

WHITEHAVEN TOWN COUNCIL

Minutes of the Council Meeting held on 28th September 2017 and continued on 5th October 2017

Present: Councillors B O’Kane (Chairman); J. Forster; S. Gearing;
J. Kane; J Laine; C Maudling; J Rayson; G. Roberts

M. Jewell, Clerk and Responsible Financial Officer
Vanessa Gorley, Trainee Assistant Town Clerk

The Chairman opened the meeting and welcomed Councillor Julie Rayson, the new Councillor for Hillcrest to her first Council meeting and said she should feel free to ask any questions along the way

783/17 Apologies for Absence

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

784/17 Minutes of the Meeting held on 31st August 2017

The Chairman asked if the Minutes of 31st August could be approved.

Councillor Laine then asked to make a proposal regarding the Agenda and asked to defer items 16 and 17 because they were subject to an investigation by the Monitoring Officer and the Council should wait for the outcome of that before making a decision that could prejudice those investigations.

The Chairman said that would be dealt with when items 16 and 17 were reached and said that as far as he was aware item 16 was not part of the Monitoring Officer’s investigations.

The Chairman said there was a proposal from Councillor Laine to defer items 16 and 17 until the results of the investigation were known.

A vote was held and 3 Councillors voted to defer items 16 and 17 and 4 Councillors voted against deferring items 16 and 17.

RESOLVED – That items 16 and 17 be not deferred

The Chairman then referred to item 3 on the Agenda and asked if the Minutes of the extraordinary meeting held on 7th September could be approved. Councillor Roberts proposed that they be approved and Councillor Forster seconded.

RESOLVED – That the Minutes of the extraordinary meeting of 7th September 2017 be approved and signed by the Chairman as a correct record

Councillor Laine queried the item number and the Clerk said that the Council had approved the Minutes of the Extraordinary meeting and the Council needed to approve the minutes of the meeting on the 31st August.

785/17 **Minutes of the Council Meeting held on 31st August 2017**

The Chairman apologised and asked if the Minutes of 7th September 2017 could be approved.

Councillor Maudling asked for the wording to be amended to include that the Christmas lights would be switched on 19th November 2017. It was proposed by Councillor Gearing and seconded by Councillor Roberts that the Minutes be approved.

RESOLVED – That the Minutes be approved and signed by the Chairman as a correct record subject to the amendment that the date of the Christmas lights switch on be included.

786/17 **Declarations of Interest**

There were no declarations of interest

787/17 **Public Participation**

- (i) John Trevaskis referred to the allotments and said he had been contacted by Ian Herbert as his son had had an accident on the Cartgate site a few months ago and that it had been referred to Nicky Scott. The Chairman asked Mr. Trevaskis to stop as the Council had an issue with this matter and that it was going through the complaints procedure of Copeland Borough Council and therefore the matter could not be discussed.

Mr Trevaskis said he was going to discuss what Ian had said to him and the Chairman said no discussion could take place because of the complaint but that when the result of the investigation was out that

he was free to give his opinions.

Councillor Laine said that the Council did not know what Mr Trevaskis was going to say and the Chairman said that the moment Mr Trevaskis started to talk about Mr Herbert then he had had instructions to stop the discussion because it was under Copeland Borough Council's complaints procedure.

Mr Trevaskis said that was fair comment but that he was not blaming the parish council and the Chairman stopped him again and said there could be no further discussion on the issue.

Councillor Laine asked for a point of order saying several times that Mr Trevaskis wanted to make a point about the Council's contractor. The Chairman said that if this continued he would stop the meeting. Councillor Laine said that Mr Trevaskis was not talking about Mr Herbert's complaint but had a comment on the Council's contractor and his allotment. The Chairman warned that he had made ruling on this.

Mr Trevaskis said that he would sit down and the Chairman thanked him and Mr Trevaskis said that he was very concerned about his son. The Chairman said he would take any comments after the complaint had been dealt with and Mr Trevaskis said he would be talking more comments.

Councillor Laine asked to make a point of order and the Chairman asked if there were any other members of the public who wished to speak.

Councillor Laine made a point of order that there was a gentleman in the audience who wished to speak about the contract for the allotments.

The Chairman said that he had made the point and that was the end of the matter and that this was either accepted or the meeting would be stopped and said that he was going to suspend the meeting for a full week until agreement had been reached to carry on with the rest of the meeting. Mr Trevaskis told Councillor Laine that he would carry on and that he would say his piece and wished that Ian was with him. The Chairman told Councillor Laine that it was up to her and she said that maybe a period of five minutes be allowed to confer.

The Chairman said that if it was wished to carry on then any other member of the public would be asked if they had any comments

otherwise the meeting would be suspended

Councillor Laine again said Mr Trevaskis had come to speak about the contract.

The Chairman said that the meeting was suspended and would be reconvened at 7.00pm on Thursday 5th October 2017 at the United Reformed Church.

The meeting was suspended at 7.12

Minutes of the reconvened meeting on 5th October 2017 at 7.00pm at the United Reformed Church Hall

Present: Councillor B O’Kane (Chairman); J Forster; R Gill; J Kane; J Laine; T Lowrey; C Maudling; J Rayson; G Robert

788/17 Apologies for Absence

An apology for absence was received from Councillor Gearing.

The Chairman referred to the recent floods in Millom and said the Council’s thoughts were with all those who had suffered damage

789/17 Approval of Minutes for 31st August 2017 and 7th September 2017

The Chairman referred to an error regarding the approval and signing of the above mentioned Minutes at the Council Meeting on 28th September 2017. He said both sets of minutes were passed but unfortunately he had referred to both sets of Minutes as being dated 7th September 2017 when one was dated 31st August 2017. He stated that both were approved subject to Councillor Maudling’s amendment.

RESOLVED – That the Minutes of 31st August 2017 and 7th September 2017 be approved subject to the amendment.

790/17 Public Participation

The Chairman reported that the Council was part way through the public

participation item when the meeting was suspended and that there was still six minutes available for comments from the public and asked if there were any comments.

John Trevaskis said that last week he was interrupted and that Mr Herbert had asked him not to represent him and so he would not be speaking about what had happened to his son.

Mr Trevaskis asked that CBC be thanked for putting up a 30ft fence on the east side and that they had done a good job. He said he was going to praise CBC last week but got interrupted. He asked if the Clerk could get in touch with Two Castles to ask them to complete their side of the fencing and this was agreed.

791/17 **Planning Applications**

It was reported that the CBC IT systems were still down and the Clerk confirmed that no planning applications had been received from CBC. Councillor Laine asked if any planning applications had been passed and the Clerk stated that none had. Councillor Maudling referred to two applications but these were not in the Whitehaven area.

RESOLVED – That the position be noted

792/17 **Financial Report**

The Council considered a Financial Report.

(i) The Council considered at Appendix 1 a list of invoices for payment. It was proposed by Councillor Gill and seconded by Councillor Roberts that the invoices be paid. Councillor Maudling referred to two payments made to the Judo Club. The Clerk explained that a grant had been awarded payable over three years. One payment was in the last financial year, one payment was in the current financial year and the final payment did not say in the grant application that pupils paid for lessons. The Chairman said that this would be looked at outside the meeting

RESOLVED – That the invoices shown at Appendix 1 be authorised for payment

(ii) The Council considered the cashbook and the income and expenditure report at Appendices 2 and 3

Councillor Gill proposed that these be approved and this was seconded by Councillor Roberts. Councillor Laine wished it to be noted that she abstained

RESOLVED – (a) That cashbook and income and expenditure reports at Appendices 2 and 3 be approved and noted.

(b) That Appendix 2 be printed in a larger font as it was difficult to read.

793/17

Financial Regulations

The Chairman referred to the report to review and approve the Council's Financial Regulations. He said that they were adopted on 25th August 2016 and were the same as the model Financial Regulations produced by NALC.

