



BARROW BOROUGH COUNCIL

TOWN HALL
DUKE STREET
BARROW-IN-FURNESS

12th July, 2010

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 20th day of JULY, 2010 COMMENCING AT 7.00 PM for the transaction of the business specified below.

Chief Executive

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 accompanies the agenda and reports for this meeting.
2. MINUTES. To confirm the Minutes of the Council's proceedings held on 18th May, 2010
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. APPOINTMENT OF MEMBERS TO COMMITTEES.
6. (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.
- (C) TO RECEIVE A REPORT ON THE PROCEEDINGS OF THE STANDARDS COMMITTEE.
7. OVERVIEW AND SCRUTINY COMMITTEES ANNUAL REPORT.
8. 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.

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.

BOROUGH OF BARROW-IN-FURNESS

THE ANNUAL MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 2.00 p.m. on Tuesday the 18th day of May, 2010 to take into consideration and determine upon the following subjects, namely: -

- 1 - TO ELECT THE CHAIRMAN AND MAYOR FOR THE ENSUING YEAR.
- 2 - TO ELECT THE VICE-CHAIRMAN AND DEPUTY MAYOR FOR THE ENSUING YEAR.
- 3 - (A) VOTE OF THANKS TO THE EX-CHAIRMAN AND MAYOR AND RETIRING CONSORT.
(B) PRESENTATION OF FORMER MAYOR'S MEDAL.
- 4 - DECLARATIONS OF INTERESTS.
- 5 - TO CONFIRM THE MINUTES OF THE COUNCIL MEETING HELD ON 23RD MARCH 2010.
- 6 - APOLOGIES FOR ABSENCE.
- 7 - TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE.
- 8 - TO ELECT THE LEADER OF THE COUNCIL.
- 9 - TO APPOINT THE FOLLOWING COMMITTEES
 - (1) Executive
 - (2) Planning
 - (3) Licensing
 - (4) Overview and Scrutiny – Regeneration and Community Services
 - (5) Overview and Scrutiny – Corporate Services
 - (6) Audit
 - (7) Standards

- 10 - TO AGREE THE TERMS OF REFERENCE OF THE ABOVE COMMITTEES AND THE SCHEME OF DELEGATION FOR COMMITTEES AND OFFICERS.
- 11 - TO FIX THE DATE AND TIME OF THE ANNUAL MEETING OF THE COUNCIL IN 2011 AND CERTAIN OTHER DATES FOR COUNCIL AND COMMITTEE MEETINGS IN 2010/2011.
- 12 - TO RECEIVE A REPORT FROM THE CHIEF EXECUTIVE ON A REVIEW OF THE REPRESENTATION OF THE DIFFERENT POLITICAL GROUPS OF THE COUNCIL ON COMMITTEES AND TO DECIDE,
 - (i) The size of Committees
 - (ii) The allocation of the substitute seats to political groups, and
 - (iii) Delegate to Committees the power to make appointments to outside bodies appropriate to their terms of reference.
- 13 - TO RECEIVE NOMINATIONS AND APPOINT COUNCILLORS (AND SUBSTITUTES) TO SERVE ON COMMITTEES AND SUB-COMMITTEES.
- 14 - TO APPOINT THE CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES.
- 15 - TO APPOINT THE CHAIRMAN AND MEMBERS OF THE HOUSING MANAGEMENT FORUM.
- 16 - TO APPOINT THE FOLLOWING OFFICIAL SPOKESPERSONS:-
 - (i) Cultural Heritage
 - (ii) Economic Development/Regeneration
 - (iii) Environment and Planning
 - (iv) Housing
 - (v) Licensing
 - (vi) Member Development and Human Resources
 - (vii) Children and Young People
 - (viii) Equalities and Diversity
 - (ix) Health and Safety

PRESENT:- Councillor Dawes (Mayor in the Chair) and Councillors Barlow, Bell, Biggins, Callister, Doughty, English, Flitcroft, Garnett, Guselli, Hamezeian, Hammond, Heath, Husband, Irwin, James, Jefferson, McClure, McEwan, Maddox, Maltman, Marcus, Murphy, Pidduck, Pointer, Richardson, D. Roberts, M. A. Roberts, Stephenson, Sweeney, C. Thomson, M. A. Thomson, Unwin, Waiting, Williams and Wood.

The meeting was opened with prayers by the Mayors Chaplain.

1 – Mayors Announcement – Barrow A.F.C.

The Mayor, on behalf of Barrow-in-Furness Borough Council congratulated Barrow A.F.C. on winning the F.A. Trophy on 8th May, 2010.

2 – Election of Chairman and Mayor for 2010/2011

The Chairman invited nominations for the office of Chairman and Mayor for the ensuing year.

The nomination of Councillor Rory McClure was moved by Councillor Richardson and seconded by Councillor Guselli.

The nomination of Councillor John David Murphy was moved by Councillor Pidduck and seconded by Councillor Garnett.

It was further moved by Councillor Pidduck and duly seconded that a named voted be taken.

Being no further nominations the named vote was recorded as follows:-

Those in favour of Councillor R. McClure for Chairman and Mayor for 2010/2011, 18, namely:- Councillors Bell, Dawes, English, Flitcroft, Guselli, Hammond, Heath, James, Jefferson, McClure, Maltman, Marcus, Richardson, D. Roberts, Stephenson, Unwin, Williams and Wood.

Those in favour of Councillor J. D. Murphy for Chairman and Mayor for 2010/11, 16, namely:- Councillors Barlow, Biggins, Callister, Doughty, Garnett, Husband, Irwin, Maddox, Murphy, Pidduck, Pointer, M. A. Roberts, Sweeney, C. Thomson, M. A. Thomson and Waiting.

Abstentions, 2, namely:- Councillors Hamezeian and McEwan.

Councillor Rory McClure was therefore declared elected.

RESOLVED: - That Councillor Rory McClure being a Councillor of this Borough, be and hereby is elected Chairman and Mayor of this Borough for the ensuing year.

Councillor Rory McClure having made and subscribed to the Declaration of Acceptance of Office, as required by law, took upon himself the office of Chairman and Mayor.

COUNCILLOR RORY MCCLURE (MAYOR) IN THE CHAIR

3 – Election of Vice-Chairman and Deputy Mayor for 2010/2011

The Mayor invited nominations for the office of Vice-Chairman and Deputy Mayor for the ensuing year.

The nomination of Councillor Raymond John Levio Guselli was moved by Councillor Williams and seconded by Councillor D. Roberts.

There being no further nominations, a vote was taken and Councillor Raymond John Levio Guselli was declared elected.

RESOLVED: - That Councillor Raymond John Levio Guselli, being a Councillor of this Borough be and hereby is elected Vice-Chairman and Deputy Mayor of this Borough for the ensuing year.

Councillor Raymond John Levio Guselli, having made and subscribed the Declaration of Acceptance of Office, as required by law, took upon himself the office of Vice-Chairman and Deputy Mayor.

4 – Vote of Thanks to Ex-Chairman and Mayor and Retiring Consort

It was moved by Councillor Richardson and,

RESOLVED: - That the appreciation of this Council be tendered to Dorothy Dawes and her Mayoress for the able and efficient manner in which they have carried out their duties as Chairman and Mayor and Mayoress, respectively during the past year.

Councillor Dawes (ex-Chairman and Mayor) placed on record her thanks and appreciation to her Mayoress, Secretaries and her Driver in a short speech.

5 – Presentation of Former Mayor's Medal

The Mayor presented the former Mayor's Medal on behalf of the Borough Councillor to Councillor Dorothy Dawes in recognition of the duties she had carried out on behalf of the Borough as Mayor during 2009/2010.

6 – Declarations of Interest

No declarations of interest had been received.

7 – Minutes

The Minutes of the meeting of the Council held on 23rd March, 2010 were taken as read and confirmed.

8 – Apologies for Absence

There were no apologies for absence.

9 – To receive any announcements from the Chairman and/or Head of Paid Service

Election of Councillors

The Chief Executive provided details of the result of the Election of Councillors held on 6th May, 2010. The following persons had been duly elected and had each made and subscribed the Declaration of Acceptance of Office as a Councillor as required by law, prior to the commencement of the Annual Council meeting:-

<u>WARD</u>	<u>NAME</u>	<u>NO. OF VOTES</u>	<u>RETIRES</u>
Walney North	Anthony Callister	1828	2011
Walney South	Colin Thomson	1819	2011
Hindpool	Margaret Ann Thomson	1368	2011
Central	Trevor Alan Biggins	836	2011
Ormsgill	Robert John Pointer	1384	2011
Parkside	Michael Brendan Sweeney	1411	2011
Risedale	Jeffrey Harold Garnett	1647	2011
Hawcoat	Jack Richardson	1847	2011
Newbarns	John David Murphy	1218	2011
Roosecote	Rory McClure	1483	2011
Dalton North	Barry John Doughty	1699	2011
Dalton South	Wendy Elizabeth Maddox	1613	2011

Car Parking Permits

The Chief Executive informed Members that they had all now received new parking permits to park on the Town Hall Courtyard and reminded all Members to return the Market Street car park permits as soon as possible.

10 – Election of Leader of the Council for 2010/11

The Mayor invited nominations for the Office of Leader of the Council for the ensuing year.

The nomination of Councillor John Robert Richardson was moved by Councillor Williams and seconded by Councillor Guselli.

There being no further nominations, a vote was taken, and Councillor John Robert Richardson was declared elected.

RESOLVED:- That John Robert Richardson being a Councillor of this Borough be and hereby is elected Leader of the Council for the ensuing year.

11 – Appointment of Standing Committees

It was moved by Councillor Richardson and seconded by Councillor Williams that the Council appoint the Committees listed on the Council Summons for 2010/2011.

RESOLVED:- That the following Committees be appointed for 2010/2011 namely:-

- (1) Executive
- (2) Planning
- (3) Licensing
- (4) Overview and Scrutiny – Regeneration and Community Services
- (5) Overview and Scrutiny – Corporate Services
- (6) Audit
- (7) Standards

12 – Terms of Reference of Committees and Scheme of Delegations for Committees and Officers

It was moved by Councillor Richardson and seconded by Councillor Williams that the Council agree the Terms of Reference and the Scheme of Delegation for Committees and Officers as set out in Part 3 of the Council's Constitution.

RESOLVED:- That the Scheme of Delegation for Committees and Officers as set out in the Council's Constitution be agreed.

13 – Annual Meeting of the Council in 2011 and Certain Other Dates for Council and Committee Meetings in 2010/11

It was moved by Councillor Richardson and seconded by Councillor Williams that the recommendations in the Chief Executive's report dealing with the dates and times for Annual Council meeting in 2011, the dates for the ordinary meetings of the Council and the programme of meetings for Committees and the Housing Management Forum for 2010/11 be agreed.

RESOLVED:- (i) That the Annual Council meeting in 2011 be held on Tuesday 17th May, 2011 at 2.00 p.m.

(ii) That the Council meet on the following Tuesdays at 7.00 p.m. in 2010/2011 namely:-

20th July and 12th October, 2010 and 25th January and 22nd March, 2011.

(iii) That the Executive Committee meet on the following Wednesdays at 2.00 p.m. in 2010/11 namely:-

26th May, 30th June, 21st July, 22nd September, 20th October, 17th November and 15th December, 2010 and 2nd February and 16th March, 2011.

