



## BARROW BOROUGH COUNCIL

TOWN HALL  
DUKE STREET  
BARROW-IN-FURNESS

3rd October, 2011

To: The Members of Barrow Borough Council

Mr Mayor, Ladies and Gentlemen

You are hereby summoned to attend a meeting of BARROW BOROUGH COUNCIL to be held in the COUNCIL CHAMBER at the TOWN HALL, BARROW on TUESDAY the 11th day of OCTOBER, 2011 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Chief Executive

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Prior to the business of the meeting, Prayers will be offered.

### Business

1. DECLARATIONS OF INTEREST. A Member with a Personal Interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose:-
  - (1) the existence of that interest to the meeting;
  - (2) the nature of the interest concerned; and
  - (3) decide whether they have a prejudicial interest.

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed will be available at the meeting.
2. MINUTES. To confirm the Minutes of the Council's proceedings held on 19th July, 2011.
3. TO RECEIVE APOLOGIES FOR ABSENCE
4. ANNOUNCEMENTS – To receive any announcements from the Chairman, Leader or Head of Paid Service.

**To expedite the business of the meeting, Members are requested to give the Chief Executive adequate notice of any Amendments which they propose to raise.**

5. (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS:-

- (1) Planning
- (2) Licensing
- (3) Executive
- (4) Audit

(B) QUESTIONS TO THE LEADER OF THE COUNCIL

Council has agreed that time be set aside for questions to the Leader of the Council.

Standing Order 10.2 and 10.4 set out the procedure for questions to the Leader and the notice period required.

The Leader will also take any questions without notice relevant to the reports and minutes detailed on the agenda.

6. TO PASS THE FOLLOWING RESOLUTION, THAT IS TO SAY:

That the Council authorises the fixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

## **BOROUGH OF BARROW-IN-FURNESS**

THE ANNUAL MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 7.00 p.m. on Tuesday the 19th day of July, 2011 to take into consideration and determine upon the following subjects, namely: -

1. - DECLARATIONS OF INTEREST (IF ANY).
2. - MINUTES.
3. - TO RECEIVE APOLOGIES FOR ABSENCE.
4. - ANNOUNCEMENTS.
5. - (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS.
  - (1) PLANNING
  - (2) LICENSING
  - (3) EXECUTIVE
  - (4) AUDIT

(B) QUESTIONS TO THE LEADER OF THE COUNCIL.

(C) TO RECEIVE A REPORT ON THE PROCEEDINGS OF THE STANDARDS COMMITTEE.
6. - OVERVIEW AND SCRUTINY COMMITTEES' ANNUAL REPORT.
7. - TO ORDER THE COMMON SEAL TO BE AFFIXED TO DOCUMENTS.

PRESENT:- Councillor Murphy (Mayor in the Chair) and Councillors Barlow, Biggins, Burns, Callister, Cassidy, Derbyshire, Doughty, Garnett, Graham, Guselli, Hamilton, Husband, Irwin, Johnston, R. McClure, W. McClure, McKenna, Maddox, Murray, Opie, Pemberton, Pidduck, Pointer, Preston, Richardson, Roberts, Seward, Sweeney, C. Thomson, M. A. Thomson, Thurlow, Wall, Williams and Wilson.

The meeting was opened with prayers by the Mayor's Chaplain.

### **21 – Declarations of Interest**

Councillor Burns declared a personal interest in any items relating to Cumbria County Council as she was a Member of that Council.

Councillor Guselli declared a personal interest in Minute No. 6 of the Audit Committee meeting held on 7th July, 2011 (Benefits Service Inspection) as he was a landlord in receipt of housing benefit for his Tenants. He also declared a personal interest in any matters relating to Cumbria County Council as he was a Member of that Council.

Councillor Hamilton declared a personal interest in any items relating to Cumbria County Council as he was a Member of that Council.

Councillor R. McClure declared a personal and prejudicial interest in Minute No. 87 of the Planning Committee meeting held on 28th June, 2011 (Former Presbyterian Church, School Street, Barrow-in-Furness) as he owned the property adjacent to the church on the same land.

Councillor W. McClure declared a personal and prejudicial interest in Minute No. 87 of the Planning Committee meeting held on 28th June, 2011 (Former Presbyterian Church, School Street, Barrow-in-Furness) as she owned the property adjacent to the church on the same land.

Councillor Murray declared a personal interest in Minute No. 86 of the Planning Committee meeting held on 28th June, 2011 (6 Dalkeith Street, Barrow-in-Furness) as he runs a taxi business in Dalton.

