

WHITEHAVEN TOWN COUNCIL

Minutes of the Council Meeting held on 22nd February 2018

Present: Councillors B O’Kane (Chairman); J Kane; J Laine; C Maudling; S Poland; G Roberts

M. Jewell, Clerk and Responsible Financial Officer
V. Gorley Trainee Assistant Town Clerk
J Betteridge, Copeland Borough Council
Mayor Starkie

Members of the Public

901/18 Apologies for Absence

Apologies for absence were received from Councillor Forster, Councillor Gill, Councillor Guest, Councillor Lowrey and Councillor Rayson

902/18 Declarations of Interest

Councillor Maudling declared that he was a member of CBC’s Planning Panel.

Councillor Laine declared a non- pecuniary interest in Item 5

903/18 Minutes of the Council Meeting held on 25th January 2018

Councillor Laine said she had a few points to make

1. That Councillor Guest had submitted his apologies for the meeting. The Clerk said there was no record of any apology but this would be checked and amended if an apology had been received.
2. Minute 872/18 (v). That the Resolution be amended to read “that £1,000 be granted to the tennis club. Councillor Kane then proposed that the application should be referred to a future meeting and the applicants be asked to attend. It was resolved that this be approved and the application referred to a future meeting.”.
3. Julie Bennet had been inserted instead of Tracey Bennett and it was RESOLVED that this be amended
4. Minute 880/18. Councillor Laine said she did not recall this resolution and

that Councillor O’Kane had requested permission to carry on in discussions only not to carry on with the project, Councillor O’Kane said he felt that the Minute was accurate and he did not want a vote on it and asked Councillor Laine to carry on.

5. Councillor Laine referred to the bit of the minute about St Nicholas gardens which said that if the Council does go ahead that BEC is introduced to the church and they can get on with it and said that what she had said that there was no need for any local authority or council to get involved and BEC could simply be introduced to the church to get on with it. The Chairman said the prime thing was the resolution at the end and that the Council needed to get through the minutes.
6. The Minute on litter bins for Wards required all Councillors to get in touch with Councillor Laine regarding bins for their Wards but it wasn’t just for their Wards it was for all Wards and asked if the word “their” could be removed. The Chairman asked to move on
- 7 Minute 888/18 – the meeting with CBC and the Executive which was asked for in December to discuss Home Group issues and the health and safety of the Council’s residents. The Chairman said that the minutes reflected that request for the meeting.
8. Councillor Laine said in Councillor matters it said that Councillor Rayson had left a message with Johnstone House to arrange a meeting to see if there was anything that the residents wanted but that she had asked if a defibrillator could be located there.
9. In Councillor Matters at 892/18(xix) support letter for Poppy Worthington Councillor Laine said it was agreed by the whole group to send a letter but that there had been no feedback from the Clerk as to whether that had occurred.
The Chairman said that the Council had not agreed and that Councillor Laine had made a statement.

The Chairman asked if he could now sign the Minutes as a correct record and Councillor Laine asked for a recorded vote as she wanted her vote recorded. A recorded vote was held and the results were

Councillor O’Kane	For
Councillor Kane	For
Councillor Laine	Against
Councillor Maudling	For
Councillor Poland	Abstained
Councillor Roberts	For

RESOLVED – That the Minutes be approved and signed as a correct Record by the Chairman subject to the agreed amendments in 2 and 3 above.

904/18

Minutes of the Extraordinary Council Meeting held on 6th February 2018

Councillor Laine raised an issue regarding the Employment Tribunal matter and said there was a motion missing and that it had been agreed that there would be an Agenda item on the next full Council meeting and that Councillors would vote as to whether the Council had a forensic examination of all expenditure to be accounted for and a police investigation for any overpayments of the Clerk's salary that had come to light and our external accountants to be asked for views on the Tribunal's findings. The Chairman said that there was not a motion missing.

There was a recorded vote on whether or not to approve the Minutes and the results were

Councillor O'Kane	For
Councillor Kane	For
Councillor Laine	Against
Councillor Maudling	For
Councillor Poland	Abstained
Councillor Roberts	For

RESOLVED – That the Minutes be approved and signed by the Chairman as a correct record

905/18

The Chairman proposed two changes in the order of the Agenda namely that Item 5 which was in private be moved to the end of the Agenda and that Item 9 be moved forward to the next item.

RESOLVED – That Item 5 be moved to the end of the Agenda and Item 9 be moved forward to the next item.

The Chairman then made a point of order for one or two points he thought were essential:-

1. That he was concerned that the last meeting had got out of hand and a group of Councillors had discussed this and concern was raised of the perception of the public about how meetings progressed.
2. The Chairman then read out the Standing Orders Numbers 1p; 1q; 1t; 2a; 2b; and 2c which related to Rules of Debate at Meetings and Disorderly Conduct at Meetings

The Chairman said the Council needed to work through its meetings in an

orderly fashion.

906/18 **Public Participation**

There was no public participation

907/18 **Market Report**

Further to Minute 886/18 Julie Betteridge, Copeland Borough Council's Director of Customer and Community Service gave a presentation of the Market Report and made the following points:-

- We are now 18 months into the market and what we have managed to do is to sustain a number of additional stalls on a regular basis. On the first year that was doubled on a Saturday.
- We are talking small numbers. But it has been positive and has given more diversity on the market although it is hard to sustain over the winter months
- In the second year of operation we are 20% up on income of the first year. It is slow progress but we are progressing.
- We have spent a lot of time planning events and we have a programme of events planned for this year and we are happy to engage in summer events to make it work between the market and what might be happening in the town council/
- There are potentials of change and development on how we might get more stallholders. When Taste Cumbria was here that worked well and a lot of local food producers came and a couple have still maintained an interest in the market – not every week but certainly on a regular basis. For example Gloucester old spot farmer and the smokery at Haverigg
- We hope it will continue to improve and are doing a lot on marketing. In the first year we spent a lot of money working with CN newspapers but will not be doing that this year as we would rather spend our money to target events and particular types of traders.

Questions to Julie Betteridge

1. Councillor Roberts said markets were very important and he had been in Glasgow a few months ago and suggested that we should get some pyramid fires for the winter to keep the place warm with a clam shell roof that might drive some more people through the market

A. Julie Betteridge said there was a big issue about Health and Safety and there would need to be a proper assessment of the finances and what type of trader might require it but that it was something worth looking at.

2. Councillor Laine asked what the annual income for this year was and said that the Council had not received anything although this had been

promised.

A Julie Betteridge said she was happy to share this with the Council and would send it to the Council and also give an annual income and expenditure. She said she would also send last years and the first quarter of this year

3. Councillor Maudling asked why empty stalls were being set up

A Julie Betteridge said it was a tactic that sometimes worked and sometimes did not. The intention was always to have one or two empty stalls to allow people to turn up on the day. She said that if someone booked a stall a month in advance and made payment in advance it would cost £12 per day but if someone just turned up on the day it would cost £18 per day

4. Councillor Maudling said a couple of weeks ago the Saturday market was called off because of the weather but that it had been a beautiful day

A Julie Betteridge said that CBC had to go by its procedures and by health and safety and the forecast is checked and the Council goes with that. When this type of situation happened existing stallholders were allowed to put up their own stalls on that day. Sadly on that particular day CBC had followed its procedures but the situation did not pan out

5. Councillor Maudling asked if prepay stalls were put up and extras were put up for casuals

A Julie Betteridge said if traders pre-paid for stalls the stalls were put out and CBC also puts some spares out if casuals have said they will be coming and also puts out an additional 1 or 2 stalls

6. Councillor Kane said that shopping trends had changed in the last few years and asked if there was a real place for a market on 2 days a week and should we do it once a month and that this should be reviewed

A Julie Betteridge said a consultation exercise had been carried out and it was felt that it was worth trying. Once a month in Egremont was thriving and the same with Cleator Moor. At the end of the next couple of markets Julie said maybe we should sit down and set up a working group taking Councillor Kane's point and do an evaluation and to include the finances so that we understand the impact on customers and traders

7. Councillor O'Kane said he had been looking at how markets had changed and one report said growth has occurred where shopkeepers had taken out stalls in addition to their shops and wondered if we should be encouraging our businesses to take out a market stall..

8. Councillor Maudling said continental markets did absolutely nothing for the town and it cost a lot of money to bring them here. He said he would be interested to see something going on locally rather than people from outside the town taking money out of the town. He said he was pleased to see that there was a calendar of events

A Early feedback was that local producers were upset that they were not given the opportunity to be on local stalls and that is why the Markets Officer

was asking Taste Cumbria to chase these people who were on Taste Cumbria to try and get local traders to come back

9. Councillor Maudling why we couldn't form a working group to do this ourselves and not rely on anyone from outside of Whitehaven to chase people up from Taste Cumbria.

A. Julie Betteridge agreed and said the more people who could be involved the better.

10. Councillor O'Kane asked for more communication from Copeland either by attending the Council meeting each month or the Markets Manager coming in or sending a report as the Council felt that it needed more information going forward

A. Julie Betteridge said it would be better to provide a monthly report on paper and then Copeland could attend every two or three months.

11. Councillor Laine asked if the income could be put on that

A. Julie Betteridge said there was some sensitive material but she could give the total figure.

12. Councillor Laine suggested that the Town Council could have some questionnaires sent to local businesses in the market and in the town to get feedback and see if people are for it or against it. She said people in the shops in the Market Place have issues and we need to understand whether people are for it or against it and she didn't think their issues were being listened to with regard to the rest of the market

A. Julie Betteridge said she disagreed with that as CBC had had many meetings with these individuals and have heard their concerns. She said people write to CBC and that CBC has an open approach. She said it would be great to do what Councillor Laine had suggested together.

13. Councillor Laine said she was happy to go out with questionnaires and collate it all together and feed it back to the Councils.

14. Councillor Laine referred to disabled bays in the market and asked how disabled people working in shops in the Market get in and out of the market place itself when it is closed and what about disabled people who have a stall – how does CBC deal with that.

A. Julie Betteridge said under the CBC equality scheme which goes across the whole of CBC the Council will talk to anyone and there is time at the beginning and end of each market day for vehicles to come in and then go away and park. This had obviously not been raised with the Markets Officer.

15. Councillor Laine said there were a lot of shopkeepers in that area who were disabled and need to get in and out of work.

A. Julie Betteridge said that CBC had never been informed of that but that CBC had an equality policy and because the equality scheme was about access CBC needed to understand what the issues were and asked Councillor Laine to ask/encourage the people to get in touch with CBC

16. Councillor Laine said she would devise a questionnaire and submit the questionnaire to the Council.

The Chairman thanked Julie Betteridge for attending

RESOLVED – That the report be noted and points agreed in 2-A; 6-A; 9-A; 13-A; 15-A and 16-A above be actioned.

908/18

Planning Applications

Further to Minute 877/18 the Clerk reported that CCC had extended the time limit for representations to the Swingpump Lane application to 26th February 2018.

Councillor Laine said she would like it Minuted that because the Council had not had planning training they could not make any reasoned decisions until training on planning had been given as they did not know what to look for or what to look at and that it was improper to put observations forward without having training as something could be missed.

No representations were made on the planning applications shown at Appendix 1 with the exception of planning application 4/18/2058/001 in respect of land and buildings at Swingpump Lane.

The Clerk said Councillor Guest had emailed comments from one of his constituents and that these could be incorporated in the response to CBC. Councillor Laine said she had some representations to make which would probably duplicate some of those submitted by Councillor Guest. Councillor Laine read out her representations and stated that she would send the Clerk a copy of the representations.

Councillor O’Kane declared an interest in the Swingpump Lane development as he attended both Quay Street and St Beghs Churches and said there were 2 aspects:-

1. It is not about the destruction of something in a conservation area but an enhancement of something that is in a conservation area.
2. The number of offices that potentially will be built as this is not the only office plan that will be brought before the Council in the next 12 months

RESOLVED – (i) That the Clerk inform Copeland Borough Council of the representations received from Councillor Laine and Councillor Guest on planning application no. 4/18/2059/001 and that there were no representations on any other applications shown at Appendix 1

(ii) That when CBC are planning site visits that an invitation be sent to the Town Council

(iii) That Councillor Laine’s comments on planning training be Noted

909/18

Financial Report

Councillor Laine requested that if any vote was taken on this Agenda item that her vote be recorded.

The Council considered a Financial Report and it was :-

- RESOLVED** –
- (i) That the invoices shown at Appendix 1 be approved and paid subject to an amendment being made to transfer an expenditure amount of £261.60 from office into mayors allowance on the cash sheet. Councillor Laine voted in favour of this.
 - (ii) That the invoice which had only recently been received from CCC for £29,679.00 (including VAT) in respect of the erection, maintenance and dismantling of the Christmas lights be paid.
 - (iii) That the Cash Book and Income and Expenditure shown at appendices 2 and 3 be noted and that CALC be contacted for advice on whether the minute number on the cash sheet should show the minute authorising the actual expenditure or the minute when the expense was originally approved. Councillor Laine voted against this as she could not check that it was correct because she did not have the reference of the correct minute

910/18

Update report for the MV700 Chewing Gum Removal Machine

The Chairman said the Council had already agreed the expenditure for this and this was just an update.

He said they were arriving on Sunday for 6 days. He said they were having problems finding a suitable water source as they need to fill up every three hours. The Chairman thanked Vanessa for all her hard work in finding accommodation for the contractors and for saving money and also thanked Cheryl at the Waverly for giving a good deal. He said reports coming back had been amazing particularly from King Street.

The Chairman said that after the work had been finished that we needed to communicate with our shopkeepers, pubs etc to say that the Council had spent a lot of money on the town and we needed their help to finish this off.

Councillor Laine said we had a power to implement byelaws and a byelaw could be that shopkeepers were required to keep the outside of their premises clean. The Chairman asked if this could be put on the Agenda for the next meeting.

Councillor Maudling said some shop keepers were tying the seagull proof bags to lamp posts and leaving them there and the Clerk was asked to write to ask that the seagull proof bags be taken in.

- RESOLVED** – (i) That the report be noted
(ii) That an item be put on the Agenda for the next meeting in relation to byelaws
(iii) That the Clerk send a letter to those people leaving seagull proof bags tied to lamp posts to ask them to remove them

911/18 **Update on St Nicholas Gardens**

Further to Minute 880/18 the Chairman reported that plans had been drawn up by the gentleman who worked in St Nicholas Gardens but that no cost factors had been given.

He said another organisation may want to come in over the next 5 years and put some funding into the idea of going ahead.

He said there had not been a lot of movement and work needed to start. Any progress would be reported back to the next Council Meeting.

RESOLVED – That the report be noted.

912/18 **Update on Whitehaven Academy**

The Chairman said that he had had a long conversation with the MP Trudy Harrison to find out what was going on.

He said that certain government departments seemed to be dragging their feet and BrightTribe were going out very slowly.

The Chairman said he had two requests to ask the Council:-

1. He wanted to highlight the issue again and increase public awareness. He said he was prepared to use his Mayor's fund and asked if the Council would agree to him calling a public meeting to put this back on the agenda. Councillor Laine said a Extraordinary Meeting could be called and have this as an Agenda item so Councillors could discuss what goes on and who should be invited or that the Chairman could use his allowance for this. The Chairman said that he did not mind using his Mayors allowance and that if it cost £200 or £2000 if it helped get the kids what they need it was worth every penny but he just wanted to make sure that the Council was totally behind fighting for the Academy.

2. The Chairman asked for the Council's permission as Mayor to write to the Fire Safety Department and ask them to go in and inspect Whitehaven Academy.

Councillor Laine said she thought the HSE had already been in. The Chairman asked could he, as Mayor ask the Fire Department to go in and do something. Councillor Laine said that was a motion but that as a Councillor he could write. Following a discussion the Chairman said he would write to the Fire Department as an individual Councillor. Councillor Laine said he could ask other Councillors to support the letter. The Chairman said he would draft a letter and ask the Clerk to email it to Councillors.

RESOLVED – That the update and the action to be taken by the Chairman be noted.

913/18 **Litter Bins for Wards**

Further to Minute No 882/18 a comprehensive report was presented by Councillor Laine on the provision of litter bins for Wards who was thanked for all the hard work that she had put into it. Following a discussion on this the Chairman said there were other initiatives going on which could impact on this and the Council should try to work and dovetail in with what CBC is trying to do and see if there was a partnership in any of this

RESOLVED – That this be deferred to the next meeting subject to a meeting as soon as possible to discuss the issues with CBC, to include local Borough and County Councillors and then reported back to the next meeting.

The Chairman thanked Councillor Laine for her report.

914/18 **Suspension of Standing Orders**

The Chairman proposed suspending Standing Orders for 30 minutes in order that the business of the council could be concluded.

RESOLVED – That Standing Orders be suspended

915/18 **Security/Protection at Council Meetings**

The Council considered a report on security/protection at Council Meetings. The Chairman said that after reading the report in the paper it had been accepted that pepper sprays etc was missing the phrase “equivalent “ because there were things that were of an equivalent nature these days but that pepper and mace sprays were both illegal but there were things of an equivalent that were in line with a dye type spray. The Clerk apologised and said that this was her fault and what she meant and should have put in the report were the words “UK equivalent of a pepper spray”.

Councillor Kane said everyone had mobile phones which could be used. Following a discussion Councillor Laine said she wanted it noted that she objected to every single thing in the report because it was illegal.

RESOLVED – That the report be noted and no action be taken.

916/18 **Audit and Governance Reports**

The Chairman referred to a report on 2 Decision Notices received from Copeland Borough Council's Audit and Governance Committee. As he was involved in one of the matters the Deputy Chairman read out both of the complaint summaries and the hearing outcomes.

RESOLVED – That the Decision Notices be noted and accepted.

917/18 **Corruption in Copeland**

RESOLVED – That consideration of this be adjourned until Councillor Guest attends.

918/18 **Councillor Matters**

- (i) Councillor Laine said that all Councillors would have received her open letter to the MP, Unity, CCC and CBC regarding the need for a public meeting for all partners to discuss anti social behaviour, Home Group and a way forward with good partnership working. She said there had been an online poll with a response from 250 people in 24 hours who all said yes regarding some estate matters and town centre issues.
- (ii) Councillor Laine referred to some estate issues and some town centre issues – George Street and Queen Street and what the Council could do to help all concerned – residents, users, drug users.
- (iii) Councillor Laine said that St Bees Parish Council was pressing ahead with the cycle path linking up Mirehouse and Whitehaven so this meant that something positive was happening.
- (iv) Councillor Laine referred to the Fairy Path and said she had spoken to a resident who had said he wanted to do a litter pick. She said that CBC had cleaned the path but ignored years of unbelievable mess on either side of the path.
- (v) Councillor Laine referred to Whinlatter Road and said it would be ideal for Chris Whiteside to come to Council Meetings so that information could be passed onto him and he could take it to his Community or Area Committee .
- (vi) Councillor Laine referred to the potholes and the bump outside NISA which were causing problems.
- (vii) Councillor Laine referred to the speed bump outside Valley School and said that it was only a matter of time before there was a fatality around the school.
- (viii) Councillor Laine said for the past 3 years she had been complaining about the Cattle Arch, the litter, the mess litter and that CBC had said that they go down twice a week but she had never seen anything like it.
- (ix) Councillor Laine said Councillor Poland had mentioned last time about the lighting on the cycle path.
- (x) Councillor Laine said the new road layout at the shops was causing confusion.

- (xi) Councillor Laine referred to her letter about Poppy Worthington to support that.
- (xii) Councillor Kane said potholes were a problem across town and it is CCC who need to address it.
- (xiii) Councillor Kane said there had been a three piece suite in the bandstand in Castle Park and that it disappeared the next day and was replaced by a mattress.
- (xiv) Councillor Poland said there were odd roads going from Meadow Road where wires were hanging out of the lamps and there was no lighting on any of the cycle track and Yewbarrow Road had no lighting and people had already fallen.
- (xv) Councillor Poland said Stagecoach provided a shocking service with one breakdown every day which leaves 4 hours with no bus service. Then with the No 1 and No 3 if they are running late they will just decide to knock that service off which makes people late for school, work and appointments
- (xvi) Councillor Maudling referred to George Street and Queen Street and the selected tenants who are there. These were the same tenants who were causing a lot of problems in town with shoplifting etc.

919/18 IN PRIVATE

The Chairman moved the following resolution in respect of the following item of business namely claims against the Council.

That in view of the special or confidential nature of the business about to be transacted it is advisable in the public interest that the public and/or press be instructed to withdraw.

RESOLVED – That this be approved and the public/or press left the Room during the continuance of this item of business.

920/18 Claims against the Council

The Chairman reported that a Councillor had put two claims in against the Council. The Council's insurance policy did not cover claims of this type and therefore everything had been passed to NALC's solicitors who would respond in 15 days. The Chairman said he would then call an Extraordinary Council meeting for the Council to decide how it wished to proceed.

RESOLVED – That this be noted.

921/18 Date Time and venue of Next Meeting

RESOLVED -That the date of the next meeting be 29th March 2018 at 6.30pm at a venue to be arranged.

The meeting closed at 9.35pm

Bonjour

Chairman