

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 8 DECEMBER 2009

Present: Councillors: H Wormstrup (Mayor); D Banks; G Blackwell; J W Bowman; H Branney; E Brenan; A Carroll; N Clarkson; Mrs Y R T Clarkson; G Clements; R Cole; P C Connolly; B A Dixon; Mrs M Docherty; Mrs E Eastwood; Mrs D A Faichney; G Garrity; Mrs C A Giel; F Gleaves; F R Heathcote; K Hitchen; A Holliday; Mrs J I Hully; 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; 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.

Apologies for absence were received from Councillors; G Scurrah; A Wonnacott and Mrs M B Woodburn

Minutes

The Minutes of the Meeting held 27 October 2009 were signed by the Mayor as a correct record.

C 182 Mayor's Announcements

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

C 183 Declarations of Interests

Councillors N and YRT Clarkson declared personal and prejudicial interests in Agenda Item 8 Adoption of a Three Year Licensing Policy due to owning a property which is tenanted as a betting shop and left the meeting during it's consideration.

Councillor N and YRT Clarkson declared personal interest in the Executive report (Whitehaven Conservation Area) due to owning properties within the Whitehaven Conservation Area.

C 184 Choosing to Change

Consideration was given to recommendations in respect of the Terms of Reference of the Choosing to Change (C2C) Board, the programme management structure, and associated documentation and to delegate to the Board action necessary to complete short and medium term applications to the North West Improvement and Effective Partnership (NWIEP) in support of the C2C programme.

RESOLVED – that a) the Terms of Reference for the Choosing to Change Board be confirmed;

b) the programme management and roles and responsibilities arrangements for Choosing to Change be confirmed;

c) the critical Success Factors be adopted;

- d) the Risk Register as appended to the report be noted;
- e) the Communications and Engagement Plan be confirmed;
- f) the proposed Medium and Long term objectives be adopted;
- g) the C2C Board be granted delegated authority to make applications to NWIEP or other suitable organisations in support of these medium term objectives.

C 185 Executive Report

The Leader of the Council presented a report summarising strategic issues considered by the Executive since the last meeting.

C 186 Treasury Management Strategy

Arising from the Executive report it was moved by the Leader of the Council, duly seconded and

RESOLVED – that Executive recommendation EXE 09/0048 to agree the revision to the Treasury Management Strategy to extend the maximum lending limit from £3 Million to £5 Million be approved.

C 187 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 188 Three Year Licensing Policy

Consideration was given to a recommendation from the Licensing Committee to approve the adoption of a Licensing Policy, made under the Gambling Act 2005, and containing the requirement of principles under section 349 of the Act, and to the delegation of functions under that Act.

RESOLVED – that a) the draft Licensing Policy as appended, and made under Section 349 of the Gambling Act 2005 (and being a statement of principles that the Council as licensing authority proposes to apply in exercising their functions under the act) be approved;

b) the delegation of functions to Council, the Executive, The Licensing Committee, Licensing Sub Committees and the Head of Legal and Democratic Services as set out in Appendix 4 to the Policy referred to in (a) be approved; and

c) the Policy referred to in (a) be published in accordance with statutory requirements.

C 189 Licensing Act 2003 – Minor Variations and Mandatory Conditions for Community Premises

Consideration was given to a recommendation from the Licensing Committee to make minor changes and mandatory conditions for Community Premises.

RESOLVED – that a) the decision of the Licensing Committee be endorsed; and

b) delegated authority be given to the Head of Legal and Democratic Services to:

- i. process and determine applications made under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 (minor variations to premises licences and club premises certificates);
- ii. process and determine applications made under sections 25A and 41D of the Licensing Act 2003 (relating to the supply of alcohol in community premises) except where a police objection is received; and
- iii. to grant all applications under the Licensing Act 2003 where representations have been received from a responsible authority which requests that conditions be attached to the licence to be granted and that those conditions are subsequently agreed by the applicant and there are no other outstanding matters to be resolved in respect of the application.

C 190 Planning Application – Play Area Castle Park Whitehaven

RESOLVED – that planning application 4/09/2440/0 (Extension of Play Area, Castle Park, Whitehaven) be approved subject to the conditions in the report.

C 191 Gender Equality Scheme

RESOLVED – that this item be deferred without debate to a future meeting of Council to enable further consultation.

C 192 Independent Investigation Report

Consideration was given to recommendations following an independent investigation into how changes had been made to a distributed report of the Overview and Scrutiny Committees.

During discussion of this item it was moved by Councillor A Holliday pursuant to Standing Order 7.1.k, and duly seconded, that the question be put immediately to the vote.

A recorded vote having been requisitioned under Standing Order 12.26 (a), the voting was as follows:

For the Motion: Councillors: H Wormstrup (Mayor); D Banks; G Blackwell; J W Bowman; H Branney; E Brenan; G Clements; P C Connolly; Mrs M Docherty; Mrs D A Faichney; G Garrity; Mrs C A Giel; A Holliday; Mrs J I Hully; J Kane; T J Knowles; M A McVeigh; J Park; R F Pitt; J Prince; W Southward; P D Tyson; Mrs C Watson; P Watson; P Whalley; Mrs J Williams; N Williams; E M Woodburn.

Against the Motion: A Carroll; N Clarkson; Mrs Y R T Clarkson; R Cole; B A Dixon; Mrs E Eastwood; F Gleaves; F R Heathcote; K Hitchen; J Jackson; A E Jacob; S J Meteer; D W Moore; A D Mossop; A Norwood; W Salkeld; J G Sunderland; C J Whiteside; D A Wilson.

Abstention Councillor Mrs W Metherell

The motion was declared **CARRIED** by 28 votes to 19

RESOLVED – that a) the services of an independent specialist through the Choosing to Change Programme to assist the Council in drawing up the requisite protocols be commissioned; and

b) training and development be provided for Officers and members in order to respond to the findings of the independent investigation.

C 193 Notice of Motion

Notice of a Motion having been given under Standing Order 8, it was moved by Councillor D Moore and duly seconded that this Council has no confidence in the Chair of the Personnel Panel and calls on him to resign that role.

A recorded vote having been requisitioned under Standing Order 12.26 (a), the voting was as follows:

For the Motion: A Carroll; N Clarkson; Mrs Y R T Clarkson; R Cole; B A Dixon; Mrs E Eastwood; F Gleaves; F R Heathcote; K Hitchen; J Jackson; A E Jacob; S J Meteer; D W Moore; A D Mossop; A Norwood; W Salkeld; J G Sunderland; C J Whiteside; D A Wilson.

Against the Motion: Councillors: D Banks; G Blackwell; J W Bowman; H Branney; E Brenan; G Clements; P C Connolly; Mrs M Docherty; Mrs D A Faichney; G Garrity; Mrs C A Giel; A Holliday; Mrs J I Hully; J Kane; T J Knowles; W Metherell; M A McVeigh; J Park; R F Pitt; J Prince; W Southward; P D Tyson; Mrs C Watson; P Watson; P Whalley; Mrs J Williams; N Williams; E M Woodburn; H Wormstrup.

The motion was declared **LOST** by 29 votes to 19.

The meeting closed at 5.00 pm

Mayor

