

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 20th June, 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. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed will be available at the meeting.

5. To confirm the Minutes of the meeting held on 23rd May, 2012 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D/R) 7. Recommendations of the Housing Management Forum, 14th June, 2012
(TO FOLLOW).
- (D) 8. Clusters of Empty Homes Fund.
- (D) 9. Cumbria Infrastructure Fund - Empty Homes Bid.

- (D) 10. Armed Forces Day – ‘Fly a Flag’
- (R) 11. New Code of Conduct for Elected Members and Proposed Arrangements for Dealing with Complaints about Elected Members.
- (D) 12. Complaint against Councillor Callister.
- (R) 13. Reinvesting Right to Buy Receipts in New Affordable Rented Homes.
- (D) 14. Performance Management Key Priorities for 2012-15.
- (R) 15. Reviewing the Member Development Strategy.
- (D) 16. Council Tax Reduction Scheme.

PART TWO

- (D) 17. Budget Strategy – Establishment Review - End of Consultation Period.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 18. NNDR Hardship Relief.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 19. 102 Abbey Road, Barrow.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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: 12th June, 2012.

EXECUTIVE COMMITTEE

Meeting: 23rd May, 2012
at 2.00 p.m.

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

1 – Minutes

The Minutes of the meeting held on 18th April, 2012 were agreed as a correct record.

2 – Apologies for Absence

Apologies for absence were received from Councillors Cassidy, Graham and Pidduck.

Councillors C. Thomson and Hamilton substituted for Councillors Graham and Pidduck respectively.

3 – Appointment on Outside Bodies, Panels, Working Groups etc.

The Chief Executive reported that at the Annual meeting on 15th May, 2012 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies had been agreed.

The Council had been asked to recommend with the exception of the Housing Management Forum the allocation of seats on Outside Bodies, Forums, Panels, Working Groups etc. be delegated to the appropriate Committees to make the necessary appointments.

Group Leaders had supplied details of the recommended appointments for confirmation by the Committee.

It was also reported that as a result of recent contacts between United Utilities (UU) and the Council, UU had proposed a local forum to deal with the odour problems arising from the Waste Water Treatment Works.

The remit of the forum comprised representatives of UU, one Councillor from Roosecote Ward, one Councillor from Risedale Ward plus one other (three in all), Council Officers and other interested parties to review odour complaints data and share progress on site projects and improvements to overcome the problem and communicate these to the wider public through newsletters and other communications.

RESOLVED:- (i) To approve the under-mentioned Outside Bodies in accordance with Notional Seat Allocations;

(ii) To agree the under-mentioned appointments to Outside Bodies, Forums, Panels and Working Groups;

(iii) To appoint Councillors Graham, Guselli and Wall on the Barrow Wastewater Treatment Works Local Forum.

(iv) To agree that no Members be appointed to the Hawcoat and Roosegate Management Committees; and

(v) To agree that the Chief Executive writes to Cumbria County Council to clarify the appointments to the Cumbria Health and Well-being Committee and report back to a future meeting.

Allotments Liaison Committee (9 seats – 7:2)

Councillors Barlow, Doughty, Johnston, Husband, Irwin, Thurlow and Wilson plus two Conservative representatives.

Barrow Local Committee – Highways Advisory Group (3 seats – 2:1)

Councillors Barlow, Doughty and W. McClure

Barrow Borough Sports Council (3 seats – 2:1)

Councillors Biggins, Callister and Pemberton

Wildlife and Heritage Advisory Committee (9 seats – 7:2)

Councillors Bell, Johnston, McKenna, Murphy, M. A. Thomson, Thurlow and Wall plus two Conservative representatives.

REPRESENTATIVES ON OUTSIDE BODIES, ETC. 2012/2013

- (1) AIR TRAINING CORPS (NO. 128 SQUADRON)
The Mayor
- (2) ASKAM AND IRELETH COMMUNITY CENTRE MANAGEMENT COMMITTEE
Councillors Bell, Doughty, Murray and Thurlow
- (3) ASKAM COMMUNITY CENTRE LIMITED
Director: Councillor Bell

- (4) BAE SYSTEMS MARINE LTD LOCAL LIAISON COMMITTEE
Councillors Cassidy, Pointer and Sweeney
- (5) BARROW AND DISTRICT COUNCIL FOR VOLUNTARY SERVICE
The Mayor
- (6) BARROW AND DISTRICT COMMUNITY ACTION SAFETY GROUP
Councillors Biggins and Pointer
- (7) BARROW BOROUGH ARTS FORUM
Councillors C. Thomson and Wall
- (8) BARROW BOROUGH DISABILITY SPORT AND LEISURE FORUM:
GENERAL COMMITTEE
Councillor Callister
- (9) BARROW CHILDREN'S CENTRES ADVISORY GROUP
Councillor Preston
- (10) BARROW EARLY INTERVENTION DOMESTIC VIOLENCE PROJECT:
MANAGEMENT COMMITTEE
Councillor Burns
- (11) BARROW COMMUNITY SAFETY PARTNERSHIP
Councillors Hamilton and Pidduck
- (12) BARROW-IN-FURNESS SEA CADET CORPS COMMITTEE
The Mayor
- (13) BARROW AREA COMMUNITY LIAISON FORUM
Councillors Murray and Sweeney
- (14) BILLINCOAT CHARITY TRUST
Councillors Bell, Doughty, Maddox, Murray, Thurlow and Wilson
- (15) BRITISH GAS HYDROCARBON RESOURCES LTD: LOCAL LIAISON
COMMITTEE
Councillors Irwin, Johnston and Pointer
- (16) BRITISH NUCLEAR FUELS LIMITED: RAMSDEN DOCK TERMINAL
STAKEHOLDER GROUP
Councillors Biggins, Irwin and Johnston
- (17) BUCCLEUCH HALL MANAGEMENT COMMITTEE
Councillor Doughty

- (18) CENTRAL AND HINDPOOL NEIGHBOURHOOD MANAGEMENT BOARD
Leader (Councillor Pidduck) plus Councillors Irwin and M. A. Thomson
- (19) CHILDREN'S AND YOUNG PEOPLE'S WORKING GROUP
Councillor McKenna
- (20) CITIZENS' ADVICE BUREAU
Councillors Murray and Pointer
- (21) COUNTY/DISTRICT TRANSPORT LIAISON GROUP
Councillor Barlow
- (22) CUMBRIA ALCOHOL AND DRUG ADVISORY SERVICE
The Mayor
- (23) CUMBRIA COMMUNITY LEGAL SERVICES PARTNERSHIP
Councillor Sweeney
- (24) CUMBRIA HOUSING EXECUTIVE GROUP
Councillor Hamilton
- (25) CUMBRIA PENSIONS FORUM
Councillor Wilson
- (26) CUMBRIA PLAYING FIELDS ASSOCIATION
Councillor Callister
- (27) CUMBRIA STRATEGIC WASTE PARTNERSHIP
Councillor M. A. Thomson
- (28) CUMBRIA SUPPORTING PEOPLE COMMISSIONING BOARD
Councillor Pointer
- (29) CUMBRIA WASTE PARTNERSHIP'S ENHANCED PARTNERSHIP
WORKING PROJECT
Councillor M. A. Thomson
- (30) DALTON COMMUNITY ASSOCIATION
Councillor Wilson
- (31) DUDDON ESTUARY PARTNERSHIP
Councillor Murphy and Councillor Doughty
- (32) FAIRTRADE WORKING GROUP
Councillors Barlow and M. A. Thomson

- (33) FRIENDS OF WALNEY
Councillor Callister
- (34) FURNESS DRUG REFERENCE GROUP
Councillor M. A. Thomson
- (35) FURNESS ENTERPRISE: SUPERVISORY BOARD
Non Executive Directors – Councillors Pidduck and Richardson and the
Chief Executive
- (36) FURNESS LOCAL PARTNERSHIP GROUP – SCHOOLS
ORGANISATION
Councillors McKenna and Sweeney
- (37) FURNESS MARITIME TRUST
Council of Trustees: - Councillors Cassidy, Irwin, Murphy and Pointer plus
the Chief Executive and Borough Treasurer
- (38) CUMBRIA HEALTH AND WELLBEING SCRUTINY COMMITTEE
Councillor C Thomson

Substitute 1: Vacant
Substitute 2: Vacant
- (39) KEEPING OUR FUTURE AFLOAT
Councillor Pidduck
- (40) LAKES WORLD HERITAGE SITE STEERING GROUP
Councillor Murphy
- (41) LIBERATA PARTNERSHIP BOARD
Councillors Barlow, Guselli and Sweeney
- (42) LOCAL GOVERNMENT ASSOCIATION: GENERAL ASSEMBLY
Councillor Pidduck
- (43) LOCAL GOVERNMENT ASSOCIATION NUCLEAR ISSUES SPECIAL
INTEREST GROUP
Councillor Pidduck
Substitute: Councillor Sweeney
- (44) LOCAL GOVERNMENT INFORMATION UNIT: MANAGEMENT
COMMITTEE
Councillor Sweeney
- (45) MANAGING RADIOACTIVE WASTE SAFELY PARTNERSHIP
Councillor Cassidy

- (46) NATIONAL SOCIETY FOR CLEAN AIR
Councillor Sweeney and the Chief Environmental Health Officer or a member of his staff
- (47) NORTH WEST COUNCILS AGAINST FLUORIDATION
Councillor Thurlow
- (48) NORTH WESTERN LOCAL AUTHORITIES' EMPLOYERS' ORGANISATION
Councillor Sweeney
- (49) NORTH WEST RAIL STEERING GROUP
Councillor Murphy
- (50) RURAL JOINT COMMITTEE
Councillors Doughty and Murray
- (51) SCRUTINY OF LOCAL HEALTH
Councillor Johnston
- (52) SENIOR CITIZENS' CLUBS: EXECUTIVE COMMITTEE
Councillor Irwin
- (53) THE PATROL (Parking and Traffic Regulations Outside London)
Adjudication Joint Committee
Councillor Callister
- (54) TOWNSCAPE HERITAGE INITIATIVE WORKING GROUP
Councillor Wall

MEMBERSHIP OF FORUMS, PANELS, WORKING GROUPS ETC. 2012/2013

EXECUTIVE COMMITTEE

Medical Assessment/Housing Applications Appeals Panel

3 Members selected by Chief Executive in accordance with proportionality rules

Review Board – Housing Register/Homeless Applicants

3 Members selected by Chief Executive in accordance with proportionality rules

Private Rented Accommodation Group (Accredited Letting Scheme and Proposed Licensing)

3 Members selected by Chief Executive in accordance with proportionality rules

Planning Policy Working Group (5:1)

(Two Members Executive Committee and four Members Planning Committee)

Labour – Councillors Murray, Pidduck, Sweeney, C. Thomson and M. A. Thomson
Conservative – Councillor R. McClure

Member Training Working Group (3:1)

Councillors Doughty, Pidduck, M. A. Thomson and Williams

Early Retirement/Voluntary Redundancy Panel (3:1)

Councillors Pidduck, Sweeney, M. A. Thomson and Williams

Grading Appeals Panel (3:1)

Councillors Pidduck, Sweeney, M. A. Thomson and Williams

Renovation Grants Panel (3:1)

Councillors Doughty, Pidduck, Richardson and M. A. Thomson

Local Government Working Group (7:2)

Councillors Barlow, Doughty, Garnett, Pemberton, Pidduck, Preston, Richardson
Sweeney and M. A. Thomson

Health and Safety Management Board

Councillors Barlow, Pidduck, Pointer, Richardson and C. Thomson

**4 – Housing Market Renewal Programme – North Central Renewal Area
Sutherland Street Property Disposals**

The Director of Regeneration and Community Services reminded the Committee that the Council had declared North Central to be a 'Renewal Area' within the meaning of the Local Government and Housing Act 1989 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

While the Renewal Area proposals were in development, the Council had authorised the acquisition of properties on Sutherland Street (even numbers) that in the event were not required for demolition.

