

WHITEHAVEN TOWN COUNCIL

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

Present: Councillors B O’Kane (Chairman); R. Gill; J Kane; J. Laine;
C Maudling; J Rayson;

M. Jewell, Clerk and Responsible Financial Officer

V. Gorley Trainee Assistant Town Clerk

Member of the Public

961/18 Apologies For Absence

Apologies for absence were received from Councillor Forster and Councillor Roberts

962/18 Declarations of Interest

Councillor Laine declared a non pecuniary interest in Item 7 - Claim against the Council.

963/18 Public Participation

Mr Nicholson raised the following:-

1. The buses. He said he had been away for some time and referred to the Minutes from October 2017 when the last thing was when Councillor Roberts had said when the new traffic manager was in place in Preston he would be having a meeting with him as the infrastructure of the buses was in the interests of Whitehaven. Councillor Roberts had been asked to make representations on this as a County Councillor and the Clerk was also asked to write to the County Council and Stage coach.
2. The Minutes in relation to number 4 on the Agenda. He said he had noticed that the Council had put a quote out for plants and flowers for St Nicholas and was wondering if the Council was still going ahead with a request for volunteers to help in any way over the

summer period.

3. There is a footpath that runs between Home Bargains down to Coach Road and during the winter all the lights were out and they went out after a lot of demolition work was done.

In response to Mr Nicholson the Chairman said that Councillor Roberts would write to him to tell him what was happening and that if Mr Nicholson was volunteering for St Nicholas he was certain that it would be well received as it was a large project. He said that it was hoped to start Whitehaven in Bloom the next week.

Regarding the lighting a written request would be made to CCC.

Councillor Laine said she had been in touch with CCC.

Councillor Laine left the meeting at this point and returned shortly after the Taste Cumbria item commenced.

964/18 IN PRIVATE

Prior to the following items of business the Chairman moved the following Resolution:-

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. There were no public or press present.

Councillor Gill proposed that Taste Cumbria move up the Agenda to Item 4 and this was agreed

965/18 Taste Cumbria

A grant application for £10,000 had been made by Taste Cumbria to put on a Taste Cumbria Event in Whitehaven on 28th and 29th July 2018. A presentation was made by Anna Chippendale and Edith McColgan from Taste Cumbria. The Chairman said that the event needed to be discussed in detail with the Town Council.

Anna said that this event should be in partnership with Whitehaven as a town and that they wanted to make sure that Whitehaven benefitted from the event. She said the plans for this year were:-

- A comedy night at the Gaiety cinema

- The motor show on the Harbour – This would be no cost to the Council
- Liaising with the Beacon to increase footfall during the event
- A demo kitchen in St Nicholas Gardens and they would like to include Whitehaven businesses in this
- They had talked about having a hog roast
- The Yellow Earl to be approached to have a cocktail making workshop
- There was a need to spread producers – stalls in both parts of King Street and perhaps a bit of Lowther Street and would consider any other suggestions
- There would be 30 to 40 stalls. If there were not sufficient applications from people in Cumbria then they would consider going outside but only with the agreement of the Town Council
- They were happy to put stalls in other locations but didn't know how CBC felt about the Saturday market
- They wanted to make sure that all Whitehaven businesses were included and involved and suggested that 6 stalls be given free to Whitehaven businesses
- Children's activities – empty shops could be used on King Street
- Couple of fairground rides but not on the harbour
- A beer tent could be put on the harbour – Tractor Shed and entertainment
- Coronation Street – Capitalising on the recent publicity as it would be a shame not to promote this and get people to Whitehaven
- They proposed to get a meeting together with local businesses to discuss drinks promotions and food promotions and other promotions
- That when the programme of events had been determined that they would put an agreement together for both parties to sign

Councillor Gill proposed that the sum of £10,000 be awarded to Taste Cumbria and this was seconded by Councillor Kane. Councillor Laine requested a recorded vote the result was as follows:-

Councillor O'Kane	For
Councillor Gill	For
Councillor Kane	For
Councillor Laine	Against
Councillor Maudling	For
Councillor Rayson	For

Councillor Laine wished it to be noted why she had voted against this. She said she did not think enough research had been done by the commercial company and that the Council had no justification to use section 144 encouraging tourism and unless these statistics were in front of the Council she could not make any decision to spend £10,000

RESOLVED- That Taste Cumbria be awarded £10,000 only for the Event.

966/18

Quotation for St Nicholas Gardens

The Chairman asked Councillor Laine if she wished to start first and she said that she questioned the power the Council had to do this work and did not want her name to be dragged through the Courts for spending tax payers' money.

The Chairman said that over the last several months the Town Council have been trying to help St Nicholas church gardens and at the last meeting the Council looked at the overall position and there was a positivity between Councillors because everyone wanted that part of our town to be significantly improved.

The Chairman said that the church could not afford to do all the work necessary to bring the gardens back to where they were 5 or 10 years ago and that the Council had been trying to enhance the town and develop a 5 year plan with and for St Nicholas and at the last meeting it was agreed to spend up to £10,000 to develop this. However there had been a complication with how Councils can deal with ecclesiastical property.

The Clerk then read out an email that had been sent to Councillor Laine regarding this "with regard to St Nicholas you are correct the Council has no powers under the 1894 Act or s137 or even using the general power of competence. There is no current caselaw to resolve the question of whether or not the 1894 Act restrictions override the provisions in later Acts and ultimately it would be for Courts to determine the extent of any prohibition from the 1894 Act There is no concensus of opinion on this issue and any Council that considers making a payment in these circumstances has to consider whether it would be prudent to do something that it cannot be certain is legally valid."

Councillor Kane left the meeting and did not return.

Councillor Gill said a search should be made for other ways to do this.

Councillor Laine said a letter should be sent to CBC asking them to do this.

The Chairman said the 1894 Act had existed for 128 years and there was no case law on it and the Clerk had given advice.

Councillor Laine said the Council should get some proper legal advice as to how this work can be done and thought that there may be a way to get the work done and had sent the Clerk and the Mayor an email about this and that the matter should be deferred to the next meeting.

The Clerk said that she had not received an email about this.

Following a long discussion on this the Chairman said that there was a willingness on the Council's part to find a way through this and it was :-

- RESOLVED** – (i) That the legal position with regard to the 1894 Act be noted
- (ii) That Councillor O’Kane be supported in his endeavours to get the money in from other sources and for them to donate the money to St Nicholas to get the work carried out for the benefit of the town

967/18 **Whitehaven Rugby League Football Club**

The Chairman reported that Whitehaven Rugby League Football Club had been due to give a presentation but they were still in a phase trying to deal with one or two others and had asked to defer their presentation until they had more information.

RESOLVED – That this be noted

968/18 **Office Accommodation**

Councillor Gill said that the Council should get in touch with the people who were selling Cumberland Electrical wholesalers to declare an interest and said the Council should get a surveyors report and then the Council could decide whether or not to proceed. Councillor Maudling said he would like to view the property first.

Councillor Gill left the meeting at this point and did not return.

RESOLVED – That an appointment be made for Councillors to view the property which was the former Cumberland Electrical Wholesalers and report back to the next Council meeting.

969/18 **Claim against the Council**

Councillor Laine had declared a non-pecuniary interest in this item at the start of the meeting and left the meeting at this point and did not return.

Further to Minute 940/18 the Clerk reported that the Court papers had been sent to Burnetts solicitors asking them to act on behalf of the Council.

Burnetts had replied stating that due to pressure of work they did not have the staff to undertake this. Following a discussion it was:-

RESOLVED – That the Clerk be authorised to search through local Whitehaven Solicitors and appoint one to represent the Council and report back to the next meeting.

The Meeting closed at 8.15



Approved as amended by Minute 973/18
at Full Council on 26th April 2018

Chairman