

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

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 12th December, 2012  
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. **Declarations of Interest**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. To confirm the Minutes of the meeting held on 14th November, 2012 (copy attached) (Pages 1-18).
6. Apologies for Absence/Attendance of Substitute Members.

### **FOR DECISION**

- (D/R) 7. Recommendations of the Housing Management Forum, 29th November, 2012 (Pages 19-25).

- (D) 8. Police and Crime Panel (Pages 26-27).
- (D) 9. Festival Funds (Pages 28-29).
- (R) 10. War Pensions Disregard (Pages 30-31).

**PART TWO**

- (D) 11. Housing Market Renewal Programme – North Central Renewal Area Sub Areas A and E (Pages 32-33).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 12. Housing Market Renewal Programme – North Central Renewal Area Clearance Site (Pages 34-35).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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

Pidduck (Chairman)  
Sweeney (Vice-Chairman)  
Barlow  
Bell  
Cassidy  
Doughty  
Garnett  
Graham  
Guselli  
Richardson  
Seward  
Wall

**For queries regarding this agenda, please contact:**

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## EXECUTIVE COMMITTEE

Meeting: Wednesday 14th November, 2012  
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Bell, Cassidy, Garnett, Guselli, Pointer, Richardson, Seward, C. Thomson and Wall.

### **60 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Items**

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>
Barrow Marina Village – Purchase of Freehold Interests: Site 15 (Minute No. 73)	To enable the completion of the Freehold acquisition process by the end of the financial year.
Barrow Marina Village – Purchase of Freehold Interests: Sites 17 and 19 (Minute No. 72)	To enable the completion of the Freehold acquisition process by the end of the financial year.

### **61 – 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 involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute No. 76) and Paragraph 3 (Minute Nos. 71, 72 and 73) of Part One of Schedule 12A of the said Act.

### **62 – Minutes**

The Minutes of the meeting held on 17th October, 2012 were taken as read and confirmed.

### **63 – Declarations of Interest**

Councillor Guselli declared a Disclosable Pecuniary Interest in Agenda Item No. 13 – Council Tax Reduction Scheme (Minute No. 75) as reference was made to Cumbria County Council and he is a Cumbria County Councillor.

## **64 – Apology for Absence**

Apologies for absence were received from Councillors Doughty and Graham.

Councillors C. Thomson and Pointer substituted for Councillors Doughty and Graham respectively.

## **65 – Revised Proposals of New Parliamentary Constituency Boundaries**

The Executive Director reported that the Boundary Commission for England had published revised proposals of Parliamentary Constituencies.

The initial proposals for an expanded Barrow and Furness constituency, which would have extended west along Morecambe Bay to include the two Grange-over-Sands wards, met with considerable opposition on two main grounds.

Firstly there was a rail link but no road connecting the Furness peninsula in the west and the Cartmel peninsula in the east. Secondly, the towns and villages on the Cartmel peninsula look to Kendal as their natural service centre rather than Barrow. Traditionally, the Cartmel peninsula had formed part of Westmorland and Lonsdale constituency.

They accepted the case put to them that, apart from the rail link, connections between the Furness and Cartmel peninsulas were poor. They recommend instead, having regard both to geographical constraints and to local ties, that the existing Barrow constituency should extend northwards up to and including the Seascale ward, to enable it to exceed the lower electorate range limit. In doing so, and although the proposed constituency would relate to three different local authorities, they believed this recommendation took better account of the other statutory factors, particularly with regard to the boundaries of existing constituencies, accessibility, and local ties. A copy of the revised Parliamentary Constituency was attached as an appendix to the report.

They received representations from Ulverston Conservative Branch which expressed concerns about the correct naming of this enlarged constituency, proposing instead the name of Furness Peninsula. On balance, they recommended the retention of the existing constituency name of Barrow and Furness.

They were inviting comments on the revised proposals for an eight week period from 16th October, 2012 to 10th December, 2012.

RESOLVED:- That no comments on the revised proposals be made by the Executive Committee and be left for each political party to make comment if they so wished.

## **66 – Health and Safety Policy Statement and Management Arrangements**

The Deputy Executive Director reported that the Council was required by statute to have, and to revise, a written Health and Safety Policy. The Health and Safety Management Board had reviewed this policy and now submitted this for approval by

the Executive Committee. The revised policy was attached as an appendix to the report.

RESOLVED:- To approve the revised policy.

### **67 – Covert Surveillance Policy 2012 -2014**

The Deputy Executive Director reported that this Council undertook covert surveillance to support enforcement activities. Under the Regulation of Investigatory powers Act (RIPA) the Council were required to have a covert surveillance policy to ensure that it was conforming to the Act. The policy was adopted by this Committee in April 2006 and had now been revised to reflect changes to provision introduced in the Protection of Freedoms Act 2012. The revised Policy was attached as an appendix to the report.

On 1st November 2012 two significant changes would take effect governing how local authorities use Regulation of Investigatory Powers Act.

#### Approval of Local Authority Authorisations under RIPA by a Justice of the Peace

The amendments in the Protection of Freedoms Act 2012<sup>1</sup> will mean that local authority authorisations and notices under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).

#### Directed surveillance crime threshold

Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”)<sup>2</sup> mean that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

To reflect these changes the Council has revised its Covert Surveillance Policy.

RESOLVED:- (i) To agree that the revised policy be adopted; and

(ii) To agree that the Officer designated to authorise covert surveillance should be the Assistant Director of Community Services.

### **68 – Assessment of Council Owned Sites for Residential Development**

The Executive Director reported that the Council was required by Government to set out a five year supply of housing land. The Council was able to include sites which were identified as deliverable within the Strategic Housing Land Availability Assessment (SHLAA) within this supply.

A total of 108 sites had been assessed in the SHLAA, 38 of which have been identified as deliverable. Of these, 3 Council owned sites were deemed to be suitable for housing development however there was no resolution at present to release them for development.

The National Planning Policy Framework (NPPF) states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

“Relevant policies” are considered to be the following:

- The Barrow-in-Furness Borough Local Plan Review 1996-2006 (2001);
- The Barrow-in-Furness Borough Council Local Plan Review 1996-2006 Housing Chapter Alteration (2006); and
- The Barrow Port Area Action Plan (2010)

The NPPF also states that planning authorities should:

“Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and ensure choice and competition in the market for land.”

The Council’s current housing requirement, set out in the Regional Strategy, was 150 dwellings per year. As the housing supply had consistently fallen below that figure, the Council considered that a 20% buffer was required, meaning in effect the Council needed to demonstrate that it had a 6 year supply. If the Council could not demonstrate that it had an adequate supply of housing sites, its policies could be classed as being out of date and would have very little control over the location of future development.