(iv) That the Planning Committee meet on the following Tuesdays at 2.30 p.m. in 2010/11 namely:-

25th May, 22nd June, 13th July, 3rd August, 24th August, 14th September, 5th October, 26th October, 16th November and 7th December, 2010 and 4th January, 1st February, 22nd February, 15th March, 5th April and 26th April, 2011.

(v) That the Licensing Committee meet on the following Thursdays at 2.00 p.m. in 2010/11 namely:-

20th May (cancelled), 24th June, 29th July, 9th September, 28th October and 9th December, 2010 and 3rd February and 24th March, 2011.

(vi) That the Overview and Scrutiny – Regeneration and Community Services meet on the following Wednesdays at 2.00 p.m. in 2010/11 (unless otherwise indicated) namely:-

9th June, 22nd July (Thursday), 15th September and 18th November (Thursday) 2010 and 11th January (Tuesday) and 2nd March, 2011.

(vii) That the Overview and Scrutiny – Corporate Services meet on the following Wednesdays at 2.00 p.m. in 2010/11 (unless otherwise indicated) namely:-

16th June, 28th July, 16th September (Thursday) and 23rd November (Tuesday) 2010 and 19th January and 10th March (Thursday) 2011.

(viii) That the Audit Committee meet on the following Tuesdays at 2.00 p.m. in 2010/11 (unless otherwise indicated) namely:-

29th June, 29th September (Wednesday) and 14th December, 2010 and 8th March 2011.

(ix) That the Standards Committee meet on the following Thursdays at 2.00 p.m. in 2010/11 (unless otherwise indicated) namely:-

8th July and 23rd September, 2010 and 12th January (Wednesday) and 17th March, 2011.

(x) That the Housing Management Forum meet on the following Thursdays at 2.00 p.m. in 2010/11 namely:-

17th June, 26th August and 2nd December, 2010 and 20th January and 3rd March, 2011.

14 – Review of Representation of Political Groups on Committees

The Chief Executive reported that Section 15 of the Local Government and Housing Act 1989 placed a duty on the Local Authority at its Annual Meeting (or as soon as practicable after the meeting) to review the representation of the different Political Groups on the Council. In performing this function the Council was required to determine the allocation to different political groups of the seats which fell to be filled by appointments and in making such determinations to give effect, so far as reasonably practicable, to the following principles:-

1. That not all the seats on the body are allocated to the same political group.
2. That the majority of the seats on the body be allocated to a particular political group if the number of Members belonging to that group is a majority of the Authority's membership.
3. Subject to numbers (1) and (2) above, that the number of seats on the ordinary Committees of the Authority which are allocated to each political group bears the same proportion to the total of all seats on the ordinary Committees of that Authority as is borne by the number of Members of that group to the membership of the Authority.
4. Subject to numbers (1) and (3) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of the group to the membership of the Authority.

The number of seats held on the Council by each group is:-

Labour Group	-	16
Conservative Group	-	13
Independent Group	-	4
Socialist People's Party	-	2
Barrow Borough Independent Group	-	1

The relevant Regulations require that, so far as is reasonable, the proportion of the total seats on Committees and on individual Committees held by the Political Groups bear the same proportion to their seats on the Council.

The Chief Executive submitted as an appendix to his report the recommended allocation of seats on Committees and Sub-Committees and requested Members to note the following:-

1. The Local Government Act 2000 (Section 53(10)) provides that the Standards Committee is not regarded as a body to which the duty to allocate seats to political groups applies. Hitherto five Members have been appointed in addition to the Independent Chairman and two other independent members. Those five seats have nevertheless been split on a proportional basis in the past.
2. The number of seats on the Executive, Licensing and Planning Committees has been set at twelve.
3. The number of seat on the two Overview and Scrutiny Committees have been set as follows:-

Overview and Scrutiny Committee – Regeneration and Community Services	6
Overview and Scrutiny Committee – Corporate Services	6
4. The Council's Constitution provides that:-
 - (a) Members of the Executive Committee shall not be eligible to be Members of the Planning Committee and vice-versa.
 - (b) One Executive Committee Member from each political group may be appointed to each of the Overview and Scrutiny Committees subject to the proportionality rules. All other Councillors qualify to sit on the Committees and any Sub-Committees established.
5. The total number of Councillors on the Housing Management Forum has been set at 8.
6. The number of Councillors on the Audit Committee has been set at 6.
7. The number of Councillors on the Grants Sub-Committee has been set at 9.

The recommended seat allocations in respect of those Outside Bodies to which the proportionality rules have been applied and in respect of Forums, Working Groups and Panels were attached as an appendix to the Chief Executive's report.

It had been recommended that the Council delegated to Committees the power to make appointments to outside bodies etc. appropriate to their terms of reference.

It was moved by Councillor Richardson and seconded by Councillor Williams that as the Barrow Borough Independent Member was not part of a Political Group he had no legal entitlement to a seat on a Committee but suggested that the Council allocate one residual seat to the Planning Committee.

Councillor Pidduck advised that the Labour Group objected to this proposal.

Councillor Richardson therefore moved an amendment which was seconded by Councillor Williams that:-

That the Conservative Group have two additional places on Committees and that the Conservative take one seat on the Executive Committee and the other seat on Planning Committee and that the Conservative seat on Planning Committee be given to Councillor Eric Wood.

It was further moved by Councillor Pidduck that a named vote be taken which was duly seconded by Councillor Garnett.

A named vote was taken and recorded as follows:-

For Councillor Richardson's amendment, 18, namely:- Councillors Bell, Dawes, English, Flitcroft, Guselli, Hammond, Heath, James, Jefferson, McClure, Maltman, Marcus, Richardson, D. Roberts, Stephenson, Unwin, Williams and Wood.

Against, 16, namely:- Councillors Barlow, Biggins, Callister, Doughty, Garnett, Husband, Irwin, Maddox, Murphy, Pidduck, Pointer, M. A. Roberts, Sweeney, C. Thomson, M. A. Thomson and Waiting.

Abstentions, 2, namely:- Councillors Hamezeian and McEwan.

The amendment was declared carried.

An amendment was further moved by Councillor Richardson that a seat on the Housing Management Forum be taken from the Independent Group and allocated to the Socialist Peoples Party and that a seat on the Grading Appeals Panel be given to the Independent Group and taken from the Socialist People Party.

The Chief Executive advised the Leader that the amendment was not constitutional as you could not swap seats between two Political Parties as this would distort proportionality. His amendment was withdrawn.

It was therefore moved by Councillor Richardson and seconded by Councillor Williams, and:-

RESOLVED:-

- (i) That the size of Committees and the allocation of seats and substitute seats in accordance with details below be agreed:-

<u>Committees</u>	<u>Lab</u>	<u>Cons</u>	<u>Ind</u>	<u>SPP</u>	<u>BBI</u>	<u>Total Seats</u>
Executive	5	5	1	1	0	12
Planning	5	4	1	1	1	12
Licensing	5	4	1	1	0	11
Overview and Scrutiny – Corporate Services	3	2	1	0	0	6
Overview and Scrutiny – Regeneration and Community Services	3	2	1	0	0	6
Audit	3	2	1	0	0	6
Total Seat Allocation	---	---	--	--	--	
	24	19	6	3	1	
	---	---	--	--	--	
<u>Sub-Committees</u>	<u>Lab</u>	<u>Cons</u>	<u>Ind</u>	<u>SPP</u>	<u>BBI</u>	<u>Total Seats</u>
Grants Sub	4	3	1	1	0	9
Licensing Sub	2	1	0	0	0	3
Total Seat Allocation	--	--	--	--	--	
	6	4	1	1	0	
	--	--	--	--	--	

- (ii) To agree the allocation of seats on Outside Bodies, the number of seats and allocations in respect of Forums, Panels, Workings Groups etc. and (with the exception of the Housing Management Forum) be delegated to the appropriate Committees with the power to make the necessary appointments; and
- (iii) To agree that five Members of the Council be appointed to serve on the Standards Committee and make such appointments (2 Labour, 2 Conservative and 1 Independent).

15 – Nominations and Appointment of Councillors (and Substitutes) to Serve on Committees and Sub-Committees

It was moved by Councillor Richardson and seconded by Councillor Williams that Councillors be appointed to serve as ordinary and substitute Members of Committees and Sub-Committees in accordance with the nominations made by the Political Groups as shown on the scheduled table.

RESOLVED:- That the Members and Substitute Members for each of the Committees as notified by the respective Groups in accordance with the seat allocations be agreed as follows:-

EXECUTIVE COMMITTEE

Councillors Barlow, Doughty, English, Garnett, Guselli, Hamezeian, Marcus, Pidduck, Richardson, Stephenson, Waiting and Williams.

Substitute Members

Labour – Councillors Biggins, Maddox, Pointer, Sweeney and C. Thomson.

Conservative – Councillors Dawes, Heath, James, Maltman and D. Roberts.

Independent – Councillor Bell.

Socialist People's Party – Councillor McEwan.

PLANNING COMMITTEE

Councillors Dawes, Heath, Husband, Irwin, Jefferson, McClure, McEwan, Maltman, Sweeney, C. Thomson, M. A. Thomson and Wood.

Substitute Members

Labour – Councillors Garnett, Murphy, Pidduck M. A. Roberts and Waiting.

Conservative – Councillors James, Marcus, Richardson and Williams.

Independent – Councillor Hammond.

Socialist People's Party – Councillor Hamezeian.

LICENSING COMMITTEE

Councillors Biggins, Callister, Flitcroft, Irwin, James, McEwan, Maddox, Pointer, D. Roberts, Stephenson and Unwin.

Substitute Members

Labour – Councillors Garnett, M. A. Roberts, C. Thomson, M. A. Thomson and Waiting.

Conservative – Councillors Dawes, Heath, Maltman and Marcus.

Independent – Councillor Jefferson.

Socialist People's Party – Councillor Hamezeian.

OVERVIEW AND SCRUTINY COMMITTEE – CORPORATE SERVICES

Councillors Bell, Biggins, Callister, Heath, Maltman and Pointer.

Substitute Members

Labour – Councillors Irwin, Pidduck and C. Thomson.

Conservative – Councillors Marcus and Richardson.

Independent – Councillor Stephenson.

OVERVIEW AND SCRUTINY COMMITTEE – REGENERATION AND COMMUNITY SERVICES

Councillors Dawes, English, Hammond, Murphy, M. A. Thomson and Waiting.

Substitute Members

Labour – Councillors Maddox, Pidduck and M. A. Roberts.

Conservative – Councillors Marcus and Richardson.

Independent – Councillor Stephenson.

AUDIT COMMITTEE

Councillors Flitcroft, Jefferson, Maddox, Sweeney, C. Thomson and Unwin.

Substitute Members

Labour – Councillors Garnett, Irwin and Waiting.

Conservative – Councillors Heath and Williams.

Independent – Councillor Bell.

STANDARDS COMMITTEE

Councillors Dawes, Guselli, Jefferson, C. Thomson and Waiting.

Substitute Members

Labour – Councillors Barlow and Pointer.

Conservative – Councillors Marcus and Williams.

Independent – Councillor Stephenson.

GRANTS SUB-COMMITTEE

Councillors Barlow, Dawes, Hamezeian, Marcus, Murphy, Stephenson, Sweeney, Waiting and Williams.

Substitute Members

Labour – Councillors Doughty, Pidduck, M. A. Roberts and M. A. Thomson.

Conservative – Councillors McClure, Maltman and Richardson.

Independent – Councillor Bell

Socialist People's Party – Councillor McEwan.

LICENSING SUB-COMMITTEE

Councillors Irwin, Maddox and D. Roberts.

Substitute Members

Labour – Councillors Biggins, Callister and Pointer.

Conservative – Councillors Flitcroft, James and Unwin.

Independent – Councillor Stephenson.

Socialist People's Party – Councillor McEwan.

16 – Appointment of Chairmen and Vice Chairmen of Committees

It was moved by Councillor Richardson and seconded by Councillor Flitcroft that the Chairmen and Vice-Chairmen of Committees be appointed in accordance with the nominations made by the political groups as shown on the schedule which had been circulated.

RESOLVED:- That the Chairman and Vice-Chairman of the under-mentioned Committees be as follows:-

Executive Committee – Chairman, Councillor Guselli and Vice-Chairman, Councillor Williams.

Planning Committee – Chairman, Councillor McClure and Vice-Chairman, Councillor Jefferson.

Licensing Committee – Chairman, Councillor D. Roberts and Vice-Chairman, Councillor Unwin.

Overview and Scrutiny Committee – Corporate Services – Chairman, Councillor Callister and Vice-Chairman, Councillor Maltman.

Overview and Scrutiny Committee – Regeneration and Community Services – Chairman, Councillor Hammond and Vice-Chairman, Councillor Dawes.

Audit Committee – Chairman, Councillor Flitcroft and Vice-Chairman, Councillor Unwin.

17 – Appointment of Chairman and Members of the Housing Management Forum

- (a) It was moved by Councillor Richardson and seconded by Councillor Williams that Councillor Hamezeian be nominated as the Council's Chairman of the Housing Management Forum. He also moved that as Councillor Hamezeian did not hold a seat on the Housing Management Forum that the Conservative Group give up their third seat and offer it to Councillor Hamezeian.

The Chief Executive explained to the Leader of the Council that he would need to take legal advice on an unaligned member being offered a place and he suggested that the Leader withdraw his recommendation. Councillor Richardson stood by his motion and the matter was to be held in reserve until legal advice was obtained.

The Council's Chairman of the Housing Management Forum was appointed as Chairman for the purpose of Housing Management Forum to recognise responsibility but the Housing Management Forum were free to appoint an alternative Chairman at their first meeting in 2010/2011 for its management if they so wished.

- (b) It was moved by Councillor Richardson and seconded by Councillor Williams that the Members appointed to the Housing Management Forum be as follows:-

RESOLVED:- That the Council Members appointed to the Housing Management Forum (5:3:1) be Councillors Biggins, Hammond, Heath, Irwin, James, Pointer and Waiting. There was also one more Conservative seat to be appointed following legal advice from the Chief Executive.

18 – Appointment of Official Spokespersons

It was moved by Councillor Richardson and seconded by Councillor D. Roberts and

RESOLVED:- That the following Spokespersons be appointed for the services indicated:-

1. Cultural Heritage – Councillor Marcus
2. Economic Development/Regeneration – Councillor Richardson
3. Environment and Planning – Councillor McClure
4. Housing – Vacant
5. Licensing – Councillor D. Roberts
6. Member Development and Human Resources – Councillor Williams
7. Children and Young People – Councillor Heath
8. Equalities and Diversity – Councillor Marcus
9. Health and Safety – Councillor Richardson.

19 – 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 2.55 p.m.

COUNCIL	Agenda Item 5
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	
<p>Title: Appointment of Members to Committees</p> <p>Summary and Conclusions:</p> <p>This report deals with changes in the appointment of Members to Committees agreed at the Annual Council meeting.</p> <p>Recommendations:</p> <p>To agree that the Council confirm the appointment of Councillor Maddox in place of Councillor C Thomson as a Member of the Standards Committee.</p>	

Report

The Labour Group has given notice of its wish to make a change to the membership of the Standards Committee with the appointment of Councillor Maddox in place of Councillor C Thomson as a Member of the Standards Committee.

The Local Government (Committees and Political Groups) Regulations 1990 places a duty on the Council to give effect to the allocation of seats in accordance with the wishes of political groups.

COUNCIL	Agenda Item 6(A)(1)
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	
<p>REPORT OF THE PLANNING COMMITTEE (Report of the meetings held on 30th March, 20th April, 25th May, 22nd June and 13th July, 2010)</p> <p>Recommendations:</p> <p>There were no recommendations referred to Council from the meetings on 30th March, 20th April, 25th May and 22nd June, 2010. Any recommendations referred to Council from the meeting held on 13th July, 2010 will be reported to Council.</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 5 2009/10 and Volume 1 2010/11 of the printed Minutes.</p>	

COUNCIL	Agenda Item 6(A)(2)
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	

**REPORT OF THE LICENSING COMMITTEE
(Report of the meetings held on 22nd April and 24th June, 2010)**

Recommendations:

The following recommendations have been referred to Council.

Licensing Committee – 22nd April, 2010

1.0 Sexual Entertainment Venues

1.1 The report of the Chief Environmental Health Officer dealt with new legislation which enabled local authorities to licence sexual entertainment venues, for example lap dancing clubs.

1.2 Recommendation:-

To recommend the Council to adopt the amendments made to Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 by Section 27 of the Policing and Crime Act 2009 to enable the Borough Council to licence sexual entertainment venues with an operative date of 1st October, 2010.

Licensing Committee – 24th June, 2010

2.0 Hackney Carriage/Private Hire Vehicle Drivers Licence Identification Cards

2.1 The report of the Chief Environmental Health Officer proposed that Identification Badges be issue annually to bring the authority in line with other Cumbria authorities and to avoid confusion among some drivers over the duration of their taxi driver's licence.

2.2 Recommendation:-

To recommend the Council:-

- (i) With effect from 1st October, 2010 taxi driver identification badges are issued annually to run conterminous with individual taxi driver licences;**
- (ii) The annual fee for taxi driver licences is increased by £4 to take into account production of the annual identification badges; and**
- (iii) The current £9 fee required every three years for identification badge production is removed.**

Delegated Decisions

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 5 2009/10 and Volume 1 2010/11 of the printed Minutes.

COUNCIL	Agenda Item 6(A)(3)
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	

**REPORT OF THE EXECUTIVE COMMITTEE
(Report of the meetings held on 26th May and 30th June, 2010)**

Recommendations:

The following recommendations have been referred to Council.

Executive Committee – 26th May, 2010

1.0 Integration of TIC and Forum 28

1.1 The report of the Chief Executive recommended integration of the Tourist Information Centre into the Forum 28 establishment with resultant efficiency savings of £13,537 plus oncosts.

1.2 Recommendation:-

To recommend the Council:-

- (i) To integrate the Tourist Information Centre into the Forum 28 establishment with resultant efficiency savings of £13,537 plus on costs; and**
- (ii) To agree to increase the grade of the Forum 28 Manager from PO6 to PO8 and to upgrade the Forum 28 Box Office Assistant to Scale 3.**

Executive Committee – 30th June, 2010

2.0 Grants to Barrow AFC and Barrow RLFC

2.1 The Chief Executive's report sought approval to make a single capital grant of £50,000 to Barrow AFC and Barrow RLFC and withdraw the annual grant arrangement of £5,000.

2.2 Recommendation:-

To recommend the Council to approve a single capital grant of £50,000 to Barrow AFC and Barrow RLFC and withdraw the annual grant arrangements.

3.0 War Pensions – Benefits Disregard Determination

3.1 The Borough Treasurer's report sought approval for maintaining the award of full disregard both local and government, for war pensions for the financial year 2010-2011.

3.2 Recommendation:-

To recommend the Council to agree to the continuance of awarding the full disregard for War Pensions for the financial year 2010/11.

4.0 Working Neighbourhoods Fund

4.1 The report of the Director of Regeneration and Community Services confirmed that the Council was required to make in year savings of £245,000 from Area Based Grants. The Council had been informed by the Secretary of State that the Free Swimming Grant was to be withdrawn at the end of July 2010.

4.2 Recommendation:-

To recommend the Council:-

- (i) To finance the Area Based Grant saving £245,000 for unallocated Working Neighbourhood Fund (WNF);**
- (ii) To note the end of the free swimming grant in July 2010; and**
- (iii) To agree to continue the initiative until the end of the financial year, with a review of future service to be dealt with as part of the 2010/11 budget process.**

5.0 Minor Amendments to the Council's Constitution

5.1 The report of the Director of Corporate Services summarised Minor Amendments to the Council's Constitution for approval.

5.2 Recommendation:-

To recommend the Council to approve the Constitutional amendments to the Council.

6.0 Town Hall Stewards

6.1 The report of the Director of Corporate Services recommended a number of staffing changes to the establishment in respect of the Town Hall Stewards in the Democratic Services Section.

6.2 Recommendation:-

To recommend the Council:-

- (i) To delete post of Town Hall Steward (postholder CLA 205) and replace with a permanent part time Steward on 25 hours per week;**
- (ii) To agree that the part time Steward post be made permanent and the post holders hours be increased from 20 to 25 hours per week; and**
- (iii) To agree that the savings generated be used to create a fund to cover casual staff for the Stewards.**

7.0 Housing Department: Changes to Establishment

7.1 The report of the Director of Regeneration and Community Services recommended changes to two posts within the objective of improving delivery of service and efficiency in the Housing Department.

7.2 Recommendation:

To recommend the Council:-

- (i) To agree the Reception and Property Letting Service be combined under the title Housing Options Service;**
- (ii) To agree that Postholder OH250 Senior Customer Services Assistant be re-designated Customer Services Assistant on Scale 2/3; and**
- (iii) To agree that Postholder OH520 Area Surveyor (Special Projects be re-designated Contract Supervisor on Scale 6/SO1.**

8.0 Staff Changes – Environmental Health Department

8.1 The report of the Chief Environmental Health Officer recommended a number of staffing changes to the Environmental Health Department following the resignation of the Senior Environmental Health Officer.

8.2 Recommendations:

To recommend the Council:-

- (i) To agree that the post of Senior Environmental Health Officer be removed from the establishment;**
- (ii) To agree that the post of Housing Enforcement Officer be included on the establishment; and**
- (iii) To agree that the post of Trainee Environmental Health Officer be removed from the establishment.**

9.0 Development Control Section: Temporary Clerical Assistant

9.1 The Director of Regeneration and Community Services recommended that the post of Temporary Clerical Assistant be made permanent.

9.2 Recommendation:

To recommend the Council to agree that postholder DDA 90, Temporary Clerical Assistant be converted to Clerical Assistant on a permanent contract.

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 1 of the printed Minutes.

COUNCIL	Agenda Item 6(A)(4)
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	
REPORT OF THE AUDIT COMMITTEE (Report of the meeting held on 29th June, 2010)	
Recommendations:	
There were no recommendations referred to Council from the above meeting.	
<u>Delegated Decisions</u>	
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 1 of the printed Minutes.	

COUNCIL	Agenda Item 6(C)
Date of Meeting: 20th July, 2010	
Reporting Officer: Chief Executive	
<p>REPORT OF THE STANDARDS COMMITTEE (Report of the meetings held on 17th June and 8th July, 2010)</p> <p>Recommendations:</p> <p>The following recommendation had been referred to Council.</p> <p><u>Standards Committee – 8th July, 2010</u></p> <p>1.0 Annual Report on Ethical Standards</p> <p>1.1 To consider the Annual Report of the Monitoring Officer on Ethical Standards for the period May 2009 – May 2010 a copy of which is attached at Appendix 1.</p> <p>1.2 Recommendation:-</p> <p>To recommend the Council to note the Annual Report on Ethical Standards.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Standards Committee in exercise of its terms of reference are detailed in the Minutes of the meetings reproduced in Volume 1 of the printed Minutes.</p>	



**Barrow-in-Furness Standards
Committee
Annual Report
May 2009 to April 2010**

1. Introduction – Ethical Standards

The Council aims to have the highest possible ethical standards in place across the Council.

2. Period covered by this Annual Report

The period covered by this Annual Report runs for 12 months from the date of the Council Annual Meeting in May 2009.

3. Standards Committee Membership

The Committee from May 2009 to April 2010 consists of Barrow Borough (5), Parish Councillors (2) and Independent Members (3,) as follows:-

Barrow Borough Council – Councillors Dorothy Dawes, Ray Guselli, Rosemarie Hamezeian, Philip Solloway and Jean Waiting.

Parish Councillors – Brian Bloom and Wendy Maddox. Parish Councillor Denise Wilson took over from Parish Councillor Brian Bloom on 4th February 2010 as he had ceased to be a member of Askam and Ireleth Parish Council.

Independent Members –Norman Hird, Dr Derek Passmore and Mark Ratcliffe.

4. Chairman and Vice-Chairman of the Standards Committee

It was a requirement of the Local Government and Public Involvement in Health Act, 2007 that the Chairman of the Standards Committee should be one of the Independent Members. This had been the practice in Barrow where the Vice-Chairman also is one of the Independent Members. During 2009/10 the Chairman and Vice-Chairman were Mark Ratcliffe and Norman Hird respectively.

5. Monitoring Officer

The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. The role of the Monitoring Officer rests with the Director of Corporate Services. The Monitoring Officer's duties are to be discharged in accordance with legislative requirements, relevant Government guidance and the Council's Constitution. The Monitoring Officer is required to report to the Standards Committee regarding the arrangements for the discharge of their duties together with any proposals for amendments in the light of any issues that have arisen during the year.

Section 5 of the Local Government and Housing Act 1989 also allows the Monitoring Officer to appoint a Deputy and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring

Officer. The Democratic Services Manager is designated Deputy Monitoring Officer.

6. Standards for England [SBE] Matters

The Standards Board for England changed its name to Standards for England and continues to take a more strategic national and independent oversight necessary for there to be confidence in a locally based system of ethical complaints.

Its responsibilities include:

- giving standards committees and Councillors support and guidance on understanding the Code of Conduct, and on how to deal with complaints about the conduct of members of their council or authority
- monitoring the performance of local authorities in the local assessment of complaints
- publishing information about how councils and other authorities are dealing with complaints about their members
- working with standards committees to help them improve if they do not deal with complaints about their members properly
- removing the power of the standards committee to receive complaints about their members, if we believe it necessary
- investigating the most serious cases where the local standards committee believes it is not best placed to deal with the matter. The Monitoring Officer continues to provide Standards for England with quarterly returns on the numbers of complaints received locally and the outcomes of the local assessment of complaints.

In May 2009, we completed the first annual return, which covers the wider role of the Standards Committee in proactive involvement in promoting ethical leadership. The Council was asked to participate in the development of this pilot annual return.

7. Advice from the Monitoring Officer

During 2009/10 the Monitoring Officer has provided advice to:-

- Borough Councillors
- Parish/Town Councillors
- Parish/Town Clerks
- Council Officers

Most of these requests for advice related to Code of Conduct and other ethical matters. Advice was also sought on the lawfulness of decisions taken or proposed to be taken, procedural matters and governance issues relating to the Council's Constitution.

Both the Monitoring Officer and the Deputy Monitoring Officer are available to advise Members at all reasonable times.

8. Investigations

The Monitoring Officer is required to give informal advice and undertake relevant enquiries into allegations of misconduct.

To date 29 complaints have been received.

Below is a summary of the complaints received:-

Three complaints required no further action.

One complaint required other action from the Monitoring Officer.

One complaint had been referred to the Monitoring Officer for investigation. The Consideration and Hearing Sub-Committee had considered the investigators report and concluded that there was no failure to comply with the Code of Conduct.

Eleven complaints had been referred to the Monitoring Officer for additional training.

Ten complaints had been referred to the Standards Board for England where no action had been taken.

One complaint was held that a Member failed to treat others with respect and brought his office into disrepute. Other action required from the Monitoring Officer.

One potential breach of the code in using the position of a member to confer or secure an advantage or disadvantage.

One complaint has been referred to the Monitoring Officer for investigation.

The average timescale for an Assessment or Review Sub-Committees to be convened since August 2008 is 9.7 days.

9. Training for Members

The Monitoring Officer is responsible for ensuring the preparation of any necessary training for Members on ethical standards and Code of Conduct issues.

Training on the Code of Conduct continues to form part of the Induction Training for new Elected Members to the District Council to give them overview of the Code. In addition, further training sessions will continue to be provided for all Members, and Members of the Standards Committee received specific training on Standards Matters. Standards for England produced a new training DVD which formed a training and discussion session with the Committee members.

The Monitoring Officer and Chairman of the Standards Committee attended a number of training courses and conferences during the past year.

The Monitoring Officer and Dr Derek Passmore of the Standards Committee attended the eighth Annual Assembly of Standards Committees which was held in Birmingham on 12th and 13th October, 2009.

10. Cumbria Group

The Cumbria and Lancaster Monitoring Officers and Chairs of Standards Committee have met on at least two occasions during the year to discuss issues. If Parishes have any issues that they wish to raise at a high level then they can contact the local Standards Committee and, if appropriate, issues can be put on the agenda for discussion at the Cumbria level. Consideration of Joint Committees, and a notification procedure for Parish Councils following receipt of formal Decision Notices have been items on recent agendas for discussion. The Chairman and Monitoring Officer represent the Committee at this meeting.

11. Registration of Interests

The Members' Register is maintained and updated as and when members notify changes. In addition, from time to time, all Members are sent a reminder to update their entries and confirm the accuracy of the Register. The Minutes of the various Council and Committee meetings show that interests are regularly declared by Members and the rules appear to be well understood.

Since the adoption of the revised 2007 Code this also now includes gifts and hospitality.

12. Ombudsman Cases – May 2009 – April 2010

The Ombudsman's advice team recorded 14 complaints about the Council in 2009/10, five of which were complaints for the Ombudsman to consider.

In any one year, there can be a difference in the number of complaints received and the number of decisions made. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31st March.

The Ombudsman made decisions on six complaints in two she exercised her power to discontinue the investigation and in the other four cases, no evidence of maladministration was found

13. Constitution of Standards Committee

The membership and functions of the Standards Committee are in accordance with the requirement of the Local Government Act 2000.

14. Dispensations

Throughout the year the Standards Committee has received two applications for Dispensations.

The results of the applications were:-

To agree to grant the dispensation for both Councillor Guselli and Councillor Marcus until the Borough Council elections in May 2011, with the following conditions:-

- (i) The dispensation would only apply to Agenda items where the interest arises only because the applicant is both a Borough and County Councillor;
- (ii) The dispensation would only apply to meetings of the Borough Council;
- (iii) The dispensation would only apply for as long as the Members concerned held the positions they currently hold on both the Borough and County Council as outlined above; and
- (iv) The dispensation would not preclude the Members from declaring other personal or prejudicial interests arising due to other interests.

15. Future Activity

Work continues on implementing the Standards Committee's Work Programme.

The Work Programme for 2010 will concentrate on further promoting the work of the Committee as well as keeping a regular review of complaints and the standards decision-making processes.

COUNCIL	Agenda Item 7
Date of Meeting: 20th July, 2010	
Reporting Officer: Policy Review Officer	
<p>Title: Overview and Scrutiny Committees Annual Report</p> <p>Summary and Conclusions:</p> <p>To provide Members with the Annual report from the Overview and Scrutiny Committees for 2009/10.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Members are invited to consider the Annual Report; and 2. Members are invited to agree the 2010/11 Work Plan. 	

Report

Annual report from the Overview and Scrutiny Committees

2009/10

Foreword

The two Scrutiny Committees are now aligned to the Council's directorates, Corporate Services and Regeneration and Community Services. These arrangements have resulted in stronger relationships between the Scrutiny Committees and Managers and have led to improvements being introduced before the reviews have been concluded. The strengthening of the links between scrutiny and the Council's priorities allows scrutiny to focus its resources on subjects that are important to our residents.

Corporate Services

Chairman, Corporate Services Scrutiny Committee: Councillor Tony Callister

In 2009/10 this Committee has focused on equalities performance and monitoring of progress on the recommendations of the Legionella Sub-Committee.

Equalities Performance

Monitoring of the Council's work towards the Achieving Level of the Equalities Framework for Local Government was carried out by the Committee.

CIEP (The Cumbria Improvement & Efficiency Partnership) funded two posts to assess the six Cumbrian Districts and the County Council's equality performance and to prepare the District Councils for external assessment as "Achieving" authorities under the Equality Framework. The Lead Programme Officer provided and continues to provide suggestions on how the Council can progress to attaining the Achieving Level of the Equalities.

The Council also published a revised version of its Comprehensive Equality Policy.

Equality Impact Assessments are continually being completed throughout the Council.

Health and Safety Progress

The Committee continued to monitor progress of the 22 recommendations made by the Legionella Sub-Committee.

16 of the 22 recommendations were finished tasks, the remaining 6 have been implemented and form part of a rolling programme. The Committee therefore agreed to receive reports on an exception basis which is in line with the Council's approach to monitoring performance. The Committee also receives minutes of the Health and Safety Management Board on a quarterly basis.

Future Work

The following topic was recommended for the work programme for 2010/11:-

It was agreed that this Committee continue to monitor Equalities Performance and Health and Safety progress.

It was agreed that either Councillor Callister or Councillor Maltman would attend as representative on the Cumbria Joint Scrutiny Committee

Regeneration and Community Services

Chairman; Regeneration and Community Services Committee: Councillor Dorothy Dawes.

In 2009/10 the Regeneration and Community Services Committee has focused on the Council's priorities to create a Safer, Cleaner and Greener borough and to develop facilities for young people.

Recycling

The Committee continued its on-going review to improve recycling levels and supported the changes to the waste collection and recycling service this included the collection of cardboard and plastic at the kerbside and retention of the weekly waste collection but replacement of the existing 240Lt wheeled bins with 120Lt bins to encourage recycling.

As a result the level of recycling and composting increased from 21.5% in 2008/09 to 33.6% in 2009/10.

This Committee also had an overview of the Council's Ground Maintenance Contract and made a number of recommendations that were included in the new contract.

This Committee agreed to accept reports and undertake scrutiny activities relating to the Police and Justice Act, no actions were required in 2009/10.

This Committee monitored rent collection from Council tenants which was 97.55% compared to 96.48% in the previous year.

Future Work

The following topic was recommended for the work programme for 2010/11:-

- It was recommended that this Committee continued to consider regular reports on the performance of the waste collection and recycling service.

Members also discussed a number of topics which they would like to be included in the work programme for 2010/11 and agreed to undertake scrutiny reviews into:

- Parking Facilities at Roa Island
- Allotments

The Committee nominated Councillor Murphy as their representative on the Cumbria Joint Scrutiny Committee.