

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 3rd March, 2010
at 2.00 p.m. (Committee Room No. 4)

NOTE: Group Meetings at 1.15 p.m.

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

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.***
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.

5. To confirm the Minutes of the meeting held on 25th February, 2010 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D/R) 7. Recommendations of the Housing Management Forum, 25th February, 2010 – **TO FOLLOW.**

- (D) 8. Council Finances Report – Quarter 3 2009-2010.
- (R) 9. Capital Strategy.
- (D) 10. Write Offs – Non Domestic Rates.
- (R) 11. Remit for Rural Joint Committee.
- (D) 12. Rural Capital Fund
- (D) 13. Soft Play and Sensory Facility at the Park Leisure Centre.
- (R) 14. Revised Health and Safety Enforcement Policy.
- (D) 15. Telecommunications Aerial, Town Hall.

PART TWO

- (D) 16. Internal Audit Services Contract.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 17. 104 Abbey Road, Barrow-in-Furness.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

**NOTE (D) - Delegated
(R) - For Referral to Council**

Membership of Committee

Councillors Guselli (Chairman)
Williams (Vice-Chairman)
Barlow
J. Hamezeian
Marcus
Millar
Pemberton
Pidduck
Richardson
Stephenson
Waiting.

For queries regarding this agenda, please contact:

Jon Huck
Democratic Services Manager
Tel: 01229 876312
Email: jwhuck@barrowbc.gov.uk

Published: 23rd February, 2010

EXECUTIVE COMMITTEE

Meeting: 27th January, 2010
at 2.00 p.m.

PRESENT:- Councillors Guselli (Chairman), Williams (Vice-Chairman), Barlow, J. Hamezeian (items 1-10 only), Marcus, Millar, Pemberton, Pidduck, Richardson (items 1-10 only), Stephenson and Waiting (items 1-9 only).

111 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Award of Grounds Maintenance Contract (Minute No. 121)	To enable the Contract to be in place by 1st April, 2010.

112 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 (Minute Nos. 120 and 121) of Part One of Schedule 12A of the said Act.

113 – Minutes

The Minutes of the meeting held on 9th December, 2009 were agreed as a correct record.

114 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 21st January, 2010 were submitted for consideration.

N.B. The Minutes are reproduced as **Appendix 1** to the Minutes of this meeting.

RESOLVED:- That the recommendations of the Housing Management Forum be agreed as follows:-

Housing Maintenance Investment Programme 2010/11

1. To note the progress on achieving the Decent Homes Standard shown at point 1 (above);
2. To agree principles highlighted in point 2 (above); and the annual Investment Profile attached at **Appendix A** to these Minutes;
3. To agree to increase delivery proposals through Cumbria Housing Partners subject to compliance with the frameworks group accounting requirements;
4. To agree that the Housing Maintenance Budget be reduced by £137,470 to balance the 2010/11 Housing Revenue Account Budget and to note that the Housing Manager would bring proposals on how these savings could be made, with a minimal impact on the service provision, to a future meeting of the Housing Management Forum.

115 – Working Neighbourhoods Fund

The Director of Regeneration and Community Services reminded the Committee that 2010/11 was the final year of the three year programme of Working Neighbourhoods Fund (WNF) allocated to the Council.

The Committee considered a summary of WNF 2008/9 out turn and allocations for 2009/10 and 2010/11.

The current programme contained an allocation of £3.8M for advance workspace construction adjacent to Waterside House, and the first phase of Waterfront Business Park. Both projects required grant assistance from the European Regional Development Fund (ERDF) if they were to proceed. The ERDF application for Waterside House was due to be considered by NWDA in late January.

The Committee were also informed which projects were receiving revenue or capital support. All revenue projects would cease at the end of the WNF programme.

Other than the above there were no significant concerns with projects meeting their planned expenditure for 2009/10.

In November 2009 the Department of Communities and Local Government had brought forward £40M of Working Neighbourhood Performance Reward Grant and allocated it to areas receiving WNF. The Council's share was an additional £240,278 during the 2009/10 financial year, although there was no requirement to

spend in year. To date the Council had received £180,410, the balance to be included in January to March WNF payment.

In addition, the base allocation of WNF to the Council for 2010/11 had increased by £37,737 to £3,129,595.

Adding these additional resources to the unallocated WNF, showed an uncommitted allocation of £355,940.

Members were requested to identify priorities for expenditure of these resources in accordance with the current policy of ensuring expenditure from WNF meets one or more of the following criteria:-

Capital resources must be spent in the Wards containing Super Output Areas in the worst 3% nationally (Hindpool, Central, Barrow Island, Ormsgill);

Proposals must demonstrate that they would directly contribute to the objectives of WNF set out in the national guidance; and

Proposals must demonstrate how they would assist residents of deprived communities (Wards as above plus Risedale) in particular to find employment or access vocationally related skills and training.

The Chief Executive informed the Committee that he had been asked by Senior Members to consider options for protecting the Neighbourhood Management Team.

The Team had a current minimum operating budget of £173,000.

However, by taking a number of actions, the Council could reduce it to £135,000 by absorbing all overheads except property costs. That had the same budgetary effect as disbanding the team. Utilising a proportion of the Neighbourhood Manager's time and the Admin Officer's time to support Housing Market Renewal and charge that to capital instead of filling a vacant post and redeployment of one Warden to a vacant admin post.

£35,000 of the running costs could be met from the Health Improvement Fund provided by the NHS and other miscellaneous income generated by the team's activity.

The balance of £100,000 could be met from the available WNF detailed in the substantive report.

The Council could then continue to lobby for match funding from LAA reward grant to extend the operation of the team until March 2012 during which time alternative financial arrangements could be considered.

Importantly that would leave £256,000 of WNF uncommitted while Members consider the implications for other funded initiatives like CCTV and the Workshops which would come to an end soon.

RESOLVED:- (i) To agree that £100,000 be allocated from the Working Neighbourhoods Fund (WNF) to fund the Neighbourhood Management Team; and

(ii) To defer the remainder of the WNF to a future meeting of the Committee.

116 – RS2010: Regional Strategy for England's North West

The Committee considered an integrated economic and spatial strategy which was a logical progression from, and would ultimately replace the Regional Economic Strategy (RES) and the Regional Spatial Strategy (RSS). RS2010 would cover the period to 2030. There were three parts to the integrated Regional Strategy. Part 1 – the document currently being commented on was a high level strategic framework and would be tested through Public Examination, in a similar way to Local Development Frameworks. Part 2 was the detailed supporting policies, also subject to Public Examination and Part 3 was an implementation framework. All three parts comprised the Regional Strategy.

A copy of the full consultation document was considered by the Committee.

The Committee considered four strategic Options:

Option 1: Current position ('business as usual');

Option 2: Focus on Economic Opportunity;

Option 3: Focus on protecting environmental resources and taking full advantage of environmental opportunities; and

Option 4: Focus on regeneration and development to tackle social deprivation and inclusion.

The consultation took the form of a series of questions about individual aspects of the strategy. Responses were required by 26th February, 2010.

The document was key for the Borough as it was intended to guide a broad range of development and public sector investment for the long term.

The vision, by definition, had been couched in broad terms, and both that and the outcomes were difficult to disagree with. The one exception was the need to include specifically those areas (like Barrow) facing "..... significant economic, environmental and social challenges" in the same way as areas of Growth Opportunities had been listed.

Similarly the strategy itself appeared to be acceptable. However, the following additions would clarify the document. A definition in 3(c) (page 24) of “..... lagging rural areas” and under 3(d) that the section on health improvements should be more specific, setting out those areas where health inequality issues would be targeted in same way as Section 3(c).

Section C, setting out the spatial implications for Cumbria was particularly weak on key challenges and should mention the following:

Distance from centres of alternative employment in West of the County; Urban renewal in West Cumbria and Barrow; Severe deprivation in West Cumbria and Barrow; Poor health and major health inequalities in West Cumbria and Barrow and High levels of economic inactivity in West Cumbria and Barrow.

The section on Cumbria's key assets and opportunities also missed out strengths in maritime industries and energy supply (non nuclear).

Looking at all the Options, Barrow had been recognised specifically in Options 1, 3 and 4. Option 2 referred to the Energy Coast, but in respect of specific opportunities for development. As Option 2 focused strongly on those areas of greatest economic opportunity, it was the least acceptable to the Borough as it failed to recognise the importance of dealing with deprivation except in those communities “..... which suffered the deepest and most entrenched economic, social and environmental deprivation” and it was unlikely, though not clear, that that would include Barrow.

Option 4 was the most favourable to Barrow as it targeted resources on those areas experiencing significant deprivation and Barrow and West Cumbria were clearly prioritised, therefore that was the Option which the Council should support.

Option 1 was in effect continuance of the same policies as currently, and represented a balance between more focused economic growth and dealing with deprivation.

RESOLVED:- (i) To agree comments 1-7 in the report; and

(iii) To agree that the final response on the consultation be delegated to the Director of Regeneration and Community Services after consultation with the Chairman of the Executive Committee.

117 – North West England and North Wales Shoreline Management Plan (SMP2) Consultation Draft

The Committee considered a copy of the North West England and North Wales Shoreline Management Plan (SMP2) consultation draft.

The Director of Regeneration and Community Services reported that SMP's provided a larger-scale assessment of the risks associated with coastal erosion and flooding. The plan covered the coast between Great Ormes Head and the Solway Firth. That length of coastline had been divided into five different sub-cells. The Borough was included in sub-cell 11c Rossall Point to Haverigg.

SMP2 considered objectives, policy setting and management requirements for three timescales: short term (0 - 20 years); medium term (20 – 50 years); and long term (50 – 100 years). The policy options considered over three timescales were set out in detail on pages 4 and 5 of SMP2 and were summarised below.

POLICY OPTION	DESCRIPTION
Hold the line	Keep the shoreline in the same place
Advance the line	Create more land by moving defences seaward
Managed re-alignment	Letting the shoreline move forwards or backwards in a controlled way
No active intervention	Letting nature take its course on the shoreline

Detailed policies for individual policy units and associated plans were set out in Annex 1 of the SMP and summarised below.

Location	Short Term Policy 0-20 years	Medium Term Policy 20-50 years	Long Term Policy 50-100 years
Newbiggin to Rampside	Hold the line	Hold the line	Hold the line
Rampside	No active intervention	Hold the line	Hold the line
Roa Island	Hold the line	Hold the line	Hold the line
Piel Island	No active intervention	No active intervention	No active intervention
South End Haws to Biggar (east side)	No active intervention	No active intervention	No active intervention
Biggar to Lenny Hill (east side)	Hold the line	Hold the line	Hold the line
South End Haws to Hare Hill (open coast)	No active intervention	No active intervention	No active intervention
Hare Hill to Hillock Whins	Hold the line	Hold the line	Hold the line

Hillock Whins to Nanny Point Scar	No active intervention	Managed realignment	Managed realignment
Nanny Point Scar to Mill Scar	No active intervention	No active intervention	No active intervention
Mill Scar to West Shore Park	Managed realignment	Managed realignment	Managed realignment
North Walney – West Shore Park to Lenny Hill (both coasts)	No active intervention	No active intervention	No active intervention
Rampside to Westfield Point	No active intervention	No active intervention	No active intervention
Westfield Point to Hindpool	Hold the line	Hold the line	Hold the line
Hindpool to Lowsy Point	No active intervention	No active intervention	No active intervention
Lowsy Point to Askam Pier	No active intervention	No active intervention	No active intervention
Askam	Hold the line	Hold the line	Hold the line
Askam to Dunnerholme	No active intervention	No active intervention	No active intervention

The policy of managed realignment from Mill Scar to West Shore Park was in line with the Council's policy for the area agreed in December 2007.

RESOLVED:- To note the policy of managed realignment from Mill Scar to West Shore was in line with the Council's policy for the area agreed in December 2007 and that no further comments were agreed.

118 – Agreement for External Legal Services to the Council

The Director of Corporate Services reminded the Committee that the Council's Agreement with South Lakeland District Council to provide Legal Services to the Council came to an end in April 2009.

The Council had a continuing need to access qualitative and reliable legal services to ensure that Officers were supported in executing diverse local authority functions.

He had agreed with the County Solicitor to commence a trial period for six months from May 2009 with County Solicitors taking instruction on legal work from Barrow.

That trial had been successful with Barrow's Officers showing satisfaction with the level and quality of service offered. He informed the Committee that he had the confidence that the level of service would continue if the Council instructed County

Legal Services on a formal basis to carry out legal services for the Council. Officers from both authorities had been able to agree on a charging scale which was favourable to the Council and offers good value.

It was in the Council's interest to complete negotiations with the County Council's Legal Department to provide legal services to the Council.

RESOLVED:- (i) To agree that the Council utilised County Legal Services to provide some of its legal functions; and

(ii) To agree that the Council formalised the arrangement by signing a legal agreement with the County Council.

119 – Appointment to the Barrow Local Committee – Highways Advisory Group

The Chief Executive reminded the Committee that in accordance with proportionality two Conservative's and one Labour Member had been appointed to serve on the Barrow Local Committee - Highways Advisory Group. Councillor Bell (former Conservative Member) had been appointed to serve on the Group. A Conservative representative was requested to be appointed to maintain proportionality.

RESOLVED:- To agree that Councillor Williams be appointed to the Barrow Local Committee – Highways Advisory Group to maintain proportionality.

120 – Internal Audit Services Contract

The Borough Treasurer informed the Committee of the outcome of the tendering exercise undertaken to secure Internal Audit Services for the period 1st April, 2010 to 31st March, 2015.