Authority was subsequently given to refurbish these properties and offer them as "swaps" for owner occupiers whose properties had been acquired for demolition.

Following the completion of the phase of the work, four properties had remained in the Council's ownership. These properties were 10, 12, 22 and 62 Sutherland Street. All of these were two bedroom terraced houses.

In the longer term it was proposed to dispose of all four properties. In not to bring too many properties forward in a fragile housing market, they should be brought forward on a phased basis, initially refurbishing and marketing one property. Works required to these properties included installation of central heating and new kitchens, small elements of damp proof works, bringing the electrical wiring up to the statutory standard and some other minor general repairs. The properties were in a generally good external state of repair, as they had benefitted from the Sutherland Street Group Repair scheme. It was not proposed to carry out internal decoration.

The estimated average costs were in the region of £10,000 per property. Estimated receipt for each property was in the region of £50,000. It was recommended that an allocation of £12,000 was made in the Capital Programme to cover the cost of the repair work to the first selected property.

Since one of the main objectives of the Housing Market Renewal Programme was to encourage owner occupation in a location where the market had historically been weak, it was proposed that the property be sold with a condition that it remained as the principal home of the owner for the time being for a period of five years.

RESOLVED:- (i) To approve the repair and sale of 62 Sutherland Street, on the basis that it remained in owner occupation for a period of five years; and

(ii) To agree to make the necessary adjustments to the Capital Programme.

5 – Development Site – James Freel Close, Barrow-in-Furness

The Director of Regeneration and Community Services informed the Committee that the Council owned 1.30 acres (approximately) of land in James Freel Close.

The land had originally been transferred to the Council in 2003. The site had been acquired under a North West Development Agency (NWDA) Land Reclamation Grant and was subject to full capital clawback provisions.

For the last two years the land had been subject to a lease to Furness College. The site had been used as a temporary car park whilst construction of the new college complex took place. The lease had now expired and the site had been handed back to the Council.

The site had previously been marketed For Sale in 2006. An offer of £97,000 had been received at that time although the sale and development of the site did not progress to completion.

It was proposed to place the site back on the market For Sale by Informal Tender. The proposed end use shall be B1 – B8 General Industrial.

Any sale shall be subject to a 'build agreement' setting out the proposed time frame for the development of the site.

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

(ii) To authorise the Commercial Estate Manager to proceed with the marketing and disposal of land in James Freel Close on the terms reported.

6 – Development Site – Ashburner Way, Barrow-in-Furness

The Director of Regeneration and Community Services informed the Committee that the Council owned 0.75 acres (approximately) of land in Ashburner Way. The land had originally been purchased by the Council in 2006.

For the last two years the land had been subject to a lease to Furness College. The site had been used as a temporary car park whilst construction of the new college complex took place. The lease had now expired and the site had been handed back to the Council.

The site had previously been marketed For Sale in June 2007. An offer of £121,000 had been received at that time.

It was proposed to place the site back on the market For Sale by Informal Tender. The proposed end use shall be B1 – B8 General Industrial.

Any sale shall be subject to a 'build agreement' setting out the proposed time frame for the development of the site.

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

(ii) To authorise the Commercial Estate Manager to proceed with the marketing and disposal of land in Ashburner Way on the terms reported.

7 – Development Site – Sadlers Field, Biggar Bank, Barrow-in-Furness

The Director of Regeneration and Community Services informed the Committee that the Council owned 1.33 acres (approximately) of land on Biggar Bank.

For many years the land had been used as an informal caravan park. In 2008 the last licence agreements had been revoked and site had been cleared. The site had remained vacant and unused since.

It was proposed to place the site on the market For Sale by Informal Tender. The proposed end use shall be for grazing/stabling purposes only.

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

(ii) To authorise the Commercial Estate Manager to proceed with the marketing and disposal of Sadlers Field on the terms reported.

8 – Community Centres

The Committee considered a detailed report of the Assistant Director – Community Services regarding Community Centres.

The report had identified the progress which was being made in transferring the three remaining managed Community Centres to other organisations in order to provide a continued operation.

Hawcoat Community Centre had been transferred to the existing Management Committee who would continue its present operation. Officers were working with Lighthouse Ministries, a new faith group who wished to reopen Roosegate Community Centre and Inspire Furness, a community interest company who wished to reopen Walney Community Centre.

All three organisations had been being offered three year tenancy agreements and that would ensure that the Centres remained open for business and available to user groups within their locality.

RESOLVED:- (i) To note the progress of the transfer of the management of Hawcoat, Roosegate and Walney Community Centres to not-for-profit community organisations; and

(ii) To ask Officers to prepare a report in 18 months regarding the Council's future liabilities for the Centres.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

9 – Land Charge Fees Amendments

The Director of Regeneration and Community Services informed the Committee that the Property Information Team had been set up within the new Development Services section, which had comprised of Building Control, Planning, Regeneration and the Property Information Team.

The Council had implemented one of the first INSPIRE (Infrastructure for Spatial Information in the European Community) compliant services in England for viewing information via the use of web mapping and open source software. INSPIRE in England was a statutory obligation on all public bodies under the INSPIRE Regulations 2009. The Local Government Association (LGA) had commended the Council for leading the way with its web mapping services and cost savings through the use of open source software. Both the LGA and DEFRA had nominated the Council for a National award in 2011, which Barrow went on to win for the use of open source software. The Council's work had also appeared in case studies published by the LGA, Ordnance Survey and GeoPlace for their forward thinking.

The team's wider role was to ensure that the Council made the best use of the large quantity of information held with regards to land and property. A number of benefits would follow enabling the efficient provision of services and use of information both within the Council and to the public. Data held within the different departments would become more readily available across the whole Council. A strategy was being produced to provide the framework to ensure the successful implementation across a number of the Council's functions and departments for sharing data/information.

He reported that one of the optional questions on a Land Charge Search asked if a property or land parcel lay within an area classed as common land. That question (Q22) was currently forwarded to Cumbria County Council as the responsible organisation. They then returned the information as part of the land charge search. The Council had acted as an agent to collect the fee for the County, who invoice the Council for the fees owed on a regular basis. Cumbria County Council had recently increased their charge from £13.50 to £16 which was above the Council's existing fee of £15, leading currently to a cost of £1 per search to the Council. There was a need to restore the differential between Cumbria County Council's charge and fee set by the Council for that optional question, a fee of £18.00 per search was now suggested.

Personal search companies currently provided solicitors with information from the Council's property information databases on charges pertaining to properties. Most of the information was provided free of charge by the Council. That information when passed onto a solicitor for conveyancing did not have the local knowledge applied to it by the Land Charges team, or a complete search may not have been undertaken and information was missed from the personal search. Solicitors then would contact the Council to check or verify the information they had been provided was correct. The additional resource/time involved with these requests had not been met through a charge; hence no income had been received for the service. The service was currently provided on good will, and with a desire not to hold up property transactions within the Borough. It was estimated that the Council received around 30 to 40 of these requests last year.

The proposed verification service would not be mandatory, but offered as an enhanced service. Solicitors would still have the option of viewing any data themselves by either using the Councils enhanced personal search service; going back to the personal search company; or making a request under the Environmental Information Regulations 2004.

RECOMMENDED:- To recommend the Council:-

- (i) To note the service improvements with the formation of a Property Information team which now included Land Charges;
- (ii) To restore the differential between Cumbria County Councils (CCC) charge and the fee set by Barrow, due to the recent increase in charges by CCC and set a charge of £18.00 for the commons question; and
- (iii) To approve a charge of £18.60 when the Council was requested to verify responses provided by a third party in relation to land charges, due to the additional time required to verify a response.

10 – Review of Planning Enforcement Policy

The Director of Regeneration and Community Services informed the Committee that following the comprehensive spending review and the subsequent restructuring of the Planning department, it had been necessary to review all of the procedures. In addition the policy had been updated to reflect the recently released National Planning Policy Framework.

Whilst the majority of these changes had involved streamlining back of office functions, it was also necessary to review how the department operated its frontline services, of which Enforcement was a key element.

Previously, the Authority had employed a full time Enforcement Officer, but since his retirement that post had been deleted from the establishment, and the function was now shared between the Planning Manager and three Development Control Officers, as part of their general duties.

He stated that it must be recognised that the previous level of service could no longer be sustained, but he recognised the critical role of enforcement in the planning function. It was important to examine how best to deliver the Enforcement function through the new structure, balancing its value against minimising any potential reduction in the level of the service.

A service review had been carried out which had indicated that changes to the current procedures were necessary, the principal ones arising around the time scales set for administering the service and revising how cases were prioritised.

RECOMMENDED:- To recommend the Council to agree the revised policy on Planning Enforcement.

11 – Cumbria Police and Crime Panel

The Chief Executive informed the Committee that the Police Reform and Social Responsibility Act had received Royal Assent on 15th September, 2011, confirming the replacement of police authorities with Police and Crime Commissioners (PCCs) in November 2012. The Committee considered a guidance note from Cumbria Police Authority and Cumbria Constabulary outlining Guidance for Police and Crime Commissioner Candidates and highlighting where to find additional information. In addition each police area in England (other than the metropolitan police district) were required to establish and maintain a Police and Crime Panel (PCP)

PCPs were a scrutinising body which existed to scrutinise the PCC (not the Chief Constable or Police Force), to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions.

The PCP would have a number of functions including:

Contributing to the development of the Police and Crime Plan (on which it was a statutory consultee);

Reviewing the PCC's annual report;

Reviewing the PCC's proposed senior appointments (including Chief Constable, Chief Executive, Chief finance Officer and Deputy Police and Crime Commissioner) with a power of veto over the appointment of the Chief Constable;

Reviewing the PCC's proposed precept with a power of veto over the issue;

Receiving evidence in person from officers of the PCC's secretariat;

Receiving evidence and scrutinising the PCC, making reports and recommendations on matters relating to the PCC as appropriate;

Carrying out investigations into decisions made by the PCC and into topics of particular interest, or public concern; and

A role in investigating complaints about non-criminal behaviour of the PCC.

PCPs were to be a joint committee consisting of elected Members from each local authority in the area. The minimum Panel size was ten Elected Members plus two independent co-optees.

Elected Member representation was required to be balanced and must as far as was practicable reflect the make-up of the local areas in terms of political and geographical balance, and have the required skills, knowledge and experience for the panel to function effectively.

Based on the minimum Panel size of ten Elected Members plus two independent co-opted members, for Cumbria in the current 2012/13 year would mean four Labour Members; three Conservative Members; two Liberal Democrat Members; and one Independent Member.

The Committee were asked to recommend a nomination to the Police and Crime Panel to Council.

RECOMMENDED:- To recommend the Council to nominate Councillor Doughty to serve on the Police and Crime Panel until May 2015.

The meeting ended at 2.37 p.m.

EXECUTIVE COMMITTEE	(D) Agenda Item 8
Date of Meeting: 20th June, 2012	
Reporting Officer: Director of Regeneration and Community Services	
Title: Clusters of Empty Homes Fund	
Summary and Conclusions:	
Officers have submitted a bid for the Clusters of Empty Homes fund, targeted on the Barrow Island Flats. This bid has been successful and an allocation of £3.442m made to the Borough. Members are invited to endorse this bid.	
Recommendations:	
To endorse the action taken by Officers.	

1. Background

- 1.1. In November 2011, the Government announced a fund of £50m to tackle the worst concentrations of empty homes in England.
- 1.2. In March 2012, further scheme criteria were announced. These restricted funding availability to neighbourhoods where over 10% of properties are vacant and where it is considered that at least 100 homes can be brought back into use. The fund is being managed by the Homes and Communities Agency (HCA). The Council was invited by the HCA to submit an expression of interest (EoI) by an initial deadline of 12th March. The only area in Barrow that fits the scheme criteria is Barrow Island Flats, and therefore an initial EoI was submitted for this neighbourhood.
- 1.3. Following the EoI stage, a stage 2 application was invited, and further bidding guidance was issued in early April. The bid deadline was noon on 4th May 2012.
- 1.4. A ministerial announcement was made on 29th May that Barrow had been allocated £3.442m.
- 1.5. It was not possible within the time available to obtain Committee approval for the bid, and Members are therefore requested to give retrospective approval for the bid.

- 1.6. The Borough Council has not received an offer letter for the cluster of empty homes fund. A meeting with the Homes and Communities Agency has been arranged on the same date as your Committee meeting to discuss how the scheme will be progressed. A verbal report will be provided at the meeting.

2. Proposals

- 2.1. At present the large majority of the flats (about 600 out of 750) are held in two separate portfolios. The owners of these portfolios are in the process of carrying out programmes of refurbishment. This will in time raise the standard of accommodation in the area.
- 2.2. The proposed approach is to use the fund as a “soft” loan facility to enable the owners of the Flats to both accelerate their programme of improvement and extend the scope of the works. This approach will also allow the remodelling of the housing stock in the area, by allowing conversions of two flats into one. In addition, the fund will also allow the Council to carry out improvements to the public realm. The bid requested a total of £3.5m of HCA funding. This has been successful almost in its entirety.
- 2.3. A condition of receiving funding is that the sum allocated by the HCA must be matched at least pound for pound from other sources. Since there is no reasonable scope for the Council to provide a significant amount of match funding, this will come from the private investment levered into property improvements. It is for this reason that the proposed model, that of supporting the private landlords, was developed.
- 2.4. The Council will receive the funding as a block grant twice a year. The funding is for two years up to March 2014. The Council would carry out the public realm improvements itself, and act as accountable body for the loan arrangements with the private owners.
- 2.5. Council officers and representatives from the HCA have met with the owners of these properties, who are supportive of the bid.

(i) Legal Implications

Appropriate legal provision will have to be made for the loan to private owners.

(ii) Risk Assessment

There is a potential financial risk to the Council in terms of the need to act as the accountable body. The funding will only be accepted if the terms of the agreement restrict this risk to an acceptable level.

(iii) Financial Implications

If the funding bid is successful, it will require the Council to act as the accountable body for the fund.

(iv) Health and Safety Implications

The majority of proposed works will be carried out by third parties using loan funding provided by the Council as the accountable body. Any works carried out by the Borough Council will be carried out in accordance with the Council's Health and Safety policies. All necessary requirements with regard to health and safety will be managed by appropriately trained staff from this department.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has a positive impact on the quality of housing.

The recommendation has a positive impact on the long term economic recovery for our community

The recommendation has a positive impact the built environment or public realm.

(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 Implications

The recommendation has a positive effect on the Health and Wellbeing of users of this service by improving housing conditions.

Background Papers

Clusters of Empty Homes guidance can be accessed at:

<http://www.homesandcommunities.co.uk/ourwork/clusters-of-empty-homes>

Bid documents held by the Housing Renewal Manager.

EXECUTIVE COMMITTEE	(D) Agenda Item 9
Date of Meeting: 20th June, 2012	
Reporting Officer: Director of Regeneration and Community Services	
Title: Cumbria Infrastructure Fund - Empty Homes Bid	
Summary and Conclusions:	
<p>A bid for funding has been submitted to the Cumbria Local Enterprise Partnership for funding to bring empty properties back into use. If successful, this will provide loan funding to encourage owners of empty properties to bring them back into use. The bid has been submitted through Eden District Council, and it is proposed that they act as “banker” for the bid. A service level agreement has been drafted to formalise these proposed arrangements.</p>	
Recommendations:	
<p>To agree to the outline terms of the bid and endorse the draft service level agreement.</p>	

1. Background

- 1.1. The Cumbria Local Enterprise Partnership (LEP) has made available a fund of monies; the Cumbria Infrastructure Fund (CIF). This is part of the Government’s Growing Places Fund which supports infrastructure projects which unlock development, creating jobs and homes in Cumbria. The six Cumbrian Districts Councils have made a joint bid for CIF.
- 1.2. The Districts aim to use CIF monies to facilitate the return to use of long term empty properties. They will set up a revolving fund mechanism to loan monies to the owners of empty properties at zero percent interest. Loans will be to a maximum of £15k per property and can be made over a maximum five year term.
- 1.3. The purpose of the loan to the property owner is to allow them to refurbish the dwelling to meet the Decent Homes Standard. On completion of the refurbishment programme, the property may be either sold or rented in order that the owner can repay the District Council.
- 1.4. This proposal is based on the “No Use Empty” scheme which currently operates in Kent.

2. Proposals

- 2.1. A successful bid is likely to be on the condition that the CIF is match funded by the Districts. The bid was made to the LEP by Eden District Council on behalf of all the Districts. It is proposed that Eden District council acts as a “banker” for the scheme, receiving funds from the LEP and distributing them to the other Districts.
- 2.2. A Service Level Agreement has been drafted to set out the arrangements between Eden District Council and the other districts in order to coordinate match funding and the repayment of the CIF to the LEP. This agreement would commence with the confirmation of a successful bid to the CIF and end on 31st March 2019, by which time all monies would have to be repaid to the LEP. This is attached as **Appendix 1**.
- 2.3. Within the broad heads of terms of the scheme, individual Districts will be able to determine their own criteria on, for example, property eligibility, repayment terms and maximum amount of loan. A further report will be brought to Members with details of a proposed local scheme for Barrow if the joint bid to the LEP is successful.

(i) Legal Implications

Appropriate legal provision will have to be made for the loan to private owners.

(ii) Risk Assessment

There is a potential financial risk to the Council in terms of the need to act as the accountable body. The funding will only be accepted if the terms of the agreement restrict this risk to an acceptable level.

(iii) Financial Implications

If the funding bid is successful, it will require the Council to manage the throughput of funding and to match fund approved applications. This will require an adjustment to the Capital Programme.

(iv) Health and Safety Implications

The proposed works will be carried out by third parties using loan funding provided by the Council as the accountable body. These third parties will be responsible for all matters related to Health and Safety.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has a positive impact on the quality of housing.

The recommendation has a positive impact on the long term economic recovery for our community

The recommendation has a positive impact the built environment or public realm.

(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 Implications

The recommendation has a positive effect on the Health and Wellbeing of users of this service by improving housing conditions.

Background Papers

Details of the No Use Empty scheme can be found at:

<http://no-use-empty.org/>

Allerdale Borough Council, Barrow Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council, South Lakeland District Council

Cumbrian Districts Empty Property Project

Service Level Agreement to 31st March 2019

Purpose

The Cumbria Local Enterprise Partnership (LEP) has made available a fund of monies; the Cumbria Infrastructure Fund (CIF). The CIF offers funding to support infrastructure projects which unlock development, create jobs and homes in Cumbria. The six Cumbrian local authority Districts ("the partner Districts") have pooled resources to make a concerted bid to the CIF.

The Districts aim to use CIF monies to facilitate the return to use of long term empty properties. They will set up a revolving fund mechanism to loan monies to the owners of empty properties at zero percent interest. Loans will be to a maximum of £15k per property and can be made over a maximum five year term.

The purpose of the loan is to enable property owners to refurbish the empty dwelling to meet the Decent Homes Standard. On completion of the refurbishment programme, the property may be either sold or rented in order that the owner can repay the District authority.

The nature of the CIF is a revolving fund. A successful bid is conditional on the CIF being match funded by the Districts. This Service Level Agreement sets out the arrangements between Eden District Council (the Banking Authority) and the partner Districts in order to coordinate the match funding and the repayment of the CIF to the LEP. This agreement will commence with the confirmation of a successful bid to the CIF and will end on 31st March 2019.

Project Objective

The Cumbrian District Empty Property Project is being partnered by all six Cumbrian local authority Districts. The project aims: -

- a) To return 60 long term empty properties to habitation across Cumbria by end March 2016.
- b) To return 10 of these properties to use at affordable rents.
- c) To bring £6m worth of property onto the market at an estimated average worth of £100k per refurbished property
- d) To commence loaning monies to empty property owners in October 2012.

- e) To make the first repayment of the CIF by end March 2015
- f) To facilitate the renovation of 60 homes to Decent Homes Standard and to have returned them to use by end March 2016
- g) To repay the CIF grant in full by end March 2019.

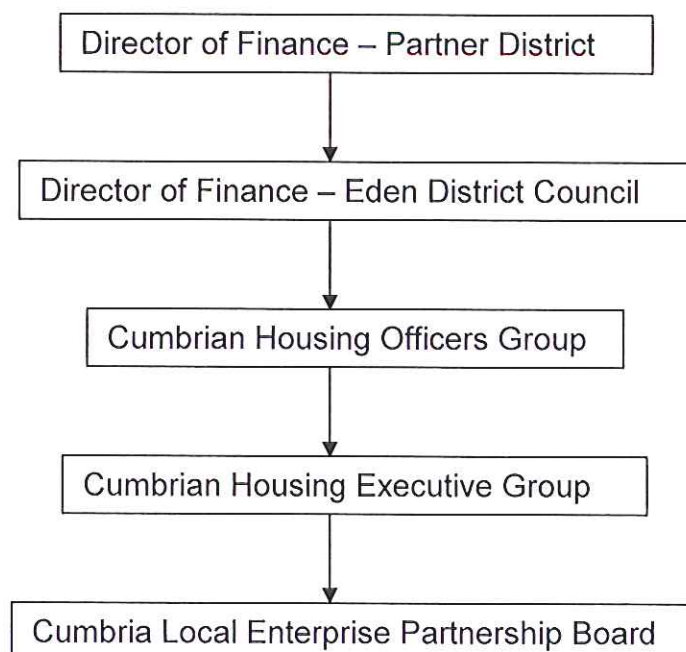
In order to generate the outcomes above, the Districts will have to

- a) Ensure that the empty property owner is aware of what works will be needed to meet the Decent Homes Standard.
- b) Ensure that the empty property owner has a viable business plan to enable the repayment of their zero interest loans.
- c) Monitor the progress of works, sale and rental status of the properties subject to the loans.
- d) Forecast their ability to match fund the CIF and report on their budgetary spend.
- e) Report on empty property refurbishment, spend, sale and rental activity including rent levels.
- f) Repay the CIF adroitly via Eden District Council, immediately on the repayment of any loaned monies.

Funding & Management Details

The CIF will be given to the partner Districts in the form of a grant. Eden District Council is nominated the 'Banking Authority' and will receive the grant on behalf of the partner Districts. The Banking Authority will coordinate; the match funding of the CIF by the partner Districts, the reporting of project activity and repayment of the CIF to the LEP. Each District Council will provide such information as is required in order to fulfil the reporting duties, in respect of this project.

The reporting mechanism will be



Consultation during the bid process has allowed each District to forecast their ability to match fund the CIF and their repayment time table. Consideration was given to the budgetary support available, the ability of local housing markets to support project activity and timing project activity locally to mitigate unforeseen circumstances and complete by end March 2019 by repaying all CIF monies to the LEP.

The partner Districts submitted a bid for £350k

The CIF grant is match funded by the partner Districts giving a combined loan pot of £700k

It is projected that this will leverage in £1.1m of owners' capital.

The total programme grant is therefore estimated at £1.8m

It is anticipated that the CIF grant of £350k will be paid to the Banking Authority in one sum during August 2012.

The forecasted programme size and draw down for each District is shown below

	(£,000)				
	2012/13	2013/14	2014/15	2015/16	Total
Allerdale	20	100	80		200
Barrow	nil	20	40		60
Carlisle	20	40	40		100
Copeland	nil	30	30		60
Eden	40	80	80		200
S. Lakeland	20	30	30		80
Total	100	300	300		700

The forecasted programme loan repayment to enable CIF payback to the LEP is shown below

	(£,000)					
	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Allerdale	20	30	50	50	50	200
Barrow		10	20	20	10	60
Carlisle	10	10	20	50	10	100
Copeland	10	20	20	10		60
Eden	20	30	50	50	50	200
S. Lakeland	10	20	20	20	10	80
Total	70	120	180	200	130	700

Project and CIF activity can be monitored against these forecasts. In the event that major deviations become evident these can be flagged to the LEP Board in a timely manner and corrective actions can be instigated.

Commitments under Service Level Agreement

Partner Districts

- Director of Finance at each partner District shall confirm annually, by the end of February at the latest, that they have allocated a budget to match fund CIF draw down
- The partner Districts shall confirm that CIF fund will be ring fenced to the activities of the Cumbrian Districts Empty Property Project.
- The partner Districts shall confirm that CIF fund will only be used for capital purposes.
- Each partner District shall take all proper measures to ensure that any CIF funds allocated to that District are safeguarded.
- The partner Districts shall report to the Banking Authority quarterly or as and when required by the Banking Authority on; project activities, budgetary spend and private finance leveraged in, using an agreed reporting format
- The partner Districts shall channel any CIF claw back of funds forthwith to the banking authority.
- Each partner Districts agrees to repay all CIF monies allocated to that District, to the banking authority by end March 2019
- The partner Districts shall keep under review this Service Level Arrangements at Cumbrian Housing Officers Group meetings. The reviews may confirm variances in the forecasted CIF draw down programme.
- Each partner District shall be responsible for its own corporate governance procedures and it is hereby declared that no formal decision making powers are vested in the Cumbrian Housing Officers Group or the Cumbrian Housing Executive Group.

Banking Authority

- The Banking Authority confirms that it shall receive the CIF grant and will hold all residues in anticipation of partner District draw down.
- The Banking Authority shall pay out to each partner District, their requested CIF draw down, up to the level forecasted, following receipt of the fund and on 01 April in subsequent years up to and including the financial year 2014/2015.
- The Banking Authority shall immediately repay all channelled CIF claw back to the LEP.
- The Banking Authority shall make available to Cumbrian Housing Officers Group and Cumbrian Housing Executive Group meetings, reports on project activities, budgetary spend and private finance leveraged in.
- The Banking Authority shall note variances to the CIF draw down programme and adjust payments accordingly.

Monitoring

This agreement shall be monitored and reviewed at meetings of the Cumbrian Housing Officers Group which shall report to the Cumbrian Housing Executive Group.

Confidentiality

Partner Districts are public bodies that are committed to transparency and accountability. Project activity shall be made publicly available but participating property addresses and owners' details shall be kept confidential in accordance with the principles of Data Protection and any other information required by law shall be kept confidential.

Signature
(Authorised Officer)

Name

Date

Position

Organisation

EXECUTIVE COMMITTEE		Part One (D) Agenda Item 10
Date of Meeting:	20th June, 2012	
Reporting Officer:	Chief Executive	
<p>Title: Armed Forces Day – ‘Fly a Flag’</p> <p>Summary and Conclusions:</p> <p>To consider whether to fly the specially-commissioned Armed Forces Day Flag.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To authorise the flying of the specially-commissioned Armed Forces Day Flag from 25th June to 30th June, 2012; and 2. To agree to fly the specially commissioned Armed Forces Day Flag during Armed Forces week in future years. 		

Report

It has been the practice to fly the specially commissioned Armed Forces Day Flag during Armed Forces week.

The Flying of the Flag in the community shows the Council's support for the men and women of our Armed Forces, past and present, who continue to raise to the very difficult challenge of maintaining the defence of the realm.

Council's are being encouraged to fly the Armed Forces Day Flag for the duration of the week before Armed Forces Day, hoisting it on Monday 25th June, 2012 at a time to suit the local community.

(i) **Legal Implications**

Not Applicable.

(ii) **Risk Assessment**

Not Applicable.

(iii) **Financial Implications**

Not Applicable

(iv) **Health and Safety Implications**

Not Applicable.

(v) Key Priorities or Corporate Aims

Not Applicable

(vi) Equality and Diversity

Not Applicable.

(vii) Health and Well-being Implications

Not Applicable

Background Papers

Letter dated 28th March 2011.

EXECUTIVE COMMITTEE	(R) Agenda Item 11
Date of Meeting: 20th June, 2012	
Reporting Officer: Deputy Executive Director	
<p>Title: New Code of Conduct for Elected Members and Proposed Arrangements for Dealing with Complaints about Elected Members</p> <p>Summary and Conclusions:</p> <p>A new Code of Conduct has been agreed by the Monitoring Officers of the local authorities in Cumbria and, as previously agreed, as part of the Council's response to the Localism Act 2011, it is recommended that this be adopted across the County.</p> <p>Arrangements to deal with complaints about Elected Members also need to be agreed following the disestablishment of the Standards Committee.</p> <p>Recommendations:</p> <p>To recommend the Council:-</p> <ul style="list-style-type: none"> (i). That the new Code of Conduct set out in Appendix 2 should replace the existing Code which was repealed by the Localism Act 2011; and that the Council's constitution be amended accordingly; (b) That guidance notes be drafted to provide specific advice regarding declarations of pecuniary interests in accordance with anticipated regulations being published by DCLG; and. (c) That the proposed arrangements for dealing with complaints against Elected Members set out in Appendix 3 be approved. 	

Report

- (a) Monitoring Officers of the Local Authorities in Cumbria have agreed on a new Code of Conduct for Elected Members. The Code is attached as **Appendix 2**.

As previously agreed (Minute 146 of Executive Committee 18th April 2012 refers) it is recommended that we adopt this Code to ensure that a consistent approach to Member conduct is in place across the County.

- (b) Regulations from DCLG are expected to provide detailed definitions of the newly established “pecuniary interests” and the registration/publication arrangements which will apply. Cumbria Monitoring Officers will draft specific guidance once the regulations are published, with the intentions of having the same registration and publication regime across the County.
- (c) The Localism Act imposes a duty to establish appropriate arrangements for dealing with complaints against Elected Members. Proposed arrangements, drafted with the intention of inclusion on our website, are attached as **Appendix 3**.

- (i) Legal Implications

Implement aspects of the Localism Act 2011 with reference to Member Conduct.

- (ii) Risk Assessment

The recommendation has no implications.

- (iii) Financial Implications

The recommendation has no financial implications.

- (iv) Health and Safety Implications

The recommendation has no implications.

- (v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality, efficient and cost effective services.

The recommendation has no detrimental impact on the quality of housing.

The recommendation has no detrimental impact on the long term economic recovery for our community.

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

- (vi) Equality and Diversity

Not Applicable.

(vii) Health and Well-being Implications

The recommendation has no adverse effect on the health and well being of users of this service.

Background Papers

Nil

CODE OF CONDUCT**FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY**

1. Barrow-in Furness Borough Council ("The Authority") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").
2. The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Authority expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Authority or co-opted member in the conduct of the Authority's business or acting as a representative of the Authority.
5. When acting in your capacity as a Member
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
 - (3) You must not disclose any information given to you as a Member in breach of any confidence.
 - (4) You must not bring your office or your Authority into disrepute.
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.
 - (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.

- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

Registering and declaring disclosable pecuniary and other registrable interests

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

SEVEN GENERAL PRINCIPLES OF CONDUCT

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

Leadership

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

PECUNIARY AND OTHER REGISTRABLE INTERESTS

DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant authority.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Details of any tenancy where (to M's knowledge) –
 - (a) The landlord is the relevant authority; and
 - (b) The tenant is a body in which the relevant person has a beneficial interest.
7. Details of any beneficial interest in securities of a body where
 - (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
 - (b) Either –
 - (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

OTHER REGISTRABLE INTERESTS

These interests are what the Council has determined should be entered into the authority's register of interests

8. Details of any bodies of which I am a member, or in a position of general control or management, and to which I am appointed or nominated to by the District Council.

- 9 Details of any bodies of which I am a member, or in a position of general control or management, and which_
- (a) Exercises function of a public nature;
 - (b) Is directed towards charitable purposes; or
 - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
10. Details of any persons from whom I have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

(a) 2011 c.20.
(b) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of

(a) 1992 c. 52.

business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Appendix 3

Model arrangements for dealing with Standards allegations under the Localism Act 2011

1. Background

These arrangements set out how you can make a complaint that an Elected Member of Barrow Borough Council or a Parish Councillor of its Parishes, has failed to comply with the Authority's Code of Conduct and sets out how the Authority will deal with such allegations.

The Localism Act 2011 places statutory obligation on the Authority, to establish suitable arrangements to deal with complaints, including the appointment of an independent person whose views must be sought before any decision on an allegation is made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for Members which is attached as **Appendix 2** of these arrangements and is available for inspection on our website (www.barrowbc.gov.uk)

3. Making a complaint

If you wish to make a complaint, please write or email to:-

The Monitoring Officer
Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness,
LA14 2LD

Email (create mailbox)

In order to ensure that we have all the information which we need to be able to process your complaint, you should complete and return the model complaints form which can be accessed on the Council's website at _____

You need to provide us with your name and a contact address so that we can acknowledge receipt of your complaint and keep you informed of its progress. There is a facility on the form to keep your name and address confidential – if you utilise this facility we will ensure that your details are not disclosed to the Member against whom you make the complaint, without your prior consent. You should note that we will not investigate anonymous complaints, unless there is a clear public interest in doing so.

Your complaint will be acknowledged within 5 working days.

4. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 28 days of receipt of your complaint. You will be informed of this decision and the reasons for it.

The Monitoring Officer will seek to resolve the complaint informally without the need for a formal investigation. Informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by this Authority.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory services.

5. How will a formal investigation be conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he will appoint an Investigating Officer. The Investigating Officer will normally write to the Member whom you have complained about and provide him/her with a copy of your complaint. If you have asked that your name and address remain confidential, these details will be removed from the papers given to the Member.

At the end of the formal investigation, the Investigating Officer will produce a draft report and will send copies to you and the Member concerned, in confidence, to give you both an opportunity to identify any matter which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the investigation concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will write to you and the Member concerned, notifying you that he is satisfied no further action is required and give you a copy of the Investigating Officer's final report.

7. What happens if the investigation concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will consult the Independent Person with a view to seeking a local resolution.

This will involve consultation with you to determine what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. This may include the Member accepting that his/her conduct was unacceptable and offering an apology. Other remedial action might include:-

- a public report issued in respect of the Member's conduct
- a recommendation that the Member be removed from Committees and/or outside bodies
- an instruction to receive further training
- withdrawal of facilities provided to the Member by the Council, eg computers, email/internet access

Current legislation does not allow the Council to suspend or disqualify the Member or to withdraw Members allowances.

8. Do I have a right to appeal if I am not satisfied with the Council's decision?

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

EXECUTIVE COMMITTEE		Part One (D) Agenda Item 12
Date of Meeting:	20th June, 2012	
Reporting Officer:	Deputy Executive Director	
<p>Title: Complaint against Councillor Callister</p> <p>Summary and Conclusions:</p> <p>The Council has dealt with a complaint received from Cumbria Police concerning the conduct of Councillor Callister, details of which are included in this report.</p> <p>Recommendations:</p> <p>To note the report.</p>		

Report

The Council received a complaint about the conduct of Councillor A. Callister from Cumbria Police on 27th March 2012.

In accordance with the complaints procedure in existence at that time, this was referred to an Assessment Sub-Committee which met on 13th April. They ordered a formal investigation into the complaint.

An investigation subsequently took place and a formal report submitted back to the Sub-committee for their consideration.

They recommend that:

1. Councillor Callister submits a formal apology to Cumbria Police stating his regret at any embarrassment caused.
2. Councillor Callister considers his position as Chairman of the Licensing Committee.

In response to Recommendation 1, Councillor Callister submitted a letter of apology which was sent to Cumbria Police on 8th May 2012.

Cumbria Police have subsequently advised me that they accept the letter of apology and now consider the matter closed.

As regards Recommendation 2, Councillor Callister stood for, and was re-elected, to the Chairmanship of the Licensing Committee for the 2012/13 Municipal Year.

Enclosures

1. Initial complaint from Cumbria Police dated 27.3.12
2. Decision Notice of Assessment Sub-Committee dated 16.4.12.
3. Investigators report dated 25.4.12.
4. Decision Notice of Assessment Sub-Committee dated 3.5.12.
5. Decision Notice of Assessment Sub-Committee dated 18.5.12.
6. Letter of apology submitted to Cumbria Police dated 8.5.12.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has no detrimental impact on the quality of housing.

The recommendation has no detrimental impact on the long term economic recovery for our community

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

(vi) Equality and Diversity

Not Applicable.

(vii) Health and Well-being Implications

Not Applicable.

Background Papers

Nil

COMPLAINT FORM: CODE OF CONDUCT FOR MEMBERS

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

**To: The Chairman,
Standards Committee/Standards Sub-Committee (Initial Assessment)**

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	[REDACTED]
First name:	[REDACTED]
Last name:	[REDACTED]
Address:	Dalton Police Station, Station Road, Dalton in Furness, Cumbria , LA15 8PR
Contact telephone:	[REDACTED]
Email address:	[REDACTED]@cumbria.pnn.police.uk
Signature:	[REDACTED]
Date of complaint:	27/03/12

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- Members of the Standards Sub-Committee (Initial Assessment)
- Monitoring Officer of the District Council
- the Parish/Town Clerk (if applicable)

A brief summary of your complaint may also be shared, by the relevant Sub-Committee with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section C of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other (Police Officer,)

B. Making your complaint

The sanctions available to a Standards Committee are governed by law and more serious sanctions are only available to the Adjudication Panel for England. For a brief summary of sanctions available, please see information at the end of this Form.

3. Please provide us with the name of the member(s) you believe have breached the District Council's Code of Conduct: or if it is a Town or Parish Member within the District the details of the Member and relevant Town or Parish Council.

Title	First name	Last name
Mr.	Tony	Callister

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account by the Standards Committee when it decides whether to take any action on your complaint or not. For example:

Councillor ; I want you to appraise me as to why you are here and what you are doing ,your behaviour is unacceptable. I have video evidence of you touching girls inappropriately are you are behaving in an appropriate manner.

██████████ ; I've just got out of the vehicle and spoken to a lad up the road and come straight here. I haven't spoken to any females. We are here to check this licensed premises as there are a lot of underage people who are possibly drinking. If you have any issues or complaints you can speak to the ██████████ who is inside.

Councillor; Do you think your behaviour is appropriate

██████████ ; It is appropriate and I have told you why we are here as we are conducting licensing checks

The councilor than said to ██████████ ; You witnessed this officertell me his behaviour is appropriate, you can say you witnessed this before he walked away. As I left the premises the officers approached me and both made full pocket note book entries in respect of what had happened.

██████████

██████████

(Continue on separate sheet(s), as necessary)

██████████

██████████

██████████

██████████

██████████

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over 28 days of the alleged behaviour or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

On the evening of Saturday 17th March 2012, I was deployed with a number of members of the special constabulary combining licensing visits and training for those officers within that aspect of police work. At 10.30pm on that night we attended the Cemetary Cottages Club, Schneider road, Barrow in Furness at the request of other officers who had been deployed to complaints of anti social behaviour and believed that there were issues surrounding the 18th birthday party that was taking place. I was working in company with [REDACTED] the licensing officer employed by Barrow Borough Council. On arrival there were a large number of youths outside and it was clear the party was not being controlled effectively, the members of the special constabulary were deployed to deal with the youths whilst [REDACTED] and myself entered the premises to liaise with committee members. Whilst in the function room we were approached by Tony Callister, who I know to be a councillor and chair of the licensing committee who informed us that the party was his sons 18th and that he believed it was getting out of control and that we would have to do what was necessary.

We met with the committee members of the club and established by holding the event they were breaching a number of the conditions of both their club premises certificate and own rule book and the committee agreed to close their bar and end the event voluntarily. We both remained inside talking to the committee whilst the venue emptied and the dispersal of persons was supervised by the special constabulary.

When I left the club, I was approached by two staff members, [REDACTED] and [REDACTED] who informed me of the following incident during the dispersal period that I was not a witness to. A male who had identified himself as a councillor and head of licensing and was recognized by [REDACTED] as a fireman had approached [REDACTED] and had a conversation as follows,

Potential breaches of the Code of Conduct

5. Below are paragraphs of the Code of Conduct which may apply to the alleged conduct. Please indicate one or more of these paragraphs with a tick which apply.

- ✓ failing to treat other with respect
- acting in a way that may cause the authority to breach an equality enactment
- bullying
- ✓ intimidating, or attempting to intimidate a person involved in an allegation against you
- x compromising the impartiality of those who work for, or on behalf of, the authority
- disclosing confidential information
- ✓ bringing an office or authority into disrepute
- x using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements
- disregarding advice when reaching decisions
- failing to give reasons for decisions
- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately
- failing to register interests

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Standards Sub-Committee (Initial Assessment) will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

D. Additional information

7. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
8. In line with the requirements of the Disability Discrimination Act 2005, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
9. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

E. Process from here

10. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be presented to a meeting of the Standards Sub-Committee (Initial Assessment) for consideration / determination. You and the member against whom the complaint has been made will not be allowed to attend the deliberations of the Sub-Committee as the matter will be considered in private.
11. The Sub-Committee may resolve to:
 - (a) dismiss your complaint, with reasons;
 - (b) ask you for additional information, with reasons;
 - (c) refer your complaint to the Monitoring Officer for investigation (or other action); or
 - (d) refer your complaint to the Standards Board for England if the complaint does not fall within the jurisdiction of the Standards Committee.
12. You will be notified after the meeting and given information on any further stage(s) in the process at that time.

J. Bright
Deputy Executive Director Designate
Barrow Borough Council
Town Hall, Duke Street
Barrow-in-Furness, Cumbria LA14 2LD
Tel: 01229 876334
e-mail: jbright@barrowbc.gov.uk

Sanctions available to Standards Committees

Extract from 2008 Regulations - Findings of standards committees

19.—(1) Following a hearing held under regulation 18, a standards committee shall make one of the following findings—

(a) that the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned;

(b) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or

(c) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under paragraph (2) or (3) should be imposed.

(2) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which it exercises any function under Part 3 of the Act, it shall censure that person.

(3) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is a member of an authority in respect of which it exercises any functions under Part 3 of the Act, it shall impose any one of, or any combination of, the following sanctions—

(a) censure of that member;

(b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions—

(i) are reasonable and proportionate to the nature of the breach; and

(ii) do not unduly restrict the person's ability to perform the functions of a member;

(c) partial suspension (a) of that member for a period not exceeding six months;

(d) suspension of that member for a period not exceeding six months;

(e) that the member submits a written apology in a form specified by the standards committee;

(f) that the member undertakes such training as the standards committee specifies;

(g) that the member participates in such conciliation as the standards committee specifies;

(h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;

(i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;

(j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;

(k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.

(4) Subject to paragraph (5) and regulation 21 any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.

(5) A standards committee may direct that the sanction imposed under any of subparagraphs (b) to (k) of paragraph (3) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

Sanctions available to Adjudication Panel for England

Pursuant to section 79(4) of the Local Government Act 2000, as amended, a person found to have breached the Code of Conduct for Members may be:-

(a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or

(b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for a period of up to 5 years.



DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference BBC 002/2012

Parties receiving this Decision Notice should take care acting on this information, as some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On 13th April 2012, the Standards Committee of this authority considered a complaint from [REDACTED], Cumbria Constabulary concerning the alleged conduct of Councillor Callister a member of Barrow-in-Furness Borough Council.

We have set out a general summary of the complaint below:-

On the evening of Saturday 17th March 2012, [REDACTED] was deployed with a number of members of the special constabulary combining licensing visits and training for those officers within that aspect of police work. At 10.30pm on that night they attended the Cemetery Cottages Club, Schneider Road, Barrow in Furness at the request of other officers who had been deployed to complaints of anti social behaviour and believed that there were issues surrounding the 18th birthday party that what taking place. [REDACTED] was working in the company with [REDACTED] or employed by Barrow Borough Council. On arrival there were a large number of youths outside and it was clear the party was not being controlled effectively; the members of the Special Constabulary were deployed to deal with the youths whilst [REDACTED] and [REDACTED] entered the premises to liaise with committee members. Whilst in the function room they were approached by Tony Callister, who he knew to be a Councillor and chair of the Licensing Committee who informed us that the party was his sons 18th and that he believed it was getting out of control and that we would have to do what was necessary.

[REDACTED] and [REDACTED] met with the committee members of the club and established by holding the event they were breaching a number of the conditions of both their club premises certificate and own rule book and the committee agreed to close their bar and end the event voluntarily. [REDACTED] both remained inside talking to the committee whilst the venue emptied and the dispersal of persons was supervised by the Special Constabulary.

When [REDACTED] left the club, he was approached by two staff members, [REDACTED] and [REDACTED] who informed him of the following incident during the dispersal period that he was not a witness to.

A male who had identified himself as a Councillor and Head of Licensing and was recognised by [REDACTED] as a fireman had approached [REDACTED] and had a conversation as follows:-

Councillor; I want you to appraise me as to why you are here and what you are doing, your behaviour is unacceptable. I have video evidence of you touching girls inappropriately are you behaving in an appropriate manner.

[REDACTED]; I've just got out of the vehicle and spoken to a lad up the road and come straight here. I haven't spoken to any females. We are here to check this licensed premises as there are a lot of underage people who are possibly drinking. If you have any issues or complaints you can speak to the [REDACTED] who is inside.

Councillor; Do you think your behaviour is appropriate.

[REDACTED], it is appropriate and I have told you why we are here as we are conducting licensing checks.

The Councillor then said to [REDACTED]; You witnessed this Officer, tell me his behaviour is appropriate, you can say you witnessed this before he walked away.

As [REDACTED] left the premises the Officers approached him and both made full pocket note book entries in respect of what had happened.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.

Reasons for decision

The Assessment Sub Committee decided that there was not enough evidence that Councillor Callister breached the Code of Conduct in compromising the impartiality of those who work for, or on behalf of, the authority or using his position as a member improperly to confer or secure an advantage or disadvantage.

The Assessment Sub Committee however identified from the complaint that the Code of Conduct may have been breached in the following ways:-

- Failing to treat others with respect.
- Intimidating, or attempting to intimidate a person involved in an allegation against you.
- Bringing an office or authority into disrepute.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

What happens now?

Investigation – Please see the attached guide on the investigation process.

Terms of reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.]

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed



—Mark Ratcliffe

Date

16 April 2012

Chair of the Assessment Sub-Committee

c/o Jeff Bright,

Deputy Executive Director
Barrow Borough Council,
Duke Street,
Barrow,
Cumbria, LA14 2LD

Telephone 01229 876501
Fax 01229 876407

E-Mail : jbright@barrowbc.gov.uk

Barrow in Furness Borough Council

Report to: The Monitoring Officer

Case References: BBC 002/2012

Date of Report: 25th April 2012

Submitted by: A J Postlethwaite,
instructed by the Monitoring Officer of the Council

Subject: Report of an investigation under the Local Government Act
2000 into alleged breaches of the Code of Conduct by
Councillor Tony Callister

Contents

- Executive summary
- Service details of Councillor Callister
- The relevant legislation and protocols
- The evidence gathered
- Summary of the material facts
- Findings
- Recommendations

Executive Summary

This report is presented following a formal investigation into complaints made to the Standards Committee of Barrow Borough Council under section 57A(2) of the Local Government Act 2000 as applicable at the time of the alleged incident and complaint. The Standards (Initial Assessment) Sub-Committee met on 13th April 2012 and decided to refer the matter for investigation by the Monitoring Officer of the Council. He gave instructions to the Revd Alan Postlethwaite to act on his behalf. The details of the complaints, investigation and findings are set out in this report.

Potential breaches of the Code of Conduct alleged by the complainant and identified by the Assessment Sub-Committee as requiring investigation were:

- failing to treat others with respect
-
- intimidating or attempting to intimidate a person involved in an allegation against you
-
- bringing an office or authority into disrepute

The conclusion of my investigation is that the complaint appears to have arisen from several errors of judgement on the part of Cllr Callister rather than any intentional infringements of the Code of Conduct. If these errors are appropriately acknowledged, it may lead to the complaint being withdrawn.

Cllr Callister's official details

Details have been provided to me to show that Cllr Callister has served as a Borough Councillor for Walney North Ward since May 1999 and completed a Declaration of Acceptance of Office following his most recent election. He is currently the Council's Nominated Official Spokesperson for Licensing and Sport, Chair of the Council's Licensing Committee and a Substitute Member of the Executive Committee of the Council.

The relevant legislation and protocols

The Council had adopted a Code of Conduct in which the following paragraphs are included:-

- 3 (1) *You must treat others with respect*
- 3 (2) (c) *You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code of Conduct*
- 5 *You must not bring your office or authority into disrepute while acting in your official capacity*

The evidence gathered

In my investigation I have interviewed Cllr Callister and Police [REDACTED]. The following officers of the Council - Mr T Campbell, Chief Executive, and [REDACTED] Member Services Officer - have provided factual information to assist me.

Summary of the material facts

The facts on which the alleged breaches of the Code of Conduct rely are that:-

1. On the evening of 17th March 2012, Cllr Callister was attending a family function at the Cemetery Cottages Club, Barrow in Furness. In the course of the occasion [REDACTED] accompanied by a Licensing Officer of the Borough Council, arrived to conduct a routine licensing inspection. As it was becoming evident that the party was growing disorderly and the Police had received complaints of anti-social behaviour outside the Club premises, Cllr Callister introduced himself and explained that the event was a birthday celebration for his son. He asked [REDACTED] to take any necessary action to deal with the situation. [REDACTED] and his Licensing Officer colleague then conferred with the Steward and Officers of the Club to clarify the precise nature of the event in regard to their licence.
2. Meanwhile the disorder outside the premises was being handled by two officers of the Special Constabulary - [REDACTED] and [REDACTED]. Cllr Callister went out of the premises, introduced himself as a Councillor and Chairman of Licensing, and asked the two officers to give him an 'appraisal' of the situation. He suggested that the behaviour of the officers was unacceptable, specifically alleging the inappropriate treatment of young females in the crowd. [REDACTED] indicated that any issues Cllr Callister had should be raised with the [REDACTED] who was on the premises.

Findings

Failing to treat others with respect The Police Officers have every reason to criticise the conduct of Cllr Callister on this occasion. Having himself recognised that the social function was getting out of order he appeared to welcome the unexpected appearance of [REDACTED] with whom he was well-acquainted from their Licensing Committee work, and asked him to sort matters out. To then interfere with the work of the Police Officers attending to the situation outside the premises by confronting them in a quasi-authoritative manner and challenging their performance was wholly unacceptable.

Intimidating or attempting to intimidate The careful notes taken by the Police Officers shortly after the incident indicate that Cllr Callister sought to use his official position as "Head of Licensing" to interfere with their work of dispersing a crowd of young people which was getting out of hand. There appears to be no substance to claims Cllr Callister made that video evidence existed or that any members of the public had been dealt with inappropriately.

Bringing an office or authority into disrepute As Chairman of the Borough Council's Licensing Committee, Cllr Callister should have been fully conversant with the terms of the licence of the premises he was occupying for the family social occasion and abided by them. The Police are uncertain that this is the case. The entire licensing function of the Council depends on a harmonious partnership between the Borough Council and the Constabulary which has been jeopardised by the manner in which Cllr Callister conducted himself on this occasion.

Recommendations

It is important that this complaint is resolved in a way which recovers and maintains the good working partnership on licensing matters between Cumbria Constabulary and Barrow Borough Council which clearly has been compromised by this incident. It may also be to the benefit of all concerned for this to be done without undue publicity.

In general, the matter highlights the necessity for all council members to put themselves above criticism in all situations so far as is reasonably possible. To have allowed the birthday event to be advertised on Facebook was a known invitation for trouble. The need to relocate the event from the former Bluebird Club (apparently licensed for such functions) to the Cemetery Cottages Club (possibly not so licensed) might be beyond the ken of an ordinary member of the public but perhaps ought not to have been to the Chairman of a Licensing Committee. The use of the word 'appraisal' in approaching an incident, from someone employed in the emergency services, is a clear signal of the exercise of rank. Confronting Police Officers who were dealing with a case of public disorder with imputations of inappropriate behaviour shows a lack of good sense.

If it is accepted that what occurred in the incident described was caused by the unfortunate coincidence of a number of unanticipated events and several faulty judgement calls, then the matter may be capable of resolution by a letter from Cllr Callister to [redacted] acknowledging his error of judgement in approaching the Officers attending to the disorder outside the Club premises and offering a full and complete apology for the embarrassment caused to them.

My recommendation would be for Cllr Callister to be invited to submit such a letter of apology and regret to [redacted] with a copy attached to this file. In the event that the apology is accepted and the complaint considered discharged, that no further action should be taken.

Acknowledgement

This report is submitted for the attention of the Monitoring Officer of the Council. As the Investigator, I thank all concerned for the courtesy and co-operation I was afforded in dealing with this matter.



25th April 2012



DECISION NOTICE

Reference :- BBC 002/2012

Parties receiving this Decision Notice should take care when acting on this information, as some information may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On 1st May 2012, the Assessment Sub Committee of this authority considered a complaint from [REDACTED], Cumbria Constabulary concerning the alleged conduct of Councillor Callister a member of Barrow-in-Furness Borough Council. We have set out a general summary of the complaint below:

On the evening of Saturday 17th March 2012, [REDACTED] was deployed with a number of members of the special constabulary combining licensing visits and training for those officers within that aspect of police work. At 10.30pm on that night they attended the Cemetery Cottages Club, Schneider Road, Barrow in Furness at the request of other officers who had been deployed to complaints of anti social behaviour and believed that there were issues surrounding the 18th birthday party that what taking place. [REDACTED] was working in the company with [REDACTED] employed by Barrow Borough Council. On arrival there were a large number of youths outside and it was clear the party was not being controlled effectively; the members of the Special Constabulary were deployed to deal with the youths whilst [REDACTED] and [REDACTED] entered the premises to liaise with committee members. Whilst in the function room they were approached by Tony Callister, who he knew to be a Councillor and chair of the Licensing Committee who informed us that the party was his sons 18th and that he believed it was getting out of control and that we would have to do what was necessary.

[REDACTED] and [REDACTED] met with the committee members of the club and established by holding the event they were breaching a number of the conditions of both their club premises certificate and own rule book and the committee agreed to close their bar and end the event voluntarily. [REDACTED]

██████████ and ██████████ both remained inside talking to the committee whilst the venue emptied and the dispersal of persons was supervised by the Special Constabulary.

When ██████████ left the club, he was approached by two staff members, ██████████ and ██████████ who informed him of the following incident during the dispersal period that he was not a witness to.

A male who had identified himself as a Councillor and Head of Licensing and was recognised by ██████████ as a fireman had approached ██████████ and had a conversation as follows:-

Councillor; I want you to appraise me as to why you are here and what you are doing, your behaviour is unacceptable. I have video evidence of you touching girls inappropriately are you behaving in an appropriate manner.

██████████: I've just got out of the vehicle and spoken to a lad up the road and come straight here. I haven't spoken to any females. We are here to check this licensed premises as there are a lot of underage people who are possibly drinking. If you have any issues or complaints you can speak to the ██████████ who is inside.

Councillor; Do you think your behaviour is appropriate.

██████████; it is appropriate and I have told you why we are here as we are conducting licensing checks.

The Councillor then said to ██████████; You witnessed this Officer tell me his behaviour is appropriate, you can say you witnessed this before he walked away.

As ██████████ left the premises the Officers approached him and both made full pocket note book entries in respect of what had happened.

* Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee unanimously accepted the investigators findings as set out in the report.

The Sub-Committee also asked that Councillor Callister considered his position as Chairman of the Licensing Committee.

Signed Mark Ratcliffe

Mr Mark Ratcliffe

Date 3rd May 2012

Chair of the Assessment Sub-Committee

C/o Jeff Bright,
Deputy Executive Director
Barrow Borough Council
Duke Street
Barrow
Cumbria, LA14 2LD

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Fax 01229 876407

E-Mail: jbright@barrowbc.gov.uk



DECISION NOTICE

Reference :- BBC 002/2012

Parties receiving this Decision Notice should take care when acting on this information, as some information may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

Details of the complaint were given in the previous decision notice.

This meeting of the sub-committee was convened to consider whether the letter of apology provided by Councillor Callister was acceptable and to determine the views of members on Councillor Callister's re-election to the Chairmanship of the Licensing Committee.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee accepted that Councillor Callister had complied with the first part of the Decision Notice in submitting a letter of apology.

However, in light of the Investigating Officers recommendations that the complaint is resolved in a way which recovers and maintains the good working partnership on licensing matters between the Cumbria Constabulary and the Council the Assessment Sub Committee was disappointed at the decision to re-elect Councillor Callister as Chairman of the Licensing Committee.

Signed Mark Ratcliffe Date 18 May 2012

Mr Mark Ratcliffe

Chair of the Assessment Sub-Committee

C/o Jeff Bright,
Deputy Executive Director
Barrow Borough Council





INVESTOR IN PEOPLE



6.

[REDACTED]
 Cumbria Constabulary
 Market Street
 Barrow-in-Furness
 Cumbria

Barrow Borough Council
Deputy Executive Director

Town Hall · Duke Street
 Barrow-in-Furness · Cumbria LA14 2LD
 Fax: (01229) 876407
 e-mail: directorsadmin@barrowbc.gov.uk
www.barrowbc.gov.uk

Our Ref: JB/MP
 Your Ref:

Contact Name: J. Bright
 Tel No: (01229) 876503

Date: 17.5.12

Dear [REDACTED]

COMPLAINT REF BBC 002/2012

I enclose a letter from Councillor Callister written in response to the decision notice issued by the Council's Assessment Sub Committee on 3rd May 2012.

The Sub Committee are satisfied that this letter meet the requirements expected of an offer of apology and regret for any embarrassment caused.

The Sub Committee also asked that Councillor Callister consider his position as Chairman of the Licensing Committee. This has not been addressed by Councillor Callister in his response.

At the Annual Meeting of Council held on 15th May, Councillor Callister was elected to the position of Chairman of Licensing Committee for the 2012/13 Municipal Year.

The Assessment Sub Committee met again on 17th May and expressed their disappointment that this appointment had been made. They acknowledged, however, that they have no jurisdiction as regards the distribution of chairmanships.

I shall be submitting a report to the Council's Executive Committee on 20th June setting out the details of the complaint, the result of the investigation and the recommendations and views of the Assessment Sub Committee. I shall advise them that a letter of apology has been submitted to you.

- 2 -

I am happy to include in this report any further comments or observations you may wish to make with regard to the complaint and the outcome.

Any such comments should be sent to me by no later than 10th June 2012.

Yours sincerely

A handwritten signature in black ink, appearing to be the initials 'JB' with a horizontal line above the letters.

Jeff Bright
Deputy Executive Director

Enc

8.5.2012

REF : BBCO2/2012

Dear [REDACTED]

May I in the first instance apologise to you along with [REDACTED] and [REDACTED] for any embarrassment caused on Saturday 17th March 2012.

On the evening of my son's 18th party I never envisaged such a large volume of people which would lead to the attendance of yourself, [REDACTED] and the other police officers who attended the Cemetery Cottages.

I was relieved in the action taken that evening in the closing down of the party and I am very complimentary in the way the officers dealt with the large crowd outside the building and the way the crowd were dispersed. May I apologise specifically to [REDACTED] and [REDACTED] for any misunderstanding when I approached them outside the premises. It was never any intention whatsoever to embarrass them or question their authority in any way shape or form and I feel that my comments were taken out of context. My nature is of helping people in any way I can, and on the evening outside the Cemetery Cottages I believed that I could offer help.

I have the utmost respect for the Police Force and the valuable work that is carried out within our locality. I have over the last twelve months carried out the role of chair of licensing and have been in a position to support in full, the initiatives and take up the advice given to committee by your officers to make positive decisions for the benefit of our community.

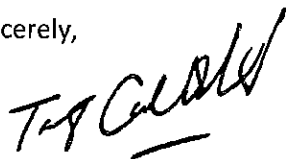
I particularly enjoyed the close relationship we have gained through visits to both Carlisle to experience the road closure system and both myself and other members of the committee really valued their time experiencing our walk around town to view our night time economy. Working closely with the Police Service on all Council business is a very valued partnership and I for one will further strengthen our work together in any way I can alongside all members of the Council.

I appreciate the opportunity to write this letter and I would like to re enforce my apologies for any of my actions that may have caused embarrassment on the evening of my son's 18th party.

If I can help to promote the excellent work carried out by the special constabulary or any other areas of policing within our Borough I would be very happy to do so.

Thank you for taking time to read this letter.

Yours Sincerely,



Tony Callister.

EXECUTIVE COMMITTEE	(R) Agenda Item 13
Date of Meeting: 20th June, 2012	
Reporting Officer: Director of Regeneration and Community Services	
Title: Reinvesting Right to Buy Receipts in New Affordable Rented Homes	
Summary and Conclusions:	
The Council has been invited to enter into an agreement with the Secretary of State that will allow it to retain additional Right to Buy receipts generated through an increase in the discount cap. Retained receipts must be used for affordable rented homes. The anticipated level of receipts will be modest.	
Recommendations:	
To agree that the Council enters into an agreement with the Secretary of State allowing it to retain a proportion of Right to Buy receipts for investment in new affordable housing.	

Report

The Council, along with all other stock holding Local Authorities, has been invited to enter into an agreement with the Secretary of State that will enable additional Right to Buy receipts generated by the increased Right to Buy discounts to be retained by the Authority for investment in new affordable rented homes.

From 1st April 2012, the Government raised the cap on Right to Buy discounts from £26,000 for the North West to £75,000 nationally, an increase of £49k. The discount awarded in percentage terms remains the same and potential purchasers must have been a tenant for five years to qualify:-

- 35% discount off the market value of a house, plus 1% per year up to 60%
- 50% discount off the market value of a flat, plus 2% per year up to 70%

Raising the discount is aimed at increasing RTB sales and any proceeds above HM Treasury's share (i.e. the funding HM Treasury was expecting to receive had the policy on RTB not changed). HM Treasury's share is based on the HRA self-financing settlement and the assumptions made in the housing business plan. For 2012-2013, HM Treasury is expecting £299,000 from the RTB sales of the Council.

The agreement covers a three year period commencing April 2012 and is conditional upon:-

- i. the receipts are used for provision of affordable rented homes.
- ii. that the receipts will constitute no more than 30% of the total investment
- iii. that any unused receipts will be paid back with interest at 4% over base to the Secretary of State after three years (this equates to around 16p interest per £1.00)

Receipts can be used directly by the Local Authority with the 70% balance funded from borrowing against the net rental income stream for the property and subsidy from the landlord's own resources. Alternatively, the Authority could fund new affordable housing supply by grant funding provision by a Housing Association.

Predicting the level of useable receipts over the three year period is difficult as it is unclear what effect the increased cap on Right to Buy discounts will have.

However, it is clear that the resources that will be available will be modest.

To mitigate the risk of repayment, it is important the Council adopts a programme led approach to affordable housing provision. Officers are currently discussing a programme with affordable housing providers and this will be reported to Members at a future meeting.

In order to retain receipts from Quarter 1 2012/13, the Secretary of State requires a signed copy of the agreement by noon on 27th June. As this is a matter referred to Council, I will make it clear that our signature of the agreement is pending a full Council decision on 17th July.

(i) Legal Implications

The Council will be required to enter into an agreement requiring use of retained receipts for affordable rented housing and the repayment of any unused receipts.

(ii) Risk Assessment

Most significant risk is failure to use the receipts which would trigger the repayment clause, however, this is unlikely to be significant and could be mitigated by a programme approach.

(iii) Financial Implications

It is clear that the resources that will be available will be modest.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

Continue to support Housing Market Renewal, including an increase in the choice and quality of housing stock and the regeneration of our oldest and poorest housing.

(vi) Equality and Diversity

The recommendation has no effect upon service users showing any of the protected characteristics under current Equalities legislation.

(vii) Health and Well-being Implications

The recommendation has no implications.

Background Papers

Letter and attachments to Chief Executive dated 15th May 2012.

EXECUTIVE COMMITTEE	(D) Agenda Item 14
Date of Meeting: 20th June, 2012	
Reporting Officer: Deputy Executive Director	
<p>Title: Performance Management – Key Priorities for 2012/15</p> <p>Summary and Conclusions:</p> <p>Key priorities for the period 2012-2015, and the actions associated with implementation during 2012/13 are set out together with details of those issues subject to regular monitoring as part of our Performance Management Framework.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To agree that the actions associated with implementing the key priorities during 2012/13; and 2. To agree that the performance indicators which will form part of the Performance Management Framework. 	

Report

The Council's Key Priorities for 2012/15 are:

- 1. Provide good quality efficient and cost effective services while reducing overall expenditure.**
- 2. Continue to support housing market renewal including an increase in the choice and quality of housing stock and the regeneration of our oldest and poorest housing.**
- 3. Work to mitigate the effects of the recession and cuts in public expenditure and their impact on the local economy and secure a sustainable and long term economic recovery for our community**
- 4. Continue to improve and enhance the built environment and public realm, working with key partners to secure regeneration of derelict and underused land and buildings in the Borough.**

The Council have completed a number of actions in respect of these priorities during 2011/12 including:

- a comprehensive service delivery review
- Transfer management of waste collection, building cleaning and dog warden services to the street care team to reduce management costs.

- a business improvement review of the Development Control service and develop framework for setting local planning fees
- Introduction of self-financing of Council housing services
- Re-letting the responsive repair contract
- Reviewing housing support services
- Demolishing the agreed areas of Marsh Street
- Demolishing 100 Abbey Road and carry out external improvements to 102 Abbey Road

The proposed actions for 2012/13 are listed below although some of the actions will take longer than one year to complete.

KP 1:

- Complete the all weather soccer centre.
- Renegotiate the Council's catering contract.
- Carry out a Survey of Tenants and Residents (STAR survey) to understand the expectations and aspirations of our tenants.
- Review recycling collections to maximise recycling income and mitigate the impact of a reduction in the value of recycling rewards.
- Actively encourage all Members to access the Modern Councillor online e-learning facility'

KP 2:

- A two year project to carry out Group Repair Work to 240 properties in sub areas A and E including:
 - Re-roofing
 - Chimney stack repairs
 - Door and window replacement
 - Rendering and new rain water goods
 - Cavity wall insulation
- Identify appropriate sites in partnership with Accent Housing to build 27, 3-bedroom social houses.
- Target the £3.442m allocated from the Clusters of Empty Homes fund for the refurbishment of the Barrow Island Flats.

KP 3:

- Transfer management of Waterside House to BAE Systems as part of the lease agreement.
- Complete refurbishment at Phoenix Park Business Centre
- Agree local arrangements to mitigate the impact of the Council Tax reduction scheme, which replaces the current Council tax Benefits.

KP 4:

- Complete the external refurbishment of 102 Abbey Road
- Two year project to construct a roof on level C of the multi storey car park

Progress against these actions together with a more detailed action plan will be reported to the Audit Committee and Management Board on a quarterly basis.

Key performance Indicators (KPI's)

Table 1 is a selection of existing local KPI's and table 2 shows income against budget

Local indicators

Indicator	Description	2010/11	2011/12	Change
9	Percentage of Council tax collected	96.8	96.8	→
10	Percentage of NNDR collected	98.01	98.00	→
12	Average number of days sick per member of staff	10.59	8.19	↑
NI 191	Residual waste per household	544	532	↑
N1192	% of waste recycled, composted	35.9	36.4	↑

Income 2011/12

Service		Year to date cumulative			
		Q1	Q2	Q3	Q4
Crematorium	Budget	88,200	176,400	264,600	352,800
	Actual	58,198	158,388	276,949	410,748
Cemetery	Budget	24,808	49,615	74,423	99,230
	Actual	11,539	29,420	50,668	82,331
Parking	Budget	223,000	446,000	669,000	892,000
	Actual	143,640	305,905	469,655	628,377
Recycling	Budget	246,500	493,000	739,500	986,000
	Actual	0	245,600	446,613	848,626
Bulky waste	Budget	9,000	18,000	27,000	36,000
	Actual	13,028	25,082	34,710	45,893
PLC 1	Budget	187,600	375,200	562,800	750,400
	Actual	141,532	314,314	438,991	628,487

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has no detrimental impact on the quality of housing.

The recommendation has no detrimental impact on the long term economic recovery for our community

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

(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 Implications

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

Background Papers

Nil

EXECUTIVE COMMITTEE	(R) Agenda Item 15
Date of Meeting: 20th June, 2012	
Reporting Officer: Democratic Services Manager	
Title: Reviewing the Member Development Strategy	
Summary and Conclusions:	
<p>The Member Training Working Group has revised the Member Development Strategy to ensure continuation of effective Member Development. The Strategy is reviewed on a biennial basis in conjunction with the Democratic Services Manager, the Democratic Services Officer (Member Support) and the Member Training Working Group. The responsibility for agreeing the overall Strategy lies in the hands of the Full Council.</p>	
Recommendations:	
<p>To recommend the Council to approve the revised Member Development Strategy.</p>	

Report

Background

In order to ensure that Member training and development is prioritised, planned and co-ordinated effectively it is important that the Council have a Member Development Strategy. This Committee agreed to adopt the Strategy in July 2004 (Minute No. 6 of the meeting on 12th July, 2004 refers).

The Member Development Strategy sets out that it will be reviewed on a biennial basis in conjunction with the Democratic Services Manager, the Democratic Services Officer (Member Support) and the Member Training Working Group. The responsibility for agreeing the overall Strategy lies in the hands of Full Council.

The Member Training Working Group are due to consider the revised Strategy document at their meeting on 18th June, 2012. A copy will be circulated to Members of this Committee prior to this meeting for their consideration.

(i) **Legal Implications**

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has no detrimental impact on the quality of housing.

The recommendation has no detrimental impact on the long term economic recovery for our community.

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

(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 Implications

The recommendation has no adverse effect on the Health and Well-being of users of this service.

Background Papers

Nil.

EXECUTIVE COMMITTEE	(R) Agenda Item 16
Date of Meeting: 20th June, 2012	
Reporting Officer: Borough Treasurer	
Title: Council Tax Reduction Scheme	
Summary and Conclusions:	
<p>The Council is required to adopt a Council Tax Reduction Scheme to come into force on 1st April 2013. Adopting the National default scheme as the local Council Tax Reduction Scheme for the year commencing 1st April 2013 will allow the required consultation to take place and have a minimal impact on residents. Consideration must be given to mitigation as the financial impact of the reduction or discount is shared with the major preceptors.</p>	
Recommendations:	
<p>To recommend the Council to agree in principle, that the National default scheme, or prescribed default scheme, is adopted as the local Council Tax Reduction Scheme for the year commencing 1st April 2013 and to authorise formal consultation with the major preceptors.</p>	

Report

On 17th May 2012 the Department for Communities and Local Government issued a number of documents outlining the requirements of Localising Support for Council Tax. Billing authorities have to adopt a Council Tax Reduction Scheme to replace the council tax benefit system which ends on 31st March 2013.

To prepare a local Council Tax Reduction Scheme addressing who gets discounts, when and how and would be very complex as it would mean starting from a blank piece of paper.

One of the documents published is entitled 'A Statement of Intent' and contains the prescribed default scheme – this is broadly similar to the current council tax benefit scheme in terms of who gets benefit, when and how.

The Government intends to fund around 90% of the Council Tax Reduction Scheme by a direct grant to the major preceptors. This will be adjusted by assumptions that will be made by the Government when the settlement is announced and is likely be adjusted for estimated caseload and estimated take up changes.

Using the 2012-2013 budget to illustrate the figures involved, the 10% reduction of the £6,747,570 budgeted benefit subsidy would be shared on the 2012-2013 precept:

Major preceptor	Share of the Council Tax	10% reduction
Barrow Borough Council	14%	£91,496
Cumbria County Council	74%	£497,293
Police Authority	13%	£85,968
Total	100%	£674,757

The Council has the option of passing the 10% reduction on to claimants thereby making people liable for council tax that are not liable now, or by identifying mitigation and funding itself. However, if the cost was not passed on to claimants, it is shared by the three major preceptors, hence the need for early consultation.

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, some will be in vulnerable groups and so reduces the number of claimants that the 10% reduction could be recovered from – this would make any reduction in benefit much higher.

It is my recommendation that in principle the Council adopt the prescribed default scheme as the local scheme. The default scheme is broadly similar to the current council tax benefit scheme and does not pass the 10% reduction on to claimants.

A more detailed report will be submitted to the next Executive Committee with more precise information. The Council has a duty to consult on its intention with the main preceptors and agreeing an in principle scheme will allow that consultation to take place and to be fed back to the next meeting.

There has been some informal discussion with the County Council and the Police Authority around mitigation and Members are recommended to agree to review both the empty homes discount and second home discount as they will provide some mitigation against the costs of the local scheme for all three major preceptors.

Members should be aware that the timetable to adopt a scheme is very tight. The draft local scheme should be approved by Council in July as it needs to be open for 12 weeks consultation. Following the consultation the final scheme will be presented to the Executive Committee and should be approved by Council in or before December in order that the revenue budget can be set. The timetable will be set out in the next report; it may be necessary to have a special meeting of the Council as the County Council and Police Authority have their budgets to set in December 2012/January 2013 as we do.

The Council Tax Reduction Scheme is set annually, so initially this will be the scheme for 2013-2014 only.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The Council will have to fund the 10% reduction from council tax benefit subsidy changing to a direct grant. More precise figures and information will be detailed in the next report.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

The recommendation has no detrimental impact on providing good quality efficient and cost effective services.

The recommendation has no detrimental impact on the quality of housing.

The recommendation has no detrimental impact on the long term economic recovery for our community

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

(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 Implications

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

Background Papers

CLG Localising Council Tax papers