

At a meeting of the Council held in Greenhill Hotel, Wigton on Wednesday 28 July 2021 at 7.00 pm

## **Members**

Councillor Malcolm Grainger (Chair)	Councillor Allan Daniels (Vice-Chair)
Councillor Tony Annison	Councillor Mary Bainbridge
Councillor Carmel Bell	Councillor Herbert Briggs
Councillor Markus Campbell-Savours	Councillor John Cook
Councillor Janet Farebrother	Councillor Marion Fitzgerald
Councillor Peter Gaston	Councillor Hilary Harrington
Councillor Michael Heaslip	Councillor Mike Johnson
Councillor George Kemp	Councillor Peter Kendall
Councillor Adrian Kirkbride	Councillor Sally Lansbury
Councillor Jim Lister	Councillor Peter Little
Councillor Elaine Lynch	Councillor Louise Maguire
Councillor Owen Martin	Councillor Carni McCarron-Holmes
Councillor Antony McGuckin	Councillor Ron Munby MBE
Councillor Alan Pitcher	Councillor Joe Sandwith
Councillor Paul Scott	Councillor Andrew Semple
Councillor Colin Sharpe	Councillor Alan Smith
Councillor Kevin Thurlow	Councillor Alan Tyson
Councillor Will Wilkinson	

Apologies for absence were received from Councillor Carole Armstrong, Councillor Nicky Cockburn, Councillor John Crouch, Councillor Patrick Gorrill, Councillor Iain Greaney, Councillor Alan Hedworth, Councillor Vaughan Hodgson, Councillor Daniel Horsley, Councillor Alan Kennon, Councillor Janet King, Councillor Anthony Markley, Councillor Blain Sansom, Councillor Stephen Stoddart and Councillor Lynda Williams

## **Staff Present**

B Carlin, A Gilbert, J Irving, K Magnay, C Nicholson, J Rae, G Roach, A Seekings and L Tomlinson

### **118. Minutes**

The minutes of the previous meeting held on 19 May 2021 were agreed as a correct record.

### **119. Declaration of Interests**

None declared.

### **120. Exclusion of the Press and Public**

There were no items on the agenda for which the press and public should be excluded.

### **121. Questions and Petitions**

None received.

## 122. Notices of Motion

1. Councillor Adrian Kirkbride submitted the following motion –

'This Council understands the anxiety and stress caused to vulnerable people, family pets and wildlife by the random use of fireworks in the days before and after November 5th each year, or outside of properly organised firework events. It therefore resolves to -

1. Continue to actively support public awareness campaigns from all relevant agencies around the impact of fireworks on vulnerable people and animal welfare and the dangers of improper use, including the precautions that can be taken to mitigate risks
2. Support the RSPCA public awareness campaign regarding fireworks and firework displays
3. Request all public firework displays on Allerdale owned land to be advertised in advance of the event, allowing residents to take precautions for their vulnerable people and animals
4. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays, and to nationally promote the dangers and legalities around sale and misuse of fireworks'.

On moving his motion Councillor Kirkbride said 'although many enjoy seeing fireworks they can have the opposite effect on vulnerable residents such as veterans with mental health conditions, the elderly and those living alone, especially when they are being used away from organised firework displays. This Council hopefully understands the anxiety stress and worry caused to those mentioned and in addition the effects on family pets and wildlife and will support the motion'.

This was seconded by Councillor P Little.

Councillor M Johnson was in support of the motion in principle and said, the Council would have to clarify what advertising fireworks displays on its land meant in practice but he was sure an appropriate approach could be found.

Councillor T Annison was in strong support of the motion, as a previous Air Force Sergeant who suffered personally from PTSD and could confirm the negative effects fireworks could have.

A vote was taken, the motion was unanimously agreed.  
The motion was carried.

2. Councillor Janet Farebrother submitted the following motion –

'This Council endorses the position expressed in the letter dated 7 July 2021 from Steve Reed MP (shadow Secretary of State for Communities and Local Government) that planning works best when developers and the local community work together to shape local areas and deliver necessary new

homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications’.

On moving her motion Councillor Farebrother said ‘since the White Paper on Planning Reform was published in August 2020 there has been an outcry from all sectors of local government on its proposals for a centralised planning system, proposing that decisions would no longer be made with reference to Local Plans and the system will undoubtedly favour large developers in order to meet government targets for house building’.

Councillor Farebrother then read out the letter all planning authorities received from Steve Reed MP.

This was seconded by Councillor P Kendall.

Councillor M Fitzgerald commented that the Council had responded to the White Paper consultation last year stating that the public should continue to be allowed to object to individual planning applications and that Councillor Farebrother’s motion was entirely consistent with the Council’s position. Councillor Fitzgerald said she was in support of the single issue expressed in the letter however, she did not believe that it was always the case that developers worked together with the local community or the local planning authority to shape local areas and develop new homes therefore some aspects of the Planning Bill were looking to improve the current system.

Councillor Fitzgerald therefore moved an amendment as follows; ‘Whilst recognising some strengths in the Planning Bill, this Council supports the position expressed in the letter dated 7 July 2021 from the Shadow Secretary of State for Communities and Local Government, following cross party discussion, on the single issue that the Government should protect the right of communities to object to individual planning applications’.

This was seconded by Councillor A Pitcher.

A vote was taken on the amendment becoming the substantive motion, 13 in favour, 21 against and 1 abstention. The motion was lost.

The debate was opened on the substantive motion.

Councillor A Semple stood in support of the motion.

A vote was taken, 23 in favour, 0 against and 12 abstentions.

The motion was carried.

### 3. Councillor Sally Lansbury submitted the following motion –

‘In support of the work of the Climate Change Group Council asks officers to explore processes to prohibit the use of disposable BBQs on all Council recreational land and wildlife sites and for licensed festivals and events on Council owned land.

Council will also write to the local MPs, T Harrison, M Jenkinson and Dr N Hudson, to ask them to support this action and lobby Government for changes to legislation to prohibit the sale of these items’.

In moving her motion Councillor Lansbury explained that her original intended motion was to call for an outright ban on disposable BBQs however officers had advised that due process was to be undertaken in the first instance.

Councillor Lansbury continued, the Executive had adopted the Climate Change Action Plan which included discouraging wasteful lifestyles which was one of the reasons linked to the motion.

She said ‘land owners do have the right to prohibit open fires on their land and bans have recently been introduced in Dorset, the Lake District National Park and Derbyshire Dales and some local shops have stopped selling disposable BBQs. We believe these items should be phased out for the following three reasons; fire risk, they pose multiple environmental hazards, their carbon heavy production costs and then the ethical purchasing. Almost all of the charcoal purchased for these products is imported from countries with no controls on sustainability or the work ethical processes’.

This was seconded by Councillor E Lynch.

Councillor M Johnson said he had some difficulties over this motion however was happy that Council determined an appropriate approach going forward. He said he had concerns on how the Council would go about enforcing any agreed actions, also that people may end up using alternatives that may have unintended consequences for the area.

Councillor Johnson felt that it required further thought and perhaps national debate and changes to legislation should that be required.

Councillor E Lynch was very much in support of the motion and said that it was something that the Council collectively, and as individuals of the Borough, could do as a small part of the global climate change.

Councillor P Scott commented that of all the products sold, the vast majority of them were used responsibly by people out enjoying their family time and said that from a Council point of view, he would like to see more marketing on their safe use and promoting the rules.

Councillor O Martin said that if you were looking at a ban of disposable BBQs then you should also be looking at a ban on all non-commercial BBQs apart from ones supplied for events. He felt it should be a blanket ban on people starting all fires on Allerdale owned land and parks.

In her right of reply Councillor Lansbury felt there had been a reasonable debate on her motion and was delighted that Councillors felt there should be higher action taken and that it was a step in the right direction.

A vote was taken, 31 in favour, 3 against and 1 abstention.  
The motion was carried.

4. Councillor Peter Little submitted the following motion –

'Many of us will have seen recent news reports of people living in squalid housing as Matt Hancock condemns 'horrific' conditions exposed by ITV. Examples include damp, mouldy conditions; people having to repeatedly report faults and a lack of empathy shown by landlords. The Housing Act 2004 means that by law landlords must make sure that a person's home is 'fit for human habitation' which means that it is safe, healthy and free from things that can cause a person serious harm. The Homes (Fitness for Human Habitation) Act 2018 is a power for tenants to hold their landlord, including registered providers, to account without having to rely on their local authority to do so.

Bad housing costs the NHS an estimated £1.4 million each year and there is a clear link between poor housing conditions and health problems including respiratory issues, physical pain and mental health. Many residents in my Ward often contact me to express concerns they have with housing conditions and feel that they are hitting a brick wall when reporting problems. In some cases, many have reported the same problem on numerous occasions and feel they are being ignored. I have seen some of the conditions residents are living in and to put it mildly, they are appalling.

As the local authority, Allerdale Borough Council has a responsibility to ensure residents live in housing that is sanitary and fit for purpose. Before the Pandemic, 18% of homes in England were classed as 'non-decent' which means:

- It does not meet the basic legal health and safety standards for housing
- It is not in a reasonable state of repair
- It does not have reasonably modern facilities and services
- It has insulation or heating that is not effective

As we enter the Covid recovery phase, millions will still be left in poor quality, unsafe and dangerous homes. There is no question that the housing crisis in Britain is indisputable. Simply put, there are not enough alternative, affordable homes to rent for the majority of people living in poor quality housing. The Government recently announced its bill on planning reform so that they can build more high quality housing that people want to live in but that is not enough. That action needs to be implemented at the earliest opportunity.

It is therefore my recommendation that members of this Council supports this motion in that we, Allerdale Borough Council, work more closely with both social and private housing landlords. We will hold to account the Government and landlords where significant failures in social housing conditions are identified and tenants do not receive a resolution'.

This was seconded by Councillor P Gaston.

Councillor M Johnson said the Council worked with private landlords and with registered providers to ensure that decent homes were maintained across the borough. He said 'even though The Homes (Fitness for Human Habitation) Act 2018 is the power for residents to hold their landlords to account it is important for the Council to recognise that people sometimes do need our help and support. The Council is not aware of any issues from residents but if they have

reported directly to the landlords or Associations then they need to contact the team here at Allerdale direct'.

Councillor Johnson said 'for clarity Allerdale Council has a statutory duty to ensure houses are free from category 1 hazards and also supports residents in many other ways to live in their homes'.

Councillor M Campbell-Savours moved an amendment to the motion on the basis of 'toughening up' what the Council were asking for. The amendment read as follows;

'That we, Allerdale Borough Council, instruct the Overview & Scrutiny and Audit Committees to look at...

1. The effectiveness of the council's current approach when engaging with tenants, landlords and social landlords,
2. Ensuring that earlier recommendations from the Overview & Scrutiny Committee have been implemented,
3. Lessons learnt from the recent complaint to the Local Government and Social Care Ombudsman, who found the Council to be at fault when handling a resident's complaint regarding a private landlord,
4. How the Council can improve public awareness of its powers under the 2004 Housing Act and promote how Allerdale Borough Council can assist local residents in need of support when dealing with negligent landlord'.

This was seconded by Councillor S Lansbury.

Councillor C Bell said that a lot of the social landlords and housing associations were very good and she felt that some of the proposed actions from the amendment would undermine the policies and procedures already in place and the good work and the relationships between the Council and the housing associations.

Councillor S Lansbury commented that the proposed amendment could also protect the good landlords and said if you could highlight best practise if it was scrutinised by the Council then more likely, it would be found that best practice came to the fore.

Councillor J Farebrother said that it was really important the Council looked at its policies and made sure they were up to scratch, and if there were things falling short then it was the responsibility of Scrutiny to bring that to attention. The Council must make sure that policies and procedures were helping those most vulnerable.

Councillor P Kendall was in support of the amendment and said there was a lot the Scrutiny Committee could do in looking at supporting landlords.

Councillor M Fitzgerald was in support of the amendment and felt it was certainly something that Scrutiny could look at.

A vote was taken on the amendment becoming the substantive motion, the motion was unanimously agreed.

A vote was taken, the motion was unanimously agreed.  
The motion was carried.

As the maximum time for the item had been reached the fifth motion submitted by Councillor A Smith was deferred to the next meeting of Council.

### **123. Councillor Speeches**

None received.

### **124. Announcements from the Mayor, Leader or Head of Paid Service**

The Mayor made reference to his engagements since the previous meeting.

Councillor Mike Johnson, Leader of the Council made reference to the recent announcement from Government on the decision to proceed with plans for local government reorganisation (LGR) in Cumbria. The model chosen by Government was the proposal jointly submitted by Allerdale and Copeland for an east/west unitary split.

### **125. Portfolio Holder updates**

The Leader of the Council presented the Portfolio Holders update report.

Questions were asked around the Levelling Up Fund, the disposal of assets, progress on the Sports Village, the Stronger Together Moorclose Group, a Geological Disposal Facility within Allerdale, the Corporate Restructure, ground maintenance and the Allerdale Local Focus Hub.

With regards to the riverbank works at Millfield, Workington Councillor P Scott enquired about the dub wall on the opposite side, and asked when repairs were to be carried out there.

Regarding the Allerdale House refurbishment works, Councillor Scott asked for a breakdown of costs, including for the further two phases.  
Councillor M Johnson agreed to find out and provide the information.

With regards to the repair of broken blue bin lids, Councillor G Kemp requested details on the number of all repaired bins and the associated costs of the repairs.  
Councillor J Lister agreed to find out and provide the information.

With regards to the Bulky Waste Collection Service, Councillor P Scott asked how many total collection slots were available across the borough.  
Councillor J Lister agreed to find out and provide the information.

Councillor J Cook requested to know from Tivoli when a permanent street cleaner was to be appointed for Silloth.

Councillor J Lister agreed to find out more information.

Under paragraph 9.2 'Covid-19 financial monitoring', Councillor C McCarron-Holmes moved a motion without notice, under procedural rule 4.19.4 'to refer something to an appropriate body or individual'.

Councillor McCarron-Holmes said;

'In relation to the latest new case figures for the variant in Cumbria and in particular Allerdale that I have recently read, they are most concerning. The Borough has seen increases again which are well above the national average, 87% of all cases are in the under 50 age group. We are a long way from normality and I feel that the time is due when we need to seek help.

In the North East of England in particular Middlesbrough, Darlington, Durham, Gateshead, Hartlepool, Redcar, Cleveland and Sunderland they are to receive a five week package of government support for extra testing and measures to boost the vaccine rate, this shows recognition of need. I am therefore moving a motion without notice that the Executive consider asking Government for a similar package to assist our Borough at this time'.

This was seconded by Councillor A Smith.

Councillor M Fitzgerald said it was her understanding that the additional funding was devolved down from the higher tier authority so it would be Cumbria County Council who would apply for the additional funding, particularly the Director of Public Health.

Councillor Fitzgerald agreed with the sentiment of the motion and to open the lines of discussion.

Councillor C Sharpe said 'that since the latest Government milestone there had been concerns around increasing Covid cases, there had been a push within the County to increase the vaccine uptake and bearing in mind the time lag around statistics the County was now seeing a downward trend in cases, something in the region of 40%'.

The Director of Health chaired the county wide health protection group and anything cascaded was monitored by Allerdale's relevant officers and by the Executive.

A vote was taken, 34 in favour, 0 against and 1 abstention. The motion was carried.

## **126. Executive Minutes**

The minutes of the Executive meetings held on 13 January, 24 February, 24 March, 21 April and 12 May 2021 were noted.

## **127. Review of Council Governance Arrangements and Structure**

The Chief Officer Place and Governance submitted a report which sought to update members on the review of the Councils governance arrangements and structure and the subsequent recommendations from the Constitution Working Group and the Monitoring Officer.

Councillor M Fitzgerald moved the report and the recommendations. This was seconded by Councillor M Johnson.

A vote was taken, 33 in favour, 0 against and 2 abstentions. The motion was carried.

### **Resolved**

That –

1. The actions set out in paragraph 5 of the report be agreed,
2. The actions be monitored by the Constitution Working Group.

## **128. Overview and Scrutiny Committee Annual Report 2020-21**

Councillor M Heaslip, Co-Chair of the Overview and Scrutiny Committee moved the annual report for 2020-21.

This was seconded by Councillor C McCarron-Holmes.

### **Resolved**

That the report be Agreed.

## **129. Governance Updates**

The Chief Officer Place and Governance submitted a report which sought to update members on all urgent delegated decisions taken since the last report to Council on 3 March 2021, and for members to nominate and appoint to the Workington Harbour Management Committee and the Overview and Scrutiny Committee.

Councillor M Fitzgerald moved the report; this was seconded by Councillor M Johnson who nominated Councillor Ron Munby to sit on the Overview and Scrutiny Committee for the Allerdale Conservative group.  
The motion was agreed.

The Mayor asked for nominations for the 3 seats on the Workington Harbour Management Committee outside body for the next twelve months.

Councillor A Smith nominated Councillor M Heaslip for the first seat; this was seconded by Councillor M Campbell-Savours.

A Vote was taken, 26 in favour, 0 against and 9 abstentions. The motion was carried.

Councillor M Fitzgerald nominated Councillor C Sharpe for the second seat; this was seconded by Councillor T Annison.

A Vote was taken, 26 in favour, 0 against and 9 abstentions. The motion was carried.

Councillor M Fitzgerald nominated Councillor M Johnson for the third seat; this was seconded by Councillor O Martin.

A Vote was taken, 26 in favour, 0 against and 9 abstentions. The motion was carried.

### **Resolved**

That –

1. The summary of all CEO Urgent Action decisions and Special Urgency Executive decisions detailed in section 4.0 of the report be noted
2. Councillors Michael Heaslip, Colin Sharpe and Mike Johnson be appointed to the Workington Harbour Management Committee outside body for the next twelve months
3. Councillor Ron Munby be appointed to the Overview and Scrutiny Committee to replace Councillor Stephen Stoddart.

**The meeting closed at 8.46 pm**

The following questions were asked at Council where it was agreed a response would be provided after the meeting;

## Responses on behalf of the Executive Committee

1. **With regards to the riverbank works at Millfield, Workington Councillor P Scott enquired about the dub wall on the opposite side, and asked when repairs were to be carried out there**

Bingham Yates were appointed to carry out a design for remedial works but due to the current climate are struggling to get an intrusive ground survey done of the river bed by a groundworks engineer. Allerdale's Engineer/Surveyor is now starting to explore other options, such as taking down the damaged wall from above. The dub wall appears to still be in good order behind it.

2. **Regarding the Allerdale House refurbishment works, Councillor Scott asked for a breakdown of costs, including for the further two phases**

In respect of Cllr. Scott's question at Council regarding the refurbishment costs of parts of Allerdale House, please see draft response below.

Decoration to parts of first and second floor	£3,650
Carpeting to parts of first and second floor	£16,850
Electrical works including replacing light fittings	£8,900
Replacing ceiling tiles part of first and second floor	£3,750
Replacement blinds part of first and second floor	£1,950
General repairs to parts of first and second floor	£3,150

All of the above work was carried out from the existing repairs budget and would have been work we intended to carry out over the next couple of years.

However, we took the opportunity of working in an almost empty building due to the pandemic, which allowed us to bring forward the works.

The areas that are being refurbished will accommodate staff as they start to return to the office.

3. **With regards to the repair of broken blue bin lids, Councillor G Kemp requested details on the number of all repaired bins and the associated costs of the repairs**

The current situation is that there is an ongoing legal dispute with MGB. The failed blue lids are being replaced free of charge under the warranty and the

legal case is being prepared. MGB have acknowledged that the issue is as a result of the composition of materials and we are in legal negotiations regarding a solution.

Allerdale Waste Services took over the running of the bin delivery operation on behalf of the council under a fixed price contract and their latest bin delivery dashboard is attached in the email. To date, all the broken lids have been replaced by the company under the terms of the warranty. This has been done in two ways: out on site by following bin rounds; at Solway House depot.

- 4. With regards to the Bulky Waste Collection Service, Councillor P Scott asked how many total collection slots were available across the borough**

In addition to amending the days on which collections from the borough's towns are made to make the service more efficient there will be an additional 20 slots per week making 66 in total. These slot numbers will be reviewed periodically to ensure maximum efficiency.

- 5. Councillor J Cook requested to know from Tivoli when a permanent street cleaner was to be appointed for Silloth**

Meeting arranged with Cllr Cook along with Stewart Henderson from Tivoli at 7.30am in Silloth on the 5<sup>th</sup> August to discuss the street cleansing needs of Silloth and the surrounding areas.



This page is intentionally left blank

Email response received on 17/08/21:

Thanks for making me aware of this motion. Councillor Fitzgerald is correct that any action of this sort gets channelled through the County Council, so I hope it's appropriate for me to respond.

First, can I formally express my thanks to Allerdale Borough Council and its officers for the work that you and your teams have undertaken throughout the last 18 months. Your work particularly on contact tracing and outbreak control has been exceptional, and everything you've been doing to support the Borough to be Covid-secure, including enhanced regulatory and enforcement activity and supporting people to self-isolate through running the support grant schemes, has been a crucial part of the pandemic response. It has been a pleasure working with you and your officers throughout – despite the circumstances – and I am extremely grateful for the part that your teams have played.

Of course as the Council recognised through supporting this motion, the pandemic is far from over. As things stand, case rates in Allerdale are reasonably stable, though at a much higher rate than previous stable levels – around 260/100k/week. This is around the Cumbria average and below the England figure, which is currently around the 300/100k/week mark. Fortunately, thanks to the vaccination programme these relatively high rates are not currently translating into high levels of hospitalisation or death.

I meet every week with colleagues from the Regional Contain Team and the Joint Biosecurity Centre to discuss the position in Cumbria and whether any additional support from the national system is needed. The result of these discussions is then fed into the weekly national planning round, resulting in Ministerial decisions on what support to provide to which areas. We have requested and received such support in the past, notably when we carried out a 4-week programme of surge testing aimed at all 12-30 year olds in the County, and when we requested specific national communications to be done regarding safe and appropriate travel to the Lake District. At this point, however, with case rates stable and below the England average, there is very little likelihood of additional national support being made available to us, and certainly not in the form of additional funding.

As you're aware, we have already received considerable resources through the Contain Outbreak Management Fund, much of which has been disbursed to District Councils to enable you to carry out your vital contact tracing and enforcement role. However we have retained some of this resource unallocated to enable us to respond to any additional unforeseen pressures. At the Health Protection Oversight Group this week I will be initiating a piece of work to identify where there is any further demand that might need additional resource. As such if there are any such resource requirements identified for Allerdale these can be picked up as part of this process.

Thank you again for all your input so far, and in anticipation of this continuing over the autumn and winter!

All the best,

Colin

Colin Cox  
Director of Public Health  
Cumbria County Council

This page is intentionally left blank