RESOLVED:- (i) To note the information contained in the report; and

(ii) To authorise the Borough Treasurer to negotiate with Furness Audit to secure the best value for money for the Council and to enter into a contract for the provision of Internal Audit Services.

121 – Award of Grounds Maintenance Contract

The Director of Regeneration and Community Services informed the Committee that tenders had been received and evaluated for the Council's Grounds Maintenance Service Contract. He informed the Committee of the contractors who had submitted tenders and the outcome of the evaluation process. The Committee noted that Continental Landscapes had achieved the highest score in the tender evaluations.

RESOLVED:- (i) To agree to endorse the decision of the evaluation process which had confirmed Continental Landscapes Ltd as the highest scorer; and

(ii) To authorise the Community Services Manager to oversee the Award of Contract procedure as detailed in the Instructions to Tender and, should there be no substantive challenge to that intention, the Community Services Manager be authorised to formally award the contract to Continental Landscapes Ltd.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

122 – Housing Revenue Account

Consideration was given to the recommendations of the Housing Management Forum held on 21st January, 2010 on the Housing Revenue Account budget for the financial year 2010/11 and the Expected Outturn for the year 2009/10 and information regarding balances.

N.B. The Minutes are reproduced as **Appendix 1** to the Minutes of the meeting.

RECOMMENDED:- To recommend the Council:-

1. To note the information at (1) of the report;
2. To note the information on balances at (2) of the report;
3. To instruct the Housing Manager to produce a balanced budget by reducing the Housing Maintenance Budget accordingly by £137,470;
4. To agree an average increase of 1.3% in line with Rent Restructuring guidelines and note the effect on individual rents as shown at Appendix B of the report;
5. To agree an increase of Garage charges of 3%; and
6. To agree action contained in point 4.2 and 4.3 (above).

123 – Budget Proposals 2010-2011

The Borough Treasurer informed the Committee that the budget proposals for 2010-11 pack contained five sections that need approval by the Council.

The first section included proposals for the General Fund budget 2010-2011. It was proposed to set the budget at £16,646,318 representing no increase in Council Tax for Barrow. The annual Band A tax would be £134.58, and Band D tax £201.87.

The section also dealt with the public consultation process to be adopted. Once approved by this Committee, the budget proposals would be made available on the Council's Website and the consultation document would be circulated to households in the borough. The consultation period would be open until 5th February, 2010.

A special joint meeting of the Overview and Scrutiny Committees would be held on 10th February, 2010 to consider the budget. A Council meeting on 23rd February, 2010 was to consider the results of the consultation process and recommend any amendments if necessary. At that meeting, the Council would approve the budget and set the Council Tax.

The Borough Treasurer corrected a figure in the General Fund Budget Summary – Contribution to/(from) reserves from £172,420 to £175,420. The alteration did not change any other figures.

The second section covered the requirements to set a Treasury Management Strategy and limits on various treasury transactions as well as a number of prudential indicators to monitor the compliance with the strategy.

The third section presented a proposed Capital Programme for 2010-2011 to 2012-2013.

Section four dealt with the Housing Revenue Account budget 2010-2011. A report had been submitted to the Housing Management Forum for consultation on 21st January, 2010.

The last section introduced the Corporate Business Plan for approval and adoption.

Members were reminded that the collection of bulky household waste for the Central and Hindpool wards had been paid from the funding previously attracted by this service. As that funding stream had now come to an end, bulky household waste collections in all wards would be subject to the current £5 charge. Members were referred to a previous item on today's agenda relating to the service.

RECOMMENDED:- To recommend the Council:-

1. To agree to set the budget at £16,646,318 with no increase in the Council Tax for Barrow. The annual Band A tax would remain at £134.58, and Band D tax at £201.87;
2. To agree the parish precepts of £102,900 (Dalton £78,900, Askam £22,000 and Lindal £2,000). The total revenue budget including precepts was £16,749,218;
3. To confirm the previous years decision to use of £156,000 from reserves set aside in 2009-2010 to soften the impact of lower interest rates on the Council Tax;

4. To agree that no increase be provided in the budget for employees cost of living pay awards (costing £67,670) and that the impact of any award was offset by a reduction from the establishment;
5. To agree that no provision be made in the budget for the Neighbourhood Management Team budget (£408,000) as a result of the end of government funding and that bulky household waste collections in all wards would be subject to the current £5 charge;
6. To agree that from April 2010 the Concessionary Travel Scheme reverts back to the statutory scheme offering off peak travel only;
7. To agree to separate Barrow Sports Panel (£2,930), the Barrow Arts Forum (£2,570), the Good Citizenship award (£500) and the Mayoral awards to old people associations (£650) from the Grants Sub-Committee. That would leave an amount of £15,360 for the Grants Sub-Committee to allocate;
8. To confirm that continuation of the on street car parking and residents exemptions services would be dependant on a contribution of £90,490 from the County Council. The absence of such funding would result in the termination of the arrangements with the County Council in February 2011 on the basis of notice already given;
9. To agree to increase the recycling target by 6% to 40% generating £180,000 of income;
10. To agree to create a new budget of £7,500 for the Corporate Equality Group and £15,000 for the introduction of a GOV-TV facility;
11. To approve the fees and charges increases generating £36,620;
12. To agree to increase the Opportunity Reserve by £132,670;
13. To agree the proposed public consultation process;
14. To approve the Medium Term Financial Plan;
15. To adopt the Prudential Indicators and Limits for 2010-11 to 2012-13;
16. To approve the Minimum Revenue Provision (MRP) Statement which sets out Council's policy on MRP;
17. To approve the Treasury Management Strategy 2010-11 to 2012-13, and the Treasury Prudential Indicators;
18. To approve the Authorised Limit for borrowing;
19. To approve the Investment Strategy 2010-11 contained in the Treasury Management Strategy, and the detailed criteria included in Part 2 of the report;
20. To approve and agree to submit the three year Capital Programme for consultation;
21. To approve the recommendations of the Housing Management Forum regarding the Housing Revenue Account; and
22. To approve the Corporate Business Plan.

The meeting closed at 3.55 p.m.

HOUSING MANAGEMENT FORUM

Meeting: 21st January, 2010
at 2.00 p.m.

PRESENT:- Councillors Dawes, Garnett, Hammond, Irwin, James, McEwan and Maltman.

Tenant Representatives:- Mrs P. Charnley (Chairman), Mr D. McMillan, Mrs J. McMurray and Mr T. Slater.

32 – Minutes

The Minutes of the meeting held on 26th November, 2009 were agreed as a correct record.

33 – Apologies for Absence/Changes in Membership

Apologies for absence were submitted from Councillors Flitcroft, J. Hamezeian and J. Waiting and from Tenant Representatives, Mr N. Hird, Mrs K. Hotchkiss, Mr A. McIntosh and Mr T. Wilson.

Councillors Garnett and McEwan had attended as substitutes for Councillors Waiting and J. Hamezeian respectively. Tenant representative, Mrs J. McMurray had attended as a substitute for Mr T. Wilson.

34 – Housing Maintenance Investment Programme 2010/11

The Housing Manager submitted the report to agree the spend profile for the Housing Services Investment Plans for the next financial year. It also sought to suggest how it should be delivered.

The investment Programme was funded from the Housing Revenue Account or from the Major Repairs Allowance.

The principles adopted in drafting these proposals continued with the previously agreed approach that sought to ensure:

- (i) The Council achieved the Decent Homes standard;
- (ii) The investment split between responsive and planned works at a minimum meets the Audit Commission's guidelines, and seeks to maximise monies spent on planned works;
- (iii) The aspirations of tenants were considered and incorporated where appropriate; and
- (iv) To work collaboratively with other housing providers and contractors to improve delivery of planned and responsive repairs services.

Properties identified for improvement had been completed on a “worst first” basis. Programmes of delivery reflected the need to satisfy Decent Homes requirements and had been based on the results from the independent Stock Condition Survey completed in 2005/06. Properties scheduled for investment during 2010/11 had been shown in Appendix D to the report.

A further survey of the housing stock was due to be completed before 31st March, 2010. Officers would report the findings of the survey to the Housing Management Forum. The report would also include a detailed property investment list covering years 2 to 5 of the business plan.

1. Progress during the Current Year 2009/10

The Housing Manager reported that all planned investment works had progressed satisfactorily during the year. The bulk of work progressed through CHP had been completed prior to Christmas. Additional works made possible by the bringing forward of MRA were on site and scheduled for completion by the end of the financial year.

Delivery through CHP had continued to be an effective delivery method in terms of value for money, compared with historical costs, and improved delivery by providing a structured approach to the management, administration and monitoring of the contracts.

Planned work to be completed through the contract with Integral, did start later in the year but again was scheduled for completion by the end of the financial year.

Progress on delivery would continue to be reported to the Forum on a regular basis through the Information Report.

The table below provides an indication of the number of properties that had benefited from the more significant Investment Plans and would be updated where appropriate at year end.

Type of Work	No of Properties
Kitchens	285
Bathrooms	156
Central Heating	205
Rewires	154
Painting	356
Minor Adaptations	153
Major Adaptations	70

As a result of this investment, the proportion of homes failing the Decent Homes Standard had reduced as follows:-

	Properties	Percentage of Stock
* Baseline	509	18%
as at 4/09	6	Less than 1%
as at 4/10 (est.)	0	0%

* 2005/06 Stock Condition Survey

A review of the assessment would be completed as part of the new Stock Condition Survey which would be completed by the end of the financial year.

2. Suggested Investment Profiles for 2010/11

The Housing Manager submitted a suggested investment profile which is attached at **Appendix A** to these Minutes.

The proposals had been developed based on the principles highlighted at i, ii and iii above.

In terms of putting the proposals in context, they were based on an investment of £5,001,293 in 2010/11 compared with a budgeted investment of £4,888,990 in the current year.

He drew Members' attention to the following issues regarding the draft Investment Plan:-

2.1 Adaptations for Tenants with a Disability

The Housing Manager proposed that the budget for adaptations be increased from £250,000 to £300,000.

This was in order to ensure the Council were able to respond to the demand for adaptations and keep delays in delivery of such work to a minimum. During the current year demand had exceeded budget provision. However, by reallocating underspends on follow up works to electrical testing and savings on external painting, it had been possible to continue to meet demand.

Whilst having to now fund small adaptations (up to £1000) the most significant challenge was responding to the demand for such works generally, an issue to the Housing Service, but also a national issue.

2.2 Door Entry Replacements - £150,000

Following discussions at the Tenant Compact Working Party, Officers had appointed a suitable contractor to commence replacement of the existing door entry systems throughout the Borough. The Housing Manager had originally

suggested that the programme would take four years to complete. However, having now competitively tendered the work he suggested that the budget be increased from £100K to £150K with a view to completing the programme in 2-3 years.

2.3 Voids and Energy Performance Certificates - £230,000

In 2009 expenditure on voids had increased due to the Councils legal obligation to carryout a full test of the electrical and gas supplies to the property. In addition, the Council were required to provide each new tenant with an "Energy Performance Certificate" (EPC). The cost of providing EPC's was approximately £30,000 per year. In view of the additional costs he proposed to increase the void budget to £200,000 and allow a further £30,000 for the provision of EPC's.

2.4 Cyclical Painting - £200,000

In 2009 Members had agreed to the delivery of the cyclical painting programme via CHP. Following the appointment of George Jones Ltd, he reported that the works had been completed to the required standard, delivered on time and within budget. That resulted in a saving of approximately 40% when compared to traditionally tendered works.

In view of this he proposed that Members agree the 2010/11 painting works continue to be delivered via CHP.

2.5 Environmental Improvements

The Housing Manager proposed changes to the way the Council used resources allocated for this purpose to improve focus and delivery in a more planned manner. The principle he suggested was based on previous experience of managing these budget headings, was to reduce the resources for day to day 'responsive' works and move towards more 'planned' environmental investment. This could be progressed by:

2.5.1 Area Improvements and Environmental Improvements

Expenditure from this budget was agreed with the Tenants' Forum. It sought to respond to requests for ad hoc environmental improvements on estates. In recent years the level of requests had meant the budget not being committed in full. He therefore proposed it be reduced to £25,000.

2.5.2 Fencing and Environmental Improvements

That budget was used for replacing fencing that, if not replaced, would pose a health and safety risk to the occupiers. As such, it tended to be demand led and not always fully committed. It also funded other environmental works, more recently balcony upgrades at Grange and Cartmel Crescent.

The Housing Manager proposed to reduce the budget to £25,000 and that this be used solely for fencing replacement based on the above criteria.

2.5.3 In reducing the resources under the above budget headings, and to move towards more planned investment he advised Members of the following:-

- Door entry upgrades:

Proposed increase of original budget to £150,000 this year.

- 'Other planned maintenance':

Proposed increase to £197,000. These resources were used to complete investment work which he described as 'ad hoc' upgrades, as opposed to 'cyclical' upgrades such as the kitchen replacement programme. Proposals on how these resources were used was agreed with the Tenant Compact Working Party, but was generally planned and therefore ensure a more structured investment. Recent examples of work in progress included pointing agreed to particularly exposed property.

3. Progressing the Planned Investment Works

The Housing Manager proposed that the existing arrangements for delivering the investment works of the Maintenance budget be continued for 2010/11.

That included completion of works through the CHP framework, through the contract arrangement with Integral, and shorter term work such as the door entry upgrades by one off competitive tendering exercises.

