

# Copeland GDF Working Group –Terms of Reference

## 1. Copeland GDF Working Group

- 1.1 The Copeland GDF 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 GDF 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 to 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 GDF 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 GDF 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 GDF 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, ideally 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 should notify the Secretariat of their absence and/or notify the Secretariat of their nominated deputy at the earliest opportunity, preferably 2 days in advance

## **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 will not normally be expected to vote on matters but will have 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 Where a Member has a direct or indirect interest in a matter arising at a meeting of the Working Group, and/or in relation to a Member's wider involvement in the siting process or Working Group, the relevant Member shall disclose such actual or potential interest in accordance with the Declaration of Interest Procedure for the Members of the Copeland GDF Working Group (set out in Schedule A) (the **Procedure**).

8.3 All Members of the Working Group are responsible for complying with the Procedure.

8.4 The Independent Chair shall record and maintain a Members' Register of Interests setting out interests declared and disclosed by the Members in relation to the work and decision-making of the Working Group and/or in relation to a Member's wider involvement in the siting process.

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.

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, the Member 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 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 this 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

### UNDER REVIEW

#### Declaration of Interest Procedure for the Members of the Copeland GDF Working Group (the "Procedure")

In this Procedure, the term "Member" includes where relevant its authorised representative(s).

##### Introduction

Managing actual, potential or perceived conflicts of interest is a key and necessary part of the day to day activities of the Working Group to ensure that stakeholders have confidence in the siting process set out in the UK<sup>1</sup> or Welsh<sup>2</sup> Government Working with Communities Policy (the "**Siting Process**").

Each individual member of the Working Group ("**Member**") has a personal responsibility to consider whether they have any direct or indirect interest(s) which may have the potential to impact on the integrity, transparency and openness of the Siting Process, and to declare any such interests without delay.

Actual, potential or perceived conflicts of interest could arise in any area of the Working Group's activities, for example as a result of RWM entering into commercial arrangements with a third party to support the Siting Process.

The NDA Code of Conduct, which has been adopted by RWM, provides that the organisation does not tolerate instances of bribery, corruption or fraud and encourages early consideration of circumstances which may give rise to an actual or potential conflict of interest. RWM is obliged to ensure that the manner in which it implements this Procedure reflects that Code of Conduct.

Members are required to declare all direct and indirect interests they may have in the work and decision-making of the Working Group and from the siting process, not just those interests that a Member may consider give rise to a conflict. Transparency and openness in this area are of crucial importance to ensure that undeclared interests do not undermine the actions and decisions of the Working Group and the Siting Process. The test is not whether the Member considers there to be a conflict of interest but whether or not another person would consider that there is a conflict of interest.

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<sup>1</sup> Implementing Geological Disposal – Working with Communities: An Updated Framework for the Long-Term Management of Higher Activity Radioactive Waste (Dec 2018)

<https://www.gov.uk/government/publications/implementing-geological-disposal-working-with-communities-long-term-management-of-higher-activity-radioactive-waste>

<sup>2</sup> Geological Disposal of Higher Activity Radioactive Waste: Working with Communities (2019)

<https://gov.wales/geological-disposal-higher-activity-radioactive-waste-guidance-communities>

Conflicts of interest can lead to decisions and actions that are not in the best interests of the Working Group or the Siting Process or are vulnerable to challenge. The purpose of this Procedure is to identify conflicts of interest to enable the Chair to take action to prevent them from affecting decision-making.

## **Requirement**

Each Member is required to declare any direct or indirect interest they may have in the work and decision-making of the Working Group and in the siting process. (See “*What is an Interest?*” below for examples of interests that should be declared.)

Members must make this declaration at the outset of their appointment to the Working Group and as those actual and potential interests change and new interests arise. Declarations of interest will also be an agenda item at meetings of the Working Group.

The Independent Chair of the Working Group (the “**Chair**”) shall review all declarations of interest and decide whether any declared interests amount to an actual or potential conflict of interest and should prevent a Member from participating in the discussion and/or decisions on a particular agenda item at each meeting and/or receiving papers relating to that item. The minutes of the meeting shall record the declaration of interest and the action taken by the Independent Chair. The decision of the Chair shall be binding.

In the case of declarations of interest by the Chair, such review and decision shall be carried out collectively by the other members of the Working Group acting by majority vote.

The obligation to declare a direct or indirect interest is an ongoing requirement and Members should declare any interest which arises during their involvement with the Working Group and the Siting Process, either because the Member acquires a new interest or because a particular agenda item or topic for consideration gives rise to a new conflict of interest, whether actual or potential.

## **What is an interest?**

An interest can be direct or indirect and can include any interest (whether financial or otherwise) of the Member or of any of the Member’s connected persons. A non-exhaustive list of examples includes:

- employment, office, trade, profession or vocation carried on for pecuniary benefit;
- any contract to which the Member is party (or has an interest in the body which is party) connected with the Siting Process and/or RWM;
- any interest (or beneficial interest) in land which has the potential to be affected by the Siting Process;
- shareholding in any company which has the potential to be affected by the Siting Process;
- management or control of any organisation (including charitable bodies) which has the potential to be affected by the Siting Process, e.g. any organisation which may tender for contracts or be in receipt of grant funding.

A “*connected person*” is someone with whom the Member has a close personal or financial relationship. This will normally be someone who is part of the Member’s family or household, a close friend or business associate.

It is for each Member to decide who their connected persons may be. The group may change from time to time, but a Member's "*family*" will usually include the Member's partner or spouse, someone who shares the same household, the Member's parents and parents in law, children and their partners (including step children), siblings (including step siblings and half siblings) and grandparents and grandchildren.

An interest that needs to be declared is, therefore, widely defined, but a Member is not required to declare an interest of which the Member is not aware. For these purposes, a Member will be treated as being aware of interests of which they ought reasonably to be aware.

A Member's obligation of confidentiality to a third party does not excuse a failure to declare an interest. Members should avoid giving commitments to confidentiality which might prevent them making required declarations of their interests. Where a commitment to confidentiality has already been entered into, the Member must either secure the third party's agreement to waive the confidentiality and so allow the declaration to be made, or make the fullest possible declaration in a way that does not breach the confidentiality.

### **What is a conflict of interest?**

A conflict of interest may occur if the Member's, or their connected persons', personal interests (whether financial or otherwise), activities or loyalties, or duties to another organisation could, or could be seen to, compete with their obligations to the Working Group or affect their ability to make objective decisions as a member of the Working Group. Conflicts of interest are not always obvious and should be judged by considering whether an impartial observer might reasonably question whether the actions of the Member are influenced by considerations of private interest. For this reason, all interests must be declared and the judgment of whether a conflict arises should be left to the independent Chair.

There are expected to be a number of interests which will be declared by Members in the normal course of the Working Group's existence. The declaration of those interests will not necessarily preclude the Member from taking part in the Working Group. It is important, nonetheless, that the interests are declared as a matter of good governance and in order that stakeholders can have confidence in the Siting Process.

For example, employment or membership of an organisation that the Member has been appointed to represent must be declared as an interest. Generally it will not be considered to present any actual, potential or perceived conflict of interest, although there will be some situations where an actual, potential or perceived conflict does arise and the Chair may consider it proper for the Member to absent themselves from the discussion and/or abstain from voting.

### **Procedure**

All Members should complete the Declaration of Interests Form included in **Appendix 1** to this Procedure once every six and submit this to the Chair and the Secretariat. If there is a change in those interests or new interests arise, the Member should submit a new declaration as soon as possible after they become aware of the relevant change or interest.

In accordance with good practice, the Chair will maintain a register of interests using the form in **Appendix 2**. The register of interests will be updated regularly as new declarations are made and will be subject to a review at least once per year. In order to deliver on RWM's commitment to transparency, the register of interests will be published (personal details will be redacted).

The Chair shall consider in advance of each meeting whether any declarations made by Members give rise to conflicts of interest for the business of that meeting. If the Chair considers that the interest gives rise to an actual, potential or perceived conflict of interest, the Chair can direct the member to absent themselves from the discussion and/or abstain from voting and the member will respect the Chair's decision and the decision shall be minuted. Other actions or guidance may be considered appropriate, for example the Chair might direct that the Member shall not be supplied with relevant papers for the meeting. The Chair could also address a perceived conflict by writing to a third party to clarify the involvement of a particular individual which raises a concern

For any declaration of interest made by the Chair, the other Working Group Members shall determine by majority whether any conflict of interest arises and whether to direct the Chair to absent themselves from the discussion and/or abstain from voting and their decision shall be minuted.

### **Declaration**

All members of the Working Group must make a declaration once every six months or as soon as possible after becoming aware of a relevant change or new interest, using the form in Appendix 1, stating either: "NOTHING TO DECLARE" OR "POINT TO DECLARE" and email this to the Chair and the RWM Community Engagement Manager. The Chair shall make the same declaration and email it to the other Members of the Working Group and the RWM Community Engagement Manager.

**Schedule A**

**APPENDIX 1**

Working Group  
Declaration of Interest Form

Working Group Name  
Name of Member  
Organisation (if applicable)

Interest	Direct Interest / Connected Person & relationship	Comment	Date Interest first declared	Date Interest declaration renewed
<i>Describe the Interest</i>	<i>Is it a direct interest of the member or a connected person (describe relationship with connected person)</i>	<i>Any additional comments</i>	<i>Insert date</i>	<i>Insert all dates declaration renewed</i>

Please delete\* as applicable

\*I confirm that I have no pecuniary or other personal interest, direct or indirect that may raise a conflict with my responsibilities as a member of the Working Group.

or

\*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/Members\* of the Working Group in accordance with the Terms of Reference and the *GDF Siting Process: Working Group, Declaration of interest Procedure*.

Name \_\_\_\_\_  
 \_\_\_\_\_  
 Organisation \_\_\_\_\_  
 Date \_\_\_\_\_

**Schedule A**

**APPENDIX 2**

Working Group: Register of Interests  
 [Insert Name of Working Group]

Name of Working Group member	Interest	Direct Interest / Connected Person & relationship	Comment	Date Interest first declared	Date Interest declaration renewed
<i>Insert name of member</i>	<i>Describe the Interest</i>	<i>Is it a direct interest of the member or a connected person (describe relationship with connected person)</i>	<i>Any additional comments</i>	<i>Insert date</i>	<i>Insert all dates declaration renewed</i>