The Regional Strategy also required 80% of housing development to be located on brownfield land.

### The supply

Council Officers had calculated that the Council had a 7.3 year supply of deliverable housing land.

The NPPF stated that 'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.' 'Suitable' should be taken to mean that they

are suitable provided that they are not required for other purposes, and are required to meet plan targets.

Some of the sites contained within this supply had been identified through the Strategic Housing Land Availability Assessment (SHLAA), which would be completed by the end of the year. In line with Government Guidance, the SHLAA assessed both brownfield and greenfield sites, and local policy did not preclude greenfield development. Many of these sites were not currently allocated for housing and did not benefit from planning permission, however there was evidence to suggest that they *could* come forward within the next 5 years. There was no guarantee that such sites would be granted planning permission, or that they would be allocated for housing in the future.

On 17th November 2010 the Executive Committee agreed to allow Officers to carry out a search for Greenfield sites with potential for housing development (minute 101). The SHLAA had undertaken such a search and had identified three Council owned sites which were currently classed as being unavailable as, although they were vacant or in informal use, there was no Council resolution to release them for development.

The three sites are listed in the table below and their boundaries can be seen in the appendix attached to the report.

Site No.	Address	Availability	Notes
i)	Land to North of Westpoint House, Solway Drive, Walney	Vacant site	Adjacent land to the East forms part of the Green Wedge. Westpoint House itself has recently been granted planning permission for conversion to 30 self contained units
ii)	Land to South of Westpoint House, Solway Drive, Walney	Vacant site	Adjacent land to the East forms part of the Green Wedge. Westpoint House itself has recently been granted planning permission for conversion to 30 self contained units. Permission granted in 2012 for demolition of Wensum Lea to the South and the erection of 13 houses.
iii)	Field to South of Abbey Meadow nursing home, Flass Lane, Barrow	Used for grazing. Farm business tenancy	Adjacent land to South and East forms part of the Green Wedge.

By supporting the recommendation Members would be agreeing that these sites could be released for residential development subject to planning consent being obtained.

RESOLVED:- To agree that the sites listed within this report be considered as part of the Councils five year supply of housing land.

### **69 – Soccer Centre – All Weather Pitch**

The Executive Director submitted a report which asked Members to note the latest position statement on the Soccer Centre Development. Pulse Fitness Ltd would provide the operational agreement, schedule of works and costings during week commencing 12th November. Officers would have the agreement examined by the Council's Solicitors and would have the costings independently examined.

Pulse Fitness Ltd had advised that they were in a position to commence work in December, and this means that the Centre would be operational before the end of the current financial year.

Pulse Fitness Ltd had approached the Council with a proposal to develop the all-weather pitch into a Soccer Centre; the Council had an existing long-term operating agreement with Pulse Fitness Ltd for the gym facilities. The proposal was reviewed, with the alternative option of refurbishing the current all-weather pitch, by the Executive Committee on the 8th July 2009. The proposal was supported and recommended to Full Council, where it was subsequently approved. The proposal had developed and changed over time and was reported back to Members on the 18th April 2012. Proposal and funding changes were reviewed and recommended to Full Council, where they were subsequently approved. The report of the 18th April 2012 also outlined the actions that officers were carrying out in order to deliver this project.

The purpose of this report was to provide members with an up to date position statement on the remaining steps to be taken and when the Centre would be operational.

Pulse Fitness Ltd would provide an operational agreement, plus the schedule of works and costings in week commencing 12th November. Due diligence would be carried out on this agreement by Council appointed Solicitors and the Council would also have the costings independently examined to validate that prices were appropriate.

Pulse had confirmed that they could start work immediately, following the Council's due diligence, and it was anticipated that work would start in December, meaning that the Centre would be operational before the end of the current financial year.

RESOLVED:- (i) To authorise the Executive Director to sign the Soccer Centre agreement with Pulse Fitness Ltd; and

(ii) To note the latest position on the Soccer Centre Development.



## 70 – Council Finances as at 30th September, 2012

The Borough Treasurer submitted a report which presented financial information for the current financial year, as at 30th September, 2012 for the General Fund, Income Streams, Treasury Management, General Fund Reserves, Housing Revenue Account, Collection Fund and Write Offs.

The General Fund revenue budget was approved by Council on 28th February, 2012 and currently stands at:

Item	Original	Current
Direct costs	£8,793,240	£9,347,370
Indirect costs	£977,000	£965,780
Reversal of depreciation	(£1,942,890)	(£1,942,890)
Treasury items	£1,531,640	£1,500,020
Pension costs	£1,110,810	£1,138,060
Movements in reserves	£2,682,848	£2,155,358
<b>Net Revenue Budget</b>	<b>£13,152,648</b>	<b>£13,163,698</b>

Item	Original	Current
Core Government funding	£6,313,848	£6,313,848
New homes bonus	£175,226	£175,226
Transition grant	£2,085,778	£2,085,778
New burdens grant	-	£11,050
Council tax	£4,602,250	£4,602,250
Prior year Collection Fund	(£24,454)	(£24,454)
<b>Total Revenue Financing</b>	<b>£13,152,648</b>	<b>£13,163,698</b>

The net of the increase in direct costs and pension costs against the reduction in treasury items, was funded by movements in reserves. These were not reflected in the General Fund Reserves section as they would be transacted at year-end but were within the finances of the overall budget.

For monitoring, the direct costs were split to the subjective level and benefits were excluded:

Staff pay	£4,683,670
Staff other costs	£119,740
Transport	£124,650

Property	£2,045,000
Supplies and services	£2,706,020
Contracts	£6,585,060
External income	(£7,594,200)
<b>Direct costs: quarterly monitoring</b>	<b>£8,669,940</b>
<i>Benefits net of subsidy</i>	<i>£123,300</i>
<b>Total direct costs</b>	<b>£8,793,240</b>

Before setting out the half year, Quarter 2 position, the Borough Treasurer explained the other headings in the first budget tables:

Indirect costs – these were the entries created when the support services were charged to front line services. There was income for the support service and expenditure for the front line service – support services were charged to other support services as well. This heading also included the depreciation of assets used or consumed in delivering services.

Reversal of depreciation – as mentioned above, depreciation was the charge that reflects the use of assets in delivering services. However, in accordance with statute the charge for depreciation did not hit the Net Revenue Budget and was instead replaced with the Minimum Revenue Provision which is explained below.

Treasury items – this included the interest cost of external borrowing and the interest earned from depositing temporary surplus cash in interest bearing accounts. Also included here was the Minimum Revenue Provision which is the amount that the Council was required to set aside for the repayment of borrowing.

Pension costs – the pension fund determined how much each Council must contribute to make up the scheme deficit. This, together with the quarterly payments for pension increases make up these pension costs. The employer contributions for current service were part of the direct costs (staff pay).

