

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 6 SEPTEMBER 2012

Present: Councillors Peter Tyson (Mayor); David Banks; Geoffrey Blackwell; Hugh Branney; George Clements; Peter Connolly; Karl Connor; Brian Dixon; Margarita Docherty; Jon Downie; Anne Faichney; John Fallows; Fred Gleaves; Phil Greateorex; Stephen Haraldsen; Reg Heathcote; Ian Hill; Keith Hitchen; Lena Hogg; Allan Holliday; Joan Hully; Alan Jacob; Peter Kane; Michael McVeigh; David Moore; Alistair Norwood; Jack Park; Sam Pollen; David Riley; Robert Salkeld; Gilbert Scurrah; Dave Smith; Peter Stephenson; Graham Sunderland; Gillian Troughton; Paul Whalley; Jeanette Williams; Carole Woodman; Doug Wilson; Felicity Wilson; Elaine Woodburn

Apologies for absence were received from Councillors John Bowman; Jackie Bowman; Yvonne Clarkson; Eileen Eastwood; Geoffrey Garrity; John Jackson; John Kane; William Southward; Norman Williams; Henry Wormstrup

C 25 Minutes

The Minutes of the Meetings held on 14 June 2012 were signed by the Mayor as a correct record subject to the spelling Councillor Haraldsen's name being amended to Stephen.

C 26 Declarations of Interests

During consideration of item 8 Executive report Councillor David Banks declared a non-pecuniary interest in issues relating to Mine Shafts (Minute C36 refers) due to being a consultee for Home Housing.

Councillor Paul Whalley declared a disclosable Pecuniary Interest in Agenda Item 16 due to being a residing in Whitehaven Town Centre and left the meeting during its consideration.

Councillor David Moore declared a disclosable Pecuniary Interest in Agenda Item 18 A due to being in the Fire Service and left the meeting during its consideration

Councillor Felicity Wilson declared a disclosable Pecuniary Interest in Agenda Item 18 A due to being in employed in the public sector and left the meeting during its consideration.

C 27 Mayor's Announcements

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

C 28 Petitions

There were no petitions under Procedure Rule 19.

C 29 Questions from Members of the Public

There were no questions from members of the public

C 30 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 Sam Pollen asked the following question, to the Leader of the Council.

“As we are all aware, Copeland and in particular Egremont suffered from flooding recently - and we saw what a devastating affect it had on people. Unfortunately it’s likely that the rain will continue to fall - and reacting to this is sometimes too little too late. So could I ask the Leader to update Council on the extent of the flooding throughout Copeland, and what we can do to help solve the flooding issues?”

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

Thank you Councillor Pollen I think should start by saying that the rainfall that fell was unpredicted very often we get notification to say in fact I think on Bank Holiday Monday we got notification to say that there was expected to be heavy rainfall so if any of had got a call that night it probably wouldn’t have come as such a surprise as it did the following Monday. Leading up to the flash flooding itself we were only on the lowest possible “Yellow” alert, indicating a low risk of surface water flooding. In addition there was a further flood alert attached to the River Ehen but as was well publicised that was more due to the fact that that house had been hit so that was more a precautionary measure than anything else.

On things like this it’s usually good to be able to stand up and say responses were really good and it was a chance for the community to come together and I think for 99% this is true but I think it would be wrong not to make some slight criticism and I do think it’s a bit of the impact of the centralisation of the fire brigade call centre. I had residents from 11.30 on the Wednesday evening and I myself rang about two or three times asking the fire brigade to come, the residents had been told by the call centre down in Cheshire, I think it is, that the water wasn’t high enough or the water hasn’t come through your property yet so they didn’t actually come until later on and I do think that that was down to having a call centre that doesn’t know the local community that it serves because a local call centre would have had the fire brigade out exceptionally quick albeit there were calls from all over Copeland knowing that the water could change in a matter of 10 or 15 minutes from being close to the door to being through some ones property so I think that is an impact of the changes that have come from the centralisation of the fire brigade calls. What I will say that the service we did get from the local fire brigade was exemplary, excellent when they got there I think we ended up 3 crews at the end of it so they came from all over Cumbria to help us deal with the problem and once they kicked in the rain stopped and the water disappeared in quite a good time unfortunately the damage had been done by that particular time.

Thanks do need to go to staff and the Members of Copeland who did respond quickly and I think through their prompt response did stop some of the properties being hit and also we did man the response centre the next day which included help from social services, the red cross two castle and home group who obviously the majority of their tenants were the ones that were affected and on the evening we probably evacuated 17 properties which houses elderly and disabled people and yesterday Home Group announced that they were taking out the rest of the tenants from the remaining houses at the bottom of Orgill. So the full extent of what happened wont be known for a period of time but from the figures that we have the was about 100 residential properties that were damaged by floodwater with over 80 of them being located in Egremont.

We can deal with what happened on the evening and we can deal with what happened the day after but just quite rightly as your pointed out and what is just as important is that we deal with the aftermath after that. We can just go through the experiences and then just walk away and say get on with it that's probably when the real work starts to kick in so we are leading our recovery group which is chaired by Pat Graham, and that's going to be dealing with the long term issues and will try ad identify what the triggers were for the incidents that happened and that includes the Environment Agency, Cumbria County Council and again the social Landlords are involved in that. It's also worth pointing out as I said the work doesn't stop as I know that the Environmental Health Team have been to Seascale to where the issue was to do with sewage as well as everything else so it's important that we get our team out to deal with the implications of that. So as I said it's only going to be over a period of time until we realise what the full extent of this is. We have people out of their homes and could be for the next six month and it's easy for us to sometimes stand up and I think when you stand there and see peoples possessions and it's not their televisions it's not that sort of stuff it's the photos I think of the woman who told us she'd lost the photos that had belonged to her mam that they're never going to be replaced and they're the ones that make it difficult to listen to some of the stories but we are helping where we can.

I think we should give thanks where we should and I think Copeland demonstrated it's got really strong community spirit and always comes out and ties the need to I think thanks goes to all those who were affected and to all those neighbours and friends who came out to help on the evening and are still helping with the aftermath, and it's at times like this that I think that Copeland shines it has the ability inside of all the residents to stand up be counted and be strong we face the problem we don't just sit back and wallow in it we face it work together and as I have said Copeland will continue to everything we can."

C 31 Executive Report

The Council received and noted the Executive report.

C 32 Centralisation of the Fire Brigade Call Centre

Arising from the Executive report and in response to a request from Councillor David Moore the Leader of the Council undertook to write to the Fire Brigade and other agencies expressing concern over the centralisation of the Fire Brigade Call Centre to Cheshire.

C 33 Security at Sellafield

Arising from the Executive report and in response to a question from Councillor David Moore the Leader of the Council undertook to take Security Issues up with the new minister who would be appointed to replace Lord Martland.

C 34 Affordable Housing

Arising from the Executive report and in response to a question from Councillor Stephen Haraldsen relating to a recent Government announcement concerning unviable housing due to affordable housing requirements the Portfolio Holder for Planning and Housing undertook to provide a written reply on possible sites where this could apply in Copeland.

C 35 Benefit Processing Improvements

Arising from the Executive report and in response to a question from Councillor Alistair Norwood the Portfolio Finance and Resources undertook to provide the figures on the performance of the Revenues and Benefits shared service by way of a written reply..

C 36 Iron Ore Mine Shafts Liability

Arising for the Executive report and in response to a request from the Leader of the Council, the Portfolio Holder Finance and Resources undertook to write to the Government to seek some funding or recognition for the additional financial burden placed on the Council when disused mineral shafts collapse.

C 37 Sellafield Security Fencing

Arising from the Executive report, and in response to a question from Councillor Jon Downie, the Leader of the Council undertook to look into the possibility, that due to the security fence at Sellafield being linked to the National Security Network, that planning applications for such fencing might not be needed due to crown immunity..

C 38 Millom Cemetary

Arising from a question from Councillor Doug Wilson the Portfolio Holder for Environment and Sustainability undertook to keep Members informed on negotiations for the provision of a cemetery in the south of the Borough.

C 39 Waste Service Consultation

Arising from the Executive report the Portfolio Holder for Environment and Sustainability undertook to thank staff for their hard work during the waste consultation.

C 40 Code of Conduct and Members Interest – Recommendation from the Audit and Governance Committee

Consideration was given to recommendations from the Audit and Governance Committee on the Code of Conduct and Members Interests.

RESOLVED - (a) That the additional categories of interests as set out in paragraph 2.1 of the report are included in the Council's Code of Conduct, as disclosable non-pecuniary interests;

(b) it be agreed that all Members with Disclosable Pecuniary Interests or other interests in business to be transacted at a meeting should declare those interests at the start of the meeting or as soon as they become aware of them, irrespective of whether those interests have already been registered;

(c) it be agreed that the requirement for a Member with a Disclosable Pecuniary Interest to leave the room during the discussion of the business in which he/she has the interest, and the amendment of the Council Procedure Rules giving effect to this is, are approved;

(d) the position on declaration of other interests be noted;

(e) that subject to the deletion of the sanctions

(viii) *Withdrawing (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, access to website and/or e-mail; and*

(ix) *Excluding (or recommending to the Parish Council that it excludes) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council and Committee meetings.*

the sanctions set out in para 5.2 be agreed as those that will be available to hearings when an allegation that a Member has breached the Code of Conduct is proven; and

(f) it be agreed that the Code of Conduct and associated protocols be subject of a full review by the Audit and Governance Committee in 6 months, with recommendations to Council as necessary.

C 41 Special Meetings of Council

RESOLVED – That meetings on 26th September at 5.00pm and 11 October at 1.00pm be agreed.

C 42 Dog Control Orders – The Dog Exclusion (Copeland Borough Council) Order 2012

Consideration was given to recommendation following the consultation exercise for Dog Control Orders.

RESOLVED - (a) that the outcome of the consultation exercise referred to in paragraph 1.4 of the report be noted;

(b) that, under section 55 of the Clean Neighbourhoods and Environment Act 2005, the draft order attached as Appendix B to this report and titled 'The Dogs Exclusion (Copeland Borough Council) Order 2012 be made and to come into force on the 15th October 2012;

(c) the amount of a fixed penalty, payable for an offence under the Order referred to in (b) above, where a fixed penalty notice is issued, shall be £80;

(d) for the purposes of issuing fixed penalty notices that (i) the Waste and Enforcement Manager; (ii) the Enforcement and Support Services Team Leader; (iii) Enforcement Officers; (iv) Beach Cleaning Operatives; and (v) 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) the Order referred to in (b) above be reviewed by the Executive in 2013 at the same time that the Orders made by Council on the 18th August 2011 and which came into force on the 9th November 2011 are reviewed.

C 43 Localism Act 2011 – Appointment of Independent Person

Consideration was given to a recommendation of the Chief Executive and the Monitoring Officer seeking approval to appoint of a second Independent Person under the Localism Act 2011 to assist the Council in matters relating to the Code of Conduct.

RESOLVED - That Mr John Graham be appointed as an Independent Person until May 2015 on the terms set out in the report to Council on 14 June, and that the appointment be re-confirmed by the Council at the Annual Meeting in 2013 and 2014

C 44 Millom Recreation Centre, Lancashire Road,, Millom – New 15 Year Lease

RESOLVED - That (a) the Council grants a lease of the Millom Recreation Centre, at less than best consideration, to the Millom Recreation Centre Limited on the terms set out in Appendix A to this report be granted; and

(b) that the Head of Regeneration and Communities in consultation with the Head of Corporate Resources, Ward Councillors and the relevant Portfolio Holder be delegated authority to amend and finalise the terms set out in Appendix A, during the negotiation process, other than rent and lease period, save that the lease period can be reduced if grant conditions allow.

C 45 Copeland Borough Council Local Support for Council Tax Scheme

RESOLVED – That the proposed Local Support for Council Tax (LSCT) scheme as detailed in the report be approved for consultation purposes.

C 46 Whitehaven Town Centre and Harbourside Supplementary Planning Documents (SPD) Adoption

Consideration was given to a recommendation from the Local Development Framework Working Party to adopt the Whitehaven Town Centre and Harbourside Supplementary Planning Document as set out in Appendix A to the report.

RESOLVED – That the Whitehaven Town Centre and Harbourside Supplementary Planning Document be approved.

C 47 Capital Programme 12/13 – Changes to Approved Programme

RESOLVED – That

1. the revised Capital Programme for 2012/13 be approved subject: -
 - a. including the Gillfoot shaft work,
 - b. removing the land management contingency,
 - c. as no business case exists, and as the Council does not have a property where a suitably sized installation can be provided economically nor will the feed in tariff that the Council will be eligible for generate enough income to offset the cost of the installation, that the investment in photo voltaic system be omitted, and
 - d. recognising the changes to the programme timings for the Millom Cemetery expansion investigative work and the works at Rottington Beck; and
2. Executive be delegated to approve any future in year changes.

C 48 Notices of Motion

Notices of Motion Under Procedure Rule 13

1. It was moved by Councillor Gillian Troughton duly seconded and

RESOLVED – That Copeland Borough Council resolves to:-

- a) write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional and localised public sector pay;
 - b) write to all local MPs within the next month outlining concerns about the impact that this policy would have on services and the local economy; and
 - c) sign up to the Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally.
2. It was moved by Councillor Lena Hogg duly seconded and

RESOLVED – That in light of the contract with the DVLA for vehicle licensing currently held by the post office being out to tender and the post offices concern that the loss of this and other Government contracts such as pensions, benefits and passport applications and could ultimately close post offices especially in rural areas that the Council supports the local post office in Egremont by writing to:

- a. The Transport Secretary; and
- b. The Minister for the Cabinet Office

asking them to support the post offices efforts to win Government contracts;

3. It was moved by Councillor Brian Dixon duly seconded and

RESOLVED – That the Council asks Cumbria County Council to liaise as early as possible with higher education establishments to provide bespoke courses which will equip our young peoples for our Energy Coast jobs.

The meeting closed at 7.30pm

Mayor