

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

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 14th November, 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 17th October, 2012 (copy attached) (Pages 1-3).
6. Apologies for Absence/Attendance of Substitute Members.

### **FOR DECISION**

- (D) 7. Revised Proposals of New Parliamentary Constituency Boundaries (Pages 4-5).

- (R) 8. Members' Allowances Scheme – Report of the Independent Remuneration Panel (Pages 6-7).
- (D) 9. Health and Safety Policy Statement and Management Arrangements (Pages 8-9).
- (D) 10. Covert Surveillance Policy 2012 - 2014 (Pages 10-11).
- (D) 11. Assessment of Council Owned Sites for Residential Development (Pages 12-15)
- (D) 12. Soccer Centre – All Weather Pitch (Pages 16-17).
- (R) 13. Council Tax Reduction Scheme (Pages 18-20).
- (D) 14. Council Finances as at 30<sup>th</sup> September, 2012 (Pages 21-27).

## **PART TWO**

- (R) 15. Parking Services Management Structure (Pages 28-30).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 16. Contract Award for Dock Museum Replacement Car Park and New Access (Pages 31-33).

**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**

**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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Published: 6th November, 2012.

## **EXECUTIVE COMMITTEE**

Meeting: Wednesday 17th October, 2012  
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Bell, Cassidy, Doughty, Garnett, Graham, Guselli, Seward, Wall and Williams.

### **53 – Minutes**

The Minutes of the meeting held on 19th September, 2012 were agreed as a correct record, subject to it being recorded that in Minute No. 41 (National Cradle for Advanced Manufacturing) John Woodcock MP had been involved in preparing the Strategy.

### **54 – Declarations of Interest**

Councillor Guselli declared a Disclosable Pecuniary Interest in Agenda Item 8 – Local Action for Warm Homes (Minute No. 57). He was a Private Landlord. He left the meeting during consideration of the item. He also declared Other Registrable Interests in Agenda Item 9 – Recycling Credit Payments (Minute No. 48) and Agenda Item 10 – Capital Programme Variations and Monitoring Report as at 30th September, 2012 (Minute No. 59). He was a Member of Cumbria County Council.

Councillor Williams declared a Disclosable Pecuniary Interest in Agenda Item 8 – Local Action for Warm Homes (Minute No. 57). He was a Private Landlord. He left the meeting during consideration of the item.

### **55 – Apology for Absence**

An apology for absence was received from Councillor Richardson.

Councillor Williams substituted for Councillor Richardson respectively.

### **56 – Independent Remuneration Panel**

The Executive Director reminded the Committee that the Council was required under the Local Authorities (Members Allowances) (England) Regulations, 2001 to establish and maintain an Independent Remuneration Panel to make recommendations to the authority about allowances to be paid to elected members.

The Independent Remuneration Panel's Members term of office came to an end on 14th November, 2012.

The New Council Constitutions: Guidance on Regulations for Local Authority Allowances was silent on the reappointment of the Panel. When a vacancy had arisen in 2006 an advert had been placed in the Evening Mail and only one application had been received. The three members of the Panel had been contacted and asked whether they would be willing to be reappointed for a further five years. All three members had indicated that they would be willing to be reappointed to the IRP.

RESOLVED:- To agree that Mr J. L. Winder (J. L. Winder & Co, Chartered Accountants), Mrs M. Burrow, MBE and Mr J. Slater be reappointed to the Independent Remuneration Panel for a period of five years.

### **57 – Local Action for Warm Homes**

The Executive Director informed the Committee that the End Fuel Poverty Coalition (EFPC) was made up of a range of poverty, environmental, health, trade union and consumer organisations. It campaigned for energy efficient homes, decent incomes and low cost fuel for low income households. A household was said to be in fuel poverty if it had to spend over 10% of its net income on heating and hot water. EFPC had developed the Local Authority Fuel Poverty Commitment under the badge of “Local Action for Warm Homes”. The Fuel Poverty Commitment was considered by the Committee.

That commitment would require the Council to use its powers to reduce fuel poverty, particularly through the new tools put in place through the Green Deal, and through working in partnership with the Public Health Director and Health and Well Being Boards.

Fuel poverty was a significant issue in Barrow. The recent private sector stock condition survey had showed that 16.0% of private sector properties (and 23.7% of private rented properties) failed to meet the Thermal Comfort element of the Decent Homes Standard. That compared with a figure for England as a whole of 10.9%. In addition, 24.4% of households (and 44% of households on benefit) were in fuel poverty, compared to 21% in England.

The Council was already part of the Cumbria Affordable Warmth Project, which had been developing approaches to make the best use of Green Deal in Cumbria.

RESOLVED:- To agree to sign up to the Local Authority Fuel Poverty Commitment.

### **58 – Recycling Credit Payments**

The Executive Director informed the Committee that he had received notification from Cumbria County Council of the future level of payments for recycling credits beyond October 2012. The County Council view the current scheme as unaffordable and it had been identified as an area of significant savings.

The current scheme offered the Council a reward of £83.20 per tonne to incentivise higher levels of recycling. Payment had been maintained at that level for the first two quarters of the 2012/13 financial year, but would fall to the statutory minimum rate of £58.64 per tonne from 1st October, 2012 to 31st March, 2013. To assist the transition from current levels to full year statutory minimum payments, the County Council had agreed to cap the reduction of any authority in 2012/13 to £60,000.

Beyond 1st April, 2013 statutory minimum payments of £60.40 per tonne would apply.

Previous reports had confirmed there was no legal basis on which that decision may be challenged.

The implications on the Council's budget were significant. Firstly, the Council would have a shortfall in income of £60,000 in the current year which would have to be met from other sources. Secondly, the reduction in income for 2013/14 was estimated at £230,000. In March 2012 this Committee had agreed to submit an application to the Weekly Collection Support Scheme and, if successful, that would offset these losses for a three year period allowing the current contract to be renegotiated. A decision was imminent.

If the application to the WCSS was unsuccessful, then corrective action to adjust the Council's budget would need to be taken. These were as follows:-

- (a) A change to fortnightly collection of residual waste for all or parts of the Borough.
- (b) Review and reduce the overall specification of the street cleansing, refuse collection and recycling contract.
- (c) Reduce services elsewhere in the Council.

RESOLVED:- To note the report.

### **59 – Capital Programme Variations and Monitoring Report as at 30th September, 2012**

The Committee considered a detailed report of the Borough Treasurer regarding the Capital Programme which had included variations since the last report on 18th July, 2012 and the expenditure as at 30th September, 2012.

The Borough Treasurer confirmed that at 1.2 revised funding; the figure from Embra Investments Ltd was £150,000 and not £75,000 as stated in the report.

RESOLVED:- (i) To approve the variations to the whole Capital Programme which were set out in sections:

- 1.1 Re-profiling;
- 1.2 Revised funding;
- 1.3 Use of Asset Investment Fund;
- 1.4 New Capital Bids;

(ii) To note the expenditure as at 30th September, 2012; and

(iii) To request the Overview and Scrutiny Committee to consider whether they could add Flooding into their work programme.

The meeting ended at 2.45 p.m.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 7</b>
<b>Date of Meeting:</b>	<b>14th November 2012</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Revised Proposals of New Parliamentary Constituency Boundaries</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Boundary Commission for England has published revised proposals of Parliamentary Constituencies.</p> <p><b>Recommendations:</b></p> <p>The Committee's instructions will be requested.</p>		

### **Report**

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.

First, there is a rail link but no road connecting the Furness peninsula in the west and the Cartmel peninsula in the east. Second, the towns and villages on the Cartmel peninsula look to Kendal as their natural service centre rather than Barrow. Traditionally, the Cartmel peninsula has 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 are 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 takes 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 is attached at **Appendix A**.

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

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

Cost of Parliamentary Elections reclaimed from the Government.

(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.

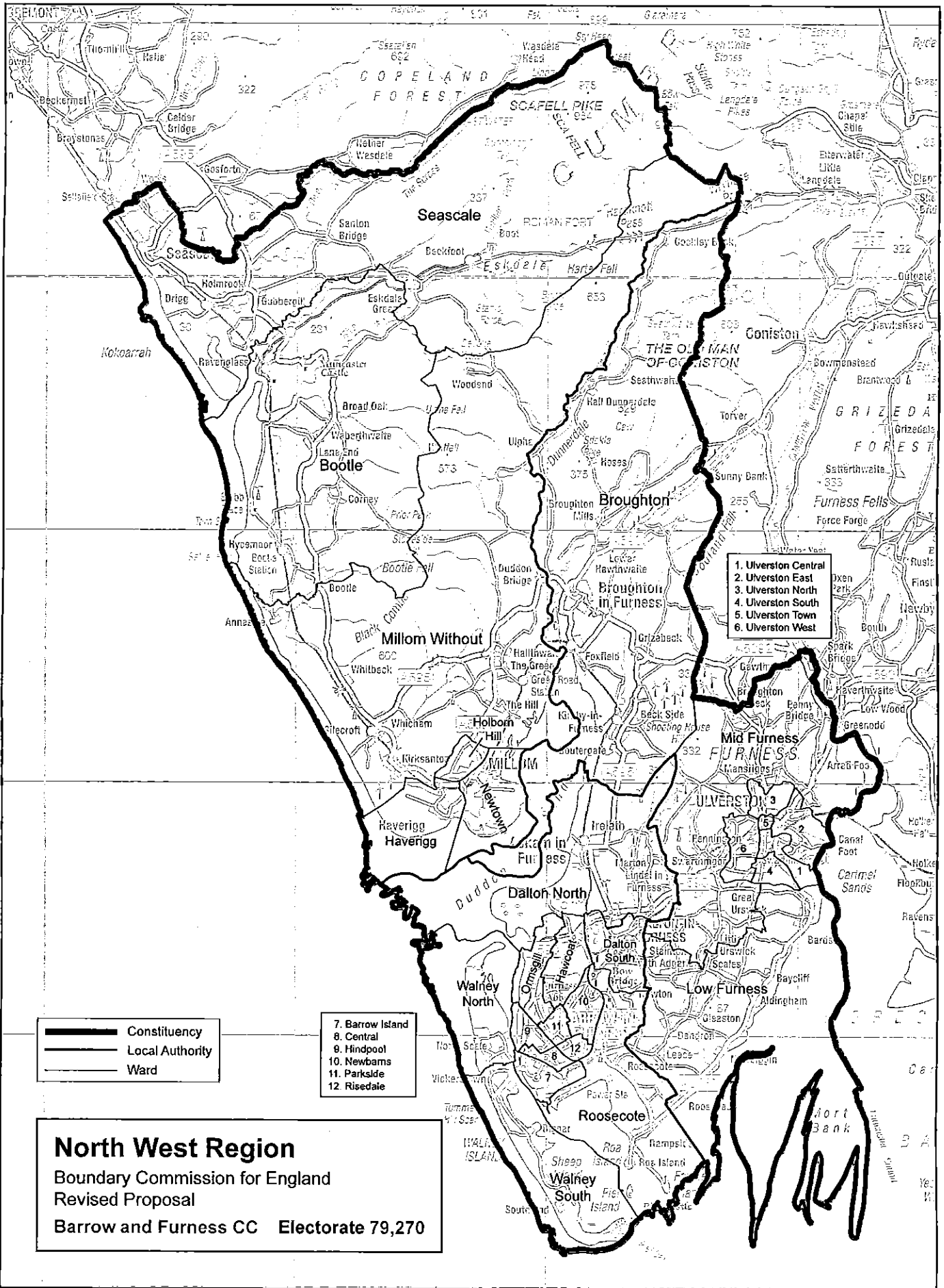
(vi) Health and Well-being Implications

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

Background Papers

Not Applicable.





**— Constituency**  
**— Local Authority**  
**— Ward**

7. Barrow Island  
 8. Central  
 9. Hindpool  
 10. Newbarns  
 11. Parkside  
 12. Risedale

**North West Region**  
 Boundary Commission for England  
 Revised Proposal  
**Barrow and Furness CC Electorate 79,270**

1. Ulverston Central  
 2. Ulverston East  
 3. Ulverston North  
 4. Ulverston South  
 5. Ulverston Town  
 6. Ulverston West

This mapping extract has been produced from Ordnance Survey's mapping data on behalf of the Boundary Commission for England © Crown copyright 2012.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 8</b>
<b>Date of Meeting:</b>	<b>14th November, 2012</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Members' Allowances Scheme – Report of the Independent Remuneration Panel</b></p> <p><b>Summary and Conclusions:</b></p> <p>Government regulations require 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).</p> <p><b>Recommendation:</b></p> <p>To agree that the recommendations be submitted to the Council to either accept or vary the recommendations of the Independent Remuneration Panel for inclusion in the scheme.</p>		

### **Report**

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

The adopting of an allowances scheme for members is 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 expires 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 is made to reasonable expenses the Chief Executive will 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. A copy of the report with their recommendations is attached at **Appendix B**.

(i) Legal Implications

Not Applicable.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

Not Applicable.

(v) Equality and Diversity

Not Applicable

(vi) Health and Well-being Implications

Not Applicable.

Background Papers

Nil.

# REPORT OF THE INDEPENDENT REMUNERATION PANEL BARROW-IN-FURNESS BOROUGH COUNCIL MEMBERS' ALLOWANCES SCHEME

## Introduction

This report deals with the work undertaken by the Independent Remuneration Panel and deals with the matters which have been considered and presents the recommendations of the Panel.

Before an authority makes or amends a scheme it shall have regard to the recommendations made in relation to it by its Independent Remuneration Panel.

The Panel comprises –

Mrs M. Burrow M.B.E., Barrow and District Disability Association  
Mr J. Slater  
Mr J. L. Winder – J. L. Winder and Co. Chartered Accountants

## Remit

The regulations provide for an Independent Remuneration Panel to have the following functions and to make recommendations to an authority.

- As to the amount of basic allowance that should be payable to its elected Members.
- About the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance.
- About the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
- As to the amount of co-optees' allowance.
- As to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation the amount of this allowance and the means by which it is determined.
- On whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
- As to whether the annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run.

- As to which members of an authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972 and as to the treating of basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

In summary, the allowances which are or may be payable to Members are as follows:

- Basic Allowance (mandatory)
- Special Responsibility Allowance (discretionary)
- Dependants' Carers' Allowance (discretionary)
- Travelling and subsistence allowance (discretionary)

A scheme may also provide:

- For the payment of a co-optees' allowance to a person who is not a member of the authority but is a member of a Committee or Sub-Committee.
- Make provision for the payment of pensions to members under the Local Government Pension Scheme.

The Panel is also tasked with recommending an appropriate rate of remuneration for the Mayor.

## **Recommendations**

The Panel had regard to the decision making arrangements provided for in the Council's Constitution and to the roles undertaken by office-holders.

### Basic Allowance

A scheme of allowances must include a basic flat rate allowance payable to all members of the authority. The allowance must be the same for each member.

Basic allowance is intended to recognise the time commitment of all Councillors including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.

Published guidance advises that regard should be had as to what Councillors do and the hours which are devoted to these tasks and that a view be taken on the rate at which and the number of hours for which Councillors ought to be remunerated. However guidance also advises that it is important that some elements of the work of members continues to be voluntary – that some hours are not remunerated.

Conclusions along these lines were drawn in the Panel's 2009 report. These were that the basic allowance should be based on an average of five hours per

week over a 50 week period and that for the purpose of determining the basic allowance a rate of £9.392 per hour be applied. Any hours in excess of the foregoing would reflect the voluntary element of a members duties in relation to service to the community recognising that monetary considerations were not a pre-requisite to seeking election as a Councillor and that service to the community was in itself part of the reward derived.

The effect of the 2009 recommendations, subsequently accepted by the Council was to increase the basic allowance to £2,348.07 per annum subject to uprating the allowances in accordance with the increases applying to employees from annual national salary awards.

The Panel are of the opinion that the conclusions reached in 2009 remain valid. No increase is therefore recommended.

### **Recommendation 1**

**That the present amount of basic allowance (£2,348.07) remain unchanged but continue to be subject to annual adjustment in accordance with the increases applying to employees from annual national salary awards.**

#### Special Responsibility Allowances

A special responsibility allowance (SRA) may be paid to those members who have significant responsibilities over and above the generally accepted duties of a Councillor.

The regulations do not limit the number of special responsibility allowances which may be paid nor do the regulations prohibit the payment of more than one special responsibility allowance to any one member.

Authorities are advised to consider very carefully the additional roles of members and the significance of these roles both in terms of responsibility and real time commitment before deciding which will warrant a payment of special responsibility allowance.

Authorities are also advised that it does not necessarily follow that a particular responsibility borne by a particular member is a significant additional responsibility for which an SRA should be paid. Such duties may not lead to a significant extra work load for any one particular member above another. Authorities are advised that these responsibilities should be recognised as a time commitment to council work which is acknowledged within the basic allowance and not responsibilities for which an SRA should be recommended.

Authorities are advised to look carefully at the nature of their constitutions when determining a scheme.

Guidance also suggests that one way of calculating SRAs may be to take the agreed level of basic allowance and recommend a multiple of this allowance as an appropriate SRA for others. This approach was used in the 2009 review.

The Panel have had regard to the responsibilities borne by the holders of posts to which SRAs are presently attached. The Panel are of the opinion that the conclusions reached in 2009 remain valid. No increase is therefore recommended.

Although the regulations do not prohibit the payment of more than one special responsibility allowance to any one Member, the Panel considered 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.

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

(The above amounts are inclusive of the basic allowance but should be subject to annual adjustment in accordance with the increases applying to employees from annual national salary awards).

- (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.

## Travelling and Subsistence Allowance

Provision may be made for the payment of travelling and subsistence allowances to members including co-opted members. This may include the provision for the payment of allowances to those members who travel by bicycle or other non motorised transport. The Panel may recommend which duties shall attract travel and subsistence allowances and the levels of any such allowance.

## Public Transport

Normally lowest available standard fare on the day of booking. Members are asked to notify Democratic Services of their travel requirements as early as possible so that the Council can benefit from discounts for advance booking where available. Exceptionally, members may purchase their own tickets at short notice, but reimbursement will only be made on production of the rail tickets used or a receipt for payment. Tickets purchased by members themselves must also be the lowest available standard fare.

First class fare is payable only where the cost is no greater than the lowest available standard fare or where the agreement of the Leader of the Council has been obtained in advance of the duty being undertaken. Such agreement will normally be given where first class travel is necessary or desirable because of the need to undertake Council business on the train or the length of the journey.

Owing to the vagaries of ticket pricing it can sometimes be the case that the cost of a first class ticket is less than the standard fare. Where this is the case Democratic Services will note the two prices at the time of booking and obtain the cheaper fare. If a first class ticket is the cheaper this will be noted by Democratic Services for audit purposes so that it can be demonstrated that members travelled in the most economical way at the time.

## Rail Supplements

In addition to the rail fare, Members may claim the following supplementary allowances not exceeding expenditure actually incurred on:

- (a) Reservation of seats and deposit or portorage of luggage;
- (b) Sleeping accommodation engaged by a member for an overnight journey, subject however to reduction by one-third of any subsistence allowance payable for that night;
- (c) Tube fares where not included in the main ticket for the journey;
- (d) A senior citizen's railcard (upon request, and only if primarily for use in connection with travel on Council business). There is a potential financial saving to the Council because the use of a railcard normally enables the cost of all train journeys to be reduced by one third of the original price;
- (e) The cost of meals or refreshments taken on out of County train journeys, except where included in the price of a rail ticket.

## Private Car etc.

The rate for travel by a member's own private motor car (or one belonging to a member of their family or otherwise provided for their use) in circumstances which involve a substantial saving in time or where it is in the interests of the Council, or is otherwise reasonable that the member should so travel rather than by public transport, shall not exceed:



### **For a motor cycle**

(i)	Not over 120cc .....	7.3p per mile
(ii)	121 – 150cc .....	7.3p per mile
(iii)	151 – 500cc .....	10.7p per mile
(iv)	Over 500cc .....	14.5p per mile

### **For a car**

(i)	Inside the Borough .....	40p per mile
(ii)	Outside the Borough .....	30p per mile

Members are encouraged to car share wherever possible. The mileage rates above may be increased by a further sum of 5.0p per mile for each passenger, not exceeding four, to whom a travelling allowance would otherwise be payable, and by the amount of any expenditure incurred in tolls, ferries or parking fees, including overnight garaging.

Members are responsible for ensuring that their insurance covers use of the vehicle on Council business.

In deciding whether to travel by car or by public transport for long journeys, members should have regard to the relative costs of travel and the business needs of the Council.

### Taxis

Where no public transport is reasonably available, or in cases of urgency, members may claim the actual cost of a taxi journey and a modest gratuity. In other cases, the amount of the fare for travel by appropriate public transport can be claimed. Receipts will be required.

A taxi shall not be used for journeys extending outside the Borough, except with the Leader of the Council's approval.

### Pedal Cycles

That no allowance be made for pedal cycles.

### Subsistence

That the actual and reasonable costs of meals and/or accommodation be paid.

### Telephone and Broadband

A maximum Telephone and Broadband allowance of £20 per month be paid.

### **Recommendation 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.**

### **Co-optees' Allowance**

Provision may be made for the payment of co-optees' allowances, for attendance at conferences and meetings, to any co-opted and appointed members of a council's committees or sub-committees. Such an allowance will in general be an annual allowance and may vary from one co-opted member to another. Consideration may be given to the degree of time and effort put in by the co-optees. Some element of the contribution made should be voluntary.

### **Recommendation 4**

**There are now no Independent Members due to the Standards Committee being abolished, therefore this should be taken out of the Members' Allowances Scheme.**

### Dependants' Carers' Allowance

A scheme may include the payment of a dependants' carers' allowance to those Councillors who incur expenditure for the care of children or other dependants whilst undertaking particular duties. The Panel may recommend that such allowances be made available and recommend the amount of this allowance.

### **Recommendation 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 agreement 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.**

### Annual Adjustments of Allowance Levels

Provision may be made for an annual adjustment to allowances to be ascertained by reference to an index as specified and contained in the scheme.

Where a Panel makes a recommendation that allowance levels should be determined according to an index it has to make a recommendation as to how long the index should run before reconsideration. In any case an index may not run for more than four years before a further recommendation on it is sought from the Independent Remuneration Panel.

### **Recommendation 6**

- (i) That annual adjustments be made to the basic allowance and special responsibility allowances so as to increase such allowances from 1<sup>st</sup> 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 1<sup>st</sup> 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.**

## Pensions

The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 allow councils to decide whether their Councillors should have access to the Local Government Pension Scheme. The Independent Remuneration Panel can make binding recommendations on which Councillors may be eligible for access to the scheme.

### **Recommendation 7**

**No recommendation is made on allowing any Councillor admission to the Local Government Pension Scheme.**

## Withholding Allowances

The current legislation does not allow the Council to suspend or disqualify a Member or to withdraw or withhold Members' Allowances

### **Recommendation 8**

**That this recommendation now be taken out of the Council's Members' Allowances Scheme.**

## Mayoral Allowance/Honorarium

The Panel is tasked with recommending an appropriate rate of remuneration for the Mayor. The last meeting of the Independent Remuneration Panel which looked at the rate was on 18<sup>th</sup> June, 2007. At that time, the Panel recommended a combined increase of £2000 for personal and clothing expenses and that this be increased by the nationally agreed Local Government Officers increase. To assist the Panel with their decision, the following appendices were considered:-

- Copies of the Executive Committee Reports – 24<sup>th</sup> May and 18<sup>th</sup> July, 2007;
- A breakdown of Barrow Borough Council Mayoral Costs; and
- Comparisons with Neighbouring Authorities.

### **Recommendation 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; and**
- (iii) **That annual adjustments be made to this allowance so as to increase from 1<sup>st</sup> April, 2013 and annually thereafter in accordance with the increases applying to employees from annual national salary awards.**

- (iv) That the allowance of the Mayor is over and above any entitlement as a Councillor.**

## **SUMMARY OF RECOMMENDATIONS**

### **Recommendation 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.

### **Recommendation 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.

### **Recommendation 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.

#### **Recommendation 4**

There are now no Independent Members due to the Standards Committee being abolished, therefore this should be taken out of the Members' Allowances Scheme.

#### **Recommendation 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 agreement 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.

#### **Recommendation 6**

- (i) That annual adjustments be made to the basic allowance and special responsibility allowances so as to increase such allowances from 1<sup>st</sup> 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 1<sup>st</sup> 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.

### **Recommendation 7**

No recommendation is made on allowing any Councillor admission to the Local Government Pension Scheme.

### **Recommendation 8**

That Recommendation No.8 (Withholding Allowances) be taken out of the Council's Members' Allowances Scheme.

### **Recommendation 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; and
- (iii) That annual adjustments be made to this allowance so as to increase from 1<sup>st</sup> April, 2013 and annually thereafter in accordance with the increases applying to employees from annual national salary awards.
- (iv) That the allowance of the Mayor is over and above any entitlement as a Councillor.



## SCHEDULE 1

### LIST OF DUTIES WHERE TRAVELLING AND SUBSISTENCE IS PAID

- (a) attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body.
- (b) attendance at any other meeting the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
  - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
  - (ii) if the authority is not so divided it is a meeting to which at least two members of the authority have been invited.
- (c) attendance at a meeting of any association of authorities of which the authority is a member.
- (d) the attendance at a meeting of the Executive or a meeting of any of its Committees, where the authority is operating executive arrangements.
- (e) duties undertaken in pursuance of any standing order requiring a member or members to be present while tender documents are opened.
- (f) duties undertaken in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; or
- (g) any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority, or of any of its committees or sub-committees.

Signed M. A. Burrow  
Mrs M. Burrow M.B.E.  
Barrow and District  
Disability Association

J. L. Winder  
Mr J. L. Winder  
J. L. Winder and Co.  
Chartered Accountants

J. Slater  
Mr J. Slater

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>14th November, 2012</b>	
<b>Reporting Officer:</b>	<b>Deputy Executive Director</b>	
<p><b>Title: Health and Safety Policy Statement and Management Arrangements</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council's Health and Safety Policy has been reviewed.</p> <p><b>Recommendations:</b></p> <p>To approve the revised policy.</p>		

### **Report**

The Council is required by statute to have, and to revise, a written Health and Safety Policy. The Health and Safety Management Board has reviewed this policy and now submits this for approval to the Executive Committee attached at **Appendix C**.

(i) **Legal Implications**

The recommendation has no legal implications.

(ii) **Risk Assessment**

The recommendation will continue to ensure that significant remedial actions from risk assessments are monitored and implemented.

(iii) **Financial Implications**

The recommendation has no financial implications.

(iv) **Health and Safety Implications**

The recommendation will ensure that the Council continues to implement the Health and Safety at Work Act requirement to prepare and revise a written health and safety policy statement and the organisation and arrangements for carrying out that policy.

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.

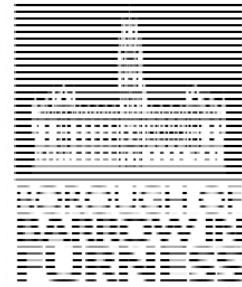
(vi) Health and Well-being Implications

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

Background Papers

Health and Safety Policy Statement and Management Arrangements

# Barrow Borough Council



## HEALTH & SAFETY POLICY STATEMENT AND MANAGEMENT ARRANGEMENTS

<b>Author:</b>	<b>A. Buck</b>	
<b>Approved by:</b>	<b>Health &amp; Safety Management Board</b>	
<b>Version:</b>	<b>V4</b>	
<b>Approval date:</b>	<b>24/1012</b>	
<b>Review date:</b>		
Version history	Approved	Reasons/comments
V3	06/05/09	Reviewed
V2	May 2003	Reviewed
V1	1999	

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Health & Safety Organisation and Responsibilities	3

## INTRODUCTION

This document describes how the Council is organised to deliver effective health & safety for its employees and anybody else affected by its activities.

Health and Safety is the responsibility of all employees. We all have a contribution to, and an involvement in health and safety. We have a responsibility for ourselves, each other and anybody else affected by our decisions, actions or omissions.

If we take ownership of any defects that we see or are brought to our attention, not just those within our own jobs, we will be looking out for each other and our organisation.

When it comes to health & safety every employee has an equal voice regardless of their position within the Council.

There is no shortage of stories about ridiculous decisions taken, wrongly, in the name of health and safety – we aim to tackle real risks in a proportionate manner.

Jeff Bright  
Deputy Executive Director  
Health and Safety Management Lead Officer  
Date: 24<sup>th</sup> October 2012

## HEALTH AND SAFETY POLICY STATEMENT

The Council exists to enhance the economic and social future of the Borough and to meet the needs and aspirations of the community. Health and safety is integral to this vision and our performance.

We are mindful of our obligations under the Health and Safety at Work etc. Act 1974, but our aim is to go beyond what is strictly required by legislation and to strive for continuous improvement.

We will achieve this by:

- recognising that people are our most important assets and that effective health & safety is an investment that helps the Council to achieve its objectives;
- demonstrating positive leadership to encourage a positive culture where everyone is aware of their individual responsibilities and is actively engaged;
- integrating health & safety into individual's jobs so that they take personal responsibility for their actions and the health & safety of others;
- ensuring that people are effectively trained and are competent to carry out their tasks;
- consulting and communicating with staff both directly and via trade unions;
- actively controlling risks in a consistent and proportionate manner; and
- monitoring the effectiveness of measures that we take.

Phil Huck  
Executive Director  
Date: 24<sup>th</sup> October 2012

Dave Pidduck  
Leader of the Council  
Date: 24<sup>th</sup> October 2012

## HEALTH & SAFETY ORGANISATION AND RESPONSIBILITIES

This section sets out the broad structure for management and the responsibilities of Members and employees of the Council. These responsibilities are defined in greater detail in health and safety procedures issued through the Health & Safety Management Board.

Everyone should be aware of their own responsibilities. Individuals must take personal responsibility and will be accountable for, their actions.

### **Health & Safety Management Board**

The Health & Safety Management Board drives the health and safety agenda across the Council. It is a strategic body and meets twice every year in April and October. Its purpose is to:

- ensure the health & safety management system remains effective
- monitor the health and safety performance of the Council;
- monitor reviews of risk assessments and the implementation of any significant remedial actions;
- review and health & safety policies, procedures and practice; and
- advise management as necessary on their duties in respect of health, safety and welfare.

Membership:

Executive Director  
Deputy Executive Director (chair)  
Borough Treasurer  
Health & Safety Adviser  
Union Safety Representatives  
Councillors as appointed by the Executive Committee



## **The Council**

The Council, as a body, has general duties and responsibilities as an "employer" under the Health and Safety at Work etc Act, 1974, and related legislation and for their decisions that may affect health and safety.

In order to meet these responsibilities, the Council will ensure that:

- there is an effective safety policy and management system;
- there is visible leadership to develop a positive attitude to health and safety among employees;
- there is demonstrable commitment to achieving a high standard of health and safety performance and ensuring that health and safety is an integral part of the overall management culture;
- the Executive Director meets his responsibilities for safety, health and welfare;
- adequate resources are directed towards achieving these objectives; and
- appoint a health & safety spokesperson from lead and opposition parties to be members of the Health & Safety Management Board.

## **Elected Members**

Council Members have an individual responsibility to keep themselves aware of the Council's Health and Safety policy and to:

- take personal responsibility for their own actions and decisions;
- co-operate with the Council so that it can comply with it's duty of care;
- follow procedures and safe systems of work designed for their protection;
- not intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare; and
- report accidents or any situation, practice or procedure they suspect is potentially hazardous.

## **Executive Director**

The Executive Director has ultimate responsibility for the delivery of health, safety & welfare within the Council and will:

- provide visible leadership, and encourage the same from all Assistant Directors, in order to promote a positive attitude to health and safety;
- ensure that health and safety is an integral part of the overall management culture in which health and safety objectives are regarded as linked to other business goals;
- ensure that adequate resources are made available to enable health & safety policies and procedures to be effectively implemented;
- appoint a competent person to assist the Council to comply with the requirements of health and safety legislation;
- ensure that Assistant Directors meet their responsibilities for safety, health and welfare.
- ensure the Health & Safety Management Board remains an effective body and fit for purpose;

## **Health & Safety Lead Director**

The Deputy Executive Director is nominated to act as the Health & Safety Lead Director and will:

- act as a focal point to advise on and embed best health & safety practice within the Management Team;
- champion and promote health & safety amongst Council officers, employees and Members, and build and coordinate relationships to achieve this;
- represent senior management by chairing or monitoring relevant H&S working groups; and
- ensure Senior Officer and Member health & safety competencies.

**Assistant Directors  
(Deputy Executive Director, Borough Treasurer, Assistant Director  
Regeneration & Built Environment, Assistant Director Community Services  
and Housing Manager)**

Assistant Directors have overall responsibility for health, safety & welfare within their Directorate and will:

- provide visible leadership in order to promote a positive attitude to health and safety;
- ensure that health and safety is an integral part of the overall Directorate management culture
- ensure that there are health & safety management procedures within their Directorate so that risks are effectively identified and assessed, and control measures properly implemented
- ensure that Managers meet their responsibilities for safety, health and welfare;
- ensure that health and safety responsibilities throughout their directorates are delegated to competent, authorised, resourced and trained persons and that these responsibilities are properly assigned, accepted, clearly understood, fulfilled and monitored;
- ensure that responsibilities for managing operational and non-operational premises are clearly defined, properly assigned, clearly understood, and accepted; and
- ensure that employees are consulted regarding any proposed structural alterations, workplace re-organisation, changes in work equipment, staffing levels or work practice likely to have significant implications for their health, safety or welfare and report such issues to the health & safety Management Board.

## **Managers**

Managers are responsible for health, safety performance and welfare issues within areas of responsibility, whether relating directly to the activities of the Council or to contractors working on its behalf and will:

- promote a positive health and safety culture in which employees are engaged and can make suggestions for improvement;
- demonstrate commitment to achieving a high standard of health and safety performance;
- ensure that hazards are identified and risk assessments are effectively carried out, recorded and acted upon;
- ensure that any preventative and corrective measures, including written safety procedures, identified by risk assessments are implemented, recorded and monitored as necessary;
- ensure that their staff, and any other persons under their control or responsibility, are provided with the necessary information, instruction, training, supervision and equipment and are competent to carry out their work without risk to themselves or others;
- ensure that their staff, and any other persons under their control or responsibility, meet their responsibilities for safety, health & welfare;
- monitor and supervise staff and others under their control to ensure that work is carried out in a safe manner; and
- refer any significant health & safety concerns that cannot be resolved within their department to their line Assistant Director.

## **Supervisors**

Supervisors are responsible for health, safety and welfare performance as delegated to them by their line Manager and will:

- assist their Manager in promoting a positive health and safety culture;
- ensure that staff, and any other persons under their control or responsibility, are provided with the necessary information, instruction, training, supervision and equipment and are competent to carry out their work without risk to themselves or others;
- ensure that staff, and any other persons under their control or responsibility, meet their responsibilities for safety, health & welfare;
- monitor and supervise staff and others under their control to ensure that work is carried out in a safe manner; and
- refer any significant health & safety concerns that cannot be resolved to their Manager.

## **Employees**

All employees have a duty while at work to take care for the health and safety of themselves and others who may be affected by their work. In particular every employee, regardless of seniority will, in addition to any duties outlined above:

- take personal responsibility for their actions and work within their competence;
- co-operate with management so that the Council can comply with their duty of care;
- follow procedures, guidance and safe systems of work designed for their protection;
- not intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare;
- check that work equipment is in safe working order before use; and
- report accidents or any situation, practice or procedure they suspect is potentially hazardous.

## **Safety Adviser**

The Safety Adviser is the appointed competent person to assist the Council (under Regulation 7 of the Management of Health and Safety at Work Regulations 1999) to comply with the requirements of health and safety legislation and will:

- have the right of executive action in emergency or situation where there is an unacceptable risk, being accountable to the Executive Director;
- advise on the requirements of Health and Safety legislation and good working practice;
- maintain a central record of all risk assessments;
- provide information and guidance, and carry out audits as necessary and as directed;
- liaise as necessary with the Health & Safety Executive, Police, Fire, and any other statutory bodies and Trade Union representatives; and
- investigate and report on significant incidents and issues.

## **Trades Union Safety Representatives**

Trade Unions may appoint Safety Representatives to represent the interests of their members on health and safety matters.

The functions of Safety Representatives include the following:

- investigate accidents and reports of hazards;
- investigate complaints of a health and safety nature made by their members;
- discuss health and safety matters with Management;
- carry out inspections of the workplace;
- receive information from Inspectors of the Health & Safety Executive and similar enforcing authorities; and
- attend meetings of the Health & Safety Management Board.

The Council will arrange for appropriate facilities and assistance to be given to Safety Representatives to enable them to fulfill their functions.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 10</b>
<b>Date of Meeting:</b>	<b>14th November, 2012</b>	
<b>Reporting Officer:</b>	<b>Deputy Executive Director</b>	
<p><b>Title: Covert Surveillance Policy 2012 - 2014</b></p> <p><b>Summary and Conclusions:</b></p> <p>This Council undertakes covert surveillance to support enforcement activities. Under the Regulation of Investigatory powers Act (RIPA) we are required to have a covert surveillance policy to ensure that we are conforming to the act. The policy was adopted by this Committee in April 2006 and has now been revised to reflect changes to provision introduced in the Protection of Freedoms Act 2012. The revised Policy is attached at <b>Appendix D</b> for your approval.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To agree that the revised policy be adopted; and</li> <li>2. To agree that the Officer designated to authorise covert surveillance should be the Assistant Director of Community Services.</li> </ol>		

## **Report**

On 1st November 2012 two significant changes will 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

(i) Legal Implications

There is not a legal require to have a covert surveillance policy, however evidence collected using unregulated covert surveillance is not admissible in court.

Undertaking unregulated covert surveillance may breach privacy laws and expose the council to legal action.

(ii) Risk Assessments

The recommendation has no significant financial implications

(iii) Financial Implications

The recommendation has no significant financial implications

(iv) Health and Safety Implications

The recommendation has no significant health and safety implications

(v) Equality and Diversity

Undertaking unregulated covert surveillance may have a 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.

Back ground Papers

Nil





# COVERT SURVEILLANCE POLICY

**Compliant with the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and Protection of Freedoms Act 2012**

**Revision November 2012**

<b>Author</b>	<b>Policy Review officer</b>
<b>Date published</b>	<b>November 2012</b>
<b>Review date</b>	<b>October 2014</b>

Endorsed by Executive Committee November 2012

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## Policy Statement

Barrow Borough Council will apply the principles of the Regulation of Investigatory Powers Act 2000 (RIPA) to all activities where covert surveillance or Covert, human intelligence sources are used.

RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. RIPA does not provide any powers to carry out covert activities. If such activities are conducted by Council officers, then RIPA regulates them in a manner that is compatible with the European Convention on Human Rights (ECHR), particularly Article 8; the right to respect for private and family life.

The Human Rights Act 1998 requires that all actions which may potentially breach an individual's human rights are:

- Proportionate
- Necessary
- Non-discriminatory
- lawful

The Council may use two techniques for detecting and preventing a crime:

- **Directed Surveillance:** covert surveillance in places other than residential premises or private vehicles (**Council officers cannot conduct intrusive surveillance in a residential premises or private vehicle**)
- **Covert Human Intelligence Source (CHIS):** includes undercover officers, public informants and people who make test purchases

## Restrictions of RIPA

The Protection of Freedoms Act 2012 (in particular a statutory instrument made under the Act) restricts the use of RIPA to conduct that would constitute a criminal offence which is punishable by a maximum custodial sentence of 6 months or more. This effectively restricts the use of RIPA to circumstances when the conduct is considered to be serious criminal conduct, by reference to sentencing powers. There are some limited exceptions to the 6 month rule, set out in statutory instrument. These are:

- The sale of alcohol to children (S.146 of the Licensing Act 2003)
- Allowing the sale of alcohol to children (S.147 of the Licensing Act 2003)
- Persistently selling alcohol to children (S.147A of the Licensing Act 2003)
- The sale of tobacco to persons under 18 years of age (S.7 Children and Young Persons Act 1933)

Use of these techniques has to be authorised internally by an authorising officer or a designated person at Head of Service or equivalent level. They can only be used

where it is considered necessary (e.g. to investigate a suspected crime or disorder) and proportionate (e.g. balancing the seriousness of the intrusion into privacy against the seriousness of the offence and whether the information can be obtained by other means).

The relevant Codes of Practice should be referred to for further information on the scope of powers, necessity and proportionality.

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>

Each covert surveillance operation involving directed surveillance and covert human intelligence sources must be authorised internally in writing using the standard forms application forms approved by the Secretary of State provided. The authorisation forms are available on the Council's intranet:

In addition to the internal authorisation process an application must also be externally authorised by a Magistrate. No investigation can commence until both internal and external authorisations have been given.

The Council will ensure that all Officers who are involved in surveillance and granting of authorisations are aware of the procedures to be followed, and that appropriate training is given.

Authorising officer should not be responsible for authorising investigations or operations in which he is directly involved, although it is recognised that this may sometimes be unavoidable.

The Council's Authorising Officer is Assistant Director of Community Services

### **Time limits**

Any authorisations granted for directed surveillance will cease to have effect at the end of the period of three months beginning with the date on which it took effect. Covert human intelligence source authorisations will cease to have effect after a period of 12 months beginning with the day on which the grant takes effect.

Any request for a renewal will be fully investigated, but in any event must be approved by a Line Manager before submission for authorisation. The renewal will also require approval by a magistrate.

### **Reviews**

Reviews of Authorisations should be undertaken following any significant occurrence or within one calendar month of the authorisation commencing. Details of the review should be recorded on the review form:

### **Cancellation**

If the conditions for surveillance being carried out are no longer satisfied, and the authorisation period has not ended, a cancellation form must be completed and all those involved in the surveillance should receive notification of the cancellation, which must be confirmed in writing at the earliest opportunity.

### **Records**

The designated officers are responsible for recording use of the powers under the legislation and for retaining the necessary documentation. A central record of surveillances undertaken will also be kept with the Policy Review Officer. This will include all authorisation, review and cancellation forms. Authorisation forms will be kept for three years from the end of the authorisation period and then destroyed.

### **Monitoring and Review**

The Executive Director or his designated officer will review the authorisations held on the central file on an annual basis to ensure that the Act is being used consistently with the policy and that the policy remains fit for purpose and that authorisation forms are being correctly completed.

The Office of the Surveillance Commissioner has set up an Inspectorate to monitor the various authorities' compliance with the Act. For local authorities the first point of contact for the Inspectors will be the Executive Director.

## Authorisation Procedures

At the start of an operation Council officers will need to satisfy themselves that what they are investigating is a criminal offence which is punishable by a maximum custodial sentence of 6 months or more. The exceptions being:

- The sale of alcohol to children (S.146 of the Licensing Act 2003)
- Allowing the sale of alcohol to children (S.147 of the Licensing Act 2003)
- Persistently selling alcohol to children (S.147A of the Licensing Act 2003)
- The sale of tobacco to persons under 18 years of age (S.7 Children and Young Persons Act 1933)

The Protection of Freedoms Act guidance specifically states that RIPA authorisations should not be used for: littering, dog control and fly-posting, however, overt techniques may be used for these offences.

The covert surveillance operation involving directed surveillance and covert human intelligence sources must be authorised internally using the standard forms provided and a unique reference number should be obtained from the Policy Review Officer.

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/>

The investigator should contact the administration officer at Her Majesty's Courts and Tribunal Service (HMCTS) at the magistrate's court to arrange a hearing. The investigator should attend the hearing with the authorised RIPA form, a Judicial Approval application form and any supporting material.

If the authorisation is approved by the magistrate the investigator may use covert techniques. If the authorisation is refused the investigator may not use covert techniques and must investigate the case using other means.

In exceptional circumstances out of hours access to the magistrate may be gained via HMCTS staff in this case two copies of the authorisation form and a Judicial Approval form will be required.

Once internal and external approval have been granted the operation may commence.

Reviews of Authorisations should take place every four weeks or sooner if the risk of obtaining private information or of collateral intrusion is high and in accordance with the circumstances of the case.

A Review will take place by an applicant completing a Review Form which is located intranet before the date for review and forward the form to the Authorising Officer for consideration.

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/>

## Surveillance Policy 2012

Records of the review should also be forwarded to the policy Review Officer for inclusion onto the central file.

If your authorisation time period is about to end, it will be necessary to complete a renewal form and forward this to the relevant authorising officer who will then consider whether the grounds for authorisation still exist. If the authorising officer agrees to extend the authorisation period Judicial Approval by a magistrate will be required.

The renewal form is available on the intranet

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/>

The renewal forms should be to the Policy Review Officer for retention in the central record.

If the conditions for surveillance being carried out are no longer satisfied, and the authorisation period has not ended, a cancellation form must be completed and all those involved in the surveillance should receive notification of the cancellation, which must be confirmed in writing at the earliest opportunity.

The cancellation form is available on the intranet

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/>

The completed cancellation forms should be forwarded to the Policy Review Officer for retention in the central record.

To ensure that the Central Retrievable record is up to date, and to allow proper central oversight, it is important that all applications approved and any subsequent renewals, extensions or cancellations are forwarded to the Policy Review Officer

The Central Retrievable record and copy authorisations are kept for a period of three years from the date of the end of the authorisation.

All Original and copy documents shall be destroyed after a period of three years from the date the authorisation comes to an end. Regular reviews should take place to ensure that retention and destruction take place appropriately.

### **Monitoring and Review**

Officers who made applications for Authorisations and Authorising Officer should monitor any Authorisation and keep them under review. Consideration should also be given by applicant officers and authorising officers as to whether Authorisations should be cancelled or renewed. Decisions should be recorded in addition to the reasons for those decisions.

In addition to the above review mechanism the Executive Director or his designated officer will review the authorisations held on the central file on an annual basis to

## Surveillance Policy 2012

ensure that the Act is being used consistently with the policy and the policy remains fit for purpose and that authorisation forms are being correctly completed.

The Office of the Surveillance Commissioner has set up an Inspectorate to monitor the various authorities' compliance with the Act. For local authorities the first point of contact for the Inspectors will be the Executive Director.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 11</b>
<b>Date of Meeting:</b>	<b>14th November, 2012</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Assessment of Council Owned Sites for Residential Development</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council is required by Government to set out a five year supply of housing land. The Council is able to include sites which are identified as deliverable within the Strategic Housing Land Availability Assessment (SHLAA) within this supply.</p> <p>A total of 108 sites have been assessed in the SHLAA, 38 of which have been identified as deliverable. Of these 3 Council owned sites are deemed to be suitable for housing development however there is no resolution at present to release them for development.</p> <p><b>Recommendation:</b></p> <p>To agree that the sites listed within this report be considered as part of the Councils five year supply of housing land.</p>		

### Background

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, is 150 dwellings per year. As the housing supply has consistently fallen below that figure, we consider a 20% buffer is required, meaning in effect we need to demonstrate that we have a 6 year supply. If we cannot demonstrate that we have an adequate supply of housing sites, our policies could be classed as being out of date and we will have very little control over the location of future development.

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

### The supply

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

The NPPF states 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 have been identified through the Strategic Housing Land Availability Assessment (SHLAA), which will be completed by the end of the year. In line with Government Guidance, the SHLAA assesses both brownfield and greenfield sites, and local policy does not preclude greenfield development. Many of these sites are not currently allocated for housing and do not benefit from planning permission, however there is evidence to suggest that they *could* come forward within the next 5 years. There is no guarantee that such sites will be granted planning permission, or that they will be allocated for housing in the future.

On 17<sup>th</sup> 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 has undertaken such a search and has identified three Council owned sites which are currently classed as being unavailable as, although they are vacant or in informal use, there is no Council resolution to release them for development.

The three sites are listed in the table below and their boundaries can be seen in **Appendix E**.

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 you will be agreeing that these sites could be released for residential development subject to planning consent being obtained.

(i) Legal Implications

The National Planning Policy Framework 2012 requires local planning authorities to identify a five year supply of deliverable housing land.

(ii) Risk Assessment

The recommendation has no minor or significant implications.

(iii) Financial Implications

The recommendation has no financial implications, at this point in time.

(iv) Health and Safety Implications

The recommendation has no minor or significant implications.

(vi) Equality and Diversity

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

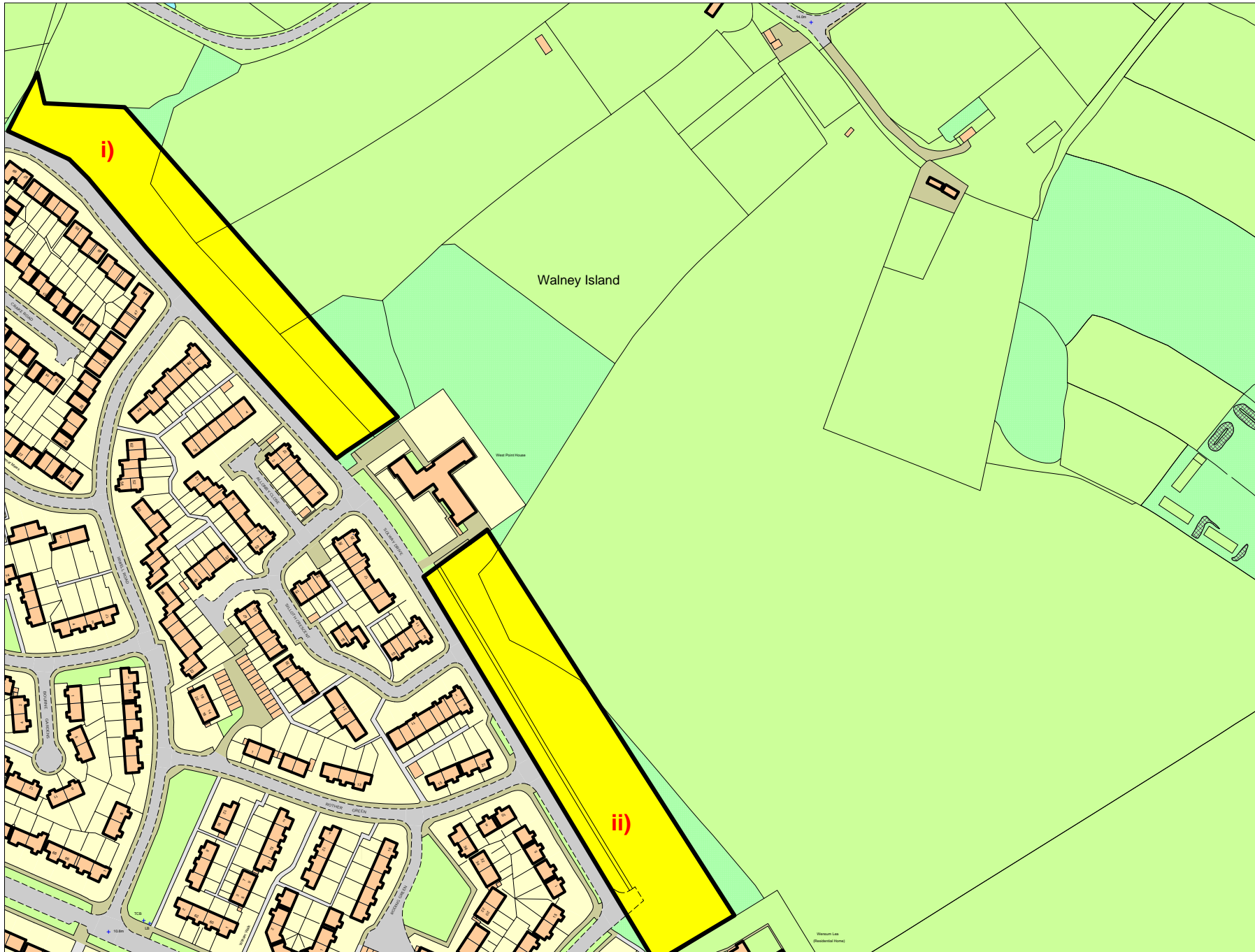
(vii) Health and Well-being Implication

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

Background Papers

Nil

# Solway Drive - Site No. i) North and ii) South



**BOROUGH OF  
BARROW IN  
FURNESS**

Scale : 1:2500

Grid : None

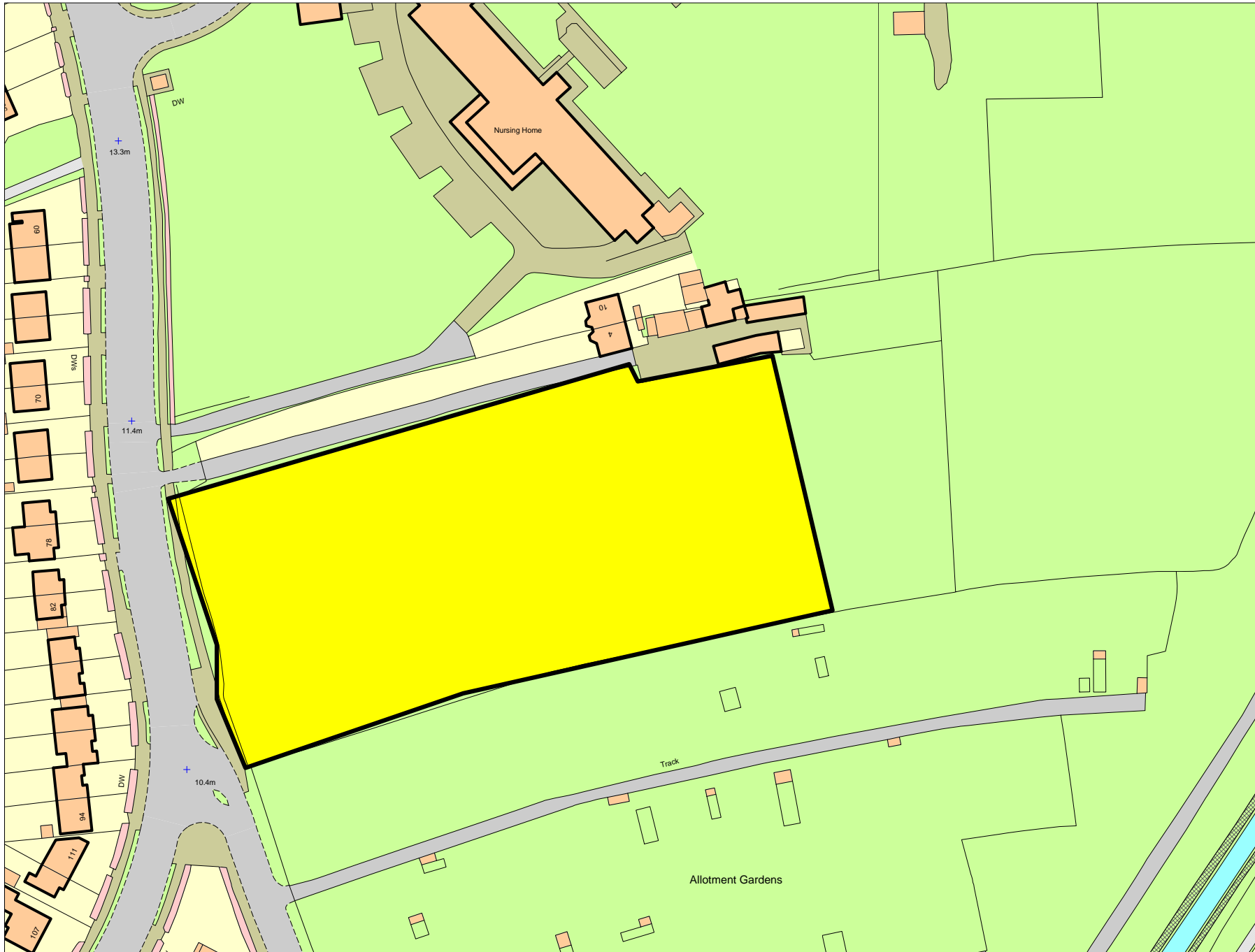


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# Flass Lane - Site No. iii)



**BOROUGH OF  
BARROW IN  
FURNESS**

Scale : 1:1250

Grid : None



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<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 12</b>
<b>Date of Meeting: 14th November 2012</b>	
<b>Reporting Officer: Executive Director</b>	
<b>Title: Soccer Centre – Park Leisure Centre</b>	
<b>Summary and Conclusions:</b>	
<p>This report asks members to note the latest position statement on the Soccer Centre Development. Pulse Fitness Ltd will provide the operational agreement, schedule of works and costings during week commencing 12<sup>th</sup> November. Officers will have the agreement examined by the Council's Solicitors and will have the costings independently examined.</p>	
<p>Pulse Fitness Ltd have advised that they are in a position to commence work in December, and this means that the Centre will be operational before the end of the current financial year.</p>	
<b>Recommendations:</b>	
Members are requested to:-	
<ol style="list-style-type: none"><li>1. Authorise the Executive Director to sign the Soccer Centre agreement with Pulse Fitness Ltd; and</li><li>2. Note the latest position on the Soccer Centre Development.</li></ol>	

**Report**

Members will recall that Pulse Fitness Ltd approached the Council with a proposal to develop the all-weather pitch into a Soccer Centre; the Council has 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 has 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 is to provide members with an up to date position statement on the remaining steps to be taken and when the Centre will be operational.

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

Pulse have confirmed that they can start work immediately, following the Council's due diligence, and it is anticipated that work will start in December, meaning that the Centre will be operational before the end of the current financial year.

(i) Legal Implications

The legal implications have been outlined in a previous report. (The agreement under which the development will be undertaken and operated will be scrutinised by the Council's solicitors.)

(ii) Risk Assessment

The recommendation has no, minor or significant implications.

(iii) Financial Implications

The financial implications of the development of this facility have been outlined in a previous report. Officers will ensure that the schedule of works and costings are independently examined to ensure pricing is appropriate.

(iv) Health and Safety Implications

The recommendation has no, minor or significant 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 development of this facility will assist in the promotion of the Health and Wellbeing of users of this service.

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 13</b>
<b>Date of Meeting: 14th November, 2012</b>	
<b>Reporting Officer: Borough Treasurer</b>	
<p><b>Title: Council Tax Reduction Scheme</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report follows 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 has now ended and the report summarises the current position.</p> <p><b>Recommendations:</b></p> <p>Members are invited to recommend the adoption of the Prescribed Default Scheme to Council.</p>	

**Report****Executive Summary**

Council tax benefit ceases 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 will be funded by the Government, after a saving of 10% has been realised at the national level. The distribution of the grant (less 10%) is not yet finalised.

The Government has produced a Prescribed Default Scheme (yet to be finalised) under which the '10%' reduction in funding is not passed on to claimants – it is 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 is 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 are not yet available and the bidding will be available after 31st January 2013. If the Council is eligible for this funding, an application will be submitted. The Transition Grant pot is for the first year of the scheme only.

The shortfall as it stands when the budget is drafted will 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 is worth bringing forward the caseload figures. There are currently over 6,846 Council Tax Benefit claimants, with 36% (2,439) of these being of pension age. The Government has stipulated that pension age claimants are to be protected. Of the remaining 64% (4,407) working age claimants, £3 million of Council Tax Benefit is 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 is a headline or summarised way of looking at the impact on claimants but it identifies 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 are 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 will be additional income from the technical reforms to Council Tax to offset some of this cost.

### Recommendation

In line with previous reports and recommendations agreed by this Committee, Members are invited to recommend the adoption of the Prescribed Default Scheme as Barrow Borough Council's Council Tax Reduction Scheme to Council.

(i) Legal Implications

It is a legal requirement to have adopted a Council Tax Reduction Scheme by 31st January 2013.

(ii) Risk Assessment

The risks associated with the recommendation have been considered in previous reports.

(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.

(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 Borough Treasurer.

<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 14</b>
<b>Date of Meeting: 14th November 2012</b>	
<b>Reporting Officer: Borough Treasurer</b>	
<p><b>Title: Council Finances as at 30th September 2012</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report presents financial information for the current financial year, as at 30th September 2012 for:</p> <ul style="list-style-type: none"> <li>General Fund</li> <li>Income Streams</li> <li>Treasury Management</li> <li>General Fund Reserves</li> <li>Housing Revenue Account</li> <li>Collection Fund</li> <li>Write Offs</li> </ul> <p><b>Recommendations:</b></p> <p>Members are recommended to note the report.</p>	

## Report

### General Fund

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

<b>Item</b>	<b>Original</b>	<b>Current</b>
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>

<b>Item</b>	<b>Original</b>	<b>Current</b>
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, is funded by movements in reserves. These are not reflected in the General Fund Reserves section as they will be transacted at year-end but are within the finances of the overall budget.

For monitoring, the direct costs are split to the subjective level and benefits are 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, I have explained the other headings in the first budget tables:

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

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

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

Pension costs – the pension fund determines 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 are part of the direct costs (staff pay).

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

Funding - Core Government funding is the current formula grant, new homes bonus and transition grant are also paid from the Government. The council tax is 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 is 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 are showing as under spent as noted in the previous monitoring report. These budgets are spread over all cost centres and have not been reduced in Quarter 2. A saving in this budget heading is 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 is currently £39,478,734 which belongs to the General Fund £13,379,724 and the HRA £26,099,010. No new borrowing has been taken out during the year.

The interest on external borrowing is 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 has been paid up to 30/9/2012 is £236,027 as budgeted (the debt is fixed rate).

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

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

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

### **General Fund Reserves**

These are funds set aside from General Fund to finance future expenditure. Most reserves are used at year-end - the reserves used in the following tables have been used in quarters 1 and 2; further use of the reserves is planned. This report does not include revenue grants and ring-fenced funds which are receipts in advance from external bodies and the Council has 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 is not ring-fenced and has been used to create the Restructuring Reserve and associated reserves separated by the Executive Committee:

	1/4/2012	Added	Transfers	Used	Current
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 is 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 is 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 is 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 are expected to be achieved.

### **Write Offs**

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

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 remain sufficient to cover the remaining debt at this time.

(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.

(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