As referred to above he proposed the external painting contract be delivered via CHP in 2010/11 and as such whilst the Council had worked on the basis of cyclical investment over the last few years being delivered on the basis of 50% Integral, 50% CHP, that should be changed to a target of 30%/70%.

In proposing the continued involvement with CHP, he advised that the four year framework contract was coming to an end and was currently being re-tendered.

RECOMMENDED:-

1. To note the progress on achieving the Decent Homes Standard shown at point 1 (above);
2. To agree principles highlighted in point 2 (above); and the annual Investment Profile attached at **Appendix A** to these Minutes;
3. To agree to increase delivery proposals through Cumbria Housing Partners subject to compliance with the frameworks group accounting requirements;

4. To agree that the Housing Maintenance Budget be reduced by £137,470 to balance the 2010/11 Housing Revenue Account Budget and to note that the Housing Manager would bring proposals on how these savings could be made, with a minimal impact on the service provision, to a future meeting of the Housing Management Forum.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

35 – Housing Revenue Account

The Housing Manager submitted a report to agree a Housing Revenue Account Budget for the financial year 2010/11. The report also provided an Expected Outturn Budget for the current year 2009/10 and information regarding balances.

The expected outturn and proposed HRA for 2010/11 had been attached as an appendix to the report.

In drafting the report he had followed the subsidy determination provided in this year's guidance on rent setting and Housing Subsidy.

1. Expected Outturn Budget 2009/10

The forecast outturn for the year was:

- (i) Rental Income sales during the year were significantly lower than when the budget was set.

- Sales assumed in original 2009/10 budget = 25 dwellings
- Sales current expectations 2009/10 = 6 dwellings (6 completed as at December 2009)
- Expected decrease in rental income = £192,650 due to government guidance to limit the increase in 2008-2009. It was expected that this would be matched by a reduction in the subsidy payable to the government.

- (ii) Salaries

Changes in personnel, working hours and unfilled vacancies had resulted in savings estimated to be £92,000 for the year.

2. Balances on the Expected Outturn for 2009-10

The Expected Outturn for 2009/10 was likely to result in the following movement in balances.

- 2.1 Balance on the Major Repair Reserve as at 31 March 2009: £0

2.2 Balance on the Housing Revenue Account as at 31 March 2009:
£845,980

The Housing Revenue Account Balance included an element for funds committed to ongoing housing maintenance of £72,000.

2.3 Breakdown of Balances on Account:

Balance 1.4.09	:	£845,980
Ongoing Housing Maintenance	:	(£72,000)
Forecast surplus 2009-10	:	£51,810
Proposed use to balance budget 2010-11	:	(£137,470)

Estimated Balance at year end		£688,320

That figure was in line with the recommended minimum balances as suggested by the Borough Treasurer.

3. Draft Proposed HRA 2010/11

The proposed budget for 2010/11 had been detailed at Appendix A.

3.1 In developing a proposed budget for 2010/11 the following factors had been taken into account:

- Rent increases would be applied in accordance with the rent restructuring plans (further details were shown below) – currently averaging 1.3% on actual rents per annum and 3.1% on guideline rents per annum.
- General inflation of 0% on salary costs, 0% on utilities or in line with contractual increases.
- Rental income was based on sales of 6 dwellings in 2010/11.

3.2 As referred to above, rent levels were dictated by the rent restructuring rules.

This year's rent restructuring guidance had been set to reflect the Department of Communities and Local Government's (CLG's) decision to fix rent increases for this year and next. The Retail Price Index (RPI) had fallen to -1.40% in the 2010/11 calculation, from 5% quoted last year. The number of years to convergence was 3.07 creating a convergence date of 25th April, 2012 with the following effect:-

	48 Weeks	52 Weeks
2009/10	£64.71	£59.73
2010/11	£65.55	£60.51
Increase	1.3%	1.3%

The Housing Manager had also included, as an appendix to his report, further details of the resultant rents for different property types.

3.3 The housing repairs and maintenance budget had been increased in line with the subsidy guidelines. An amount of £1,126.61 per dwelling had been allowed by the subsidy system.

It was noted following the above principles resulted in an in year deficit of £137,470. It was also noted that in the current year the predicted repayments of subsidy had yet to be adjusted following the rent reduction last year. The Housing Manager expected that would be remedied in the final determination in the current financial year but would monitor the situation and would report further, if any further action was necessary.

For the purpose of setting the budget, the Housing Manager had recommended in his report that the deficit of £137,470 could be met from the HRA balance. However, he further recommended at the meeting that for the purpose of setting a balanced Housing Revenue Account budget, the deficit could be met by reducing the Housing Maintenance budget accordingly.

4. Other Charges

4.1 Garage Charges

The proposed budget did not include any increase on garage charges.

The following extra income would be generated if certain increases were approved:

1%	:	£1,620
2%	:	£3,240
3%	:	£4,850

The effect on individual garage charges would be as follows:

	2009/10	+1%	+2%	+3%
Garage rate 1	£5.29	£5.34	£5.40	£5.45
Garage rate 2	£7.31	£7.38	£7.46	£7.53

It was noted that VAT was payable in addition to the above charges for garage holders who were not also Council tenants. VAT had increased on 1st January, 2010 from 15% to 17.5%.

The demand for garages was buoyant with few vacancies.

The Housing Manager therefore, suggested that the garages charges should be increased by 3% in line with the increase for residential properties.

He reminded Members that whilst the principle was advised last year in setting the budget, no reduction in the rents for garages was made following the revised guidance on rent increases late in the year.

4.2 Homelink

The Housing Manager reported that he proposed no changes to the Homelink Service. With regards to the Councils own tenants, the charges were somewhat led by agreed contract rates with Supporting People Commissioning Body. He was currently in discussion with Supporting People regarding the identified reduction in income for the service, and would report shortly on proposals to deal with the matter.

4.3 Other Charges

Previously the principle had been agreed to vary certain charges as required to reflect the full cost of the service. These charges were altered when contracts were reviewed. Areas covered by this were staircase cleaning, supported tenancies, furnished tenancies, and dispersed accommodation. He recommended that this principle be continued.

5. Housing Revenue Account Review

The Housing Manager reminded the Forum that a review of the Housing Revenue Account subsidy system was ongoing and he understood that further details would be published in the Spring. He was unable to comment further on likely implications, but would report further when the information was available.

RECOMMENDED:- To approve the Housing Manager's recommendations and request the Executive:-

1. To note the information at (1) of the report;
2. To note the information on balances at (2) of the report;
3. To agree to instruct the Housing Manager to produce a balanced budget by reducing the Housing Maintenance Budget accordingly by £137,470;
4. To agree an average increase of 1.3% in line with Rent Restructuring guidelines and note the effect on individual rents as shown at Appendix B of the report;
5. To agree an increase of Garage charges of 3%; and
6. To agree action contained in point 4.2 and 4.3 (above).

The meeting closed at 2.45 p.m.

Total Budget **£5,001,293**

APPENDIX A

NEC 3 Contingencies (7.5%)

Routine Maintenance

Other Planned Maintenance

MRA

£67,500 Tenant Demand Repairs
 £15,000 Void Repairs
 £5,625 Associated Building Works
 £14,529 Gas Breakdown Repairs
 £9,900 Gas Safety Tests and Servicing

£832,500 Tenant Demand Repairs
 £185,000 Void Repairs
 £30,000 EPC Surveys
 £35,000 Decoration Vouchers
 £10,000 Security Shutters
 £15,000 Tipping charges (Voids)

£69,375 Gas Building Works
 £193,581 Gas Breakdown Repairs
 £132,000 Gas Safety Tests and Servicing
 £200,000 Painting and Fabric repairs
 £20,000 Community Centre Repairs
 £20,000 Door Entry Maintenance
 £15,000 Disrepair Claims
 £25,000 Environmental Enhancements
 £175,000 Electrical Testing & Smoke Alarms
 £10,000 Asbestos Surveys and Removal
 £25,000 Fencing and Environmental Imp
 £50,000 Consultancy Fees
 £20,000 Shop Repairs/Upgrades
 £150,000 Door entry replacements
 £20,000 Re-Insulation works
 £197,740 Other Contractors Planned Works (Misc)
 £225,000 Kitchens via CHP
 £300,000 Disabled Adaptations

£283,543 Rewires (CHP)
 £375,000 Heating and Insulation (Integral)
 £475,000 Heating and Insulation (CHP)
 £100,000 Bathrooms (Integral)
 £200,000 Bathrooms (CHP)
 £225,000 Kitchens (Integral)
 £275,000 Kitchens (CHP)

CHP = Cumbria Housing Partners

£1,933,543

£112,554

£1,107,500

£1,847,696

EXECUTIVE COMMITTEE	(D) Agenda Item 8
Date of Meeting: 3rd March, 2010	
Reporting Officer: Borough Treasurer	
Title: Council Finances Report – Quarter 3 2009-2010	
Summary and Conclusions:	
This report presents financial information for the third quarter of the financial year including January 2010. It contains summary information and key data for the:	
A. General Fund B. Treasury Management C. Capital Expenditure and Financing D. Housing Revenue Account E. Collection Fund F. Bad Debt Provisions and Write Offs G. Reserves, Balances and Provisions H. Benefits Performance	
Recommendations:	
To note the financial information for the third quarter contained in the report.	

Report

Council Finances For the period to 31st January 2010

Introduction

This report contains all of the key data relating to the Councils finances for the period ended 31st January 2010. Where key data is not available at the end of the reporting period date, the latest available key data has been used and this is noted where applicable.

A. General Fund

The General Fund brings together all of the functions of the Council except the Housing Revenue Account which is ring-fenced. The General Fund summarises all of the resources that have been generated, consumed or set aside in providing services during the year. There are certain statutory items that are taken into account in determining the Council's budget requirement and in turn its Council Tax demand.

The budget for 2009-10 was agreed by Council on the 23rd February 2009 at £13,742,000. The budget was balanced using £189,000 from balances.

There are certain items of income and expenditure that are incurred throughout the year and other items that are entered into the General Fund at the end of the financial year. The monitored items and their position at 31st January 2010 are set out below, the actual spend compared to the budget is shown as Q3%:

Item	Total budget	Q3 budget	Q3 actual	Q3%
Staff costs	£6,949,910	£5,791,591	£5,500,433	95.0
Transport costs	£221,410	£184,508	£184,277	99.8
Property costs	£2,254,480	£1,878,733	£1,683,154	89.6
Supplies and services	£5,567,870	£4,639,892	£3,726,235	80.3
Contract services	£6,963,880	£5,803,233	£5,475,309	94.3
Transfer payments	£23,506,410	£19,588,675	£21,436,184	109.4
External income	(£31,844,310)	(£26,536,925)	(£25,771,693)	97.1
Direct costs	£13,619,650	£11,349,707	£11,233,899	99.0

A forecast of the outcome for the full year at this early stage indicates no additional call on balances.

Key data:

- o Salaries and on-costs

Salaries and on-costs are one of the main items of General Fund expenditure; these are the main part of the staff cost figures.

The salaries and on-costs budget at 31st January 2010 was £5,671,183 and the difference between this and the actual spend of £5,399,810 is an under spend or saving of £271,373. The difference between the budget against actual spend is broken down below:

Item	Savings
Purchase holidays –additional leave bought by staff	£31,100
Savings from vacancy gaps and establishment changes	£168,759
Pay awards not paid to chief officers and lower percentage to other officers	£71,514
Total	£271,373

- o The main income streams in the General Fund are those realising at least £250,000 in the year. This is income that is earned for services provided and does not include grant income, the actual spend compared to the budget is shown as Q3%:

Income stream	2009-10 budget	Q3 expected income based on previous year trend	Q3 actual income	Q3%
Car parking-pay & display	£731,700	£665,847	£584,201	87.7
Estates property rents	£1,531,530	£1,240,539	£1,231,227	99.2
Leisure Centre fees	£727,600	£567,528	£539,673	95.1
Crematorium services	£357,000	£247,401	£261,092	105.5

- Sundry debtors outstanding at 31st January 2010 compared to the sundry debtors outstanding at the start of the year:

Outstanding 31 st January 2009	Days overdue	Outstanding 31 st January 2010
£205,447	Current	£674,019
£198,143	1 to 30	£183,335
£22,381	31 to 60	£65,358
£389,223	Over 61	£590,874
£815,194	Total	£1,513,586

B. Treasury Activities

Treasury activities are all the borrowing and investment transactions for the Council. All transactions take place in accordance with the Council's approved Treasury Management Strategy for the year, which also sets the Prudential Indicators. Prudential indicators are measures and limits that control the affordability, risk and proper practice in all treasury transactions.

The interest paid on borrowings is attributed to the General Fund after a statutory amount is calculated for the Housing Revenue Account. The interest earned on investments belongs to the General Fund. Should the interest paid on borrowings or the interest earned from investments is different from the budget estimate, this will impact on the General Fund and Housing Revenue Account as applicable.

Key data:

- Interest paid on borrowings compared to budget estimate:

The Council currently has no short-term temporary borrowing.

The Council's long-term debts are all with the Public Works Loan Board and interest is payable every six months, the first payment for the period 1st April 2009 to 30th September 2009 was paid on the 1st October 2009:

Annual budget estimate for interest paid	Actual interest paid
£1,266,570	£505,756

- o Interest earned on invested short-term temporary surplus cash compared to the budget estimate:

Annual budget estimate for interest earned	Actual interest earned at 31st January 2010
£150,000	£11,019

At the time of writing this report the Council had £7,100,000 invested with the HSBC.

After the 2009-10 budget was prepared, a loan of £6,610,266 was repaid as reported to this Committee on the 10th June 2009. The saving from the reduced external interest payable should compensate for the expected shortfall on the interest earned element of the budget.

- o Change in the Council's borrowings:

There has been no new long-term borrowing undertaken, however, as mentioned above a repayment has been made and there has been no restructuring of the existing long-term debt. The Council's borrowings at the 30th September 2009 were £22,389,734.

The Authorised Limit that the Council's debt cannot exceed in 2009-2010 is £36,000,000.

C. Capital Programme

The Council's capital expenditure plans are one of the key prudential indicators. This expenditure can be paid for immediately by resources such as capital receipts and capital grants, and any remaining expenditure forms the Council's borrowing requirement for the year.

The borrowing requirement for the capital programme impacts on the General Fund as the Council is statutorily required to set aside a prescribed amount to repay the Council's total borrowing requirement. The current borrowing requirement in the capital programme is reflected in the General Fund budget. Any changes in the requirement will impact on the General Fund.

Key data:

- o Spend to 31st January 2010 compared to the programme projected:

As at:	Capital programme	Actual spend
23 rd February 2009 – approved by Council	£12,598,261	£7,927,930
31 st December 2009 – as reported to this Committee on the 27 th January 2010	£13,164,125	

D. Housing Revenue Account

The Housing Revenue Account reflects the statutory obligation to account separately for Council housing provision. The Housing Revenue Account is a ring-fenced account and legislation sets out the items that can be paid and received.

The budget for 2009-10 was agreed by Council on the 23rd February 2009 as a net surplus on the account of £52,670. The budget did not include the use of the Housing Revenue Account balance.

There are certain items of income and expenditure that are monitored throughout the year and other items that are transacted at the end of the financial year. The monitored items and the position at 31st January 2010 are set out below, the actual spend compared to the budget is shown as Q3%:

Item	Total budget	Q3 budget	Q3 actual	Q3%
INCOME				
Dwelling rents	(£8,307,200)	(£6,922,667)	(£6,948,173)	100.4
Other rents	(£315,020)	(£262,516)	(£254,797)	97.1
Other items of income	(£557,010)	(£464,175)	(£410,943)	88.5
Gross income	(£9,179,230)	(£7,649,358)	(£7,613,913)	99.5
EXPENDITURE				
Management of Council Housing	£2,245,290	£1,871,074	£1,632,836	87.3
Dwelling repairs	£2,986,290	£2,488,575	£2,800,859	112.5
Housing subsidy payable	£399,940	£333,283	£109,486	32.9
Gross expenditure	£5,631,520	£4,692,932	£4,543,181	96.8

Overall the Housing Revenue Account is expected to be on target to achieve the budgeted income and expenditure items above, set by Council on the 23rd February 2009.

E. Collection Fund

The Collection Fund reflects the statutory requirement to maintain a separate record of transactions in relation to council tax and business rates and to distribute these to precepting authorities, the national non-domestic rates pool and the General Fund.

When the council tax is set, there is a certain amount set aside for uncollectible council tax. Where the uncollectible council tax for the year is different to the estimate, for illustration there is more uncollected council tax than estimated, this deficit is shared between the Council, the County and the Police. Due to the timing of setting the council tax, the deficit would impact on the 2011-12 General Fund.

Key data:

- Percentage of council tax collected at 31st January 2010 compared to the previous year:

Year	Amount due for the year	Amount collected	Collected
2009	£27,191,637	£25,482,889	93.7%
2008	£26,723,459	£24,875,475	93.1%

- Percentage of business rates collected at 31st January 2010 compared to the previous year:

Year	Amount due for the year	Amount collected	Collected
2009	£21,236,477	£20,151,704	94.9%
2008	£20,533,670	£19,511,768	95.0%

F. Bad debt provisions and write offs

Each fund has a provision set aside to cover the writing off of bad debts. The provisions are specific to each fund that they are created from. For the General Fund, the bad debt provision has been built up from contributions from the General Fund over time. If the provision falls below prudent levels, General Fund revenue resources would be used to replenish the provision.

Key data:

- The bad debt provisions at 1st April 2009 and at the amounts written off to 31st January 2010 are shown below:

Fund	1 st April 2009	Written off during 2009-10
General Fund	£485,747	0
Benefits overpayments	£511,050	£6,822
Housing Revenue Account	£315,205	£53,661
Collection Fund		
- council tax	£3,032,932	£303,809
- business rates	£1,074,151	£149,788

At this point in the year the bad debt provisions are satisfactory to cover the outstanding debts.

G. Reserves, balances and provisions

Reserves, balances and provisions are specific to each fund.

Reserves are created by earmarking specific amounts from a fund and setting it aside, this may be for a specific purpose at the time, or for a specific purpose to be identified later.

Fund balances are maintained at prudent levels determined in accordance with the approved Reserves and Balances Policy. Fund balances are held for potential emergency or extraordinary expenditure.

Provisions are created to meet potential liabilities or losses that have been incurred, but the timing or amounts are uncertain.

Key data:

- The General Fund reserves held at 1st April 2009 and at 31st January 2010 are shown below:

Item	1 st April 2009	Allocated for use	31 st January 2010
Opportunity reserve	£1,195,552	£335,985	£859,567
Budget setting support	£500,000	£345,000	£155,000
General reserve	£461,623	0	£461,623
Leisure centre loss of income	£270,321	TBC	£270,321
Other reserves	£578,477	£357,098	£221,379
Total	£3,005,973	£882,083	£2,123,890

- The balances at 1st April 2009 and at 31st January 2010 are shown below:

Fund	1 st April 2009	Used during 2009-10	31 st January 2010
General Fund	£1,971,258	0	£1,971,258
Housing Revenue Account	£845,980	0	£845,980
Collection Fund	£52,185	£17,077	£35,108

- The reserves and balances are sufficient and remain at satisfactory prudent levels.
- The provisions at 1st April 2009 and at 31st January 2010 are shown below:

Item	1 st April 2009	Used during 2009-10	31 st January 2010
Insurance settlements	£449,206	£0	£449,206
Early retirement	£59,889	£0	£59,889
Total	£509,095	£0	£509,095

H. Benefits Performance

One of the main performance targets agreed with Liberata for 2009-2010 is the time taken to process new claims and change events. For new claims the target is 21 days and for change of circumstances 12.5 days. The DWP will monitor the combination of these two targets which they refer to as NI 181. The combined agreed target for this year is **16 days**.

For the month of January 2010 Liberata's performance was:

Council	NI181	New Claims – Days	Change of Circumstances - Days
Allerdale	9.1	17.0	7.8
Copeland	10.7	19.3	8.8
Barrow	9.8	22.7	7.7
Carlisle	12.9	24.4	9.1
Eden	14.5	23.7	12.7
South Lakeland	8.3	20.1	4.4

(i) Legal Implications

Not Applicable.

(ii) Financial Implications

At this stage, the finances of the Council are within budgetary expectation.

(iii) Health and Safety Implications

Not Applicable.

(iv) Key Priorities or Corporate Aims

Not Applicable.

(v) Risk Assessment

Not Applicable.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil

EXECUTIVE COMMITTEE	(R) Agenda Item 9
Date of Meeting: 3rd March, 2010	
Reporting Officer: Borough Treasurer	
Title: Capital Strategy	
Summary and Conclusions:	
This report introduces a proposed capital strategy to be adopted from 1st April 2010.	
Recommendations:	
To recommend the Council to approve the adoption of the Capital Strategy.	

Report

Attached at **Appendix 1** is the proposed Capital Strategy.

(i) Legal Implications

Not Applicable.

(ii) Financial Implications

Not Applicable.

(iii) Health and Safety Implications

Not Applicable.

(iv) Key Priorities or Corporate Aims

Not Applicable.

(v) Risk Assessment

Not Applicable.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.



Barrow Borough Council

**Capital Strategy
2010-2013**





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Introduction

The purpose of this document is to show how the Capital Strategy determines the process for retaining and maintaining properties in the asset base and how capital projects are included in the capital programme in a rational and objective manner which maximises the contribution of the capital programme towards the achievement of the Council's Key Priorities.

In terms of volume, the majority of the Council's assets are the housing dwellings. Day to day maintenance and any plans for improvements are incorporated into the Housing Revenue Account Business Plan. This covers a 30-year period and is updated annually. It includes anticipated Central Government Funding, Rent Levels and available capital receipts that can fund any necessary capital works and analyses options and strategies to maintain affordable rented and leasehold homes. The remaining assets owned by the Council are categorised as:

-  Operational – used in service delivery
-  Non-operational – commercial and industrial property
-  Assets under construction
-  Surplus assets

Objectives and Priorities

The Sustainable Community Strategy is about setting out a long-term approach to improving quality of life for everyone in the Barrow Borough, whether they live or work in the area, or are simply visiting. It has been developed and adapted many times over several years, but its purpose has always been to help make Barrow and the surrounding area a place where people are happy to live, work and spend their free time. A place that people love.

In simple terms, this means the Strategy explains how we will try to deliver the things that local people have told us will make Barrow Borough a better place to live, while working in ways that contribute to sustainable development in the UK.

The Strategy has been developed, and will be delivered, by Furness Partnership. Furness Partnership was formed to join up a range of private, public, community and voluntary sector organisations and help them work together more effectively for the good of people in the Borough. Each of these organisations has their own priorities, objectives and plans, but each is committed to working in partnership to deliver the vision set out in this Strategy.

The Strategy does not try to describe everything the Furness Partnership's members do in Barrow Borough, and it does not give a detailed action plan for the delivery of our vision. The Strategy should be seen as a guide that partners can use to see where their existing plans are able to help deliver Furness Partnership's vision for Barrow, and where new thinking is needed.

Barrow Borough Council has developed a realistic vision for the future and has identified clear aims that compliment the themes of the Community Plan.

The vision of the Council is:

“To enhance the economic and social future of the Borough to meet the needs and aspirations of the community.”

The key aims to support the vision are:

- Effective community leadership.
- Investing in the Boroughs economic future.
- Creating an enhanced quality of life for local residents.
- Developing a safe, confident and socially inclusive community.
- Delivering high quality accessible services.

The Council has developed a set of Key Priorities that will deliver tangible benefits to the community and are headline issues for the Council. For each of the Key Priorities there is an action plan that includes annual objectives, actions and measures so that progress can be monitored.

1. Create a Safer, Cleaner, Greener environment and reduce the gaps between the priority wards and the average.
2. Meet the housing needs of the Borough and make decent housing more accessible.
3. Provide easier access to Council services.
4. Support economic regeneration.
5. Continue to improve the effectiveness and efficiency of your Council.
6. Expand facilities and activities for young people.

The Key Priorities do not feature equally in the capital strategy because some objectives incur predominately ongoing revenue costs.

Current Members of Furness Partnership

BAE Systems
Barrow Borough Council
Barrow and District CVS
Barrow Excellence Cluster Partnership
Cumbria County Council
Cumbria Constabulary
Cumbria Fire & Rescue Service
NHS Cumbria Primary Care Trust
Furness Enterprise
Government Office North West
Employment Service - Jobcentre Plus
Morecambe Bay Hospitals NHS Trust
West Lakes Renaissance

Three Year Capital Investment Programme

The main purpose of the Council's Capital Investment Programme is to provide assets for the provision of services and to deliver the Council's Key Priorities. It is prepared by considering resources available and then prioritising capital schemes in line with Key Priorities and other criteria. A summary of the current Capital Investment Programme 2010-11 to 2012-13, including funding, is shown below:

	Budget 2010-2011	Indication 2011-2012	Indication 2012-2013
<u>INVESTMENT</u>			
Public housing	£1,933,543	£2,008,258	£2,060,915
Private housing	£1,116,887	£1,116,887	£1,690,000
Housing Market Renewal	£2,707,611	£1,050,000	£0
Public buildings	£1,693,900	£1,009,500	£1,009,500
Other public assets	£4,947,294	£4,452,000	£377,000
Other initiatives	£1,021,223	£1,145,686	£1,008,000
Total	£13,420,458	£10,782,331	£6,145,415
<u>FUNDING</u>			
Borrowing requirement	£2,000,000	£2,000,000	£2,000,000
Government grants	£7,746,245	£5,699,500	£1,699,500
Capital receipts	£1,740,670	£1,074,573	£385,000
Major repairs reserve	£1,933,543	£2,008,258	£2,060,915
Total	£13,420,458	£10,782,331	£6,145,415

The capital programme detailed at Appendix A has been approved by Council and relates to the Key Priorities as follows:

Key Priority	Capital programme elements
Safer, cleaner, greener environment	Private housing Housing Market Renewal Public buildings Other public assets Other initiatives
Housing needs and accessible decent housing	Public housing Private housing Housing Market Renewal
Easier access to Council services	Public buildings Other public assets
Economic regeneration	Housing Market Renewal Other public assets
Effectiveness and efficiency of your Council	Public buildings Other public assets
Facilities and activities for young people	Public buildings Other public assets

Resource Allocation

The Government introduced a new system for the management of capital finance in 2004/05 contained in The Local Authorities (Capital Finance and Accounting) Regulations (2003), which became operative from 1st April 2004. The act sets out a new financial power for local authorities to use unsupported prudential borrowing for capital investment provided that the Council can afford the revenue consequences of any proposed borrowing.

The key objectives of the prudential system are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable. Under the regulations local authorities have been given the freedom to determine the amount of external borrowing they are prepared to undertake when considering their own capital spending and financing decisions.

At the outset of each Capital Investment Programme planning cycle, the level of resources available to fund the programme is reassessed in light of the most recent information. The current programme is then reviewed to establish the level of resources needed to fund the committed programme. This information is then used to establish the resources available to fund new schemes.

The current capital financing strategy is based on a mix of funding including capital receipts, capital grants, revenue contributions, use of reserves, specific one-off external contributions and Prudential Borrowing which was approved in 2010-2011 as £2,000,000. The Capital Investment Programme Strategy assumes a phased utilisation of all available capital receipts over the three years 2010-2011 to 2011-2012

It is the Council's policy to maximise capital receipts through a review of existing property use. A rigorous approach has been adopted to the identification and disposal of surplus assets that are no longer required to meet the Key Priorities of the Council. The Corporate Property Group annually considers the property portfolio and identifies property for sale. The Council views this as the most cost effective way to finance the capital programme.

The Council continues to be very successful at securing external funding from the Government and private sources, to achieve the delivery of its capital programme. The Council has been able to fund the majority of its capital programme from external funding in recent years.

At any point in time the Council is actively seeking external funding towards a variety of projects, for example the current programme includes £4,200,000 repaving and enhancement scheme for the Town Centre has just commenced and the Council is bidding for additional funds to extend the scheme. In addition, there are a number of organisations who approach the Council for partner funding towards a scheme, for example working in partnership with Accent Homes we have started construction of sheltered accommodation for elderly and frail residents on Holker Street.

The Council's policy is not to include these schemes in the overall programme until such time as the other sources of funding have been confirmed. This is specifically to address issues over slippage within the programme and to avoid the Council entering into an open-ended commitment which then deprives other important schemes of resources. However, it is vital that when such schemes have secured sufficient partner funding, that the Council has the capability to fund its share of the overall scheme cost and can add such schemes to the programme if it desires.

Getting value for money is a key priority for the Council and the Capital Investment Programme should provide high quality, value for money public services. The Council recognises that best value is based on whole life costs and therefore the on-going revenue implications of capital spend are identified when bids for capital resources are assessed and when schemes are approved; when a new capital project is proposed any impact on revenue expenditure is anticipated and costed. These revenue costs are used to inform the revenue budget planning process and are considered alongside other priorities in the revenue budget when the overall budget is set.

In order to ensure that resources available for capital investment are used efficiently and effectively, the Council prioritises all capital projects in line with Key Priorities, available resources and longer term revenue savings. This is achieved by the submission of bids for capital resources being appraised by the Capital Working Group which includes Management Team, for their consideration and comment; see Appraisal Request form at Appendix B and Bid Guidance Notes at Appendix C. This process includes all elements of Capital Investment including Housing.

The resulting draft programme is then reported to the Executive Committee that makes the decision as to the final programme, in relation to the resources available. This is then subject to the Council's ratification.

Managing and Monitoring the Capital Programme

Detailed management, monitoring and review in terms of both the delivery of outcomes and Key Priorities and financial performance are the responsibility of the Capital Working Group, working in conjunction with the responsible manager. Progress reports incorporating any recommended variations to the Programme are presented to the Capital Working group and the Executive Committee. Any 'learning' arising from the monitoring/review process is used to inform the strategy on an ongoing basis. The Council's Financial Regulations stipulate how the financial aspects of the capital programme and each capital scheme should be managed and the Capital Working Group ensures compliance with these requirements.

Barrow Borough Council is committed to consulting with the community, its partners and service users on the key issues affecting the quality of life in Barrow-in-Furness. It has always been important to ensure that resources and services are designed, delivered and improved to meet the changing needs and expectations of our community, our partners and our service users. To achieve this commitment the Council consults and involves the community on any major or controversial capital

schemes and will make its policies, decisions and services more accessible to comment from residents, businesses, agencies and major partners.

Links to Other Strategies and Plans

The overall capital strategy stands above the more operational strategies that are needed for key services, such as Housing, Leisure and Environmental services. The capital strategy does not sit in isolation but is informed by and informs other strategies. It provides a basis upon which other strategies can be developed and devised. The links between these strategies are extremely important.

The Council's Housing Strategy provides detailed objectives for the way in which the Council plans to meet the housing needs of the Borough, including the financial resources required to delivery the Housing Strategy, and therefore informs the Capital Strategy of the funding required.

The capital strategy provides the policy framework for the operational work of asset management. Corporate asset management planning covers all the council's assets and should result in a realistic, costed 3 - 5 year programme linked to outputs. The Council has developed performance measures in asset management, comparing these internally between services and over time. The Asset Management Plan forms an important part of the Council's Capital Strategy. The Corporate Property Group has a remit, which includes preparing, revising and monitoring the Asset Management Plan in order that asset information can be easily obtained.

The Information Technology Strategy is a critical link between the Council's Corporate Plans, Central Government Initiatives and Information Technology and is therefore an integral part of the Council's business planning process. However, future Information Technology capital investment must take account of resources available for future funding and be seen to offer value for money, and is informed by the Capital Strategy.

Performance Management and Measurement

In addition to adopting the Property Performance Indicators as set out in the requirements for Asset Management Planning, the Council has developed a range of local performance measures to inform various aspects of the Council's Capital Programme. The overall performance of the capital programme, including post-scheme evaluation of projects, is overseen by the Capital Working Group.

Revising the Capital Strategy

The Capital Strategy is reviewed annually; it does not need to be overhauled annually so long as the existing documentation remains valid. However, the Council reviews the allocation of its Capital Resources on an annual basis to ensure that its programme of investment is in line with the actual resources available to support its spending needs and priorities.

Summary

The Council will continue to prioritise its capital spending in line with its Key Priorities and other criteria. New and innovative ways of increasing capital finance and funding will continue to be explored. The Council will annually review its approach to capital expenditure having regard to outcomes of Service Reviews and Inspections, and outcomes of the Capital Investment Programme.

Appendix A - Capital Investment Programme

	2010-2011	2011-2012	2012-2013
Capitalised planned maintenance Housing IT System	1,933,543	2,008,258	2,060,915
Total Investment in public housing	1,933,543	2,008,258	2,060,915
Renovation grants	-	-	-
Disabled facilities grants	960,000	960,000	960,000
Minor repair grants	28,125	28,125	28,125
Thermal Improvement Grants	75,000	75,000	75,000
Stay put agency Wordsworth Street	53,762	53,762	53,762
Total Investment in private housing	1,116,887	1,116,887	1,116,887
North Central Renewal - Acquisitions Sub Area D	1,177,000		
Central - Relocation Grants	20,000		
Central Misc Acquisitions			
Central Refurbishment Property Swaps			
Central - 188 Marsh Street	50,311		
North Central Renewal	431,690		
Greengate Street Garages - Site Preparation			
Group Repair - Sutherland Street	675,000		
Group Repair - Marsh Street	300,000		
Group Repair - Central Area E		750,000	
Central Area A Environmental Improvements		300,000	
Central Buccleuch Court Environmental Improvements	50,000		
Hindpool Urban Park Phase 1 & 2	1,200		
Hindpool Clearance / Renewal			
Hindpool Environmental Improvements - Gateway			
Hindpool Environmental Improvements - Pocket Parks	550		
Hindpool Environmental Improvements - Key Streets	1,860		
Hindpool - Alleygates			
Investment in Housing Market Renewal	2,707,611	1,050,000	0
Housing Capital Grant - to be allocated	-	-	573,113
Total Investment in housing	5,758,041	4,175,145	3,750,915

	2010-2011	2011-2012	2012-2013
Cemetery	325,000	42,000	0
Crematorium	205,000		0
Dock Museum	95,500	9,500	124,500
Forum 28	139,500	0	0
Leisure Centre	357,000	15,000	0
Market Hall	150,000	0	0
Public Conveniences	98,900	50,000	0
Roof Top Car Park			
Town Hall	290,000	200,000	200,000
Public Buildings Alternative Energy Sources	0	0	0
Craven House	20,000	0	0
Burlington House		400,000	0
Public Buildings Contingency Fund	13,000	293,000	685,000
Total Investment in Public Buildings	1,693,900	1,009,500	1,009,500
Askam Community Centre			
Emlyn Street Improvements	8,000		
Play Areas	319,800	100,000	100,000
Barrow Park	86,550		
Play Projects Biggar Bank & Abbotswood	85,581		
Barrow Park Skate Park			
Playing Fields	75,000	25,000	25,000
Forge Close Business Units			
James Freel Close Business Units			
Advance Workspace Units - Site Adjacent Waterside House	1,574,100		
Ramsden Business Park	200,000	2,000,000	
Holker Street Car Park	5,927		
77/79 Duke Street			
Flass Lane Risedale/Hospice Units			
Emlyn Hughes House - Gateway Offices			
Ambassador House			
Salthouse Road Depot	19,000		
Town Centre Shop Front Grants	35,000	100,000	50,000
237-241 Dalton Road Millennium House			
104 Abbey Road (Cookes Building)	390,667		
Link Road	58,669		
Dalton Road Streescapes			
Abbey Road Streescapes			
Town Centre Public Realm Phase II	175,000		
Furness House landscaping			
Coronation Gardens			
The Mall	165,000		

	2010-2011	2011-2012	2012-2013
The Mall	165,000		
Marina Village Land Acquisition	1,500,000	2,000,000	
Marine Village Consultancy			
Street Furniture	10,000	10,000	10,000
Footpath Lighting	30,000	30,000	30,000
Amenity Tree Planting	22,000	22,000	22,000
IT Equipment & Development	147,000	125,000	100,000
Refuse and Recycling Containers	40,000	40,000	40,000
Total Investment in other public assets	4,947,294	4,452,000	377,000
Rural Regeneration - Walney Island			
Rural Regeneration - Lindal			
Rural Regeneration	100,000	100,000	100,000
Rural Regeneration - Piel Island	285,000		
Total Investment in Community Initiatives	385,000	100,000	100,000
NWDA Projects to be approved	0	0	0
WNF Pre Development Costs			
Retentions	25,000	25,000	25,000
Investment / Contingency Fund	611,223	1,020,686	883,000
Total	13,420,458	10,782,331	6,145,415

Appendix B – Capital Programme Appraisal Request

Capital Programme Appraisal Request

Prior to submitting the form its compliance with the Councils Procurement Policy should be verified.

Note - a revised form must be completed for every variation to the project - including timetable, cost or description

Name of Project	
Project Sponsor	
Description of the project	
Proposed timetable for project - i.e. start date, length of project.	
Capital Cost of Project - please state how costs have been calculated	

What are the project objectives	
Why is the project needed	
Who will benefit from the project	
Key Priorities addressed by Project	
Legal, financial and technical issues that need to be addressed for project implementation	

Profile of Project Costs

	2010/2011	2011/2012	2012/2013	Total
BBC Admin & Management Fee				

Profile of Project Funding

	2010/2011	2011/2012	2012/2013	Total
BBC				

Sources of Funding

What other sources of funding have been considered

Revenue Implications of project - e.g. maintenance and running costs, additional income etc

--

Revenue Costs / Additional Income from Project

	2010/2011	2011/2012	2012/2013	Total

Risks - Please identify main risks to the project - including delays in implementation

Risk	Probability	Impact	Comment - what can be done to reduce risk or contingency plans

If the project requires any statutory approvals please give details below

Requirement	Date Approval Received	Expected date of approval

Impact of project being delayed

One year delay	
Two year delay	

Options

Set out alternative options that have been considered and why you favour the option that forms your proposal

Option 1	
Option 2	
Option 3	

What are the costs of the alternative options

	Option 1	Option 2	Option 3
BBC Funding			
Other Funding			
Total Cost			

Other Information

Please add any other information that will help us to assess your project

--

Signed

Name

Date

To be completed by *Management Team*

Priority

Appendix C – Bid Guidance Notes

Capital Programme Appraisal Request

Guidance notes to assist completion of the Capital Programme Appraisal Request

Introduction

In order to assist Management Team to make decisions about which projects to fund, we require an Appraisal Form to be completed. Your answers should give sufficient information for us to understand the project, in as clear and concise way as possible (e.g. for some of the questions bullet points may be the best way to supply your answer).

We expect the amount of information and detail to be proportional to the amount of funding you are seeking i.e. we would expect more information for a £100,000 project than a £10,000 project.

The Project

Description of the project - state simply what the project will do and what the main activities will be?

Project objectives - detailed as bullet points (objectives should, where possible, be specific, measurable, achievable, realistic and timetabled).

Why is the project needed and why it should attract our support. You should include here any information and factual/statistical evidence you have about the problems your project will address. What will the project provide that is not already happening?

Key Priorities / Strategic Fit

To ensure the merits of your proposal are fully understood, you should try to make as many links as possible, starting with the strongest, however do not try to make your project fit key activities which it does not meet.

Project costs

To help us make a decision about the project we need to understand the full costs of the project including the costs to the Council and any other funding contributions from other sources. Please use the tables to show all the costs of the proposal. Please state how costs have been calculated i.e. estimates, quotations received, previous works

Profile of project costs

In this table show the cost breakdown of the component parts of the planned expenditure.

The types of expenditure to consider are:

- Purchase of land and buildings
- Purchase of plant & equipment
- Building & Construction Works – construction, conversion, improvement
- Installation of plant and equipment
- Professional Fees
- Incidental Costs
- Contingencies
- BBC Management & Administration Fee

Revenue Implications

Please quantify all additional revenue costs or additional income generated as a result of the project.

- e.g.
- maintenance costs
 - running costs
 - staff costs
 - consumables
 - equipment
 - depreciation on fixed assets created/purchased

Options

Consider the different ways the outcomes of the project could be delivered and why the option you have chosen is the best one. Detail any alternative options that have been considered and show clearly why you favour the option that forms your proposal. This may need to be a documentation of earlier thought processes and should always include a 'do nothing' option (i.e. what would happen anyway without the Council funding) and could, for example, include looking at different timescales, different locations, or different funding structures. In doing this you should:

- Take account of lessons from elsewhere about 'what works'
- Look at alternative ways in which your objectives can be met
- Think of as wide a range of options as possible
- Review and challenge these options, and assess
 - whether they are feasible
 - whether they can be delivered
 - whether sufficient demand exists
 - their costs and benefits
 - whether the proposed delivery mechanism is the most appropriate (i.e. could other organisations do the work?)
 - how else the proposal might be funded

Each realistic option should be costed (covering all funding sources for the project). It is important that you can show why this preferred option offers the Council the best

way forward and value for money. If you can show any comparisons with cost of similar projects or have any benchmark figures, this information should be included here.

Risks

We need to understand the risks surrounding the delivery of the project. The types of risk you may wish to consider are:

- (i) financial – e.g. commitment from other partners, lack of projected income through take-up of services, losses on acquisitions; Please note that cost overruns must always be considered as part of the risk assessment, and where necessary contingencies put in place.
- (ii) legal issues, have all statutory approvals been given including the need for planning consent, building regulations, land ownership etc.;
- (iii) any interdependencies, project management issues and timing of the project, such as weather conditions for external projects, need for site investigations to be completed to deadlines;

Risks do not necessarily rule out support but we need to think how to manage the risks to reduce their impact. In completing the table please consider realistically:

- what risks you may face;
- What is the likelihood of these happening;
- How significant is the risk and what impact will it have;
- what you can do within the project to minimise these; or if this isn't possible what contingency plans you have if the risks happened.

When considering overall risk, use the following table based on probability/impact interaction:

		Impact		
		Low	Medium	High
Probability	Low	L	L	M
	Medium	L	M	H
	High	M	H	VH

Contact Information

Borough Treasurer
 Barrow Borough Council
financemgt@barrowbc.gov.uk
www.barrowbc.gov.uk

January 2010

EXECUTIVE COMMITTEE	(D) Agenda Item 10
Date of Meeting: 3rd March, 2010	
Reporting Officer: Borough Treasurer	
Title: Write offs – Non Domestic Rates	
Summary and Conclusions:	
This report seeks Committee approval for the write off an amount exceeding my delegated authority in accordance with Financial Regulations. The amount is £14,630.04 which was due to bankruptcy.	
Recommendations:	
To approve the write off of £14,630.04.	

Report

JBTH Ltd – Ambrose Hotel 237 Duke Street had a balance on their NNDR account of £14,360.04 when they went bankrupt.

This amount must be written off the records as it will not be recoverable. The cost will be charged against the NNDR pool.

(i) Legal Implications

Not Applicable.

(ii) Financial Implications

The amount written off will be charged to the NNDR pool.

(iii) Health and Safety Implications

Not Applicable.

(iv) Key Priorities or Corporate Aims

Not Applicable.

(v) Risk Assessment

Not Applicable.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.

EXECUTIVE COMMITTEE	(R) Agenda Item 11
Date of Meeting: 3rd March, 2010	
Reporting Officer: Director of Regeneration and Community Services	
Title: Remit for Rural Joint Committee	
Summary and Conclusions:	
Members agreed to consult on creation of a Joint Committee covering the parished areas of the Borough. The first round of consultations have been completed and a draft remit for the Joint Committee is presented.	
Recommendations:	
To recommend the Council to approve the draft remit for the Rural Joint Committee.	

Report

Members agreed in principle in October 2009 to the creation of a Rural Joint Committee covering the parished areas of the Borough. Following your resolution I, together with the Rural Projects Officer, have met all three parish and town councils and obtained their in principle support for establishing the Committee. A draft remit for the Committee has, therefore, been prepared and this is attached at **Appendix 2**.

The key issue emerging from all three meetings with parish and town councils was their wish for each to have two representatives. This level of representation plus two members each from the Borough and County would result in a total membership of 10 Councillors.

I have indicated to the parish and town councils that I would prepare a draft constitution for their consideration prior to reporting to your Committee but, as the remit would be an item referred to Council, this would delay the first meeting of the Joint Committee until after July. I will write to all parish and town councils setting out these circumstances.

(i) Legal Implications

Joint Committees can be granted executive powers by the parent authorities. No executive powers are currently proposed although this should be kept under review should the Joint Committee prove successful.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

The Joint Committee will replace three current Committees and Working Groups. The Borough Council will provide administrative support.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

KP5 – Improve the effectiveness and efficiency of the Council.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.

DRAFT CONSTITUTION FOR RURAL JOINT COMMITTEE

1. Name

Rural Joint Committee

2. Aim

To address issues of mutual concern between the three tiers of local government in the parished areas of Barrow-in-Furness Borough.

To agree an annual programme of work for the Rural Projects Officer.

3. Membership

Two Members of Barrow Borough Councillor
Two Members of Cumbria County Council
Two Members of Dalton with Newton Town Council
Two Members of Askam and Ireleth Parish Council
Two Members of Lindal and Marton Parish Council

Substitution – Named Substitutes are eligible to attend.

4. Frequency of meetings

Meetings will be called quarterly to start at 6.00 p.m. The location for the meetings will rotate around the three parishes.

5. Special Meetings

A special meeting can be called by the Chairman of the Committee or any three members which will be a County Councillor, a Borough Councillor and a Parish/Town Councillor.

6. Agenda

Any member of the committee can submit an item for the Agenda in advance of the meeting.

7. Appointment of Chair/Vice Chair

The Chair and Vice Chair of the Committee will be appointed annually at the beginning of the Municipal Year.

8. Quorum

The committee will be deemed quorate when one County Councillor, one Borough Councillor and one Parish/Town Councillor are present.

9. Voting

All members will be eligible to vote.

10. Changes to the Constitution

To be agreed at a meeting of the Committee.

11. Reporting of Minutes of the Meetings

Minutes of the meeting will be reported to Cumbria County Council Barrow Local Committee, Barrow Borough Council Executive Committee and the Parish/Town Councils.

EXECUTIVE COMMITTEE	(D) Agenda Item 12
Date of Meeting: 3rd March, 2010	
Reporting Officer: Director of Regeneration and Community Services	
Title: Rural Capital Fund	
Summary and Conclusions:	
Three bids for projects to be funded from the Rural Capital Fund have been received. These are reconstruction of a permissive footpath on Walney, support for conversion of Askam Railway Station to a Youth Café, reconstruction of the hard surfaced area around Askam Cenotaph, including new seats and seating areas and a similar but smaller scale project at Dalton Cenotaph which is currently being costed.	
Recommendations:	
To agree that the following allocations are made from the Rural Capital Fund:-	
(a) £25,000 to Askam Youth Café, reviewed in September 2010 if the project has not commenced;	
(b) £12,000 to reconstruction of the hard surfaced area and path and the two seating areas at Askam Cenotaph; and	
(c) £8,500 for reconstruction of the footpath between Trent Vale and Central Drive, Walney Island.	

Report

The Borough Council's Capital Programme for 2010/11 allocates £100,000 to rural capital projects with identical amounts programmed for the following two financial years. The intention of the fund is to support capital projects in the rural areas which command significant local support from parish or town councils or the local community.

I have received three requests for support from the Rural Capital Fund set out below.

1. Askam Youth Café Project

Youth Cafes exist across the country and are fundamentally a youth project offering young people an opportunity to channel their energies into productive activities. They are run by the young people themselves with

adult support and supervision. The proposal for a youth café has been through extensive consultation within the local community.

The Youth Café project is linked to the regeneration of Askam Railway Station where it will be based. The project lead is the Cumbria Coast Rail Partnership and the main partners are Northern Rail, Network Rail and BAE Systems. The project has been developed through two committees – an adult committee comprising all the major stakeholders and local champions and a young people’s committee who will have responsibility for running the Youth Café.

The project’s key aims are to:-

- Bring back into use currently closed station buildings for community, passenger and youth club facilities
- Establish a youth café as a permanent location where the young people in Askam can meet up in the evening and socialise with their friends
- Establish a social enterprise to provide a café serving snacks and hot drinks for rail travellers
- Establish a community facility for the village
- Create 4 jobs

A Business Plan has been developed by three graduates from BAE Systems under the guidance of the management committee. Crucial success of the project is the establishment of a café serving rail travellers, however, it is recognised that this will require revenue support in the early years.

As the funding sought from the Borough Council is capital, it could not be used to subsidise the operational costs of the café.

It is estimated that in the region of £170,000 is required to renovate and fit out the Station buildings, including architect’s fees, solicitor’s fees and equipment. Funding secured so far includes:-

Children’s Services	£19,000
Cumbria County Council – Transport Budget	£20,000
Parish Council	£ 250
*Cumbria County Council – Neighbourhood Grants	£ 4,500
K2B Fund	£ 300
Police – Wii	£ 250
+Railway Heritage Trust	To be determined
TOTAL	£44,300

*Neighbourhood Grants funding from Cumbria County Council is enabling the first stage architect's drawings to be produced. Once visuals are produced the consultation process on the plans can take place.

+Railway Heritage Trust funding is secured in principle but will be dependent upon other funders' support being in place.

The Askam Youth Café project has requested £25,000 from the Borough Council to support the above costs.

The project has significant support from other agencies and should be supported. However, to prevent capital resources being committed long term, I recommend that £25,000 is offered and reviewed in September if the project has not commenced.

2. Askam Cenotaph

The Cenotaph is located on Duke Street, Askam and is maintained by the Borough Council and although the memorial itself is in good condition, the hard surfaced area around the Cenotaph and the path leading from Duke Street is in a poor condition. The surface is breaking up and is covered with moss and is beyond reasonable repair. In addition, the two seating areas are in need of complete replacement, including the benches and surfacing. Askam and Ireleth Parish Council have approached the Borough Council requesting the work. A quotation for removal of the existing surfacing to the sub-base and re-laying new kerbs has been obtained and I estimate these works, together with replacement of the seating areas will cost £12,000. The condition of the path, surrounds and seating areas will be required in the near future and this, together with local support for the project, means the project should be supported.

3. Dalton Cenotaph

I am currently obtaining estimates for similar, although smaller scale, works at Dalton Cenotaph. These will be reported to Members at your meeting.

4. Trent Vale to Central Drive Footpath

The above footpath was installed over 10 years ago and requires reconstruction. The path is well used as it links North Walney with a range of local services, but is in a poor condition with surfacing having eroded. Capita Symonds prepared a report recommending reconstruction of the footpath with an estimated cost of £8,500 in 2009. Friends of Walney have requested the path is replaced and, given this and the level of local usage, again this project should be supported.

(i) Legal Implications

Not Applicable.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

The total allocation of £45,500 can be met within the Capital Programme Rural Fund for 2010/11.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

KP5 – Improve the effectiveness and efficiency of the Council.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.

EXECUTIVE COMMITTEE	(D) Agenda Item 13
Date of Meeting: 3rd March, 2010	
Reporting Officer: Community Services Manager	
Title: Soft Play and Sensory Facility at the Park Leisure Centre	
Summary and Conclusions:	
<p>This report identifies a project to introduce a Soft Play and Sensory facility at the Park Leisure Centre to provide a safe and secure environment for children and young people with disabilities, and toddlers and pre-school children to exercise and play. A minimum of £36k is immediately available for this project, £21k of which will be provided by Cumbria County Council and £15k from the Communities for Health fund. The introduction of this facility will mean a reduction in the number of badminton courts available within the sports hall, but the report assures members that the sports hall programme will be reconfigured to ensure that badminton users will not be disadvantaged.</p>	
Recommendations:	
<p>To approve the use of the funding on offer to create a Soft Play and Sensory facility at the Park Leisure Centre and agree the reduction in the number of badminton courts within the sports hall in order to accommodate the facility.</p>	

Report

Health and Fitness staff at the Park Leisure Centre have been working with members of the community unit of Cumbria County Council in consulting with parents and carers of children and young people with disabilities. This consultation has identified the lack of local provision of soft and sensory play facilities for children and young people with disabilities.

Soft Play and Sensory areas aim to enrich and improve the quality of life for users and they can assist in this by meeting a wide range of needs; from encouraging positive actions for those with sensory impairment to promoting rest and relaxation for the users who may be agitated or stressed. These exciting environments encourage stimulation of all the senses for children and young people with disabilities, and they can also be used by able toddlers and pre-school children to stimulate an interest in health and fitness at an early age.

In this locality, those facilities that do exist have access issues. Those that are attached to schools, such as at George Hastwell, are only available to some users at restricted times, and where there are public facilities, these are in

licensed premises and have height and age restrictions. The nearest similar facility is in Preston.

The County Council have committed funding of £15k from the Aiming High for Disabled Children's funding to support the introduction of a Soft and Sensory Play Area in the Park Leisure Centre. It is proposed to match this amount with the addition of £15k from the Communities from Health fund held within Community Services. The County Council have also identified a further £6k to be added to this amount from a local trust fund. There is also the possibility of further funding from the County's Aiming High Capital Funding. This means that there would be a minimum of £36k with the potential for more funding at a later date. This level of funding would create a first-class facility, as described, in the Park Leisure Centre and would be a welcome addition to broaden the inclusive nature of the Centre's offer.

An assessment of where this facility would be located within the Park Leisure Centre has identified that it would be necessary to withdraw one badminton court from the sports hall to transform the space. The implications of this would be a reduction in the number of badminton courts available to the public, however, the impending introduction of the five a side soccer centre at the Leisure Centre will result in fewer indoor soccer bookings for the sports hall, and the Members can be assured that the management of the Centre will reconfigure the sports hall schedule to ensure that Badminton users are not disadvantaged. There will still be five courts available when the hall is set up for Badminton.

The following price structure will be applied: £2.00 casual entry fee for a 45 minute session. The area will also be available for hire for parties etc, at a rate of £45 per 90 minute session, which would include 45minutes activity.

This report asks for Executive approval to take advantage of the funding on offer to create a Soft Play and Sensory facility at the Park Leisure Centre and for approval to reduce the number of Badminton Courts within the sports hall to accommodate the facility.

(i) Legal Implications

Not Applicable.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

There will be a minimum of £36k to spend on this project, £21k from Cumbria County Council and £15k from the Communities for Health Fund. Charges to users will be £2.00 for casual user charges and £45 for sessional hire charges.

(iv) Health and Safety Implications

The facility will provide a safe environment for children and young people with disabilities, and able toddler and pre-school children to exercise, learn and play.

(v) Key Priorities or Corporate Aims

The Soft and Sensory Play Area will support Key Priority 6 which is to expand facilities and activities for young people.

(vi) Equal Opportunities

The facility will actively promote the inclusion of a disadvantaged minority within our Community.

Background Papers

Correspondence held by the Community Services Manager.

		Part One
EXECUTIVE COMMITTEE		(R) Agenda Item 14
Date of Meeting: 3rd March, 2010		
Reporting Officer: Chief Environmental Health Officer		
<p>Title: Revised Health and Safety Enforcement Policy</p> <p>Summary and Conclusions:</p> <p>This report requests Members to consider adopting a revised enforcement policy for Health and Safety which has been developed in partnership with the other Cumbrian Authorities.</p> <p>Recommendations:</p> <p>To recommend the Council to adopt the revised Health and Safety Enforcement Policy.</p>		

Report

Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements for the enforcement of the relevant statutory provisions.

Local Authorities are required to have an enforcement policy which adequately addresses the issue of proportionality, consistency, transparency and targeting of activities.

Our existing Health and Safety Enforcement Policy, based on the Enforcement Concordat, has been revised on a number of occasions since being adopted some years ago.

In line with good practice, the Cumbria Health and Safety Liaison Group have carried out a further review of enforcement policies and have developed a revised document with an ambition that it should be adopted as a common policy throughout Cumbria.

Attached at **Appendix 3** is a copy of the revised Health and Safety Enforcement Policy for the Committee's consideration.

(i) **Legal Implications**

The Council has a statutory duty to enforce health and safety legislation in a number of premises in the Borough.

(ii) Risk Assessment

Having an inadequate policy document would leave the Council vulnerable to challenge.

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

KP5 - Improve the effectiveness and efficiency of your Council.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.

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Health & Safety Enforcement Policy FOH H0	Revision No: 1 Date: December 2009 Authorised Signature:

1. Purpose

This document establishes the Health and Safety Enforcement Policy and Procedures of Barrow Borough Council.

2. Application

This policy and procedure will be implemented by the Chief Environmental Health Officer with the support and co-operation of the Commercial Services Team Leader.

3. References

HSE Enforcement Policy Statement
HSE Enforcement Management Model
HSE Section 18 Guidance
Legislative and Regulatory Reform Act 2006

4. Policy

It is the Council's policy to ensure its approach to enforcement is consistent with HSE Statement on Enforcement Policy. This statement sets out the general principles and approach which the Executive expects enforcing authorities to follow.

5. Procedures

In relation to health and safety it is the Council's aim to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public who may be exposed to risk from the way work is carried out. It will achieve this by education, providing advice and by regulating the activities of duty holders to manage and control risks effectively. An important part of this is to use enforcement powers to secure compliance with legal requirements.

Enforcement applies to all dealings between enforcing authorities and those on whom the law places duties.

The purpose of enforcement is to:-

- ensure that duty holders take action to deal immediately with serious risks
- promote and achieve sustained compliance with the law

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- ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities may be held to account, which may include bringing alleged offenders before the courts

Intervene – to assess, promote and ensure compliance with the law, to deal immediately with serious risk and to prevent accidents and ill health from occurring.

Investigate – after an incident to identify underlying causes and the lessons to be learned, prevent recurrence, detect breaches and take appropriate action.

Permission – to ensure that appropriate licenses are in place where the law requires close control of those activities where the potential for significant health impairment is high.

Taking action – to ensure that action is taken that is proportionate to the risk.

Enforcement of criminal law is distinct from civil claims for compensation. Although enforcement action may not be taken civil claims may be appropriate. Enforcement is not intended to assist claims for compensation.

The term enforcement has a wide meaning and applies to all dealings between the Council and those on whom health and safety law places duties, employers, the self employed, employees and others.

Authorised inspectors seek to secure compliance with the law and to ensure a proportionate response to criminal offences. Inspectors may offer duty holders advice and support, both face to face and in writing. This may include warning a duty holder that in the opinion of the inspector, they are failing to comply with the law. Where appropriate inspectors may also serve improvement and prohibition notices, issue simple cautions and they may prosecute.

The appropriate use of enforcement powers is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failure to safeguard health, safety and welfare.

Authorised inspectors when judging compliance with the law take into account relevant codes and guidance, use sensible judgement about the extent of the risks and the effort that has been applied to counter them. The Council has a published Enforcement Policy

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The Principles of Enforcement

The Council believes in firm but fair enforcement of health and safety law. We shall follow the principle of **proportionality** in applying the law, securing compliance, and will be **consistent** in approach and **targeting** of enforcement action.

We operate in a **transparent** manner and are **accountable** for our actions.

Proportionality

Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by enforcing authorities to achieve compliance or bring duty holders to account for non-compliance should be proportionate to any risks to health and safety, or to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law.

We will take particular account of how far the duty holder has fallen short of what the law requires and the extent of the risks to people arising from the breach.

Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. We will apply the principle of proportionality in relation to both kinds of duty.

Deciding what is reasonably practicable to control risks involves the exercise of judgement. Where duty holders must control risks so far as is reasonably practicable, we will when considering protective measures taken by duty holders take account of the degree of risk and the sacrifice needed whether in money, time or trouble on the measures necessary to avert the risk. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.

We will expect relevant good practice to be followed. Where relevant good practice in particular cases is not clearly established, health and safety law effectively requires duty holders to establish explicitly the significance of the risks to determine what action needs to be taken. Ultimately, the courts determine what is reasonably practicable in particular cases.

Some irreducible risks may be so serious that they cannot be permitted irrespective of the consequences.

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As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action, in effect how far the duty holder has fallen short of what the law requires and the extent of the risks to people arising from the breach.

Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Duty holders managing similar risks expect a consistent approach from enforcing authorities in the advice tendered, the use of enforcement notices, approvals etc, decisions on whether to prosecute and in the response to incidents.

We recognise that in practice consistency is not a simple matter. Inspectors are faced with many variables including the degree of risk, the attitude and competence of management, any history of incidents or breaches involving the duty holder, previous enforcement action, and the seriousness of any breach, which includes any potential or actual harm arising from a breach of the law. Decisions on enforcement action are discretionary, involving judgement by the enforcer. We have arrangements in place to promote consistency in the exercise of discretion, including arrangements for liaison with other enforcing authorities.

The Council has arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other enforcing authorities.

Transparency

Transparency means helping duty holders to understand what is expected of them and what they should expect from enforcing authorities. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

Transparency also involves the enforcing authorities in having arrangements for keeping employees, their representatives, and victims or their families informed. These arrangements must have regard to legal constraints and requirements.

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Targeting

Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it.

We will have systems for deciding which inspections, investigations or other regulatory contacts should take priority according to the nature and extent of risks posed by a duty holder's operations.

The duty holder's management competence is important, because a relatively low hazard site poorly managed can entail greater risk to workers or the public than a higher hazard site where proper and adequate risk control measures are in place.

Any enforcement action will be directed against duty holders responsible for a breach. This may be employers in relation to workers or others exposed to risks, the self employed, owners of premises, suppliers of equipment, designers or clients of projects, or employees themselves. Where several duty holders have responsibilities, enforcing authorities may take action against more than one when it is appropriate to do so in accordance with this policy.

When inspectors issue improvement or prohibition notices, issue simple cautions or prosecute, we will ensure that a senior officer of the duty holder concerned, at board level, is also notified.

We will ensure resources are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled. Action will be focused on the duty holders who are responsible for the risk and who are best placed to control it – whether employers, manufacturers, suppliers or others.

The Council follows a national priority rating system for inspections. Separate procedures are available for accident and complaint investigations.

Accountability

Authorised Inspectors are accountable to members, the public and Parliament for their actions. We have policies and procedures against which we can be judged, and an effective accessible mechanism for dealing with comments and complaints.

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Investigation

The Council authorises inspectors to carry out the duties it has decided they are trained and competent to do. Current legislation, approved codes of practice and technical guidance will be available for reference.

The council will use its discretion in deciding whether incidents, cases of ill health or complaints should be investigated. This is detailed in our service plan and accident and incident policy.

We investigate to determine:

- Causes
- Whether action has been taken or needs to be taken to prevent recurrence and to secure compliance with the law
- Lessons to be learnt and to influence the law and guidance
- What response is appropriate to a breach of the law.

To maintain a proportionate response it is neither possible nor necessary for the purposes of the HSW Act to investigate all issues of non-compliance with the law which are uncovered in the course of preventative inspection, or in the investigation of reported events.

We will carry out a site investigation of a reportable work related death, unless there are specific reasons for not doing so, in this instance the reasons for the decision will be recorded.

Prosecution

While the primary purpose of the enforcing authorities is to ensure that duty holders manage and control risks effectively, thus preventing harm, prosecution is an essential part of enforcement.

Enforcing authorities must use discretion in deciding whether to bring a prosecution. Where the circumstances warrant it and evidence to support a case is available, enforcement authorities may prosecute without prior warning and recourse to alternative sanctions.

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The decision to prosecute should have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors.

Prosecutions will only be considered when there is sufficient evidence to provide a realistic prospect of conviction and that prosecution would be in the public interest.

Subject to these two tests the Council will normally prosecute where one or more of the following apply:-

- Death was a result of a breach of the legislation.
- The alleged offence was extremely serious. This will take into account the seriousness of any actual or potential harm, and the general record and approach of the offender.
- There has been reckless disregard of health and safety requirements.
- There have been repeated breaches which give rise to significant risk or persistent and significant poor compliance.
- A duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk.
- Work has been carried out without or in serious compliance with an appropriate licence or safety case.
- There has been a failure to comply with an Improvement or Prohibition Notice or there has been a repetition of a breach that was subject to a simple caution.
- Inspectors have been intentionally obstructed in the lawful course of their duties.
- False information has been wilfully supplied, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk.

Furthermore the council will consider prosecution where, following an investigation or other regulatory contact, the following apply:

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- The prosecution is a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law.
- A breach which gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

If resources are limited the above have been placed in order of priority for action.

Where Authorised Inspectors are assaulted police assistance will be required, with a view to the prosecution of offender.

Prosecution of an Individual

Subject to the above the Council will identify and prosecute individuals if they consider that a conviction is warranted and can be secured. We will consider the management chain and the role played by individual directors and managers and will take action against them where it can be shown that the offence was committed with their consent or connivance or to have been attributable to neglect on their part. Where appropriate, disqualification of directors will be sought under the Company Directors Disqualification Act 1986.

Simple Caution

A simple caution may be used in cases involving first time low level offences where the public interest can be met by a caution.

We will consider whether a caution is appropriate to the offence and the offender, and whether a caution is likely to be effective in the circumstances.

Death at Work

Where there has been a breach of the law leading to a work related death, we will consider whether the circumstances of the case might justify a charge of manslaughter or corporate manslaughter.

Our decisions on investigation and prosecution will follow the 'Work Related Deaths: A Protocol for Liaison' document.

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This protocol has been agreed between the Health and Safety Executive (HSE) the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS). It sets out the principles for effective liaison between the British Transport Police, the Local Government Association and the Office of Rail Regulation in relation to work related deaths.

The police are responsible for deciding whether to pursue a manslaughter or corporate manslaughter investigation and whether to refer a case to the CPS to consider possible manslaughter charges.

We are responsible for investigating possible health and safety offences. If in the course of our investigation we find evidence to suggest manslaughter or corporate manslaughter it will be forwarded to the police. If the police or CPS decide not to pursue a manslaughter or corporate manslaughter case, we will normally bring a health and safety prosecution in accordance with this policy.

Publicity

Arrangements are in place on the HSE website for the publication annually of the names of all the companies and individuals who have been convicted in the previous 12 months of breaking health and safety law. The Council will normally issue a press statement following conviction and inform the HSE.

We will keep a register of all Improvement and Prohibition notices which have been issued.

Action by the Courts

Health and safety law gives the courts considerable scope to punish offenders and to deter others, including imprisonment for some offences.

The Council when appropriate during a prosecution will draw the court's attention to the Court of Appeals guidance on the factors which should inform sentencing in health and safety cases, that is fines must be large enough to reflect the seriousness of the offence (R v F Howe and Son (Engineers) Ltd [1999] 2 ALL ER).

Where the case is of sufficient seriousness, the Council will indicate to the magistrates that the offence is so serious that they may refer it to be heard or sentenced in the higher court where higher penalties can be imposed. We will have regard to the Court of Appeal guidance before asking for a referral.

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In our judgement magistrates should always think carefully before accepting jurisdiction in health and safety work cases, where it is arguable that the fine may exceed the limit of their jurisdiction or where death or serious injury has resulted from the offence.

Section 3 of the Health and Safety at Work etc Act 1974

Section 3 of the HSW Act places general duties on employers and the self employed towards people other than their employees. We will:

- enforce section 3 in the key areas identified in our service plans and incident selection criteria
- take account of HSE’s priorities and, generally, give less priority to the enforcement of section 3 in areas outside these priorities.

Working with other regulators

There are many situations where work activities that may give rise to risks to health and safety are regulated by other authorities using legislation that may address circumstances which are also relevant to health and safety at work issues.

- We will, in accordance with the Regulators Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act (2006), try to ensure that, wherever practicable, enforcement action by the health and safety enforcing authorities is effectively co-ordinated with that of other, relevant enforcing authorities to minimize unnecessary overlaps and time delays.

However, initial enquiries or information from other sources, may indicate that a breach of section 3 was or is the probable cause of, or a significant contributory factor to, the injury or risk complained of. In such circumstances, we and other enforcing authorities will consider investigating if:

- there was or is a high level of risk; or
- enforcing authorities need to act/investigate in the interests of justice.

Deciding which authority will lead an investigation

There may be, however, a relevant health and safety interest in some aspects of a work activity covered by specific legislation, would seek to agree with other authorities who should take the lead on an investigation (to avoid unnecessary overlaps and time delays) and where there may be a need to act alongside each other, which activities are most appropriately dealt with by each authority.

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The following principles will be considered on who is best to lead on an investigation:

- Effectiveness: Which authority is best equipped, including appropriate powers to investigate the alleged risks?
- Capability: Is the other body capable of ensuring public safety? Does it have the enforcement powers necessary to do so?
- Health and safety expertise: Which body knows most about the risks concerned and the effective control measures?
- Economy: Is either body already inspecting/visiting the premises or activity in question? Can duplicate visits be avoided?
- Efficiency: Is health and safety enforcing authority involvement a good use of resources when considered against the scale of risk or level of public concern?

Scope and Application of Section 3 HSWA

For section 3 to apply:

- there must be a duty holder, either an employee or a self employed person; and
- there must be a risk to the health or safety of a person who is not the employee of the duty holder or the self employed duty holder themselves; and
- that risk must arise from the conduct of the duty holder's undertaking. An 'undertaking' means 'enterprise' or 'business'. NB: Whether a particular activity is part of the conduct of the undertaking is determined by the facts of each case [R v Associated Octel Co Ltd (1996) 4 ALL ER 846]. Although not decisive in every case, whether the duty holder can exercise control over both the conditions of work and where the activity takes place is very important.

HSWA section 3 does not apply to:

- welfare issues (such as the provision of toilets or washing facilities)

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- nuisance or amenity issues that have no health or safety implications (such as unpleasant smells arising from work activities)
- poor workmanship, where trading standards or contractual remedies may exist, unless it has demonstrably compromised health and safety.

Generally we will not get involved in what may be essentially contractual or civil disputes except in cases where death or serious injury has occurred and initial enquiries, or information from other sources, indicate that a breach of section 3 HSWA was the probable cause or significant contributory factor. In such cases:

- our established complaint or incident selection criteria should be used to determine if an investigation is required
- inspectors should take into account the length of time since the work activity took place. Though it should not of itself deter inspectors from investigating, in practice the longer the time lapse, the more difficult it can be to collect evidence and the public interest arguments for action, weaken.

Enforcement in premises which the council own but do not occupy

The council can not take action against itself nor should it be called upon to do so. In respect of premises in which we own but do not occupy:

- Carry out our enforcement policy and practice in exactly the same way we do in all our premises
- Ensure that the attention received is in accordance with the criteria applied to other duty holders.
- Where there is a potential conflict of interest we will discuss the matter with the HSE to determine the appropriate course of action.

Working with Others

We will liaise with and bring areas of concern to the most appropriate body for advice and/or enforcement. Such bodies would include HSE, primary authorities, fire service, adventure activities, licensing service, OFSTED, quality care, children’s services.

When there is a lead authority we will contact and if necessary, liaise with them when:

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- we will liaise before taking formal enforcement action, i.e issuing notices, such as an improvement notice, or considering prosecution against a participating organisation, except -
- in the case of immediate danger
- after serving a prohibition notice - consultation will be as soon as is practicable after service
- when significant shortcomings are identified in a participating organisation's agreed policies or procedures which the EA believe ought to be challenged at a national level
- following any on-site investigation of any death, major injury, case of work related ill health or dangerous occurrence reportable under RIDDOR 1995.

Contact with primary authorities is set out in the Regulatory Enforcement and Sanctions Act 2008.

Penalties For Health And Safety Offences*

The Health and Safety at Work etc Act 1974 (the HSW Act), Section 33 (as amended) sets out the offences and maximum penalties under health and safety legislation.

Failing to comply with an Improvement or Prohibition Notice, or a Court Remedy Order (issued under HSW Act, Sections 21, 22 and 42 respectively):

Lower Court Maximum £20,000 and/or 12 months imprisonment*

Higher Court Maximum Unlimited fine and/or 2 years imprisonment

*The sentencing option of 12 months applies in Scotland but will only apply in England and Wales when section 154(1) of the Criminal Justice Act 2003 is enacted.

Breach of Sections 2-6 and 8 of the HSW Act, which set out the general duties of employers, self employed persons, persons who have control of premises, or manufacturers and suppliers to safeguard the health and safety of workers and members of the public who may be affected by work activities:

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Lower Court Maximum £20,000 and/or 12 Months imprisonment*

Higher Court Maximum Unlimited fine and/or 2 years imprisonment

Breach of section 7 of the HSW Act covers duties of employees:

Lower Court Maximum Fine not exceeding statutory maximum and/or 12 months imprisonment

Higher Court Maximum Unlimited fine and/or 2 years imprisonment

Most other breaches of the HSW Act , contravening licence requirements and breaches of all health and safety regulations under the Act. Regulations impose both general and more specific duties, such as requirements to carry out a suitable and sufficient risk assessment or to provide suitable personal protective equipment:

Lower Court Maximum £20,000 and/or 12 months imprisonment*

Higher Court Maximum Unlimited fine and/or 2 years imprisonment

On conviction of directors for indictable offences in connection with the management of a company (all of the above, by virtue of HSWA Sections 36 and 37), the Courts may also make a disqualification order (Company Directors Disqualification Act 1986, Sections 1 & 2). The Courts have exercised this power following health and safety convictions. Health and safety inspectors draw this power to the Court's attention whenever appropriate.

Lower Court Maximum 5 years disqualification

Higher Court Maximum 15 years disqualification

For a complete list of penalties refer to Health and Safety (Offences) Act 2008.

Health And Safety Enforcement

At a visit an inspector will leave a copy of 'What to Expect when a Health and Safety Inspector Calls' to those they visit.

An Officer will consider the most appropriate course of action during routine inspections or following incidents/accidents or complaints.

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In line with the policy and having regard to the Enforcement Management Model the officer will use his judgement on what action to take that is namely:

- No action
- To give verbal and written warnings
- Serve improvement or prohibition notices
- Serve a simple caution
- To prosecute
- To seize an article or substance
- Any combination of the above

An officer, when using his judgement, will have regard to the legal requirement.

Sometimes the law is prescriptive – spelling out in detail what must be done. However, much of modern health and safety law is goal setting – setting out what must be achieved, but not how it must be done. Advice on how to achieve the goals is often set out in Approved Codes of Practice (ACOPs).

These give practical advice on compliance and have a special legal status. If someone is prosecuted for a breach of health and safety law and did not follow the relevant provisions of an ACOP, then the onus is on them to show that they complied with the law in another way. Advice is also contained in other HSE and LACORS guidance material describing good practice. Following this guidance is not compulsory, but doing so is normally enough to comply with the law. Neither ACOPs nor guidance material are in terms which necessarily fit every case. In considering whether the law has been complied with, inspectors will need to take relevant ACOPs and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them.

Information Given to Employees

The officer will consult and notify employees on matters that affect their health and safety and welfare. This information shall be factual and detail the action taken by the officer, it will not divulge confidential matters or trade secrets.

Verbal Advice and Letters

The circumstances when it is appropriate to use verbal advice and written warnings are:-

- The risk gap is minor
- The act or omission is not serious enough to warrant formal action

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- From the individuals/business compliance it can be reasonably expected that the warning will achieve compliance
- There is no deliberate economic advantage being sought
- Confidence in the management is high
- The consequence of non-compliance will not pose a significant risk to health and safety
- Even where some of the above criteria are not met, there may be circumstances in which a warning will be more effective than a formal approach

A record will be made on file of verbal warnings or on the report of visit form.

The inspector will tell the duty holder what to do to comply with the law, explain why and distinguish legal requirements from best practice. Inspectors will, on request, confirm any advice or legal requirements in writing detailing the above.

An inspector will not specify a lower standard than that prescribed by legislation.

The inspector will agree a timescale for compliance at the visit or will put a timescale for compliance in the letter.

Improvement Notice

Served when an authorised inspector is of the opinion that there is a contravention of the law at the time of the visit or that there had been a contravention and that it is likely that the contravention will continue or be repeated.

An inspector will consider:-

- The risk gap assessment.
- The seriousness of the legal contravention.
- Whether the employer appears deliberately unwilling to recognise their responsibilities and those who may be affected by their actions.
- Whether the duty holder has a history of non-compliance with verbal and written warnings.

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- Whether deliberate economic advantage has been sought.

The inspector will discuss the notice and if possible, resolve points of difference before serving it. The notice will say what needs to be done, why and by when. Timescales will be realistic.

Improvement notices will be served by authorised officers based on their opinion.

Failure to comply with the notice will generally result in court proceedings.

Prohibition Notices

These can only be issued when the Authorised Inspector is of the opinion that there is or will be a risk of serious personal injury, which includes risk to health. They can be issued to have immediate or deferred effect.

There does not have to be a breach of a statutory requirement before a prohibition notice can be issued but an inspector who thinks there has been should specify it in the notice. In circumstances when a Prohibition Notice would be necessary but the person in control of the activity has assured the inspector that he will remove the risk, this will be sought in writing.

The inspector will, where practicable, discuss why he is serving the notice and take the employer's views into account. The legal implications of non-compliance will be explained. Where the notice is issued the inspector will provide a written explanation of the reasons for the action.

Appeals

Every notice will have written information on how to appeal, explaining how, where and within what period an appeal may be brought. An improvement notice is suspended while an appeal is pending, and that businesses can apply to an Employment Tribunal for a prohibition notice to be suspended pending the outcome of an appeal.

Public Register

A public register will be kept and maintained by the Council of notices served which affect the public who are not employees of that workplace in accordance with the Environment and Safety Information Act 1988.

Entries will be made 14 days after the time limit for appeal of the notice has passed providing no appeals have been made or 14 days after an appeal that has determined that

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<p align="center">Health & Safety Enforcement Policy</p> <p>FOH H0</p>	<p>Revision No: 1 Date: December 2009 Authorised Signature:</p>

the notice should not be cancelled. The register is kept with the Team Leader in the Food and Occupational Health Department.

Serving Notices and Prosecutions

Both taking a prosecution and serving a notice may be appropriate when:

- (a) a situation may be so hazardous that even with a prohibition notice, prosecution may result.
- (b) prosecution is taken owing to the circumstance of an accident, a notice may be used to enforce the remedy.

Information will not be laid until after the appeal period for a notice has passed and any appeal has been heard.

Power to Deal with any Article or Substance which is a Cause of Imminent Danger

Articles or substances may be seized and rendered harmless if an Authorised Officer is of the opinion that it was the cause, or there is likely to be an immediate danger of serious personal injury.

Reviewing the Policy

The Health and Safety Enforcement Policy will be reviewed in 2 years time or sooner if there is a change made by the Health and Safety Executive to their enforcement policy.

Complaints

If you have a complaint that this policy has not been followed you can contact the Chief Environmental Health Officer or Commercial Services Team Leader to discuss. If you are still not satisfied you can use the local authority's formal complaint procedure.

Part One	
EXECUTIVE COMMITTEE	(D) Agenda Item 15
Date of Meeting: 3rd March, 2010	
Reporting Officer: Commercial Property Manager	
<p>Title: Telecommunications Aerial, Town Hall</p> <p>Summary and Conclusions:</p> <p>The report details the current position with regard to a British Broadcasting Corporation (BBC) aerial located on the clock tower of the Town Hall.</p> <p>Recommendation:</p> <p>To note the current position and agree to the granting of a new licence to Arqiva Services Limited on the terms reported.</p>	

Report

Background

In 1987 a twenty-one year licence was granted to the British Broadcasting Corporation enabling the installation of a TV Relay Station (aerial) on the clock tower of the Town Hall. The installation was necessary in order to provide, for the first time, adequate BBC television reception in the Hindpool and Central areas of Barrow.

This agreement expired on 6th December 2008.

Arqiva Services Limited, the inheritors of the original BBC licence, has now requested a new agreement.

The proposed new terms are:

- (i) A new 21 year licence from 7th December 2008;
- (ii) An annual licence fee of £1,500 reviewed in the 7th and 14th year; and
- (iii) all other terms as per previous agreement.

- (i) Legal Implications

A formal licence contract for 21 years.

- (ii) Financial Implications

There are no financial implications.

(iii) Health and Safety Implications

There are no Health and Safety implications.

(iv) Key Priorities or Corporate Aims

Not Applicable.

(v) Risk Assessment

There are no risks associated with this transaction.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil.