided it cannot achieve becoming an NHS Foundation Trust within the Department of Health's required timescale therefore is seeking to partner with another NHS Trust.

The Trust board has always stated their commitment to putting patients first and ensuring that patient care remains their number one priority. However the changes to NHS funding and a further reduction in their income, increases the financial challenges faced by the Trust.

The Trust Board has decided that the best option to continue to secure high quality and safe services for the people of North Cumbria means they now need to seek a formal arrangement, through a merger or acquisition with an existing NHS Trust .,

This Council believes that:

The Trust has been placed in a difficult position that it would prefer not to be in but due to the Department of Health's timetable it feels it has no other option.

The Department of Health's White Paper statement of "Any willing provider" gives us grave concerns that a door is being opened to the private sector.

This Council therefore calls upon the North Cumbria University Trust to:

Seek a partner with whom to merge in order to sustain equitable services across Cumbria.

And to note that Copeland Borough Council will strongly oppose any acquisition by a Private Sector organisation as we feel this would not be in the best interest of the people of Copeland.”

It was then moved by Councillor C Whiteside by way of amendment and duly seconded that the following be substituted for the paragraph beginning with the words “This Council believes that....”

“Patient care for all residents of Cumbria must remain the number one priority, and any negotiations with potential partners of whatever kind must be West Cumbria proofed and reflect the needs of the whole County;”

And that the following be substituted for the final paragraph of the motion:

“But to note that Copeland Council would not support any merger, takeover or partnership which does not ensure that the needs of patients in every part of the Trust’s area including the special needs of West Cumbria are fully taken into account.”

Upon being put to the vote the amendment was declared LOST by 24 votes to 15, and it was therefore

RESLOVED – that

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The Trust board has always stated their commitment to putting patients first and ensuring that patient care remains their number one priority. However the changes to NHS funding and a further reduction in their income, increases the financial challenges faced by the Trust.

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The Department of Health's White Paper statement of "Any willing provider" gives us grave concerns that a door is being opened to the private sector.

This Council therefore calls upon the North Cumbria University Trust to:

Seek a partner with whom to merge in order to sustain equitable services across Cumbria.

And to note that Copeland Borough Council will strongly oppose any acquisition by a Private Sector organisation as we feel this would not be in the best interest of the people of Copeland."

C 347 Exclusion of Press and Public

RESOLVED – that the press and public be excluded for the remaining items of business in view of the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 as amended.

C 348 Disposal of Townhead Tip, Egremont

The Council considered a report recommending disposal of the former Townhead Tip, Egremont.

RESOLVED – that (a) the Council grants an option to purchase the former Townhead Tip, Egremont on terms (including price and area) to be agreed, such approval by Council being deemed to include approval to the subsequent actual purchase if the option is exercised; and (b) that approval of the terms of the option and subsequent purchase be delegated to the Head of Legal and Democratic Services in consultation with the Corporate Director – Resources and Transformation and Portfolio Holder for asset management.

The meeting closed at 5.30 pm

Mayor

