

At a meeting of the Council held in Rawnsley Hall, Keswick on Wednesday 22 September 2021 at 7.00 pm

Members

Councillor Malcolm Grainger (Chair)	Councillor Allan Daniels (Vice-Chair)
Councillor Carole Armstrong	Councillor Mary Bainbridge
Councillor Herbert Briggs	Councillor Markus Campbell-Savours
Councillor John Cook	Councillor John Crouch
Councillor Marion Fitzgerald	Councillor Peter Gaston
Councillor Patrick Gorrill	Councillor Iain Greaney
Councillor Hilary Harrington	Councillor Michael Heaslip
Councillor Alan Hedworth	Councillor Vaughan Hodgson
Councillor Daniel Horsley	Councillor Mike Johnson
Councillor George Kemp	Councillor Peter Kendall
Councillor Sally Lansbury	Councillor Jim Lister
Councillor Louise Maguire	Councillor Anthony Markley
Councillor Owen Martin	Councillor Carni McCarron-Holmes
Councillor Antony McGuckin	Councillor Blain Sansom
Councillor Andrew Semple	Councillor Alan Smith
Councillor Stephen Stoddart	Councillor Kevin Thurlow
Councillor Alan Tyson	Councillor Will Wilkinson
Councillor Lynda Williams	

Apologies for absence were received from Councillor Tony Annison, Councillor Carmel Bell, Councillor Nicky Cockburn, Councillor Janet Farebrother, Councillor Alan Kennon, Councillor Janet King, Councillor Adrian Kirkbride, Councillor Peter Little, Councillor Elaine Lynch, Councillor Ron Munby MBE, Councillor Alan Pitcher, Councillor Joe Sandwith, Councillor Paul Scott and Councillor Colin Sharpe

Staff Present

B Carlin, A Gilbert, N Hardy, J Irving, L Jardine, C Nicholson, G Roach, S Sewell and L Tomlinson

183. Minutes

The minutes of the meeting held on 28 July 2021 were agreed as a correct record.

184. Declaration of Interests

12. Pay Policy Statement 2021/2022.
Andrew Gilbert; Disclosable Pecuniary Interest; Due to the proposed changes to his employment.
12. Pay Policy Statement 2021/2022.
Lindsay Tomlinson; Disclosable Pecuniary Interest; Due to the proposed changes to her employment.

185. Exclusion of the Press and Public

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

186. Questions and Petitions

Mr Ian Stockdale submitted the following question –

‘What do the Council regard as a significant effect on a community and what criteria have they applied in the case of the Keswick Leisure Pool closure which the Council have not considered to be a Key Decision?’

Councillor T Markley provided the following response -

‘The constitution sets out the criteria for Key Decisions in relation to an Executive function. There are two criteria and either one or both may apply – firstly any decision which results in the authority incurring expenditure, or the making of savings which are in excess of £50,000 or significant in terms of the budget for the service or function. The second criteria is where the decision is likely to be significant in terms of their effects on one or more communities. The Allerdale BC constitution allows call-in of all executive decisions, whether key or non-key.

The decision was classed as a non-key decision because under part (a) of the criteria there was no impact on the management fee therefore the decision would not result in additional expenditure or savings.

Under part (b) it was also not considered to be key due to the following considerations:-

1. The decision was not to close the whole facility – the gym facility would remain operational and only the pool would remain closed
2. All full members who use the swimming pool have been provided with alternative swimming pool access in other nearby pools – i.e. Cockermouth, Workington and Penrith
3. All Children involved in Swimming Lessons have been offered places – (at a reduced cost) – in another pool – as were the Schools swimming programme and all other formal groups that use the pool
4. Plans for Open Water Swimming are being considered for next year’.

Mr I Stockdale asked the following supplementary question –

‘What is or will be happening to the expected saving of £250K?’

In response Councillor T Markley said –

‘A public consultation has gone out to all Keswick residents to find out what leisure facilities they wish to have and when closed, we will look at what results

come from that. With regards to the £250K, that could be used for further projects when we find out the response from the consultation’.

187. Notices of Motion

1. Councillor Alan Smith moved the following motion –

‘Council notes that the Bill to introduce a requirement for photo ID to be produced by electors at polling stations is in Parliament. Even though this is a sledgehammer to crack a peanut, as the number of cases of personation at elections in recent years is in single figures, the Council agrees it needs to be prepared for it to become law, and for the possibility of an election taking place very soon afterwards.

Council asks the Electoral Registration Officer (ERO) to take all possible steps to ensure that all electors are directly informed of this requirement: that they are informed of what is acceptable as ID; and that electors who do not have that ID are issued with ID Cards by the Council as soon as possible when the law takes effect.

In taking these actions, the ERO and the Council is aware of and complies with its requirement under the public sector equality duty, and also honours the requirement of Part One of the Equality Act, not yet in force, to reduce any disadvantage from socio-economic circumstances’.

This was seconded by Councillor C McCarron-Holmes.

Councillor M Fitzgerald said the Bill went through parliament on 5 July and has had its first two readings, it’s currently under examination as part of the committee stage of the process. There are a number of measures included in the Bill one being that voters will be required to show ID at polling stations before a ballot paper is issued. Permitted photo documents as set out in the Bill would include a UK commonwealth or an EEA passport, UK driving licence, parliamentary immigration document, a concessionary photo travel pass, blue badge scheme card, a free voter ID card or national identity card. EROs based in local authorities will be required by law to issue free voter identification documents to those without any of those mentioned in the list. The document must contain the elector’s full name or electoral number and photo and no charge can be made’.

Councillor M Johnson said it was right to raise this important issue which would bring significant changes to anyone wanting to express their democratic right to vote and that he had every confidence that the elections team would be ready to manage elections in line with the legislation when it came through.

In his right of reply Councillor Smith said he was pleased to hear the comments that were made by Councillor Fitzgerald with regards to the various options available in providing the photo ID.

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

2.

On introducing her motion Councillor Hilary Harrington said with regards to gypsy and travellers the can had been kicked down the road for many years now and it was time that something was done. Councillor Harrington said 'having spoken to many gypsies and travellers I have come to the conclusion that many would prefer to have a managed permanent site and they are willing to pay for utility services. She said she had concerns with the demand for sites being so high and estimated to increase however she appreciated it was a very emotive subject and was hopeful a decision could be made very soon.

Councillor Harrington then moved her motion as follows -

'Improving the lives of Travellers and Gypsies

Council recognises the issues faced by the Traveller and Gypsy community and resolves to work to deliver positive change in the experiences and outcomes of Travellers and Gypsies in Allerdale.

Allerdale Borough Council notes that the Local Plan Part 2 was approved in July 2020 and now we identify five key areas where work must be taken forward to improve experiences and outcomes for Travellers and Gypsies in Allerdale, a group who are protected by the Equality Act 2010:

- 1 Provide some accommodation space
- 2 Improve their access to public services
- 3 Better incomes in and out of work
- 4 Tackle racism and discrimination; and
- 5 Improve Traveller and Gypsy representation

Allerdale Borough Council therefore resolves to work to deliver positive change in the experiences and outcomes of Travellers and Gypsies in Allerdale by requesting to the Overview and Scrutiny Committee to undertake policy development and pre scrutiny work around Allerdale Borough Council's priorities in implementing a Gypsy and Traveller site'.

This was seconded by Councillor P Gaston.

Councillor M Fitzgerald said she was very happy to accept the recommendation that the Overview and Scrutiny Committee should undertake policy development and pre scrutiny on the issue and provided council with an update on the current situation, and referred members to the update provided on page 27 of the agenda.

A final draft of the Gypsy and Traveller Needs Assessment had now been received which had raised a number of issues for the council to consider. Further investigation was required to determine where the optimum location was for a permanent site, finding a suitable site was a priority for the council. Councillor Fitzgerald said that 'what the Needs Assessment does tell us is that the travelling community may be reluctant to take up residence on a single site, a preferred option seems to be a number of smaller private sites, therefore further dialogue is required with the community to establish a way forward.

Councillor Fitzgerald said 'it would be very foolish and a waste of taxpayers' money to invest in a large dedicated site only to discover that the travelling community have no intention of living on it'.

Councillor M Heaslip urged the Executive to get on with the issue and said he was concerned that the referral to the Overview and Scrutiny Committee, although they would be happy to pick up any issues that may arise, could add further delays to the process and decision.

With that Councillor Heaslip proposed an amendment to the last paragraph of the motion which would read –

'Allerdale Borough Council therefore resolves to work to deliver positive change in the experiences and outcomes of Travellers and Gypsies in Allerdale, urging the Executive to act on the approval of the Plan which it has known about since August 2019 and establish the site without further delay'.

This was seconded by Councillor C Armstrong.

Councillor M Johnson said he had no issue with the Overview and Scrutiny Committee looking at the work on the gypsy and traveller site however he said 'the Committee Co-Chair has just given his view on the recommendation'. He continued, 'there is no easy fix on this issue especially one that meets the requirements of the whole community. Officers are already working hard on developing the Needs Assessment and will continue with meaningful dialogue with the traveller community to come to a mutual beneficial solution'.

Councillor I Greaney was in full agreement with the amendment and said the sooner the council dealt with this the better under our influence. He said the council would be no longer here in the next 18 months, due to the local government reorganisation, and then it would be taken out of our hands.

In her reply to the debate Councillor H Harrington said she would like to see further reports to council on progress being made.

A vote was taken on the amendment becoming the substantive motion; 20 in favour, 12 against and 3 abstentions. The motion was carried.

Councillor M Fitzgerald said in principle she didn't disagree with the motion but said it didn't allow for the scope of negotiation to discover what the travellers needs really were. She said it 'does look like we are going to have to go with a blended approach rather than for a single site'.

Councillor H Briggs felt the council had had long enough to negotiate with the travellers and said that it had been taken to the vote last year where the comment 'the council was shovel ready' was made. Councillor Briggs asked what had happened.

Councillor W Wilkinson asked what negotiations with the gypsy and travellers was being had with regards to nuclear waste being stored in the vicinity of the earmarked site and said the decision was taking too long.

In his right of reply Councillor M Heaslip said he had taken on board what had been raised in the debate and commented that nothing in the amendment would stop the Executive from getting on and talking to whoever they need to to expedite their decision.

A vote was taken, 32 in Favour, 0 against and 3 abstentions.
The motion was carried.

3. Councillor George Kemp submitted the following motion –

‘The impact of the government’s decision to stop the benefit uplift of £20 per week in October will severely impact on our area, Maryport and Workington has some of the poorest wards in Allerdale and they will be hugely impacted. This will cost our poorest families a minimum of £1,040 a year - this includes not just those on out of work benefits but for our poorest paid including those on working tax credits.

People are ensuring every penny counts and our poorest families are being hit with this cruel and callous cut. Many families have lost their jobs due to Covid and forced to take poorer paid jobs through no fault of their own. We are seeing the use of foodbanks increasing due to the rocketing supermarket and energy prices. The £20 a week may not sound a lot to many, but others are set to face the choice of heating their homes or having food on the table.

This Council therefore calls on the Chief Executive Officer to write to Mark Jenkinson MP and Trudy Harrison MP voicing this Councils concerns at the removal of the benefit uplift and the impending impact on our most vulnerable Allerdale residents and requesting them to write to the Chancellor of the Exchequer, Rishi Sunak expressing our concerns’.

This was seconded by Councillor P Gaston.

Councillor A Semple was in agreement with the motion and proposed an amendment to the final paragraph in the motion as follows to hold the MPs who voted to account -

‘This Council calls on the Leader to write to Mark Jenkinson and Trudy Harrison MP, to ask them to share their analysis of the impact ending the Uplift will have and what plans are in place to train and upskill people from the deprived areas of Allerdale and Copeland. Council also asks the Chief Executive to write to the Secretary of State for Work and Pensions to ask her to share any impact analysis that has led them to ‘follow the data’ on this decision’.

Councillor A Smith seconded the motion and said it was an attack on working people and families He said ‘coupled with the rise in National Insurance and increase in gas and electric prices this Government is driving people to poverty and mental health issues’.

Councillor P Gorrill said if the motion was agreed he didn’t object to letters being written to the MPS as named and commented it could also include the

MP for Wigton Dr Neil Hudson, or writing directly to the Chancellor however, he felt time would be better spent focusing on actions rather than words. He said a lot of people were experiencing very hard times, as the economy opened up post pandemic, the council needed to be doing everything it could to help, like helping those unemployed find jobs and improving job prospects and work experiences and continuing with the likes of business support services, the regeneration projects and tourism initiatives for the area.

The Mayor extended the time for the item by 15 minutes.

Councillor W Wilkinson said the council had already voted to refuse an increase in councillor allowances, with the increases in gas prices people needed the councils help and he supported the motion and anything else that the council could possibly do.

Councillor M Johnson said the administration had acknowledged the complex social issues that affect many residents and in response had developed the Resilient Communities Strategy, and had started to invest in services that supported those most in need. He said they would continue to support those that provided residents routes out of poverty, and recognise there was no short term fixes. The ten year Council Strategy would be a longer term commitment.

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

In his right of reply Councillor A Semple said he felt that his amendment was going that little bit further than letters in protest and that it was perfectly justifiable, as the local authority, to ask our elected representatives and the Secretary of State these questions.

Councillor I Greaney requested a recorded vote, which was agreed in a vote by those present.

A recorded vote was held on the motion, viz -

In Favour – Councillors Armstrong, Bainbridge, Briggs, Campbell-Savours, Cook, Crouch, Daniels, Fitzgerald, Gaston, Grainger, Greaney, Harrington, Heaslip, Hedworth, Hodgson, Horsley, Johnson, Kemp, Kendall, Lansbury, Lister, Maguire, Markley, Martin, McCarron-Holmes, McGuckin, Sansom, Semple, Smith, Thurlow, Tyson, Wilkinson and Williams.

Against – None

Abstentions – Councillors Gorrill and Stoddart.

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

4. Councillor Markus Campbell-Savours submitted the following motion –

‘This council supports in principle the Keswick community in their quest to see a new leisure centre, complete with modern gym facility and swimming pool.

This council acknowledges the sense of ill feeling within the community towards Allerdale Borough Council, who have closed the pool with no clear plan for its replacement. Subject to the appropriate decision-making process we also recognise our responsibility in delivering a plan for the new facility as quickly as possible and believe it is possible to enter Local Government Reorganisation with a shovel ready plan in a place for the new unitary authority to deliver’.

Councillor Campbell-Savours said ‘It is important that we show the residents of Keswick that not only do we support them but we commit to support a plan as soon as possible therefore this is a positive forward looking motion. The problem we have is there are so many residents in the community that resented the fact that the facility was being closed with no alternative plan in place.

Since the closure was announced I have met with all the regular users who are not happy with the prospect of having no affordable alternative provision within a reasonable distance.

I have heard from residents, with previous experience of working with the Councils leisure contractor, who had strong concerns regarding the information underpinning the decision to close the pool and felt it was incomplete, inadequate and potentially misleading. Remedial costs for repair work seems to come from one quote, from one contractor providing only one option. There are also concerns that an option for retiling the whole pool at a cost of £200k seemed excessive and asked why the option of re-grouting had been overlooked.

Councillor Campbell-Savours said ‘the 2018 report tells us that many issues were known about so why weren’t they actioned if nobody was planning for a replacement.

Councillor Campbell-Savours concluded by asking that Council now moves forward and backs this forward looking motion for the people of Keswick, who he said feel that the town contributes so much from council tax and car parking which represented a sizeable chunk of Allerdale’s annual income’.

This was seconded by Councillor S Lansbury who said she shared the concerns about the decision making process for the closure of the pool.

Councillor Lansbury said ‘the benefits of exercise on mental health and physical health are well documented and we have a high number of residents of Keswick over the age of 60 who really do need to keep moving in a safe environment. The lake is not a suitable place to learn to swim or to exercise for our respected older residents. We could make a centre in Keswick work, with the right approach and the right marketing, we could make a pool break even or even return a surplus. But we need a great deal of creative thinking to host a facility here and it may not look like the traditional idea of a municipal pool. Let us think about combining forces with other agencies, let’s think about facilities where people can meet for toddler groups and old age support and

fitness classes and social interaction. The facility would be for the whole community and for the visitors who provide a living for many of us'. Councillor Lansbury continued, 'let's fully involve our community, get our groups together and work with our environmental partnerships and the Centres for Alternative technology to see how it can be done'.

The Mayor extended the time for the item by a further 10 minutes.

Councillor A Smith moved an amendment for an addition to the end of the motion to read as follows;

'In addition the Councils Overview and Scrutiny Committee will carry out an emergency enquiry in to the decision to close the pool, this will look at the decision making process, the use of delegated power, the key decision criteria and sources of information used and to refer back to the Executive for their consideration'.

The Monitoring Officer advised Council that the call-in option was the mechanism for scrutinising the decisions of the Executive and that had now closed for the decision therefore the amendment was not appropriate. It was advised that the request for a review of the decision making process as a whole could be undertaken by the Constitution Working Group and the Monitoring Officer agreed to write to members to advise following the meeting.

Councillor T Markley said he understood the concerns and passion of the Keswick residents but commented he was not sure what Council were being asked to vote on, he said 'as we have already given a commitment to deliver a plan for a new facility as soon as possible and in consultation with residents in Keswick. Only last week a tender was issued for a comprehensive review for the demand for sporting and leisure facilities. The Tender deadline is 30 September and work on the review would commence as early as 18 October so we are not shirking our responsibilities'.

Councillor T Markley moved an amendment to remove the first sentence of the second paragraph of the motion as he felt it was unnecessarily inflammatory and potentially misleading. Councillor Markley said we want to work with the people of Keswick and moved the amendment to read as follows -

'This Council supports the Keswick community in their quest to see a new leisure centre complete with modern gym facilities and swimming pool. Subject to the appropriate decision-making process we also recognise our responsibility in delivering a plan for the new facility as quickly as possible and believe it is possible to enter Local Government Reorganisation with a shovel ready plan in place for the new unitary authority to deliver'.

This was seconded by Councillor M Johnson.

Councillor M Fitzgerald referred members to page 106 of the Overview and Scrutiny Committee report which confirmed that Scrutiny had already reviewed the decision and resolved to revisit the issue when plans for provision in Keswick were more advanced.

Councillor Fitzgerald said she found the wording in the original motion to be disappointing, as it was a real positive opportunity to work together with the community to find out what the community require and to work together and encouraged residents to take part in the consultation.

Councillor I Greaney raised that when Scrutiny had reviewed the issue last year he had requested a breakdown of all figures associated with leisure services within Allerdale and said he had still not received those.

In his right of reply Councillor M Campbell-Savours said the amendment was to remove the reference to ill feeling and that he didn't see anything wrong with us as an organisation and Council as a whole for acknowledging what's happened. He said the pool was shut without a plan in place and he would not be supporting the amendment.

A vote was taken on the amendment becoming the substantive motion, 12 in favour, 23 against and 0 abstentions. The motion was lost.

A vote was taken on the original motion, 24 in favour, 0 against and 11 abstentions. The motion was carried.

188. Councillor Speeches

Councillor I Greaney made a short speech regarding an incident of fly tipping in his Ward.

The Mayor called a 10 minute break at 8.35pm

The meeting resumed at 8.36pm

189. Announcements from the Mayor, Leader or Head of Paid Service

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

190. Portfolio Holder Reports

Councillor M Johnson moved the Portfolio Holders update report.

Questions were asked around the Planning Services department, an update on the Sports Village, the Gypsy and Traveller Needs Assessment, Keswick Market place, waste and recycling, Allerdale Playing Pitch and Allerdale House and new ways of working.

Councillor G Kemp requested receipt of full invoices and costs for all bin repairs from the contractor, full invoices and costs for all bin repairs from Allerdale Waste Services and asked for assurance that all costs incurred by the Council regarding bin repairs are included in the legal dispute with MGB.

Councillor J Lister agreed to provide a written response following the meeting.

Councillor W Wilkinson left the meeting

191. Executive Minutes

The minutes of the meeting of Executive held on 23 June 2021 were noted.

Councillor J Crouch left the meeting

192. Reference from Audit Committee 13/09/21 - Treasury Management Annual Review 2020/21

This report was considered at Audit Committee on 13 September 2021. Members considered the report and the recommendation.

Councillor A Tyson moved the report as Chair of the Audit Committee.

Resolved – That the contents of the report be noted.

A Gilbert and L Tomlinson left the meeting for the following item

Councillor S Stoddart left the meeting

193. Pay Policy Statement 2021/2022

The Head of Paid Service submitted a report which sought council's approval of an updated Pay Policy Statement to reflect proposed changes from the Chief Executive to the corporate structure and associated remuneration pay levels for Deputy Chief Officers.

Councillor M Fitzgerald moved the recommendations as per the report.
Councillor M Johnson seconded the motion.

Councillor S Lansbury moved an amendment to the motion and requested that the gender pay gap report, which had previously been included in the Pay Policy Statement, be reinstated in this year's document and those going forward.

Councillor A Smith seconded the amendment and also said that his group were not happy with the report, they had lots of questions on the councils recent restructure such as how much had it cost, what were the savings to the Council, how many redundancies had been identified and the associated costs etc which was not detailed in the report.

Councillor Smith said the group could not agree to delegate powers to the Chief Executive as per the recommendation 2.2, when members felt they didn't know what was happening.

Councillor I Greaney agreed there wasn't enough detail within the report and said it should have included any implications on salaries etc.

Councillor M Fitzgerald moved a motion without notice under procedural rule 4.20.10 point e) to adjourn a debate for further information to bring back to Council at a later date.

Councillor Fitzgerald agreed she would look in to the request for inclusion of the Gender Pay Gap report.

The Monitoring Officer requested a short adjournment of the meeting to afford the Statutory Officers time to consider the impact of a deferral.

The Mayor adjourned the meeting at 9.10pm.

Councillors C Armstrong, H Briggs, I Greaney, H Harrington, D Horsley and G Kemp left the meeting.

The Mayor resumed the meeting at 9.32pm.

On the return of the meeting Councillor Fitzgerald withdrew her motion without notice.

Councillor A Smith moved an amendment to recommendation 2.2 in the report to read –

‘That the Constitution be amended as set out at Appendix B, to include a delegation to the Chief Officers Employment Panel in respect of the appointment of Deputy Chief Officers’.

This was supported by Councillor S Lansbury.

A vote was taken for the amendment to become the substantive motion; 23 in favour, 0 against and 1 abstention. The motion was carried.

A vote was taken on the motion; the motion was unanimously agreed.

Resolved

That –

1. The Pay Policy Statement as attached to the report at Appendix A be approved;
2. The Constitution be amended as set out at Appendix B, to include a delegation to the Chief Officers Employment Panel in respect of the appointment of Deputy Chief Officers.

A Gilbert and L Tomlinson rejoined the meeting

194. Local Government Reorganisation

The Chief Officer Governance and Place submitted a report to provide an update on the Local Government Reorganisation in Cumbria process and to seek delegated authority for the Chief Executive to represent the authority's interests in the transitional work required in the project.

Councillor M Johnson moved the recommendations in the report; this was seconded by Councillor A Daniels.

A vote was taken; the motion was unanimously agreed.

Resolved

That –

1. The Chief Executive, in consultation with the Leader, be authorised to represent the authority's position and work with Cumbrian authorities on the implementation of reorganisation, including negotiating the draft Structural Changes Order with MHCLG;
2. A cross-party working group be established comprising two members from each of the Political Groups;
3. Further reports be brought to Council where appropriate.

195. Update from the Overview and Scrutiny Committee

Councillor M Heaslip, Co-Chair of the Overview and Scrutiny Committee moved the update report.

This was seconded by Councillor C McCarron-Holmes.

Resolved

That the report be noted.

The meeting closed at 9.45 pm

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1. From Councillor G Kemp

Councillor G Kemp requested receipt of full invoices and costs for all bin repairs from the contractor, full invoices and costs for all bin repairs from Allerdale Waste Services and asked for assurance that all costs incurred by the Council regarding bin repairs are included in the legal dispute with MGB.

Response from Councillor J Lister

The Council has reported all its expenditure on Bin Repairs and Bin Replacements through the Quarterly Finance reports to Executive and in the published Statement of Accounts for 2020/21.

During the last financial year, the adverse variances reported led to action being taken to address these variances, both through the Revised Budget and through the development and approval of the business case for the service to be undertaken by AWS Ltd.

In addition – the Council continues to publish on its website details of all its monthly spending, and so this information is all available publicly.

The Council will be seeking compensation for the losses experienced by the Council through the on-going contractual discussions

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