Movements in reserves – this was the net movement of reserves being used and any new amounts being reserved for future use.

Funding - Core Government funding was the current formula grant, new homes bonus and transition grant were also paid from the Government. The Council Tax was Barrow's element only and similarly the prior year Collection Fund deficit (from 2010-2011).

The direct costs, excluding benefits, at the half year are shown in the following table. The profile was based on the previous financial year together with any particular adjustments for 2012-2013:

Item	Original budget	Current budget	Profiled budget	Actual Q2	Variance	%
Staff pay	£4,683,670	£4,696,370	£2,368,940	£2,372,145	(£3,205)	-
Staff other costs	£119,740	£228,010	£99,360	£101,373	(£2,013)	(2%)
Transport	£124,650	£133,450	£66,730	£55,612	£11,118	17%
Property	£2,045,000	£2,066,750	£1,074,710	£1,094,728	(£20,018)	(2%)
Supplies and services	£2,706,020	£3,285,970	£1,383,940	£1,379,495	£4,445	-
Contracts	£6,585,060	£6,468,720	£2,914,470	£2,915,879	(£1,409)	-
External income	(£7,594,200)	(£7,616,990)	(£3,432,480)	(£3,402,111)	(£30,369)	1%
<b>Direct costs</b>	<b>£8,669,940</b>	<b>£9,262,280</b>	<b>£4,475,670</b>	<b>£4,517,121</b>	<b>(£41,451)</b>	<b>(1%)</b>

Against the current budget which takes in any budget amendments, transport costs were showing as under spent as noted in the previous monitoring report. These budgets were spread over all cost centres and had not been reduced in Quarter 2. A saving in this budget heading was still expected.

### Income Streams

The following income streams contribute to the Budget Strategy over the term of the plan. The 2012-2013 performance up to 30th September 2012 is shown below:

#### Park Leisure Centre

Income this year as at 30/9/2012 is £318,118.

Income last year as at 30/9/2011 was £304,967.

*This years' income is about 4% higher than last year; still behind the current budget expectation which will become clearer in Quarter 3.*

Usage this year as at 30/9/2012 is 120,977 (bookings and tickets).

Usage last year as at 30/9/2011 was 141,549 (bookings and tickets).

*This years' usage is about 15% lower than last year; the sports hall has the highest reduction in usage of 29% year on year.*

#### Car Parking pay and display

Income this year as at 30/9/2012 is £304,806.

Income last year as at 30/9/2011 was £306,373.

*This years' income is about the same as last year; the current budget expectation has been amended (current budget) to reflect more recent trends. There is a general reduction in car park usage nationally, not just for Barrow Borough Council.*

Usage this year as at 30/9/2012 is 176,216 tickets sold.

Usage last year as at 30/9/2011 was 189,052 tickets sold.

*This years' usage is about 7% lower than last year, the 4 hour ticket has the highest reduction in usage of 30% while the 3 hour ticket has marginally increased year on year.*

### Cemeteries and Crematorium

Income this year as at 30/9/2012 is £308,120.

Income last year as at 30/9/2011 was £187,808.

*This years' income is about 64% higher than last year and remains likely to exceed the current budget expectation; this will be reviewed for amendment with Quarter 3.*

### Treasury Management

The 2012-2013 capital programme was agreed at the Executive Committee of 17th October 2012 as £6,796,252.

The Councils' long-term borrowing was currently £39,478,734 which belongs to the General Fund £13,379,724 and the HRA £26,099,010. No new borrowing had been taken out during the year.

The interest on external borrowing was paid half yearly, with the instalments falling at the end of September and March for the new debt taken on last year and at the start of October and April for the older debt. The interest that had been paid up to 30/9/2012 was £236,027 as budgeted (the debt was fixed rate).

The interest earned on temporary surplus cash as at 30/9/2012 was £9,449 which was in line with this time last year. Funds were now being placed in the money market where we are able to place it for fixed periods (3-6 months). There were controls around the security and liquidity of the counterparties that were used.

When the budget was set there was an expectation of borrowing and an increase in interest rates, however these were not likely to occur. The current budget expectation of interest both payable and earned had been reviewed and amended, realising a net saving of £31,620 for 2012-2013.

The Councils' Authorised Limit for external debt for 2012-2013 was £57,000,000 and this had not been exceeded.

### General Fund Reserves

These were funds set aside from General Fund to finance future expenditure. Most reserves were used at year-end - the reserves used in the following tables had been used in quarters 1 and 2; further use of the reserves was planned. This report did not include revenue grants and ring-fenced funds which were receipts in advance from external bodies and the Council had to comply with conditions when using them (reserves only for accounting treatment).

	<b>1/4/2012</b>	<b>Added</b>	<b>Used</b>	<b>Current</b>
<b>Committed reserves</b>				
Public buildings	£500,000	-	-	£500,000
VAT & insurance	£1,144,264	-	(£1,000)	£1,143,264
Pay review	£175,624	-	-	£175,624
	<b>£1,819,888</b>	<b>-</b>	<b>(£1,000)</b>	<b>£1,818,888</b>
<b>Earmarked reserves</b>				
Festival fund	£27,502	-	(£4,750)	£22,752
Park Vale	£56,290	-	-	£56,290
Market Hall	£50,650	-	-	£50,650
	<b>£134,442</b>	<b>-</b>	<b>(£4,750)</b>	<b>£129,692</b>
<b>Uncommitted</b>				
General reserve	£1,367,735	-	-	£1,367,735
<b>Core reserves</b>	<b>£3,322,065</b>	<b>-</b>	<b>(£5,750)</b>	<b>£3,316,315</b>

The Transition Grant awarded to the Council was not ring-fenced and had been used to create the Restructuring Reserve and associated reserves separated by the Executive Committee:

	<b>1/4/2012</b>	<b>Added</b>	<b>Transfers</b>	<b>Used</b>	<b>Current</b>
Restructuring reserve	£756,958	£2,085,778	(£2,400,000)	(£147,173)	£295,563
Budget Setting Support (4 years at £600k)	-	-	£2,400,000	-	£2,400,000
Grants to external bodies	£400,000	-	-	(£158,660)	£241,340
CCTV	£184,296	-	-	-	£184,296
Neighbourhood Management Team	£50,000	-	-	-	£50,000
<b>Transition grant</b>	<b>£1,391,254</b>	<b>£2,085,778</b>	<b>-</b>	<b>(£305,833)</b>	<b>£3,171,199</b>

### **Housing Revenue Account**

The Housing Revenue Account was approved by Council on 28th February 2012 as a balanced budget. The direct costs at the half year are shown in the following table.

The profile was based on the previous financial year together with any particular adjustments for 2012-2013:

Item	Original budget	Current budget	Profiled budget	Actual Q2	Variance	%
<b>Income</b>						
Dwelling rents	(£9,514,990)	(£9,514,990)	(£4,756,597)	(£4,757,930)	£1,333	-
Other income	(£505,340)	(£536,040)	(£349,658)	(£346,550)	(£3,108)	1%
<b>Expenditure</b>						
Management	£2,296,860	£2,316,120	£827,536	£833,790	(£6,254)	-
Maintenance	£2,967,370	£2,967,370	£557,000	£553,744	£3,256	-

### **Collection Fund**

The percentage of council tax collected this year as at 30/9/2012 was 57%.  
The percentage of council tax collected last year as at 30/9/2011 was 57%.

The percentage of NNDR collected this year as at 30/9/2012 was 60%.  
The percentage of NNDR collected last year as at 30/9/2011 was 62%.

The collection targets for 2012-2013 of 96% for council tax and 98% for NNDR were expected to be achieved.

### **Write Offs**

The write offs approved under delegated authority as at 30th September 2012 were:

Housing rents £16,806

Council tax £191,411 (includes £176,335 residual arrears from 2002)

NNDR £66,241 (includes £58,802 residual arrears from 2002)

The bad debt provisions remained sufficient to cover the remaining debt at this time.

RESOLVED:- To note the report.

### **71 – Contract Award for Dock Museum Replacement Car Park and New Access**

The Executive Director submitted a report which sought approval to award the contract for the Dock Museum replacement car park and new access.

Further to the Executive Committee delegated decision on 19<sup>th</sup> October 2011, the Council had exchanged Contracts on 18th May, 2012 on the sale of the Dock Museum Car Park (circa 2 acres). Completion of the sale was subject to Planning Approval on 6th November 2012 for the erection of a Premier Inn Hotel (three storey, 80 bedroom) and restaurant/public house (two storey) with associated car parking and landscaping.

The works comprise the construction of a new access road, Section 278 works, car parking spaces and associated drainage. The commencement of the proposed works in December 2012 was subject to Planning Approval being obtained on 6th November, 2012.

The tenders for the construction of the replacement car park and new access were received and opened by the Chairman of the Executive Committee on Wednesday 31st October, 2012.

The works were planned to last for approximately 24 weeks (excluding the traffic signal alterations by CCC).

RESOLVED:- (i) To appoint L&W Wilson (Endmoor) Ltd under the Institution of Civil Engineers Conditions of Contract for use in conjunction with Minor Works of Civil Engineering Construction First Edition (January 1988) to carry out the proposed works; and

(ii) To enter into a legal agreement with Cumbria County Council to construct the new signalised access onto North Road (A590).

#### **72 – Barrow Marina Village – Purchase of Two Freehold Interests: Sites 17 and 19**

The Executive Director reported that Officers had reached an agreement with the landowner to sell their freehold interest to the Council for the above sites. The two sites were included in the Waterfront Master Plan and formed part of the wider site assembly in connection with the regeneration of the Barrow Marina Area with particular regard to the Marina Village Development.

RESOLVED:- To agree:-

(i) To purchase the freehold of Sites 17 and 19 in accordance with the terms and valuations in the report by the Council's Valuer dated 2nd November, 2012 and the demolition on vacant possession; and

(ii) To sell the Ashburner Way site for the agreed price.

#### **73 – Barrow Marina Village – Purchase of Freehold Interests: Site 15**

The Executive Director reported that Officers had reached an agreement with the landowner to sell their freehold interest to the Council for the above site. The two sites were included in the Waterfront Master Plan and formed part of the wider site assembly in connection with the regeneration of the Barrow Marina Area with particular regard to the Marina Village Development.

RESOLVED:- To agree to purchase the freehold of Site 15 in accordance with the terms and valuation in the report by the Council's Valuer dated 7th November, 2012 and the demolition on vacant possession.

## REFERRED ITEMS

### THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

#### **74 – Members’ Allowances Scheme – Report of the Independent Remuneration Panel**

The Executive Director reported that Government regulations required that any amendment to the Scheme of Allowances for a local authority should be made following the consideration of a report by its Independent Remuneration Panel (IRP).

A Council can amend its scheme of allowances as long as any proposals were in accordance with the regulations governing Members’ Allowances and the Council had considered the views of its IRP on the proposals.

The adopting of an allowances scheme for members was a function of the Council (Article 4.02 of the Constitution).

The Council’s Members’ Allowances Scheme was last reviewed in 2009. The current scheme was due to expire on 31st March, 2013.

The Scheme of Allowances sets out the rates payable to Members for Basic, Special Responsibility, Travel and Subsistence, Co-optees and Dependants’ Carers’ Allowances. Where reference was made to reasonable expenses the Executive Director would use the County Council’s guide to reasonableness.

A review of the budget allocation for Mayoral Allowance was also required as this had not been considered since 2007.

A meeting of the Independent Remuneration Panel was held on 1st October, 2012. The recommendations made by the IPP are as follows:-

1. That the present amount of basic allowance (£2,348.07) remain unchanged but continue to be subject to annual adjustment as referred to in recommendation 6.
2. (i) That the following special responsibility allowances be paid by applying the multipliers shown to the basic allowance.

<b>Special Responsibility</b>	<b>Multiplier</b>	<b>£</b>
The Leader of the Council	x 6	14,088.42
Deputy Leader of the Controlling Group	x 2.5	5,870.18
Leader of the Opposition	x 2.5	5,870.18
Chairmen Executive, Planning and Licensing Committees	x 2	4,696.14
Chairmen Overview and Scrutiny and Audit Committees	x 1.6	3,756.91
Chairman Housing Management Forum	x 1.6	3,756.91
Vice Chairmen of Committees	x 1.2	2,817.68



(The above amounts are inclusive of the basic allowance but should be subject to annual adjustment as referred to in recommendation 6 below).

- (ii) That no Councillor should be entitled to be paid more than one Special Responsibility Allowance at any one time and in the event that a Councillor undertakes more than one Special Responsibility at a time, then the entitlement shall be to the Special Responsibility Allowance with the highest rate.
3. (i) Public Transport – Reimbursement of actual costs;
- (ii) That travelling allowance be paid in respect of relevant duties approved by the Council under regulation 8 (2003 Regulations) as follows:
    - (a) Inside the Borough ..... 40p per mile
    - (b) Outside the Borough ..... 30p per mile
  - (iii) The rates in (ii) above may be increased by a sum of 5.0p per mile for each passenger up to a maximum of four passengers, to whom a travelling allowance would otherwise be payable;
  - (iv) Councillors shall be entitled to claim the following allowances for use of their own motor cycle for any duty approved by the Council under Section 8 of the Regulations:-
    - (a) Not over 120cc ..... 7.3p per mile
    - (b) 121 – 150cc ..... 7.3p per mile
    - (c) 151 – 500cc ..... 10.7p per mile
    - (d) Over 500cc ..... 14.5p per mile
  - (v) That no allowance be paid in respect of the use of pedal cycles;
  - (vi) That the actual and reasonable costs of meals and/or accommodation be paid; and
  - (vii) That a maximum Telephone and Broadband allowance of £20 per month be paid.
4. There are now Independent Members due to the Standards Committee being abolished, therefore this should be taken out of the Members' Allowances Scheme.
5. A Child Care and Dependent Carers' Allowance shall be payable based upon reimbursement of actual receipted costs up to a maximum of £10 per hour for up to 10 hours per week, subject to prior arrangement by the Borough Treasurer, in respect of Child Care for children up to the age of 14 or in the case of severely disabled dependents, the dependent is to be certified by a medical or social services practitioner as requiring attendant care. The allowance is payable to any Member who incurs expenditure whilst

undertaking the qualifying duties specified in Schedule 1. The allowance will not be payable where the care is provided by a member of the claimant's own household, nor where the care is already being paid for by another agency.

6. (i) That annual adjustments be made to the basic allowance and special responsibility allowances so as to increase such allowances from 1st April, 2013 and annually thereafter in accordance with the increases applying to employees from annual national salary awards;
  - (ii) That annual adjustments be made to travelling allowance from 1st April, 2013 and annually thereafter to reflect the rates of reimbursement to Officers of Barrow-in-Furness Borough Council; and
  - (iii) That the provision for adjustments referred to in (i) and (ii) should apply for a period of three years.
7. No recommendation is made on allowing any Councillor admission to the Local Government Pension Scheme.
8. That Recommendation No. 8 (Withholding Allowances) be taken out of the Council's Members' Allowances Scheme.
9. (i) That the £2000 Mayoral Personal Allowance be increased to £2817.60 in line with the Vice-Chairmen of Committees (x 1.2) Special Responsibility Allowances Multiplier;
- (ii) That the Allowance be paid equally, every quarter in advance;
- (iii) That annual adjustments be made to this allowance so as to increase from 1st April, 2013 and annually thereafter in accordance with the increases applying to employees from annual national salary awards; and
- (iv) That the allowance of the Mayor is over and above any entitlement as a Councillor.

It was moved by Councillor Richardson and seconded by Councillor Barlow that Recommendation No. 3(ii) Travel inside the Borough - 40p per mile be removed from the scheme.

RECOMMENDED:- (i) That the Council remove Recommendation No. 3 (ii) - Travel Inside the Borough - 40p per mile; and

(ii) To recommend the Council to accept the recommendations of the Independent Remuneration Panel for inclusion in the scheme with the above variation.

## **75 – Council Tax Reduction Scheme**

The Borough Treasurer submitted a report which followed up on the previous report to the Executive Committee of 18th July, 2012 concerning the end of Council Tax

Benefit and the introduction of a localised Council Tax Reduction Scheme. The consultation period had now ended and the report summarised the current position.

Council tax benefit would cease to exist after 31st March, 2013. A local Council Tax Reduction Scheme must be adopted by each billing authority by 31st January, 2013. The local scheme would be funded by the Government, after a saving of 10% had been realised at the national level. The distribution of the grant (less 10%) was not yet finalised.

The Government had produced a Prescribed Default Scheme (yet to be finalised) under which the '10%' reduction in funding was not passed on to claimants – it was a cost to the Council. On 20th June 2012, the Executive Committee agreed in principle that the Prescribed Default Scheme would be adopted by the Council. Consultation with the major preceptors was initiated.

On 18th July 2012, the Executive Committee approved the Prescribed Default Scheme and public consultation was agreed. The report outlined the risks involved in this policy change and Members considered mitigating action. The consultation responses from Cumbria County Council and Cumbria Police Authority supported the approved approach and highlighted the potential financial mitigation from the technical reforms to council tax.

On 16th October 2012, the Council approved the technical reforms to Council Tax (as recommended by the Executive Committee on 19th September 2012). This was expected to generate additional income to reduce the impact of the Council Tax Reduction Scheme grant on the Councils' financial reserves.

The public consultation ended on 25th October 2012. There were no responses.

It was announced on 16th October 2012, that there will be a Transition Grant Scheme of £100 million funding for councils that develop schemes that match certain criteria around maintaining positive incentives to work. The application and specific details were not yet available and the bidding would be available after 31st January 2013. If the Council was eligible for this funding, an application would be submitted. The Transition Grant pot was for the first year of the scheme only.

The shortfall as it stood when the budget was drafted would be funded from General Fund financial reserves as agreed by the Council on 16th October 2012 (as recommended by the Executive Committee on 19th September 2012).

### Caseload

In considering this report, it was worth bringing forward the caseload figures. There were currently over 6,846 Council Tax Benefit claimants, with 36% (2,439) of these being of pension age. The Government had stipulated that pension age claimants were to be protected. Of the remaining 64% (4,407) working age claimants, £3 million of Council Tax Benefit was currently awarded. To save the 10% in cash terms (£675k), each of the 4,407 working age claimants would see their Council Tax Benefit reduced by 22.5% to give a Council Tax entitlement of 77.5% of their previous benefit. This was a headline or summarised way of looking at the impact on

claimants but it identified that a lot of people would be affected and that it would mean some Council Tax becoming payable by those who perhaps receive full benefit at present.

### Costs

Also, Members were reminded of the potential cost to the Council. As illustrated in previous reports, the 10% reduction of the £6,747,570 budgeted benefit subsidy would be shared on the 2012-2013 precept:

- Barrow Borough Council 14% £91,496
- Cumbria County Council 73% £497,293
- Police Authority 13% £85,968
- **Total 100% £674,757**

There would be additional income from the technical reforms to Council Tax to offset some of this cost.

RECOMMENDED:- That the Council adopt the Prescribed Default Scheme as Barrow Borough Council's Council Tax Reduction Scheme.

### **76 – Parking Services Management Structure**

The Deputy Executive Director submitted a report regarding the temporary arrangements for the ongoing management of the Parking Services function which were in place pending the outcome of the On-Street Parking Review by Cumbria County Council agreed on 20th October, 2010. The County Council had concluded this review and the Borough Council had signed a new agreement to manage on-street enforcement on their behalf (Minute No. 34 of Executive Committee on 18th July, 2012 refers).

Now that this agreement was in place, the Council needed to consolidate the management arrangements for Parking Services.

RECOMMENDED:- To recommend the Council:-

- (i) That approval be given for Management to begin formal consultations with Unison and Post Holder No: DES150 with a view to deleting the post graded PO1-4 and replacing it with a post graded PO6; and
- (ii) Subject to satisfactory consultation, the Council's establishment be amended accordingly.

The meeting ended at 3.05 p.m.

**BOROUGH OF BARROW-IN-FURNESS**

**EXECUTIVE COMMITTEE**

**12th December, 2012**

**(D) AGENDA ITEM NO. 7**

**RECOMMENDATIONS**

**OF THE**

**HOUSING MANAGEMENT FORUM**

**29th November, 2012**

**\*Subject to the protocol agreed by Council**

The recommendations of the meeting of the Housing Management Forum held on 29th November, 2012 are attached.

COPIES OF THE DETAILED REPORTS ON THESE ITEMS HAVE BEEN CIRCULATED PREVIOUSLY TO ALL MEMBERS OF THE COUNCIL.

The Council has agreed that the following protocol should operate:-

- The Executive Committee shall automatically agree any such recommendation or refer it back for further consideration.
- If on re-submission the Executive Committee is still unwilling to approve the recommendation, it is automatically referred to full Council for decision.

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 29th November,2012</b>	<b>(i)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: Cumbria Choice: Choice-Based Lettings Scheme - Update</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of this report was to provide the Forum with an update on the review of the Cumbria-wide Choice Based Lettings Scheme – Cumbria Choice.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To note the content of the report; and</li> <li>2. To agree the final draft of the review of the Allocation Policy which formed the operating basis for Cumbria Choice.</li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 29th November,2012</b>	<b>(ii)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: 9-12 Pennine Gardens, Barrow-in-Furness</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of this report was to consider what action should be taken with regards to a block of four flats, 9-12 Pennine Gardens, which were subsiding due to on-going settlement and involved a significant cost to resolve. All of the options had been discussed with their relative strengths and weaknesses highlighted.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To agree Option 1 to repair at an estimated cost of £114k with the cost being met from the Housing Revenue Account Reserves;</li> <li>2. To agree the temporary re-housing of the residents of the four properties and meet the cost of rent loss and residents' removal costs from Housing Revenue Account Reserves;</li> <li>3. To appoint M &amp; P Gadsden to project manage the appointment of a suitably qualified Contractor through to completion; and</li> <li>4. To agree not to buy back the single leasehold property.</li> </ol>	



<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 29th November,2012</b>	<b>(iii)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: Welfare Reform Action Plan - Progress</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of this report was to update the Forum on progress to inform and discuss with Tenants the implications of Welfare Reform and to mitigate the risks to the Housing Revenue Account.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To note the information contained in the report; and</li> <li>2. To agree a review of furnished tenancies and charges for dispersed accommodation.</li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 29th November,2012</b>	<b>(iv)</b>
<b>Reporting Officer: Jane Coles, Business Support Manager</b>	
<p><b>Title: United Utilities Reward Offer</b></p> <p><b>Summary and Conclusion:</b></p> <p>This report follows up on the previous report to the Housing Management Forum in June 2012 concerning the introduction of a Water Charge Collection Scheme proposed by United Utilities. The investigation into whether the scheme represented a viable reward for Tenants and the Council was now complete and the report summarised its conclusion.</p> <p><b>Recommendations:</b></p> <p>Members are invited to recommend adoption of the scheme, subject to consultation with Tenants.</p>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 29th November,2012</b>	<b>(v)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: 2 Clive Street, Barrow-in-Furness</b></p> <p><b>Summary and Conclusion:</b></p> <p>2 Clive Street is a miscellaneous end of terrace house located in Hindpool. Whilst the property has benefitted from planned works such as central heating, kitchen and bathroom upgrades over recent years it presently suffered from a number of structural problems that required significant investment.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To agree to invest approximately £20,000 from Housing Revenue Account resources to remedy the structural problems identified in the report; and</li> <li>2. To agree that the Housing Manager would explore the option to relocate the occupants to an alternative property.</li> </ol>	

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 8</b>
<b>Date of Meeting: 12th December, 2012</b>	
<b>Reporting Officer: Executive Director</b>	
<b>Title: Cumbria Police and Crime Panel</b>	
<b>Summary and Conclusions:</b>	
The Police and Crime Panel (PCP) met as a Shadow Board to agree its Terms of Reference and Rules of Procedure. As the PCP will be a Joint Committee of the District and County Councils in Cumbria it requires formal endorsement of the Council.	
<b>Recommendations:</b>	
To recommend the Council:-	
(i) To agree the Police and Crime Panel Terms of Reference and Rules of Procedure; and	
(ii) To agree that the Council agrees that the PCP should be a Joint Committee under Article 9 of the Council Constitution.	

**Report**

In May 2012, Members received a report updating you on arrangements for the Cumbria Police and Crime Panel. You also agreed to nominate Councillor Doughty as your representative on the PCP.

PCP's are established to scrutinise the Police Commissioner (not the Chief Constable or the Police Force) and to support the Police and Crime Commissioner in carrying out his functions.

The PCP will have a number of functions including:-

- Contributing to the development of the Police and Crime Panel (on which it is a statutory consultee);
- Reviewing the PCC's annual report;
- Reviewing the PCC's proposed senior appointments (including Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) with a power of veto over the appointment of Chief Constable;

- Reviewing the PCC's proposed precept with a power of veto over the issue;
- Receiving evidence in person from officers of the PCC's secretariat;
- Receiving evidence and scrutinising the PCC, making reports and recommendations on matters relating to the PCC as appropriate;
- Carrying out investigations into decisions made by the PCC and into topics of particular interest, or public concern;
- A role in investigating complaints about non-criminal behaviour of the PCC.

The PCP has met once as a Shadow Body and agreed its Terms of Reference and Rules of Procedure which are attached at **Appendix 1**.

PCP's are to be Joint Committees consisting of Elected Members from each local authority in Cumbria and as such require formal agreement of the Council.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Correspondence held by the Executive Director.



## **Cumbria Police and Crime Panel – Panel Arrangements**

### **Background**

The Panel is a joint Committee under section 101 and 102 of the Local Government Act 1972.

The 7 local authorities making up the Cumbria Police and Crime Panel and adopting these constitutional arrangements are:

Allerdale Borough Council  
Barrow in Furness Borough Council  
Carlisle City Council  
Copeland Borough Council  
Eden District Council  
South Lakeland District Council  
Cumbria County Council

### **Membership**

The Panel comprises 10 elected members and two, independent, co-opted members.

### **Terms of Reference**

The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post holder with a view to supporting the effective exercise of his/her functions within Cumbria.

1. To review and make reports or recommendations on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.
2. To review, put questions to the Police and Crime Commissioner at a public meeting, and make reports or recommendations (as necessary) on the Commissioner's annual report, and to publish the reports or recommendations.
3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by

the Police and Crime Commissioner and to publish the reports or recommendations.

4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable to retire or resign to make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
6. To consult the Chief Inspector of Constabulary (where necessary) and hold a private meeting which the Chief Constable and Commissioner may attend to make representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
7. To review and make reports and recommendations (as necessary) on the proposed precept including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
8. To review or scrutinise decisions or proposals made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
10. To appoint an Acting Police and Crime Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
11. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an



offence that carries a maximum term of imprisonment exceeding two years.

12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.
13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.
14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and any subsequent regulations made under the Act.

### **Rules of Procedure**

The Panel shall determine its Rules of Procedure (in accordance with the statutory requirements and regulations).

The Rules of Procedure shall include arrangements in relation to:

- a) the appointment, resignation and removal of the Chairman and Vice- Chairman;
- b) the appointment of sub-committees;
- c) the appointment of Task Groups;
- c) the making of decisions;
- e) the circulation of information;
- f) the frequency, timing and place of meetings;
- g) public participation; and
- h) minority reporting.

### **Elected Members**

Each of the above mentioned authorities shall appoint annually one member as its representative on the Panel to hold office for the following municipal year, with no provision for substitution. All such

appointments shall be notified to the host authority no later than 31 May in each year. Each Authority will give consideration to the 'balanced objective requirement' in its annual appointment process. Where possible, an Authority will give consideration to continuity of membership to enable the Panel's expertise and skills to be developed for the effective scrutiny of the Police and Crime Commissioner.

After each Authority has appointed one elected Member to sit on the Panel, (this will fill 7 of the 10 places allocated to elected Members, and will ensure that there is geographical balance) the political make up of the Panel as it stands will be examined by the host authority against how an ideally balanced panel would look using the proportionality criteria specified in the Police and Social Responsibility Act and associated guidance. If as a result of this review one or more seats should be allocated to an Independent (Non-Aligned) member then the host authority shall write to all of the Independent Elected Members in Cumbria seeking expressions of interest in serving on the Panel. Once these nominations have been received the Independent Members will then vote on those Members who have put themselves forward as possible candidates. The successful candidate will then be officially nominated to the Panel through their own authority (District or County Council).

The County Council will then nominate three members (or two if the political balance of the Panel results in a seat for an Independent Councillor) to provide for a politically balanced Panel as far as possible.

Membership of the Panel ceases if a member ceases to be a member of the appointing local authority.

In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the provisions in the Act.

### **Independent Co-opted Members**

Two independent persons will also be co-opted to the Panel, with no provision for substitution. Their term of office shall be 4 years and no co-opted member shall serve more than 2 full terms. After this time the positions will be re-advertised.

If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member through the process as described in

these arrangements. The new appointment will be for the remainder of the term.

The following shall be disqualified from being appointed, and from being a co-opted Member if so appointed:

- a) the PCC for the police area;
- b) a member of staff of the Police and Crime PCC for the area;
- c) a member of the civilian staff of the Police Force for the area;
- d) a Member of Parliament;
- e) a Member of the National Assembly for Wales;
- f) a Member of the Scottish Parliament;
- g) a Member of the European Parliament;
- h) a member of the uniformed Police Force for Cumbria;
- i) a member of one of the 7 local authorities in Cumbria

A co-opted Member shall be a Member of the Panel for four years. The maximum time length that a co-opted member may serve for is two terms.

The appointments of co-opted Members shall be undertaken in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel.
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria.
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised.
- d) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in the Thames Valley and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factor.

Costs of the recruitment process shall be met from within the existing budget approved by the Panel. Costs will be minimised by utilising existing networks and advertising online through the national public appointments website, rather than by paid advertisement in newspapers.

A co-opted Member of the Panel may resign from the Panel by, giving at least three months written notice to the host authority. In

exceptional circumstances the Panel may agree to a shorter notice period.

Where a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that a replacement is sought as soon as possible.

### **Resignation and removal of elected members on the Panel**

An Authority may decide in accordance with its procedures to remove its Member from the Panel at any time and upon doing so shall give written notice to the host authority of the change in its Member.

A Member may resign from the Panel at any time by giving notice to the appointing Council who will inform the host authority.

In the event that any Member resigns from the Panel, or is removed from the Panel by his or her Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel, applying the considerations given above.

Where a Panel Member fails to attend meetings of the Panel over a six month period then the host authority shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Panel and the appointment of a replacement member from that Authority.

### **Allowances and Expenses**

No allowance will be made by the Panel to elected members. Any expenses which may be made to elected members arising out of Panel Membership shall be determined and borne by the host authority.

The Host Authority, on behalf of the Panel will reimburse reasonable expenses to co-optees provided that this is agreed as part of the annual budget approved by the Panel.

### **Meetings, Agendas and Reports**

Meetings may be held in any part of Cumbria rotating around each of the District areas, and will usually be held at 10.30 a.m. in public buildings.

The host authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the

requirements of the Local Government Act 1972. The notice of meeting and summons will be signed by the Proper Officer of the host authority.

The presumption is that all formal items will be considered in public except for those that meet the Part II confidentiality criteria of Schedule 101A of the Local Government Act 1972. Part I reports, agendas and minutes will be published on the dedicated webpage provided by the host authority, to which other authorities are invited to provide a link.

The press and public may be excluded from any part of a meeting when the Panel passes a resolution to that effect, when it considers that exempt information may be given or discussed and that it considers the public interest in keeping the information out of the public domain greater than the public interest in disclosing it. A Part I summary of any such discussions shall be included in the minutes.

Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.

Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.

### **Standards**

Elected Members, will be bound by the code of conduct of their appointing authority. Co-opted members will be bound by the code of conduct of the host authority

### **Host Authority**

The Panel shall agree a Host Authority for the Secretariat for the Panel, which shall provide such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel.

Cumbria County Council shall act as the initial Host Authority until such time as either:

- (a) The Panel resolves at its annual meeting (held in June of each year) that another Authority should carry out this function, provided that such other Authority agrees. In which case, the function will be transferred twelve months after the Panel

decision unless a shorter period is agreed between Cumbria County Council (or the existing Host Authority) and the new Host Authority; or

- (b) Cumbria County Council serves notice that it no longer wishes to be the Host Authority and this function is transferred to another Authority in which case, a twelve month notice period will apply, unless a shorter period is agreed between Cumbria County Council and the new Host Authority

## **Resources**

All Home Office funding for the Panel will be received and administered by the host authority.

The total costs of running the Panel shall be contained within the Home Office funding although any local authority may provide additional funding or other resources to support the work of the Panel.

An annual budget report shall be submitted to the Panel by the host authority.

Constitutional and other specialist support will be provided by the host authority, together with creation and maintenance of a website, issuing press releases (with the agreement of the Chairman), and administration of the payroll for member allowances. Additional services can be commissioned as needed, subject to funding being available. All constituent local authorities will be encouraged to provide a link from their websites to the Panel website.

The host authority will be responsible for the payment of travelling expenses of members, either the price of a second class public transport ticket (receipts must be provided) or a car mileage rate at the current HMRC level. The Proper Officer of the host authority may, with the agreement of the Panel Chairman, authorise any Panel member to attend relevant conferences or training courses and for this to be paid for at the subsistence rates available from the host authority, within available funding.

## **Promotion of the Panel**

The Panel shall be promoted and supported by the Host Authority through:

- (a) The inclusion of dedicated webpages on the work of the Panel, with the publication of meeting agendas; minutes; and papers where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972. All reports and recommendations made, with responses from the PCC will be published. Information on member attendance and other publications will be included.
- (b) Media and communications support provided by the corporate communications team, this includes the issuing of press release where required.
- (c) Clerking support to be provided for all public Panel meetings. This includes sending out agendas; minutes; procedural advice.
- (d) Legal advice where required for the Panel to carry out its duties effectively.
- (e) Independent policy advice to the Panel through a dedicated scrutiny officer, this includes written and oral briefings to Panel members.

The costs of the promotion work identified above will be identified as part of the annual budget approved by the Panel.

The Panel shall be promoted and supported by each Authority through:

- (a) Ensuring that briefings take place for local stakeholders on the work of the Panel. This includes officer briefings to respective members in each authority to support the work of the Panel (executive/non-executive members including Panel member) on a regular basis to ensure that members are fully informed about local relevant matters.
- (b) Information on each respective website about the work of the Panel and links to the main web-pages.
- (c) Sharing of information on the work of the designated statutory Crime and Disorder Scrutiny Committee in order to ensure that the work programme of the Panel complements local scrutiny work and vice-versa.

## **Training**

The host authority will organise at least one training session on an annual/two yearly basis, to coincide with appointments to the Panel and will provide advice and guidance to any new member appointed.

### **Urgent Action**

If, in the view of the host authority's Proper Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the host authority's Proper Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Proper Officer to take any decision on a matter which is reserved by law to the Panel. All urgent decisions will be reported, in writing, to the next Panel meeting.

### **Validity of Proceedings**

The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.



<b>EXECUTIVE COMMITTEE</b>		<b>(D) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>12th December, 2012</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Festival Funds</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council holds £22,752 in a reserve fund for Festivals. This should be offered to the relevant Carnival and Festival Committees as a one off grant to move them on to a more sustainable footing. The reserve should also underwrite any losses from a Food Festival to be held in Barrow in 2013.</p> <p><b>Recommendations:</b></p> <p>To agree that the reserve fund should be allocated as set out in the report.</p>		

### Report

The Council currently holds an earmarked reserve of £22,752 for festivals. This is the residual sum of a much larger fund which has been held over a number of years to support one-off events and annual carnivals and festivals. The Council will be unable to continue to support festivals and carnivals when this reserve has been used. It would, therefore, be appropriate to commit the reserve on the basis that it should be used to make carnivals and festivals into a more sustainable footing.

I have also been in discussions with Barrow Traders Association (BTA) about holding a weekend Food Festival in 2013. Whilst this event is predicted to break even, it would be prudent to identify a budget to underwrite any losses which may arise. I estimate £9,000 would be required for this in addition to a contribution from BTA with any residual being rolled forward for future years. I therefore consider that the revenue fund should be divided as follows:

1. Barrow Food Festival underwriting	£ 9,000
2. Barrow Carnival	£ 2,500
3. Walney Carnival	£ 4,500
4. Dalton Festivals	£ 4,500
5. Askam Carnival	<u>£ 2,000</u>
<b>Total</b>	<b>£22,500</b>

Payments will be in the form of a single grant payment to the relevant Festival Committees conditional on annual presentation of accounts to the Council. The Council will act as accountable body for Barrow Food Festival.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation is fully funded in the 2012/13 budget.

(iv) Health and Safety Implications

Individual carnival and festival committees will be responsible for health and safety at their events.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 10</b>
<b>Date of Meeting:</b>	<b>12th December, 2012</b>	
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	
<p><b>Title: War Pensions Disregard</b></p> <p><b>Summary and Conclusions:</b></p> <p>Under current legislation local authorities can disregard up to 100% of war pension payments when calculating entitlement to Council Tax Benefit; the first £10 is statutorily disregarded. This includes all War Disablement Pensions, War Widow's Pensions, Armed Forces Compensation Scheme payments and any corresponding pensions payable to a widower or a surviving civil partner. Despite the final regulations not yet being published for the Council Tax support scheme, Members are asked to agree the discretionary local scheme for 2013-2014, awarding the full 100% for Council Tax support and up to 100% for Housing Benefit.</p> <p><b>Recommendations:</b></p> <p>To recommend to Council:</p> <ol style="list-style-type: none"> <li>1. The adoption of a 100% disregard of war pension payments for Council Tax support, and</li> <li>2. To continue the disregard of war pension payments for housing benefit of up to 100%.</li> </ol>		

### **Report**

Under current legislation, local authorities can disregard up to 100% of war pension payments when calculating entitlement to Council Tax Benefit; the first £10 is statutorily disregarded. This includes all War Disablement Pensions, War Widow's Pensions, Armed Forces Compensation Scheme payments and any corresponding pensions payable to a widower or a surviving civil partner.

There are around 35 claims a year that the disregard applies to, costing £12k. These claims are currently funded by the DWP for the first £10 plus 75% of the remainder, with the Council funding the remaining net 25%; £3k.

The final regulations are not yet published for the council tax support scheme, but with council tax benefit and the DWP funding ending on 31st March 2013, the Council's policy decision forms part of the new scheme. To disregard war

pension payments by 100% will still cost around £12k. The funding comes from the three main preceptors proportionate to their precept. To illustrate the amounts involved, for 2012-2013 the Council would fund around £2k of the local scheme.

The statutory provisions of the disregard for housing benefit purposes do not change and neither does the £10 statutory disregard or the DWP funding. There are around 23 claims a year that the disregard applies to, costing £25k. The DWP fund the first £10 and 75% of the remainder and the Council funds the remaining net 25%; £6k.

The Council is required to make an annual decision on the local discretionary scheme and Members are asked to agree to the disregards for 2013-2014, awarding the full 100% for council tax support and up to 100% for housing benefit. Provision for the costs is included within the Council's budget plans.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial implications are set out in the body of the report.

(iv) Health and Safety Implications

The recommendation has no significant implications.

The recommendation has no detrimental impact the built environment or public realm.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil