

Summons to Meeting

Thursday 14 March 2019

Overview and Scrutiny Committee

Friday 22 March 2019, 2.00 pm

Council Chamber - Allerdale House, Workington

Membership:

Councillor Alan Pitcher (Chair)
Councillor John Cook
Councillor Malcolm Grainger
Councillor Joe Holliday
Councillor Billy Miskelly
Councillor Bill Pegram

Councillor Janet Farebrother (Co-Chair)
Councillor Joseph Cowell
Councillor Hilary Harrington
Councillor Frank Johnston
Councillor Jim Osborn
Councillor Martin Wood

Members of the public are welcome to attend the meeting. If you have any questions or queries contact Ian Hinde on 01900 702544.

Agenda

1. Apologies for Absence

2. Declaration of Interests

Councillors/Staff to give notice of any disclosable pecuniary interest, other registrable interest or any other interest and the nature of that interest relating to any item on the agenda, in accordance with the adopted Code of Conduct.

3. Minutes (Pages 3 - 10)

To sign as a correct record the minutes of the meetings held on 24 January 2019 and 30 January 2019.

4. Questions

To answer questions from members of the public – submitted in writing or by electronic mail no later than 5.00pm, 2 working days before the meeting.

5. Public Participation

To hear representations from members of the public on items which appear on the agenda – submitted in writing or by electronic mail no later than 5.00pm, 2 working days before the meeting.

6. Portfolio Presentation by the Executive Member for Economic Growth

7. Reedlands Road Project Update

8. Discussion Item

Committee to consider its response to decisions taken by the Executive, particularly those regarding the proposed stadium

9. Forward Plan (Pages 11 - 18)

10. Work Programme (Pages 19 - 20)

To consider the remainder of the current work programme



Chief Executive

Date of Next Meeting:

**Tuesday 23 April 2019, 9.30 am
Allerdale House, Workington**

Agenda Item 3

At a meeting of the Overview and Scrutiny Committee held in Council Chamber - Allerdale House, Workington on Thursday 24 January 2019 at 9.30 am

Members

Councillor Alan Pitcher (Chair)
Councillor John Cook
Councillor Hilary Harrington
Councillor Bill Pegram

Councillor Janet Farebrother (Co-Chair)
Councillor Joseph Cowell
Councillor Billy Miskelly

Apologies for absence were received from Councillor Malcolm Grainger, Councillor Joe Holliday, Councillor Frank Johnston, Councillor Jim Osborn and Councillor Martin Wood

Staff Present

B Carlin, A FitzGerald, I Hinde, L Jardine, S Sewell and P Wood

Also Present

J Ellis (Executive Member: Governance and People Resources) and K Hansen (Executive Member: Transformation)

320. Declaration of Interests

None Declared

321. Questions

Mr P Nicholson submitted the following question,

“Please explain why your previous answer which refers to the Executive on 5 February 2014 Procurement Considerations Paragraph 9 should not be understood to refer only to the operation of the LLP and not the initial prior selection of the partner before the operation can take place so that before awarding the contract Scrutiny would have evidence to advise the Executive that Allerdale Borough Council could, as advised by the Council’s own auditors DeLoitte, be in unlawful contravention of The Public Contracts Regulations 2006 amended 2009 which requires lawful process in the selection of contract award procedure and Scrutiny has not evidenced, unless the Committee can answer now, that they have seen tendering or lawful competition for partnership before Allerdale Borough Council Executive, arranged that the only company to be exclusively selected for partnership with Allerdale to develop our community’s land would be Lucent that is based in Luxembourg with beneficial owners, at various times, in Cyprus, Isle of Man, USA and the Channel Islands, none of which pay UK taxes.

For the sake of clarity and the avoidance of doubt please clarify your answer in 9 final sentence 9.1.3 “Therefore any individual transaction carried out by the Joint Venture for which the Council is involved.” This is meaningless and misleading and needs to have meaning as further considerations continue”.

The response to this question will be provided to Mr Nicholson in writing

322. Public Participation

None Received

323. Portfolio presentation by the Executive Member for Transformation

Councillor Konrad Hansen, Executive Member and portfolio holder for Transformation delivered a presentation to members.

The presentation included details of the work undertaken in his portfolio, successes, the future challenges and who is involved in the portfolio.

Councillor Hansen provided an update on the member training he had delivered on portable devices, advising members that one to one sessions are available.

Councillor Hansen supported by the Head of Projects and Programmes, and the Head of Customer Operations and Transformation then took questions from members on the new projects function, the role of scrutiny and the use of portable digital devices.

324. Portfolio presentation by the Executive Member for Governance and People Resources

Executive Member for Governance and People Resources, Councillor Joan Ellis provided an overview of her portfolio, including the work of the various functions including, legal/licencing, electoral and democratic services, people resources and assurance, risk and audit.

Councillor Ellis also delivered an update from the West Cumbria Safety Partnership; priorities include tackling Modern Slavery, Violent Crime/Alcohol and Substance Misuse, Domestic Abuse, Anti-Social Behaviour and reducing the number of reoffenders.

Councillor Ellis, supported by Head of Governance and Regulatory Services took questions on the West Cumbria Safety Partnership and how Scrutiny can help her portfolio.

325. Task and Finish Group/Working Group Updates

Members discussed the Star Chamber and the upcoming budget but no updates were provided.

326. Work Programme

The Community Safety Partnership was added onto the Task/Finish Work Programme.

The meeting closed at 11.35 am

This page is intentionally left blank

At a meeting of the Overview and Scrutiny Committee held in Council Chamber - Allerdale House, Workington on Wednesday 30 January 2019 at 9.30 am

Members

Councillor Alan Pitcher (Chair)
Councillor John Cook
Councillor Hilary Harrington
Councillor Bill Pegram

Councillor Janet Farebrother (Co-Chair)
Councillor Joseph Cowell
Councillor Billy Miskelly

Apologies for absence were received from Councillor Malcolm Grainger, Councillor Joe Holliday, Councillor Frank Johnston, Councillor Jim Osborn and Councillor Martin Wood

Staff Present

B Carlin, I Hinde, L Jardine, K Kerrigan, C Nicholson, G Roach, A Seekings and S Sewell

Also Present

Councillors B Cannon (Executive Member: Corporate Resources (Finance and Property)), N Cockburn, B Finlay (Leader of the Independent Group), M Fryer (Executive Member: Deputy Leader - Economic Growth), M Jenkinson and A Smith (Executive Member: Leader of the Council)

327. Declaration of Interests

3. Call In - Consideration of proposals for the development of a new community stadium for Workington.
Councillor Alan Smith; Other Interest; Due to being a shareholder of Workington Association Football Club.
3. Call In - Consideration of proposals for the development of a new community stadium for Workington.
Councillor Mark Fryer; Other Interest; Due to being a shareholder of Workington Town R.L.F.C.
4. Call In - Future Plans for Borough Park and Derwent Park.
Councillor Alan Smith; Other Interest; Due to being a shareholder in Workington Association Football Club.
4. Call In - Future Plans for Borough Park and Derwent Park.
Councillor Mark Fryer; Other Interest; Due to being a shareholder in Workington Town R.L.F.C.

328. Call In - Consideration of proposals for the development of a new community stadium for Workington

At a meeting of the Executive on 16 January 2019, a decision was taken to proceed with proposals to develop a new community stadium on the site of Lonsdale Park/Borough Park, to extend the appointment of the design team and

the appointment of consultants to undertake intrusive ground investigative works. The decision also agreed to a spend of £373,955 from the Strategic Priorities budget and to delegate approval of heads of terms with NHS and Sellafield to the Head of Place Development and to delegate approval of heads of terms with Workington Town and Workington Reds to Head of Place Development.

On 24th January 2019 a 'call-in' form was submitted to the Councils Monitoring Officer. The Monitoring Officer accepted the call in.

The Call In was presented by Councillor Nicky Cockburn, Councillor Bill Finlay and Councillor Mark Jenkinson.

Councillor Finlay had submitted the call in and also provided his representations, commenting that the venture was risky and that the proposal was not for the whole of Allerdale. Councillor Finlay also questioned the sustainability of the proposal, advising he produced his own sustainability appraisal.

Councillor Jenkinson then provided his representations. He advised that the decision to proceed with the stadium proposal should have not have been made in a closed meeting, that the full un redacted report should have been circulated to members and that the planning stage of the proposal should be used as a hold point. He went on to state that the report was based on assumptions and that the proposal could have an adverse effect on the clubs involved.

In response to the call in, Councillor Alan Smith advised that the proposal would be a 24/7 venture, not just for the 2021 Rugby League World Cup. He also clarified that it was the sports teams that approached Allerdale Borough Council for support with a new stadium, and highlighted the success of a similar project that was by implemented by Allerdale Borough Council, the new Workington Leisure Centre

Councillor Fryer as portfolio holder then provided his response to the call in. He advised that the decision made on 16 January was based on an outline business case and to obtain further funding to ensure further work was completed before the final business case is presented. Councillor Fryer also commented that the stadium needs to have long term sustainability and that development will contribute to the Council meeting its corporate objectives, as detailed in the Council Plan, particularly those relating to economic development and regeneration.

Councillor Cannon also clarified that the executive only considered an outline business case on 16th January 2019, and that the proposal has to be in the best financial interests of the authority. She also explained that Allerdale Borough Council's finances are well managed, even in the difficult financial climate.

The 'call-in' representatives then asked questions to the members of the Executive.

In response to Councillor Finlay's questions about alternative projects, the Executive explained that Allerdale has a capital investment strategy based on

the Council plan which aims to meet Allerdale's corporate objectives. Catherine Nicholson, Head of Finance and Estates supported the Executive and clarified that the Council approved the Capital Investment Strategy and that projects in other areas of Allerdale were under way such as the Maryport Regeneration and creation of a new Housing Company.

Councillor Jenkinson felt that the council were 'jumping the gun' and that the council were 'hurrying' decisions through. In response, Councillor Fryer reaffirmed that this was only an outline business case and Corporate Director Andrew Seekings advised that the requested funds are necessary to get to the next stage of the development, and to maintain pace of the project, alluding to the similarities with the Workington Leisure Centre development.

In response to Councillor Finlay's question relating to the site appraisals, Head of Place Development, Kevin Kerrigan advised that a project board steering group is in place and they set the criteria and scored the potential sites, this was then internally moderated.

The Chair of the Overview and Scrutiny Committee then moved that under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting.

The public returned and Councillor Farebrother commented that it felt the Stadium was only for Workington. Councillor Smith advised that although the Stadium will be in Workington, it will be a facility for Allerdale, an area that needs facilities for its wealth of sporting talent.

Councillor Cook stated that from the results of an independent social media survey, 84% of North Allerdale was not happy with the Stadium proposal and its financial viability. In response Councillor Fryer advised that several finance options are available, some without costs to the taxpayer, but that this is only the initial outline business case, not the final business case.

In response to further questions from the committee, Councillor Fryer clarified that the proposed 8000 capacity of the Stadium followed consultation with the two sports clubs and that all options for Stadium use are being considered, including Music Events.

Debate followed the questions to the Executive Committee. The Monitoring Officer then clarified the decision making process.

Following an adjournment Councillor Jenkinson then summarised his representations, stating the decision on 16th January 2019 was made too early and that the decision should be sent back to the Executive.

Councillor Finlay echoed Councillor Jenkinson and advised that the Executive decision was premature.

Clarification was then provided by the Monitoring Officer in relation to the 'Call-in' procedure.

Councillor Farebrother then moved the motion to let the decisions made by the Executive on 16th January 2019 stand. This was seconded by Councillor Pegram.

For clarification, the Monitoring Officer confirmed that the motion was for all the decisions to stand.

A vote then followed, 4 voted in favour of the motion, 1 against and 2 abstentions.

The motion was carried

329. Call In - Future Plans for Borough Park and Derwent Park

The Chair of the Overview and Scrutiny Committee then moved that under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting.

At a meeting of the Executive on 16 January 2019, a decision was made on the future plans for Borough Park and Derwent Park.

On 24th January 2019 a 'call-in' form was submitted to the Councils Monitoring Officer. The Monitoring Officer accepted the call in.

The Call In was presented by Councillor Bill Finlay, Councillor Mark Jenkinson and Councillor Nicky Cockburn.

Councillors Jenkinson and Finlay advised that the reports relating to this decision were excessively redacted.

Debate followed in relation to the redacting of documentation with Councillor Fryer clarifying the decisions to redact items was made by the Legal and Finance Departments.

Councillor Farebrother moved the motion to let the decisions made by the Executive on 16th January 2019 stand. This was seconded by Councillor Cook.

A vote then followed, 7 voted in favour of the motion, 0 against and 0 abstentions.

The Motion was carried

The meeting closed at 12.50 pm

Allerdale Borough Council – Executive Reports and Key Decisions

1 March 2019 to 28 February 2020

Decision	Date decision to be made and decision maker	Open/Exempt	Portfolio Holder	Officer contact details
<p>Development of new community stadium at Workington</p> <p>Key Decision</p> <p>To consider procurement options relating to the development of a new community stadium in Workington</p>	<p>Executive</p> <p>25 February 2019</p>	<p>Part exempt</p>	<p>Executive Member: Deputy Leader - Economic Growth (Councillor Mark Fryer)</p>	<p>Kevin Kerrigan, Head of Place Development and Housing</p> <p>kevin.kerrigan@alderdale.gov.uk</p>
<p>Q3 Performance Report 2018/19</p> <p>Non-Key Decision</p> <p>A report detailing performance against the Corporate Business Plan 2018/19 at the end of Quarter 3 2018/19.</p>	<p>Executive</p> <p>25 February 2019</p>	<p>Open</p>	<p>Executive Member: Leader of the Council (Councillor Alan Smith)</p>	<p>Alex FitzGerald, Senior Policy and Improvement Officer</p> <p>alex.fitzgerald@alderdale.gov.uk</p>
<p>Quarter 3 Finance Report Oct to Dec 2018</p>	<p>Executive</p> <p>25 February 2019</p>	<p>Open</p>	<p>Executive Member: Corporate Resources (Finance and Property)</p>	<p>Catherine Nicholson, Head of Financial Services</p>

<p>Non-Key Decision</p> <p>To inform members of the Council's financial performance against budget for the period April to December 2018 along with the forecast position to 31 March 2019</p>			(Councillor Barbara Cannon)	catherine.nicholson@allerdale.gov.uk
<p>Joint Public Health Strategy</p> <p>Key Decision</p>	<p>Executive</p> <p>25 February 2019</p>	Open	Executive Member: Housing, Health and Wellbeing (Councillor Carni McCarron-Holmes)	<p>Helen Sant, Health Improvement Manager</p> <p>helen.sant@allerdale.gov.uk</p>
<p>Establishment of a new Housing Company</p> <p>Key Decision</p> <p>To seek approval to create a council owned housing company</p>	<p>Executive</p> <p>25 February 2019</p>	Open	Executive Member: Deputy Leader - Economic Growth (Councillor Mark Fryer), Executive Member: Housing, Health and Wellbeing (Councillor Carni McCarron-Holmes)	<p>Graeme Wilson, Programme Director for Maryport Regeneration</p> <p>graeme.wilson@allerdale.gov.uk</p>
<p>Revenue & Capital Budget Proposals 2018/19</p> <p>Key Decision</p> <p>To seek approval for the revenue and capital</p>	<p>Executive</p> <p>25 February 2019</p> <p>Council</p> <p>6 March 2019</p>	Open	Executive Member: Corporate Resources (Finance and Property) (Councillor Barbara Cannon)	<p>Catherine Nicholson, Head of Financial Services</p> <p>catherine.nicholson@allerdale.gov.uk</p>

budgets and to present the formal advice of the Chief Finance Officer on the robustness of estimates included in the budget and the adequacy of reserves which support the Council's budgetary plans				
<p>Council Plan 2019-23</p> <p>Key Decision</p> <p>To agree the new Council Plan, setting out the Council's priorities for the next 4 years.</p>	<p>Executive</p> <p>25 February 2019</p> <p>Executive Council</p> <p>6 March 2019</p>	Open	Executive Member: Leader of the Council (Councillor Alan Smith)	<p>Alex FitzGerald, Senior Policy and Improvement Officer</p> <p>alex.fitzgerald@allerdale.gov.uk</p>
<p>Treasury Management Strategy, Annual Investment Strategy and Minimum Revenue Provision Policy Statement 2019/20</p> <p>Non-Key Decision</p> <p>To present the Treasury Management Strategy Statement, Annual Investment Strategy and</p>	<p>Audit Committee</p> <p>25 February 2019</p> <p>Council</p> <p>6 March 2019</p>	Open	Executive Member: Governance and People Resources (Councillor Joan Ellis)	<p>Barry Lennox, Financial Services Manager</p> <p>barry.lennox@allerdale.gov.uk</p>

Minimum Revenue Provision Policy Statement				
Council Tax Resolution Report 2019/20 Key Decision To approve the necessary resolutions for Council Tax setting in accordance with Sections 31 – 36 of the Local Government Finance Act 1992.	Council 6 March 2019	Open	Executive Member: Corporate Resources (Finance and Property) (Councillor Barbara Cannon)	Catherine Nicholson, Head of Financial Services catherine.nicholson@allerdale.gov.uk
Capital Investment Strategy 2019/20 Non-Key Decision To present the Capital Investment Strategy	Council 6 March 2019	Open	Executive Member: Corporate Resources (Finance and Property) (Councillor Barbara Cannon)	Catherine Nicholson, Head of Financial Services catherine.nicholson@allerdale.gov.uk
Pay Policy Statement 2019/2020 Non-Key Decision The purpose of the Pay Policy Statement is to ensure transparency and accountability with	Council 6 March 2019	Open	Executive Member: Governance and People Resources (Councillor Joan Ellis)	Kathryn Higgins, HR Advisor kathryn.higgins@allerdale.gov.uk

regard to the Councils approach to setting pay by identifying; the methods by which salaries of all employees are determined.				
World Cup Host Agreement Key Decision To consider the host agreement for the RL World Cup 2021	Executive 17 April 2019	Part exempt	Executive Member: Leader of the Council (Councillor Alan Smith), Councillor Mark Fryer	Nik Hardy, Head of Strategy, Policy and Performance nik.hardy@allerdale.gov.uk
Development of new community stadium at Workington Key Decision To consider the detailed business case for the development of a new community stadium in Workington	Executive 22 March 2019	Part exempt	Executive Member: Deputy Leader - Economic Growth (Councillor Mark Fryer)	Kevin Kerrigan, Head of Place Development and Housing kevin.kerrigan@allerdale.gov.uk
Geological Disposal Facility Site Evaluation Criteria		Open	Executive Member: Leader of the Council (Councillor Alan Smith)	Richard Griffin, Policy Manager - Nuclear richard.griffin@allerdale.

<p>Non-Key Decision</p> <p>Council's response to Radioactive Waste Management's consultation on the proposed criteria by which they will evaluate possible sites for a Geological Disposal Facility. Consultation closes on 31 March 2019.</p>	<p>Executive</p> <p>22 March 2019</p>			<p>gov.uk</p>
<p>Corporate Business Plan 2019/20</p> <p>Key Decision</p> <p>To approve the 2019/20 Corporate Business Plan. The Business Plan sets out specific activity that will be undertaken over the next year to work towards achieving the objectives set out in the Council Plan and is the proposed vehicle by which the Council will report progress against Council Plan 2019-23 commitments.</p>	<p>Executive</p> <p>12 June 2019</p>	<p>Open</p>	<p>Executive Member: Leader of the Council (Councillor Alan Smith)</p>	<p>Alex FitzGerald, Senior Policy and Improvement Officer</p> <p>alex.fitzgerald@allerdale.gov.uk</p>

<p>Allonby to Silloth multi-user coastal path</p> <p>Key Decision</p> <p>Silloth on Solway Coastal Community Team has secured £1 million of Coastal Communities funding to extend the coastal multi-user path from Allonby to Silloth. Allerdale Borough Council is the Accountable Body for the Silloth on Solway Coastal Community Team and is leading on the delivery of the construction of the new path. A procurement exercise will be undertaken to select a lead contractor for the construction phase of the project.</p>	<p>Executive</p> <p>12 June 2019</p>	<p>Part exempt</p> <p>If an open procurement is considered the best option tender returns submitted may be commercially sensitive.</p>	<p>Executive Member: Tourism and Culture (Councillor William Jefferson)</p>	<p>Joe Broomfield, Town Centre Area Manager</p> <p>joe.broomfield@allerdale.gov.uk</p>
---	--------------------------------------	--	---	--

Meetings of the Council, Executive and Scrutiny Committees are open to the public (except when exempt (confidential) items are being considered). It is advisable to check the agenda before attending a meeting, as decision dates may be subject to change. Agendas and supporting documents for meetings of the Executive can be found on the Council's website www.allerdale.gov.uk or at Allerdale House, Workington, Cumbria, CA14 3YJ

Further information is available by calling 01900 702502

Any representations as to why a meeting should be open to the public should be made in writing to Democratic Services at the above address.

A list of the Executive members can be found at <http://democracy.allerdale.gov.uk/mgCommitteeDetails.aspx?ID=11>

Overview and Scrutiny Work Programme including items at Committee meetings 2018-19

main



Standing items for Committee meetings

Items	Council Plan Theme	Purpose	Lead Officer	Lead Portfolio Holder	Lead Scrutiny Member
Forward Plan	Governance	To identify any forthcoming items which the Committee may consider	Head of Governance	Leader of the Council	Co-Chairs of the Overview and Scrutiny Committee
Work Programme Updates	Governance	To review the Committee's own work plan for the rest of the year	Policy Officer (Scrutiny and Partnerships)	Not applicable	Co-Chairs of the Overview and Scrutiny Committee
Task and Finish Group Updates	Governance	To receive progress reports from any Task and Finish Group	Policy Officer (Scrutiny and Partnerships)	Not applicable	Chair of each Task and Finish Group

Agenda items for Committee meetings

Meeting Date	Items	Council Plan Theme	Further Information	Lead Officer	Lead Portfolio Holder	Lead Scrutiny Member
Tuesday 23 April 2019 9.30 a.m.	Arts and heritage provision	Improving health and wellbeing / Enhancing our towns	To scrutinise the Council's approach to arts and heritage provision	Head of Community Services	Executive Member for Tourism & Culture	Co-Chairs of the Overview and Scrutiny Committee
	Annual review of OSC work	All	To reflect on the work of the Committee over the previous twelve months	Head of Strategy, Policy and Performance		Co-Chairs of the Overview and Scrutiny Committee

Overview and Scrutiny Work Programme including items at Committee meetings 2018-19

main



Page 20

Meeting Date	Items	Council Plan Theme	Further Information	Lead Officer	Lead Portfolio Holder	Lead Scrutiny Member
	Portfolio Holder update				Executive Member for Tourism & Culture	
To be confirmed	Training session for all members of new Committee					
Friday 21 June 2019 9.30 a.m.	Proposed date for first meeting of the new Committee					

Proposed Standing or Task and Finish Groups

	Topic	Format	Start date	Further Information
1	Enforcement Policy Review	Task and Finish	tbc	Review of the Council's Corporate Enforcement Policy and its application across Council services
2	Future local government structures in Cumbria	Task and Finish	tbc	Review of possible alternative structures for local government in Cumbria
3	Review of Task and Finish Groups	Task and Finish/workshop	June 2019	For the new Committee to review and determine its approach