

Copeland Working Group – Terms of Reference

1. Copeland Working Group

- 1.1 The Copeland Working Group is formed in accordance with the requirements of the "Implementing Geological Disposal - Working with Communities" policy document (BEIS, December 2018).
- 1.2 The Copeland Working Group is operating in an area covered by the Borough of Copeland, in the county of Cumbria, excluding the area within the Lake District National Park and including the adjacent inshore area off the coast.
- 1.3 The Working Group has been formed in order to begin a conversation with the people in the area to explore any potential for sites to be considered as a location for a Geological Disposal Facility (GDF).
- 1.4 The Working Group comprises Radioactive Waste Management (RWM), interested parties, an independent chair, an independent facilitator and other members as invited to participate - including relevant principal local authorities.
- 1.5 The Working Group will begin to engage with people in the area, identify a Search Area, and consider forming a Community Partnership or Partnerships.
- 1.6 Forming a Working Group does not commit a community to hosting a GDF.

2. Purpose

- 2.1 The purpose of the Copeland Working Group is to:
 - 2.1.1 identify a Search Area, or Areas, (i.e. the geographical area encompassing all the electoral wards within which RWM will be able to search for potential sites for a GDF);
 - 2.1.2 start work to understand the local area and any issues or questions the community within it might have;
 - 2.1.3 identify members of the community who may be interested in working with RWM by joining a Community Partnership or Partnerships.

3. Working Group Membership

- 3.1 The Copeland Working Group will be formed of the interested party(ies), RWM, an Independent Chair and Independent Facilitator. All relevant principal local authorities (i.e. Copeland Borough Council and Cumbria

County Council) must be invited to join the Working Group, but it can still proceed in their absence. The Working Group may want to consider whether it would be beneficial to invite representation from a Local Enterprise Partnership and parish and town councils.

3.2 The Copeland Working Group will consist of the following voting and non-voting members (see section 4.2 for their responsibilities):

3.2.1 **Voting Members**

- (a) Copeland Borough Council (Relevant Principal Local Authority and Interested Party)
- (b) RWM Radioactive Waste Management Limited
- (c) Independent Chair – Mark Cullinan
- (d) Edwin David Faulkner (Interested Party)
- (e) Genr8 North Ltd, represented by Andy Ross and Mark Walker (Interested Party)
- (f) Irton Hall Ltd, represented by Gary Bullivant (Interested Party)
- (g) Copeland District Association of Local Councils (CALC)

3.2.2 **Non-voting Members**

- (a) Independent Facilitator - Community Organisers, Nick Gardham

3.2.3 **Attendees (Non-voting)**

- (a) Independent Evaluator – Traverse

3.3 Membership of the Working Group may be added to at any time. Additional Members can be proposed by any Member of the Working Group. Admission as a Member will be based on the consent of all Members. It will be beholden on new Members to familiarise themselves with the progress made to date.

3.4 Secretariat and administrative support will be provided by RWM initially.

3.5 The Working Group is estimated to be in existence between 6 and 12 months.

4. Roles and responsibilities

4.1 **The Interested Party** can be an individual or an organisation. Where the Interested Party is an organisation, the representative of the organisation shall attend the Working Group and report proceedings and progress of the

Working Group to the Interested Party organisation (including after each meeting of the Working Group). On the formation of the Working Group (and at the start of each meeting of the Working Group), the representative of the Interested Party organisation shall make it clear as to whether or not they have the authority to make decisions and approve actions on behalf of the Interested Party organisation they represent and/or if not, the timing and procedure for obtaining approval of the Interested Party organisation.

- 4.2 **RWM** is responsible for all technical decisions relating to the potential suitability of sites and ensuring the work and processes of the Working Group comply with government policy.
- 4.3 **The Independent Chair** will be accountable to the Working Group in ensuring that they conduct their activities in line with these Terms of Reference.
- 4.4 **The Independent Facilitator** will be accountable to the Working Group in ensuring that they conduct their activities in line with these Terms of Reference and the terms and conditions of their contract.
- 4.5 **The representatives of Copeland Borough Council, the relevant principal local authority**, shall attend the Working Group and report proceedings and progress of the Working Group to their organisation (including after each meeting of the Working Group). On the formation of the Working Group (and at the start of each meeting of the Working Group), the representative shall make it clear as to whether or not they have the authority to make decisions and approve actions on behalf of the relevant principal local authority they represent and/or if not, the timing and procedure for obtaining approval of the relevant principal local authority.
- 4.6 The **Independent Evaluator** will attend meetings of the Working Group as an observer and will review the practical effectiveness of this part of the GDF siting process to help improve future engagement.

5. Meetings

- 5.1 Meetings will take place once a month in person and/or virtually.
- 5.2 The Working Group may arrange other meetings as the need arises.
- 5.3 Sub-groups may be formed to undertake specific tasks outside of the main meetings with the agreement of the full Working Group
- 5.4 The minimum attendance (quorum) at a meeting of the full Working Group is two thirds of the voting members, to nearest whole number. The meeting shall include the Independent Chair or Independent Facilitator subject to paragraph 5.8.
- 5.5 The Independent Chair will produce the agenda with contributions from the other Members of the Working Group.

- 5.6 Dates of meetings (including sub-groups) will be notified in advance to all Members of the Working Group or subgroup, with 14 days' notice, unless otherwise agreed by all Members.
- 5.7 The Independent Chair will manage the meetings.
- 5.8 If the Independent Chair is unable to attend a meeting, the Independent Facilitator will act as the chair for that meeting.
- 5.9 If a member of the Working Group is unable to attend a meeting, they must notify the Secretariat of their absence and/or notify the Secretariat of their nominated deputy at least 2 days in advance, unless otherwise agreed by the Independent Chair.

6. Decision-Making

- 6.1 Decisions will normally be made through consensus between the voting Members; however, where a consensual decision cannot be reached, a vote will be taken.
- 6.2 Each voting Member of the Working Group will be represented by a single vote. Where one voting Member of the Working Group has multiple representatives at a meeting, only one representative will be eligible to vote.
- 6.3 Deputies may be nominated; such deputies will have voting rights transferred to them.
- 6.4 The Independent Chair shall not have a vote except for a casting vote in the event of a deadlock.
- 6.5 The Independent Facilitator will not have the voting right of the Independent Chair if they are deputising for the Independent Chair.

7. Working methods

- 7.1 The Working Group Members will listen to each other's views and opinions and the Members will conduct their affairs in a courteous manner.
- 7.2 All Members of the Working Group will be able to propose agenda items that relate to the purpose of the group; the Independent Chair will determine the relevance and timing of the proposals.
- 7.3 Papers will be sent at least seven days in advance of meetings; Members will notify the Secretariat of their preferred format (for example paper or electronic). If large documents are to be distributed (over 15 pages in length) then a longer notice period should be provided
- 7.4 Working Group Members will be responsible for reading and considering any papers produced for the Group, and each will prepare for each meeting in a manner appropriate to the Working Group methods, including but not limited to undertaking tasks assigned to them in the Minutes.

- 7.5 The Working Group will engage with and aid the work of the Independent Evaluator.
- 7.6 Members of the Working Group should adopt and behave in accordance with the Nolan Principles (The Seven Principles underpinning Public Life). These being: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership.
- 7.7 Members should conduct themselves in a manner that upholds and enhances the reputation of the Working Group

8. Members' interests

- 8.1 Each Member (including, where relevant, its authorised representative(s)) acknowledges that they may have interests arising from the work and decision-making of the Working Group and from the siting process.
- 8.2 Each Member (including, where relevant, its authorised representative(s)) shall disclose their actual and potential interests in accordance with the Declaration of Interest Procedure for the Members of the Copeland Working Group (set out in Schedule A) (the **Procedure**).
- 8.3 Interests are to be declared:
 - 8.3.1 on joining the Working Group
 - 8.3.2 as those interests and any actual or potential conflicts change
 - 8.3.3 if not previously declared, at the beginning of a meeting of the Working Group when a Member has an interest in an agenda item, and
 - 8.3.4 periodically when each Member is asked to confirm the accuracy of their previously declared interests and their adherence to this Procedure.
- 8.4 The Independent Chair shall record and maintain a Members' Register of Interests setting out interests declared and disclosed by each Member (including, where relevant, its authorised representative(s)) in accordance with the Procedure.
- 8.5 The Members' Register of Interests will be kept and maintained by RWM on behalf of the Independent Chair for public viewing in accordance with the Procedure (subject to redaction of personal details where appropriate).
- 8.6 In carrying out its roles (including the commissioning of or carrying out activities contained in the Workplan) the Working Group will consider the requirements of the Public Services (Social Value) Act 2012 along with any local or regional economic vision and socio-economic strategies or plans that apply to the geographical area covered by the Working Group; for example, that relate to employment, education or the environment.

9. Gifts and Hospitality

- 9.1 Any Member who is in receipt of a gift or hospitality with a value of £10 or more which is attributable to their membership of the Working Group, or any offer of any such gift or hospitality, must disclose this to the Secretariat.
- 9.2 Members must decline to accept any gift or hospitality which could reasonably be perceived as creating an obligation on the Working Group, or upon the Member of the Working Group. This obligation does not take primacy over any obligations that Members of the Working Group may have to their employer regarding gifts and hospitality.

10. Sharing of information and resources (including confidential materials)

- 10.1 The Independent Chair will ask the Secretariat to circulate materials on behalf of the Members of the Working Group. Where other Members of the Working Group wish to distribute information, they will do so via the Secretariat.
- 10.2 The Members recognise that the activities of the Working Group are likely to result in a range of data and information to which various legal regimes will apply. Each Member will respect each individual Member's statutory requirements on the sharing, recording and dissemination of data and information during the operation of the Working Group.
- 10.3 The proceedings of the Working Group, including its membership, these Terms of Reference and meeting minutes, will be posted on the Working Group website by the Secretariat
- 10.4 The Independent Chair will be the nominated spokesperson for the Working Group.
- 10.5 Members will not make statements to the press or media or at any public meeting, including via social media, regarding Working Group matters without first having contacted the Communications lead and also having obtained the approval of the Chair. Members will not make public the views of other Members which have been expressed at meetings unless such views form part of the public record of the meeting (e.g. through the minutes).
- 10.6 Members will comply with the Media and Communications Protocol at Schedule [B]

11. Freedom of information

- 11.1 The Members acknowledge that RWM is, and other individual Members of the Working Group may be, subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).
- 11.2 Each Member shall assist and co-operate with the other Members in order to ensure compliance with respective obligations under the FOIA and the EIR.
- 11.3 Where a Member receives any request for information under the FOIA or the EIR which relates to geological disposal, the Member shall notify the other Members of the Working Group as soon as is reasonably possible, and thereafter consult with other Members of the Working Group in relation to any proposed response to such request and prior to the release or withholding of any requested information.

12. Expenses and Costs

- 12.1 The costs of administering the Working Group meetings, as agreed in advance with RWM, will be met through Engagement Funding.
- 12.2 The costs of publicising the activities of the Working Group and any additional support it might need to fulfil its purpose, as agreed in advance with RWM, will be met through Engagement Funding.
- 12.3 The reasonable and proper expenses of individuals participating in the Working Group meetings will be reimbursed by RWM in line with the RWM Expenses Procedure.
- 12.4 Relevant principal local authorities will receive financial support from RWM to participate throughout the process including as a member of the Working Group. The mechanism for the recovery of costs will be subject to an agreement between RWM and the authority
- 12.5 The roles of Independent Chair, Independent Facilitator and Independent Evaluator will be remunerated and subject to separate agreements between RWM and the relevant parties.

13. Dispute Resolution

- 13.1 The Members will use their reasonable endeavours to resolve any disagreement that may arise in relation to these Terms of Reference and or in relation to the operation and work of the Working Group.

13.2 The Members will work together to discuss any areas of disagreement and use reasonable endeavours to reach a compromise and resolution to disagreements in an efficient and timely manner.

13.3 The Members acknowledge the need to take a proportionate approach to the resolution of disagreements, taking into account the needs of the community and the wider objectives of the siting process.

14. Review

14.1 These Terms of Reference will be reviewed every 3 months by Members of the Working Group.

Schedule A

Declaration of Interest Procedure for the Members of the Copeland Working Group

In order to comply with Working Group's Declaration of Interests Procedure (the Procedure), a Member must register their interests within 10 days of becoming a Member.

Note – A Member must, within 28 days of becoming aware of any new interest or change to any interest already registered, register details of that new interest or change by completing this Declaration of Interest Form and submitting it to the Working Group secretariat.

Important Notes – The form may be completed electronically with a scanned signature.

In this document:

- *'Interest' or 'interests' are to be widely construed – see the Principles of Disclosure below for help in deciding what to declare, particularly Section C*
- *'Member' includes both a non-voting Member and an Authorised Representative of an organisation that is a Member*

If in doubt about whether or not something should be declared, you are urged to err on the side of openness and avoid the risk of not registering something in error.

*Please read the **Principles for Disclosure** set below to help you decide the interests you should declare.*

Principles for Disclosure

The following Principles do not form part of the Declaration of Interests Procedure but are designed to give guidance where required and to help you decide what interests you should declare in compliance with the Procedure.

- A.** The Working Group represents an early stage of what may become a multi-billion-pound infrastructure investment funded with public money that will provide skilled jobs and benefits to the community that hosts it for more than 100 years. As such, we need to act in such a way that –
 - a. Maintains public trust in the project
 - b. Avoids any suggestion that personal interests have influenced decisions of the Working Group
 - c. Avoids the risk of reputational harm to you, other members of the Working Group and to the project as a whole.

- B.** We should comply with the Nolan Principles of Public Life, which include the obligation to –
- a. not act or take decisions in order to gain financial or other material benefits for ourselves, our family or friends
 - b. disclose and resolve any interests and relationships
 - c. be accountable to the public for our decisions and actions and submit ourselves to the scrutiny necessary to ensure this
 - d. act and take decisions in an open and transparent manner
- C.** Declare all interests you may have in the work and decision-making of the Working Group and from the siting process, not just those interests that you may think give rise to a conflict. An interest may be –
- a. direct or indirect
 - b. general or specific
 - c. your interest or the interest of your Spouse/Partner, or
 - d. any other interest of you, your family or other persons connected with you which an objective member of the public might reasonably consider should be disclosed as being relevant to decisions to be taken by the Working Group.
- D.** A person connected with you will be someone with whom you have a close personal or financial relationship - normally a member of your family or household, a close friend or business associate. It is for you to decide who your connected persons may be and whether their interests should be declared as if they were your interests.
- E.** Personal details of your family members and other persons connected with you will be redacted from the published register of interests.
- F.** You are not required to declare an interest of which you are not aware – but you will be treated as being aware of interests of which you ought reasonably to be aware: you cannot turn a blind eye to something that a reasonable person would think you should have asked about.
- G.** If you are a member of another Working Group, you should declare that membership as an interest.
- H.** Interests should be declared by all members of the Working Group whether they are voting or non-voting members.
- I.** An interest may appear so small or indirect as not to be material and not worth declaring. Often the person with the interest is not best placed to make a decision whether the interest is material or not. The safest option will be to declare all interests and to let others decide on their materiality.

J. Not every interest that is declared will give rise to a conflict. Where there is an actual or potential conflict, in many cases it may be sufficiently dealt with by declaring and registering the interest.

If you have any difficulty completing any part of this form please contact RWM's Community Engagement Manager (or your employer if relevant) for advice.

NAME OF MEMBER:

(please print)

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.....

I GIVE NOTICE that I have the following interests as are required to be registered by the Copeland Working Group Declaration of Interest Procedure.

*(Please do not leave any boxes blank. If not appropriate, please state **NONE**)*

DISCLOSABLE INTERESTS

These are your interests within the following descriptions .

1. Details of any employment, office, trade, profession or vocation carried out for profit or gain. This should include roles with local authority organisations (e.g. unitary, county, district or parish councils for which 'expenses' may be recoverable).

Details of interest

2. Details of any contract which is made between you (or a body in which you have a beneficial interest) and RWM, the Nuclear Decommissioning Authority (NDA) or any of the NDA's other subsidiaries under which goods or services are to be provided or works are to be executed.

Details of interest

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3. Details of any beneficial interest in land which is within the area under consideration by the Working Group (**includes your home if it lies within the area under consideration**).

Details of interest

4. Details of any tenancy where (to **your** knowledge) –
- (a) The landlord is RWM, the NDA or any of the NDA's other subsidiaries; and
 - (b) You (or a body in which you have an interest) are the tenant.

Details of interest

5. Details of any beneficial interest in the shares of a company where
- (a) That company (to **your** knowledge) has a place of business or land which is within the area under consideration by the Working Group; and
 - (b) Either –
 - (i) The total nominal value of the shares in which you have an interest exceeds £25,000 or one hundredth of the total issued share capital of that company; or
 - (ii) If the share capital of that company is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Details of interest

6. Details of any other interests that you have which an objective member of the public might reasonably consider should be disclosed as being relevant to decisions to be taken by the Working Group. See the **Principles for Disclosure** set out at the end of this document to help you decide the interests you should declare.

Details of interest

OTHER REGISTRABLE INTERESTS

These interests relate to you alone and are what the Working Group has determined should be entered into the register of interests

7. Details of any body of which you are a member, or in a position of general control or management, and which
- (a) Exercises function of a public nature;
 - (b) Is directed towards charitable purposes; or
 - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties and trade unions).

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I confirm that I have the interest(s) detailed in the table above and confirm that I will comply with the instructions of the Chair of the Working Group in accordance with the Terms of Reference and the *GDF Siting Process: Working Group, Declaration of Interest Procedure*.

Signed:..... Dated:18th May 2021

Signed:

Dated:

(RWM Community Engagement Manger)

All alterations (Additions or Deletions) to the Declaration of Interests made are to be entered below.

Date of Notification	Section amended	Amendment (Addition or Deletion)	Noted by RWM Community Engagement Manager