

SHADOW AUTHORITY FOR CUMBERLAND COUNCIL

Shadow Authority for Cumberland Council held in The SEN Centre, Lakes College,
Lillyhall Business Park, Hallwood Road, Workington, CA14 4JN on Tuesday, 18
October 2022 at 10.30 am

Members

Councillor Carni McCarron-Holmes (Chair)	Councillor Abdul Harid (Vice-Chair)
Councillor Trevor Allison	Councillor Robert Betton
Councillor Lisa Brown	Councillor Markus Dale Campbell-Savours
Councillor Barbara Cannon	Councillor Dr Helen Davison
Councillor Roger Dobson	Councillor Michael Eldon
Councillor Jeanette Forster	Councillor Mark Fryer
Councillor Anne Glendinning	Councillor Jimmy Grisdale
Councillor Martin Harris	Councillor Mike Johnson
Councillor Linda Jones-Bulman	Councillor Bob Kelly
Councillor Elaine Lynch	Councillor John Mallinson
Councillor Tony Markley	Councillor Graham Minshaw
Councillor Geoff Mitchell	Councillor Mike Mitchelson
Councillor David Moore	Councillor Lucy Patrick
Councillor Bill Pegram	Councillor Jill Perry
Councillor Tim Pickstone	Councillor Sam Pollen
Councillor Anne Quilter	Councillor Denise Rollo
Councillor Andrew Semple	Councillor Christopher Southward
Councillor Stephen Stoddart	Councillor Gillian Troughton
Councillor Helen Tucker	Councillor Cyril Weber
Councillor Brian Wernham	Councillor Miss Jeanette Whalen
Councillor Emma Williamson	Councillor Chris Wills

Present

Mr A Seekings, Interim Head of Paid Services
Ms C A Parkinson, Interim Monitoring Officer

37. Roll Call and Apologies for absence

Apologies for absence were received from Councillor Ghayouba,
Councillor Hawkins and Councillor K Thurlow.

38. Declaration of Interests

In accordance with the Council's Code of Conduct the following
declarations of interest were submitted:

Councillor Davison declared a pecuniary interest in Agenda item 10 as
she would be a recipient of a Members' Allowance.

Councillor Fryer declared a pecuniary interest in Agenda item 14,
question from Councillor Allison, as he owned a waste management
company.

Councillor Moore declared a non-pecuniary interest in Agenda item 15, Motion 1 as he was a member of two community partnerships representing Copeland Borough Council.

Councillor Markley declared a non-pecuniary interest in Agenda item 15 Motion 1 as he was a member of the Allerdale Community Partnership

Councillor Quilter declared a non-pecuniary interest in Agenda item 15, Motion 2 as she was employed by DEFRA.

Councillor Whalen declared a non-pecuniary interest in Agenda item 15, Motion 2 as she was employed by DEFRA.

39. Exclusion of Press and Public

RESOLVED, that, the press and public be not excluded during consideration of any items of business.

40. Minutes

Correction:

Minutes of 29 July 2022 - Page 11, paragraph 6, line 8. Delete 'about outstanding difficulties' and replace with 'as to when the Leader would publish a draft heritage asset take-over plan for scrutiny by Councillors?'

RESOLVED, that, subject to the correction above, the Minutes of the meetings held on 29 July 2022 and 29 September 2022 be agreed as a correct record.

41. Public Participation

There was no Public Participation at this meeting.

42. Announcements and Communications

There were no announcements made at the meeting.

43. Minutes of the Executive

The Leader moved and the Deputy Leader seconded the Minutes of the 20 September 2022 and 5 October 2022 Executive meetings.

There were no questions on either set of Minutes.

44. **Cumberland Council Plan 2023-2027**

The Executive Member – Policy and Performance presented the report from the Interim Head of Paid Service on the Cumberland Council Plan 2023-2027. He highlighted that the Plan was a roadmap of key issues and that Health and Wellbeing would underpin the work of Cumberland Council. He hoped that Council shared the aims of the Council Plan.

A number of Members took the opportunity to thank the Members and Officers who had produced the Plan in challenging circumstances. The Executive Member – Policy and Performance joined in congratulating the Policy team.

A Member welcomed that the Plan was focussed on Health and Wellbeing. He urged that Cumberland as a 'place' be incorporated into the document as he felt that currently the Plan could relate to anywhere. He supported the Plan as work in progress.

A Member considered it to be an excellent plan, drafted in a short timescale. She asked that the Council listened to feedback on issues such as the climate emergency. She asked that biodiversity be added into the Plan and the words 'future generations' be added onto the last sentence on p13, last line of the Sustainability paragraph. The Executive Member – Policy and Performance acknowledge the reasons for this addition but did not want to amend the document.

After expressing her pride in the Plan, The Deputy Leader (non statutory) was pleased to note that the Plan was people centric as that would be the only way to achieve the Council's goals. There had been a mandate from children as to what they wanted in the Plan.

A Member highlighted that the County remained as Cumbria but the Council covered the Cumberland area.

The Leader moved and the Deputy Leader seconded the recommendations as set out in the report.

The Chair put the recommendation to Members. This was agreed by assent of the meeting.

RESOLVED, that the Cumberland Council Plan 2023-27 be adopted.

45. **Appointment of External Auditor**

The Executive Member – Finance and Assets presented the report from the Interim s151 Officer regarding the Appointment of an External Auditor. She explained the reasons for the appointment of Local Authority external auditors and presented the options. She

noted that a number of Members had contacted the s151 Officer asking for points of clarification and Members would receive a response.

The Executive Member – Finance and Assets moved, and the Leader seconded, the recommendations as set out in the report.

A Member welcomed the clarity of information in the report adding that she had received responses to her questions. She supported the recommendations in the report.

The Chair put the recommendations to Members. These were agreed by assent of the meeting.

RESOLVED, that

- (1) the Authority exercises its right to opt-in to the sector-led option for the appointment of external auditors for the five-year period from 2023-24 to 2027-28
- (2) Members note application of the Smaller Authorities Audit Appointments (SAAA) regime for the financial year 2022-23.

46. Recommendations from Independent Remuneration Panel

The Deputy Leader moved the recommendations as set out in the report from the Interim Monitoring Officer regarding the recommendations from the Independent Remuneration Panel (IRP). She thanked the Panel for their diligent work. Councillor Mike Johnson seconded the recommendations.

A Member referred to the IRP's report and the reference made to it seeking confirmation on the timescales on the detailed wider review on the points outlined under Regulation 21 (in Part 4 of the regulations) under the Local Authorities (Members' Allowances) (England) Regulations 2003. He asked if the IRP could be advised of the timescale as it was tight, being in February 2023.

The Leader advised that the IRP was aware of the timescale information.

The Chair put the recommendations to Members. This was agreed by assent of the meeting.

RESOLVED, that, Council considered the recommendations of the Independent Remuneration Panel and agreed to implement the revised allowances to the Members

Allowance Scheme as detailed in the supplementary report submitted by the Panel.

47. Independent Person

The Chair of the Standards Committee, Councillor Troughton, moved the recommendations as set out in the report of the Interim Monitoring Officer on the appointments to the Role of Independent Person. These were seconded by Councillor Wernham.

The Deputy Leader moved an amendment to 2.2 of the recommendations to allow £1,000 pro rata to be paid to each of the Independent Persons to cover the duration of the term together with expenses for travel. This was seconded by the Leader.

A Member reported on the discussions held at the Standards Committee on the number of Independent Persons to be appointed. Given the expenses which could be incurred and the need, in his opinion to save money, he proposed 1 or 2 people be appointed in the first instance.

The Deputy Leader considered that the Standards Committee was the appropriate Committee to consider and make recommendations to Council on the number of Independent Persons. She referred to discussions held on the remuneration to the Independent Persons at the Standards Committee meeting.

A Member reported on the detailed discussions held by the Standards Committee on the remuneration package adding that the number of people appointed would be reviewed in 2024. He commented on the important work undertaken by the Independent Persons.

A Member of the Standards Committee reported on the debate and what had been voted on at the meeting. He did not support the appointment of five Independent Persons and gave his reasons.

Councillor Betton moved an amendment, seconded by Councillor Stoddart, that two Independent Persons be appointed, and the workload be ascertained before more are appointed. A vote was cast which was lost by a majority against the amendment.

A vote was cast on the recommendation from the Deputy Leader, with 32 in favour and 5 against. A vote was then taken on the substantive motion and this was carried.

RESOLVED, that

- (1) the Shadow Authority appoints the following individuals as independent persons for a term of

office which expires on the date of the Annual Meeting of the Council in May 2024:-

- (a) Sarah Townshend Crawford;
- (b) Jane Elliott;
- (c) Anthony Creighton Payne;
- (d) Keith Sinclair Thomas; and
- (e) Nigel Woodcock;

- (2) the Shadow Authority agrees that an allowance of £1,000 should be paid to each of the independent persons to cover the duration of the term, together with expenses for travel.

48. Minutes of Committees

Councillor Troughton moved and Councillor Campbell-Savours seconded the Minutes of the Scrutiny Committee meeting held on 10 August 2022

Following a query on the status of the minutes from a Member, the Interim Monitoring Officer advised that they were currently draft Minutes.

RESOLVED, that the Minutes of the Scrutiny Committee meeting held on 10 August 2022 be received

49. Questions (With Notice)

Councillor Wernham asked if adequate planning and piloting of separate food waste collection and processing had been carried out by Cumbria County Council and by the six districts in Cumbria (that Cumberland Executive has decided to implement from next year). He also asked what would be the extra cost that Cumberland Unitary must budget for food waste collection as a service across Cumbria.

The Portfolio Holder for Environment, Waste and Highways explained that Government Policy on the matter was yet to be agreed but when received, would be sent to the County Council for action. She advised on analysis work being undertaken on kerbside waste collection by the seven current sovereign councils and reported on how the Government's Waste and Recycling Report could aid in shaping the service once there was a policy direction. It was noted that a meeting had been held with DEFRA on the harmonisation of waste collection, the technical assessment had been updated for separating food waste and that the matter of removing food from the waste stream would be handled sensitively.

Councillor Pickstone asked if the Leader or appropriate Cabinet member, would inform members what steps the Shadow Authority was taking to ensure that support for residents through the current

cost of living crisis could continue without interruption from 1 April 2023. The Leader reassured Council that care had been taken to ensure there would be no drop in service provision prior to vesting day. He advised that funding was being ring fenced for some schemes.

Councillor Pickstone welcomed the Leader's assurances, appreciating that one off schemes would still be supported. The Leader reassured Council that there would be joint working to have a progressive view on the extension of some schemes.

50. Questions (without notice)

Councillor Allison asked if the Cumbria Waste Management Environmental Tax Scheme would continue following Vesting Day. The Leader declared a pecuniary interest in this matter as he owns a waste management company. He advised that waste management would be a hosted service with Westmorland and Furness Authority and explained how it would work. He undertook to provide an answer on the CWMET scheme.

Councillor Dobson referred to the recent Government announcement on Investment Zones. He asked the Leader to give an assurance that Investment Zones would only be introduced if the areas identified were not environmentally compromised. The Leader explained that it would not be prudent to turndown Investment Zones before details had been received. He reassured Council that there would be joint working with partners and stakeholders on the matter.

51. Notices of Motion

Motion 1

Councillor Perry moved the following motion:

Urgent Review of Areas of Search for a possible Geological Disposal Facility (GDF) in Cumberland

This Shadow Authority notes that in relation to the proposal to develop a possible GDF in Cumberland:

- There are three Areas of Search under consideration
- The boundaries of these Areas of Search were first fixed by the Working Groups which pre-dated the Community Partnerships since established for each of these areas.
- The Community Partnerships are now responsible for determining the boundaries of the Areas of Search.
- The Areas of Search are currently based on the electoral wards of the Allerdale and Copeland Borough Councils.

- Such electoral wards will be abolished on 1 April 2023 with the establishment of the new Cumberland Authority.
- Consequently, the boundaries of the Areas of Search will be redundant and out-of-sync with the new electoral ward boundaries.
- There have been other significant changes that could impact the validity of the current Search Areas since they were first designated, including improvements in the geological understanding of the area, rising public opposition which makes clear that even at the early stage that some communities would be 'unwilling' to host a GDF, and changes in political make-up.

This Shadow Authority therefore resolves to ask the Interim Head of Paid service (Chief Executive designate) to write to the Chairs of each of the three Community Partnerships to:

- Ask them to undertake a review of the current Areas of Search as a matter of urgency in preparation for the changes on 1st April 2023.
- Take full account of public opinion and the views of Councillors representing wards wholly or partially within the current Areas of Search when undertaking that review.
- Consider reducing or removing entirely some Areas of Search.
- Wherever practicable align Areas of Search with new ward boundaries.

In moving her motion, Councillor Perry detailed her concerns on the areas of search not being community led and that Cumberland Council would not have power to make changes, only recommendations. She expressed her concerns about how the consultation had been undertaken and asked for a Recorded Vote on the Motion.

The Motion was seconded by Dr Davison who reserved her right to reply.

A Member spoke against the Motion, confirming that it was a community led process, that Community Partnerships were working effectively, boundaries had been resolved and the community would make the decision after going through the consultation process. He extended an invitation to Council members to input into the process.

The Leader talked about his meetings with key personnel at Nuclear Waste Services on this matter and that dialogue was open and two way. He reassured Council that a decision would be made using full facts and would not be rushed. He explained this was not an urgent situation as this was the third iteration of a facility in forty years. A reassurance was given that Cumberland Council would be involved in

the process and the community would decide following thorough consultation.

Councillor Davison welcomed that the Leader was already in discussions and asked that information be released into the public domain. She asked that the Head of Paid Service write to the Chairs of the Community Partnerships to obtain reassurance that what was being asked for in the Motion was happening. She read out correspondence from a Copeland resident on their views of the process and reported on a community meeting and their views on the GDF.

The Portfolio Holder for the Corporate Plan, Strategy, Policy and Performance appreciated the intentions of the Motion but supported the continuation and value of Community Partnerships, explaining the need to monitor the safety of nuclear waste. Councillor Markley commented on the excellent calibre of staff working in the nuclear industry.

Councillor Perry asked for reassurance that all voices were heard during the consultation process, that meetings should be held in public, and minutes be in the public domain. She urged Council to support her Motion.

A vote was cast to hold a Recorded Vote. This was agreed by assent of the meeting.

Recorded Vote as follows:

	FOR	AGAINST	ABSTAIN	APOLOGIES
Mr T Allison		*		
Mr RW Betton	*			
Ms L Brown		*		
Mr MD Campbell-Savours		*		
Ms B Cannon		*		
Dr H Davison	*			
Mr R Dobson		*		
Mr M Eldon		*		
Ms J Forster		*		
Mr M Fryer		*		
Mr J Ghayouba				*
Ms A Glendinning		*		
Mr J Gridale		*		
Mr A Harid		*		
Mr M Harris		*		
Mr M Hawkins				*
Mr M Johnson		*		

	FOR	AGAINST	ABSTAIN	APOLOGIES
Ms L Jones-Bulman		*		
Dr B Kelly		*		
Ms E Lynch		*		
Mr J Mallinson		*		
Mr T Markley		*		
Ms C McCarron-Holmes		*		
Mr G Minshaw		*		
Mr G Mitchell		*		
Mr M Mitchelson		*		
Mr D Moore		*		
Ms L Patrick		*		
Mr B Pegram		*		
Ms J Perry	*			
Mr T Pickstone		*		
Mr S Pollen		*		
Mr A Pratt				*
Ms A Quilter		*		
Ms D Rollo		*		
Mr A Semple		*		
Mr C Southward		*		
Mr S Stoddart	*			
Mr K Thurlow				*
Ms G Troughton		*		
Ms H Tucker		*		
Mr C Weber		*		
Mr B Wernham		*		
Ms J Whalen		*		
Mrs E Williamson		*		
Mr C Wills		*		
TOTAL	4	38	0	4

The Motion was lost.

Motion 2

Councillor Wernham moved the following motion:

Clean Rivers, Lakes and Coast

The Council notes:

1. The welcome high priority placed on public health in the proposed Cumberland Plan.

2. Cumberland's rich and beautiful natural environment, including our lakes, our rivers and our coastline, much of which are used for leisure and recreation purposes.

3. The unacceptable amount of raw sewage which is discharged into Cumberland's rivers – at 203 sites during 2021 (data provided by the Rivers Trust).

This Council notes that:

1. Every river in England is now polluted beyond legal limits
 - In Carlisle:
 - 55 raw sewage dumps for a total of 452 hours, at Rockcliffe, discharging into the River Esk
 - 34 raw sewage dumps for a total of 73 hours, at Etterby Terrace, Stanwix discharging directly into the River Eden
 - 87 times for a total of 262 hours, at Heads Nook, discharging into the Cairn Beck and then down into the River Eden
 -
 - In Copeland:
 - Sewer storm overflow spilled 114 times for a total of 967 hours, discharging into the River Keekle near Cleator Moor
 - Unmonitored dumping of sewage at Cleator Moor into the River Ehen and through to Egremont
 -
 - In Allerdale:
 - 136 times for a total of 2379 hours at Cockermouth, discharging raw sewage into the River Derwent
 - 180 times for a total of 3335 hours, at Gilcruix, discharging into the Bullclose Beck which feeds the River Ellen into Maryport.
2. The beaches in Cumberland are some of the finest in England, but raw sewage is being dumped there at least once a week:
 - In St Bees, raw sewage from a storm overflow spilled onto the beach 59 times for a total of 679 hours, discharging into the Pow Beck that runs 100m directly to the beach
 - At Silloth, 25 times for a total of 81 hours, discharging into Silloth Bay
 - Just upstream from Bowness on Solway, at Glasson works the sewer storm overflow spilled 123 times for a total of 505 hours, directly into the Solway Firth
3. Government funding to the Environment Agency to monitor river quality and regulate farms and water companies has dropped 75% since 2010/11.

4. In 2020 just 3.6% of pollution complaints made to the Agency resulted in penalties.

Council believes that the UK Government should commit to:

1. Restoring Environment Agency budgets to deliver the necessary oversight.
2. Increasing inspection regularity of water companies and farms, and rigorously prosecuting offenders through the Environmental Audit Committee and Ofwat.
3. Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.

Council asks that the Executive, invites the Environment Agency to share their proposals on how they will tackle the issue of pollution in our rivers, lakes and coastal areas so it can feed into the Public Health work of the Council.

Council asks the Executive to include the water pollution in its work on public health going forwards.

Council resolves to ask the Interim Head of Paid Service (Chief Executive designate) to write to:

1. The Secretary of State for Environment, Food and Rural Affairs calling for the Government to commit to the actions needed to bring to an end the dumping of raw sewage.
2. The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
3. The Chief Executive of United Utilities calling for urgent action to address the impact of waste-water discharges on our local rivers.
4. The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

Councillor Wernham talked about the impact of pollution on fishermen's catches and about a number of beaches, lakes and tarns in Cumbria affected by pollution and sewage. He urged Members to support the Motion.

The Motion was seconded by Councillor Pickstone who reserved his right to reply.

The Deputy Leader tabled and moved an amendment to the motion as follows:

To keep:

The Council notes:

The welcome high priority placed on public health in the proposed Cumberland Plan.

Cumberland's rich and beautiful natural environment, including our lakes, our rivers and our coastline, much of which are used for leisure and recreation purposes.

The unacceptable amount of raw sewage which is discharged into Cumberland's rivers

Then deleting all from " – at 203 sites during 2021 (data provided by the Rivers Trust)" to be replaced with the following, amended text in italics:

Council believes that the UK Government should commit to:

1. *Providing the Environment Agency with the necessary funding to undertake its role successfully*
2. Increasing inspection regularity of water companies and farms, and rigorously prosecuting offenders through the Environmental Audit Committee and Ofwat.
3. *Reviewing the existing levels of fines to ensure that they are a proper deterrent.*
4. Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.

Council asks that the Executive, invites the Environment Agency to share their proposals on how they will tackle the issue of pollution in our rivers, lakes and coastal areas so it can feed into the Public Health work of the Council.

Council asks the Executive to include the water pollution in its work on public health going forward.

Council resolves to ask the Interim Head of Paid Service (Chief Executive designate) to write to:

1. *The Secretary of State for Environment, Food and Rural Affairs calling for*
 - *The Government to develop a proper plan to reduce raw sewage and manage water supplies*
 - *Proper Annual Parliamentary scrutiny of DEFRA, OFWAT and the Environment Agency*
 - *Investment into our outdated and dangerous water infrastructure*
2. The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
3. The Chief Executive of United Utilities calling for urgent action to address the impact of waste-water discharges on our local rivers *and their biodiversity*.
4. The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

The amendment was seconded by Councillor Jones-Bulman.

Councillor Wernham accepted the amendment as tabled to his Motion.

Councillor Pickstone talked about the impact of pollution on water courses and lakes in the County and commended the Motion to members.

The Chair presented the amendment to Council. A vote was cast and the Motion was agreed by assent of the meeting. Councillor Stoddart requested that his abstention on the vote be recorded.

52. Date of next meeting

The next Ordinary Council meeting was scheduled to take place on 27 February 2023 at 10.30am.

The meeting closed at 12.20 pm