Councillor Roberts declared a personal interest in any items relating to Cumbria County Council as he was a Member of that Council.

Councillor Williams declared a personal interest in Minute No. 6 of the Audit Committee meeting held on 7th July, 2011 (Benefits Service Inspection) as he was a private landlord.

## **22 – Minutes**

The Minutes of the meeting of the Council held on 17th May, 2011 were taken as read and confirmed.

## **23 – Apologies for Absence**

An apology for absence was submitted from Councillor Bell.

## **24 – Announcements**

### Retirement of Mayoral Driver/Steward

The Mayor informed the Council that Paul West, the Mayoral Driver/Steward would be retiring after 27 years service on 31st August, 2011. He requested Members to join him in a round of applause to thank Paul for his hard work and commitment during his 27 years service.

## **REPORTS OF COMMITTEES**

### **25 – Planning**

It was moved by Councillor M. A. Thomson, and

RESOLVED:- That the meetings of the Planning Committee held on 5th and 26th April, 24th May and 28th June, 2011 be received.

## **26 – Licensing**

It was moved by Councillor Callister, and

RESOLVED:- That the meetings of the Licensing Committee held on 24th March, 19th May and 23rd June, 2011 be received.

## **27 – Executive**

It was moved by Councillor Pidduck and seconded by Councillor Callister that the report of the meetings of the Executive Committee held on 25th May and 6th July, 2011 be received and that each of the recommendations contained therein be adopted.

It was further moved by Councillor Guselli and seconded by Councillor Richardson that an amendment be made in respect of the report for 93 Dalton Road, Barrow-in-Furness. He moved that this item be referred back to the Executive Committee for their re-consideration.

The amendment was voted upon and declared lost with 7 Members voting in favour and 28 against.

RESOLVED:- That the report of the meetings of the Executive Committee held on 25th May and 6th July, 2011 be received and that each of the recommendations contained therein be adopted.

## **28 – Audit**

It was moved by Councillor Burns, and

RESOLVED:- That the report of the meeting of the Audit Committee held on 7th July, 2011 be received.

## **29 – Questions to the Leader of the Council**

Two questions had been submitted to the Leader of the Council under notice as required by Standing Orders 10.2 and 10.4 as follows:-

1. Councillor Guselli questioned what the Labour Group's current plans were for developing apprenticeships within the Borough. He further added that Copeland Borough Council had hoped to create 45 apprenticeships within an 18 month period which would be 60% funded via the Working Neighbourhood Fund. He asked if the Leader would support him by endorsing a similar proposal to go to the next meeting of the Executive Committee.

2. Councillor Richardson asked whether the Leader was aware that “Office Busters Limited”, a company in Roose Road selling economy furniture and office equipment had ceased trading as a result of what they considered unfair competition. One of the contributing factors in the closure of that company was that in April 2011 it had been reported that a Member of the Council had negotiated for more than 500 items of office furniture from the former Tax Office in Furness House to be transferred to the Arc Recycling Centre in Salthouse Road, free of charge enabling Arc to offer furniture at prices below other competitors in the Borough, giving them an obvious commercial advantage. He asked if the Leader would agree with him that this matter had been badly handled, was not in the best interests of the Borough and should be investigated to ensure that in future, the viability of local companies was not jeopardised by what appeared to have been the tacit approval of Members of the Borough Council. He further added that, in the past, it had been put out to tender and questioned if the timing of the decision (pre-election) raised questions about motivation. He asked if the Leader thought an enquiry would be appropriate.

The Leader responded to the questions by Members and addressed the concerns raised.

### **30 – Report of the Standards Committee**

It was moved by the Mayor, and

RESOLVED:- That the report of the meeting of the Standards Committee held on 7th July, 2011 be received.

### **31 – Overview and Scrutiny Committees’ Annual Report**

The Policy Review Officer had submitted a report detailing the work undertaken by the Overview and Scrutiny Committees in 2010/11 and the Work Programme for 2011/12.

It was moved by Councillor Roberts and seconded by Councillor R. McClure, and

RESOLVED:- That the Annual Report from the Overview and Scrutiny Committees be accepted.

### **32 – Common Seal**

RESOLVED:- That the Council authorises the affixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

The meeting closed at 7.45 p.m.

<b>COUNCIL</b>	<b>Agenda Item 5(A)(1)</b>
Date of Meeting: 11th October, 2011	
Reporting Officer: Chief Executive	
<p><b>REPORT OF THE PLANNING COMMITTEE</b>  <b>(Report of the meetings held on 26th July and 20th September, 2011)</b></p> <p><b>Recommendations:</b></p> <p>There were no recommendations referred to Council from the meetings.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Planning Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meetings noted above reproduced in Volume 2 2011/12 of the printed Minutes.</p>	

<b>COUNCIL</b>	<b>Agenda Item 5(A)(2)</b>
Date of Meeting: 11th October, 2011	
Reporting Officer: Chief Executive	
<p><b>REPORT OF THE LICENSING COMMITTEE</b>  <b>(Report of the meetings held on 28th July and 8th September, 2011)</b></p> <p><b>Recommendations:</b></p> <p>There were no recommendations referred to Council from the meetings.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Licensing Committee in exercise of its terms of reference are detailed in the Minutes of the meetings reproduced in Volume 2 2011/12 of the printed Minutes.</p>	



<b>COUNCIL</b>	<b>Agenda Item 5(A)(3)</b>
<b>Date of Meeting: 11th October, 2011</b>	
<b>Reporting Officer: Chief Executive</b>	

**REPORT OF THE EXECUTIVE COMMITTEE  
(Report of the meetings held on 20th July and 21st September, 2011)**

**Recommendations:**

The following recommendations have been referred to Council.

**Executive Committee – 20th July, 2011**

**1.0 Amendment to the Council's Constitution**

1.1 The Monitoring Officer reported that the Committee at its meeting on 25th May the Leader of the Council had requested the Chief Executive to prepare a report amending the Council's Constitution as follows:-

- (1) The Leader of the Council shall be the Chairman of the Executive Committee; and
- (2) The Deputy Leader of the Council shall be the Vice-Chairman of the Executive Committee.

The Constitution of the Council would now be amended for these changes to take effect.

Part 2, Article 2.02 of the Constitution now reads:-

**Key Tasks**

- (a) To act as Chairman of the Executive Committee; and
- (b) The Deputy Leader of the Council will act as Vice-Chairman of the Executive Committee.

**1.2 Recommendation:-**

**To recommend the Council to agree the amended roles of the Leader and Deputy Leader of the Council.**

## **Executive Committee – 21st September, 2011**

### **2.0 Housing Maintenance Contract 2011/15**

2.1 The purpose of the Housing Manager's report was to agree the appointment of a Contractor following the re-tendering of the above Contract.

The Contract covers services to Council Tenants and leaseholders including routine maintenance works, repairs to void property, out of hours emergency response service and gas servicing and repairs.

The term of the Contract is four years with an option to extend for a further two years based on satisfactory performance. The current Contract arrangements are due to end on 4th November, 2011.

### **2.2 Recommendation:-**

**To recommend the Council to appoint Vinci Facilities Ltd to deliver the Housing Maintenance Contract from 5th November, 2011 for a period of four years.**

### **3.0 Housing Establishment**

3.1 The purpose of the Housing Manager's report was to consider staffing implications within the Housing Establishment.

### **3.2 Recommendation:-**

**To recommend the Council**

- (i) To agree that Post No. OHS 097 be continued on a revised job description, as outlined in the report and that Post No. OHS 330 be deleted;**
- (ii) To consider further the implications of TUPE as information becomes available and the staff to which it may apply; and**
- (iii) To agree to issue all staff indicated in the Housing Manager's report, notice that their posts had been identified as 'at risk' and that the Council's redundancy policy would apply.**

#### **4.0 Reviewing the Member Development Strategy**

4.1 The Member Training Working Group had revised the Strategy document and referred to Executive Committee for approval. A copy of the revised Strategy was considered by the Committee.

#### **4.2 Recommendation:-**

**To recommend the Council to approve the revised Member Development Strategy.**

#### Delegated Decisions

The matters determined by the Executive Committee in exercise of its terms of reference are detailed in the Minutes of the meetings reproduced in Volume 2 2011/12 of the printed Minutes.

<b>COUNCIL</b>	<b>Agenda Item 5(A)(4)</b>
<b>Date of Meeting: 11th October, 2011</b>	
<b>Reporting Officer: Chief Executive</b>	

**REPORT OF THE AUDIT COMMITTEE  
(Report of the meeting held on 29th September, 2011)**

**Recommendations:**

There were no recommendations referred to Council from the above meeting.

Delegated Decisions

The matters determined by the Audit Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meeting noted above reproduced in Volume 2 2011/12 of the printed Minutes.