Councillor Laine made the following proposals for amendment of the Financial Regulations:-

- (i) Clause 4.1. Councillor Laine said that because of the size of the authority that Council really needed to have a Clerk with a CILCA qualification as the Council could not do S1 Localism Act activities unless the Clerk has a specific qualification such as trading or commercial activities and CILCA. The proposal was that the these words be included in Clause 4.1
Councillor Laine requested a recorded vote. There was no seconder so the proposal fell.

RESOLVED – That no action be taken and no amendment be made to this Clause.

- (ii) Clause 5.3. Councillor Laine proposed that the following be added to Clause 5.3

“ when checking that expenditure has been authorised by Council the Minute reference number should be recorded on the relevant file or invoice and when financial statements are produced to Council each month it would be helpful to have each item with the Minute reference to show that expenditure has been authorised together with the relevant power”.

This was seconded by Councillor Maudling

RESOLVED – That the wording in 793/17(ii) above be agreed and be included in Clause 5.3

- (iii) Clause 5.8. Councillor Laine proposed that this should read “Council” not “ authorised committee” in the first sentence. This was seconded by Councillor Gill.

RESOLVED – That the wording in 793/17(iii) above be agreed and Clause 5.8 amended accordingly.

- (iv) Clause 11.1.b. Councillor Laine proposed that the word “advertise” be included in the first sentence of the Clause. This was seconded by Councillor Maudling. Following a discussion there was a recorded vote on this the result of which was as follows

Councillor O’Kane	Against
Councillor Gill	Against
Councillor Forster	Against
Councillor Kane	Against
Councillor Laine	For
Councillor Maudling	For
Councillor Roberts	Against
Councillor Lowrey	Abstained
Councillor Rayson	For
Councillor Roberts	Against

RESOLVED – That no amendment be made to Clause 11.1.b

- (v) A proposal to agree the Financial Regulations subject to the amendments made was made by Councillor Gill and seconded by Councillor Roberts.

RESOLVED – That the Financial Regulations be approved subject to the amendments made in 793/17 (ii) and (iii) above

794/17 Standing Orders

The Chairman referred to a report to review and approve the Council’s Standing Orders which were last adopted on 25th August 2017. He said that the Council’s current Standing Orders were the same as the model

Standing Orders produced by NALC.

Councillor Gill proposed that these be adopted and this was seconded by Councillor Roberts.

A discussion took place and Councillor Laine raised the following amendments:-

- (i) page 62 Clause 14 (d). Councillor Laine proposed that the following wording be included

“that when considering a sanction against any Councillor that members shall have regard to any recommendations of the Borough Council’s Audit and Governance Committee that has investigated the code of conduct complaint.

This was seconded by Councillor Maudling

RESOLVED – That the amendment at 794/17 (i) above be agreed and the Standing Orders be amended accordingly

- (ii) Councillor Laine proposed that the following be added to the Standing Orders:-

“That the Proper Officer shall at least three clear days before a meeting of the Council, Committee, Sub-Committee or Advisory Group serve all Councillors a Summons by email confirming the date and place of the meeting and attaching all relevant papers and reports on all items on the Agenda”.

The Chairman said there would be times when for various reasons it would be impossible to do this

Councillor Gill said that the words “where practicable” should be added at the end of this. The Clerk explained that the purpose of setting up Advisory Groups was so that three clear days’ notice did not have to be given.

Councillor Laine said the words “Advisory Groups” could be taken out.

Councillor Gill proposed an amendment to the proposal to include the words “where practicable” and this was seconded by Councillor Roberts

& Councillors voted for the amended proposal and 2 voted against

RESOLVED – That the proposal in 794/17 (ii) above as amended be included in the Standing Orders

- (iii) bi page 63. Councillor Laine proposed that we should require that not only the Agenda is posted on the website but also in the interest of

transparency all the working papers.
This was seconded by Councillor Maudling

RESOLVED – That the Clause be amended in accordance with 794/17 (iii) above

(iv) Councillor Laine said that Agenda items and our Standing Orders do not make it clear how a Councillor can get an item on the Agenda and proposed that the Standing Orders be amended to include a paragraph to read

“ that any Councillor wishing to have an item included on the next Council Agenda should inform the Clerk of the item seven days before the Council meeting and that this be discussed by the Chairman and the Clerk and a decision made”.

This was seconded by Councillor Maudling

RESOLVED – That the amendment in 794/17(iv) above be added to the Standing Orders.

795/17 **Asset Register**

A report was considered on the Asset Register which was last approved by Council on 4th August 2016.

Councillor Rayson asked if the printers were owned by the Council and the Clerk confirmed that they were

Councillor Laine queried the insurance on the Christmas lights and asked about the lights that were transferred from CBC. The Chairman said this should be left for the next meeting.

Councillor Laine asked about the Ceremonial Robe what it was worth and asked where it was stored. The Clerk said it was in the Offices.

Councillor Laine asked about the allotments and said we had four huge sites and was concerned that they were undervalued. The Chairman said that this would be left for the next meeting. Councillor Rayson and Councillor Laine asked for a copy of the allotment agreement and it was agreed that this would be sent to them.

Councillor Gill proposed that the Asset Register be approved subject to reports being made to the next Council meeting on the Christmas lights, the mayoral robe and the allotments. This was seconded by Councillor Roberts. Councillor Laine abstained.

RESOLVED – That the Asset Register be approved subject to reports being made to the next Council on the Christmas lights, the mayoral robe

and the allotments.

796/17 Financial Risk Assessment

Members were informed that the Council's risk Assessment was last reviewed and approved on 4th August 2017.

Councillor Gill proposed that the Risk Assessment shown at Appendix 1 be approved and this was seconded by Graham Roberts

RESOLVED – That this be approved

797/17 Health and Safety Policy and Risk Assessment

- (i) Members were asked to consider a combined Health and Safety Policy and Risk Assessment which was a HSE template. The Council were informed that any organisation with fewer than 5 employees does not have to have a written Health and Safety Policy or Risk Assessment. The Council approved and signed a similar document in 2016.

Councillor Laine said that we should not put this on our staff and asked that the Clerk should ask the HSE as to how a town council should be proceeding for outside events

It was felt that the Health and Safety Policy could be tailored to refer only to the office and that for any additional areas or events help could be obtained from another source.

Councillor Gill proposed that subject to the Health and Safety policy referring to the office only that this be approved and this was seconded by Councillor Roberts.

There was a recorded vote on this and the results were as follows

Councillor O'Kane	For
Councillor Forster	For
Councillor Gill	For
Councillor Kane	For
Councillor Laine	Abstained
Councillor Lowrey	For
Councillor Maudling	For
Councillor Rayson	Abstained
Councillor Roberts	For

RESOLVED – That subject to the Health and Safety Policy be approved

subject to it being modified to relate to the Council's office only.

- (ii) Members then Policy and Risk Assessment considered the Risk Assessment part of the combined Health and Safety
It was proposed by Councillor Gill and seconded by Councillor Roberts that the Risk Assessment be approved. Six Councillors voted for approval and three Councillors abstained

RESOLVED – That the Risk Assessment be approved.

798/17 **Safeguarding Policy**

Members considered a report on safeguarding at public meetings.

RESOLVED – (i) That the policy be approved subject to paragraph 5 relating to the times of meetings being referred back to the next meeting of the Council for discussion and decision

(ii) That personal safety training be arranged as soon as Possible

799/17 **Litter Bins and Seat/Benches in Whitehaven**

The Chairman reported that three quotes had been received for both the provision of 36 waste bins and 10 seats in Whitehaven Town Centre. He said that the removal and replacement of the seats would have to be deferred as it had not been possible to get permission from CCC who were responsible for street furniture.

Following a discussion about waste bins the Chairman recommended that 36 1100 litre durapol Glasdon bins be purchased at a cost of £10,900.08 plus VAT and plus £865 for installation.

Councillor Roberts seconded this.

RESOLVED – (i) That 36 1100 litre durapol bins be purchased from Glasdon at a cost of £10,900.08 plus VAT and plus installation costs of £865 and any serviceable bins removed be allocated to the Wards

(ii) That action on the seats be deferred until permission had been received from CCC

800/17 **Christmas Events Advisory Group**

- (i) Councillor Maudling gave a report on Christmas festivities

- The Christmas light switch on was Sunday 19th November 2017
- There was an Event management Plan in action and a meeting with the emergency services the police the fire and ambulance and a the County traffic management plan for emergency vehicles
- An event risk assessment and Event management Plan were being prepared and when they had been agreed with the Police they would be signed off.
- CFM Roadshow had been booked at a cost of £2250 excl VAT which included a generator
- Little Mix tribute had been booked at a cost of £750.00 and the Council needed to pay a £100.00 deposit for that. This was agreed.
- An Arienne Grande tribute act had been booked at a cost of £700.00
- Councillor Maudling was in talks with 2 people with regards to barriers and was hoping to get those sponsored rather than pay for them
- Taylors fairground was also coming
- A Road Closure Order had been applied for as was the street collection permit for the Mayors charity fund
- When the Road Closure was obtained a letter with a copy of the Order would be sent to all residents in the streets affected by it.
- St John's Ambulance would be in attendance and a donation would be sent to them and they would be sited in the post office with their own gazebo
- Three quotes had been requested for provision of security for the event but there had only been two replies, one from Churchill Security from Carlisle and the second from Three Kings Security from Whitehaven. Churchill Security had quoted £1800.00 for 12 security officers 6 of whom were SIA registered and 6 stewards and they had stated that they would also require the Council to provide a toilet and staff room. Three Kings Security quoted £1500.00 for the same number and type of security personnel all of whom were first aid trained and with no requirement for toilets or a staff room. Councillor Gill proposed supporting Three Kings Security and Councillor Roberts seconded that and it was agreed.
- Councillor Maudling said he was due to meet with Inspector Wear, the Clerk and Sgt Franks about the event
- Councillor O'Kane said he wished to change his charity from Marie Curie nurses to Hospice at Home West Cumbria and there were no objections to that

That Chairman said it was now 9.23 and proposed suspending Standing Orders for 30 minutes so that the remaining Agenda items could be discussed. This was agreed and it was

RESOLVED – That Standing Orders be suspended for 30 minutes

(ii) Councillor Laine made the following points

- That at the meeting on 14/9/17 the idea was to have a crib celebration with Councillor O’Kane liaising with St Nicholas to see if they would organise the event
- The barriers would require 3 quotes
- The Road Closure Order which was required
- Medical cover at the rate of £21 per hour and the paperwork was required for this and 3 quotes would be required
- Volunteers were required for the event and there should be a press release about this
- Pickpocketing problems in large crowds
- The raffle
- Feeder box ownership. The Clerk said that Clinton Boyce had been unable to give any information on this other than already provided
- Parking issues
- Christmas lights that had gone missing
- Christmas trees in St Nicholas
- The need to seek advice from a competent person
- The sufficiency of insurances for anyone doing Christmas events

RESOLVED – (i) That the £100.00 deposit to pay the deposit for Little Mix Tribute be paid

(ii) That the quote from Three Kings Security to provide security for the event be accepted

(iii) That the Mayors Charity be Hospice at Home West Cumbria

(iv) That all other matters be approved and noted

801/17 Corruption in Copeland

The Chairman said this was of concern as there was a report in the newspaper and he would have asked Councillor Guest to comment on his comments if he had been at the meeting. He said it was in the Whitehaven News today that one of the Town Council’s Councillors had posted an individual report on facebook which had caused consternation to Councillors in the area. Councillor Laine said that Councillor Guest had already said that he had not been talking about any councillors or any Council and that he was not there to defend and had already said that he would not be making any apology and that what he put on an individual media site is nothing to do with anyone.

Councillor Gill said everyone in WTC is a volunteer thought that it was disgraceful what had been said and that he wanted Councillor Guest to hear what he had to say and it should be kept on the Agenda until Councillor Guest was present. Councillor Maudling seconded this and said that Councillor Guest should be present. Councillor Laine said that perhaps Councillor Guest was getting too close.

Councillor Rayson said the Council should look in general at emails as an item for the Agenda and the Chairman said this should be dealt with through Councillor Matters.

There was a vote as to whether the item should remain on the Agenda and 8 Councillors voted for the proposal and 1 Councillor voted against

RESOLVED – That the item Corruption in Copeland remain on the Agenda

802/17 Ceremonial Medals

The Chairman said that this was on the Agenda as a couple of weeks ago he and the Clerk had met with CBC's Monitoring Officer and his advice was that the situation should be sorted out by the Council. However since then the Monitoring Officer had asked the Chairman not to deal with it as it was in the final stages of going to the Audit and Governance Committee. The Chairman proposed therefore that this matter should stay on the Agenda until Councillor Guest was present so that he could respond.

A point of order was raised by Councillor Laine who said this was part of a complaint and was completely disrespectful and the situation should be sorted out by CBC's Monitoring Officer

Councillor Laine said she would like it to be noted that the item needed to be removed from the Agenda as it was part of a complaint.

The Chairman said that the matter should be left until the complaint was finished and a recommendation made by the Audit and Governance Committee and at that time the Council could discuss the matter openly. The Chairman pointed out that The Audit and Governance Committee could not tell the Council what to do.

RESOLVED – That this be noted

803/17 Councillor matters

- (i) Councillor Rayson raised some highway issues. The lights were out on Jericho park. The road markings outside Jericho School and safety

issues around the school.

Parking on pavements was a big issue

The grass was getting cut but not cleared

The sign at the top of coach road under the tree is filthy and can't really be seen or read

The Sekers site and the area by Spar. Things were happening but progress was slow. Councillor Forster said this was being dealt with
The Council's website was down at present but that Town Council grants should be advertised and if money was running out this should be advertised

- (ii) Councillor Lowrey referred to an incident in Councillor Maudling's ward where a man in a wheelchair had had an accident on Duke street
- (iii) Councillor Forster said there was a lot of building work at Hensingham with a new road being built which was causing upset and that she had asked CBC about Main Street and the roads and possible flooding and was waiting for a reply
- (iv) Councillor Gill said that he had promised the people of Greenbank a bus shelter three years ago and wondered if this could be progressed. The Chairman said we need to put a portfolio together to get prices on bus shelters and said that Sellafield did matched funding for this
- (v) Councillor Roberts referred to the state of the pavements in town and said that a lady had fallen outside Dixons, cut her head and an ambulance had to be called to take her to hospital and that he was going to press CCC about this
- (vi) Councillor Maudling referred to the state of the pavements in town and said there was a bad area at the end of Lowther Street and damage was being caused by Wilkinson lorries, The disabled access on the pavement had been cracked and had been reported but that it would be a continual problem because of the Wilkinson lorries
- (vii) Councillor Laine referred to potholes on Mirehouse and said the zebra crossing outside Valley School needs redone
Mirehouse Cemetery – there had been complaints submitted to CBC about grass cutting and strimming damaging the flower pots
Tamalder Nursery – it would be good if there was a safe crossing for people to use
More dog poo bins were required along Meadow Road

The Chairman asked if anyone would be prepared to volunteer to work with Craig McCarron (CCC) who was responsible for the Whitehaven area and take these items on and deal with Craig on a day to day basis. It was agreed that Craig McCarron be invited to the next meeting and if this was convenient for him that an item be put on the Agenda

(viii) Councillor O'Kane referred to traffic problems outside Bransty School and was trying to meet with the Head that week with the Highways Department.

There were defibrillators mainly in the Town Centre but that the Wards suggested that a presentation on defibrilators be made at a future Council meeting.

804/17 Date and Venue of Next Meeting

RESOLVED - that the next Council meeting be held on 26th October at 7.00pm.

There was insufficient time to discuss the last item on the Agenda

The Meeting closed at 10.00pm



Chairman