

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 21st July, 2010
at 2.00 p.m. (Committee Room No. 4)

NOTE: Group Meetings at 1.15 p.m.

A G E N D A

PART ONE

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

3. **Admission of Public and Press**

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

4. Disclosure of Interests.

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

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

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

5. To confirm the Minutes of the meeting held on 30th June, 2010 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D) 7. Minutes of the Early Retirement Panel (copy attached).
- (D) 8. Drop Zone Youth Projects Body.

- (D) 9. Council Finances Report – Quarter 1 2010-2011.
- (R) 10. Covert Surveillance Policy.
- (R) 11 Equality Scheme and Equality Action Plan.

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

Membership of Committee

Councillors Guselli (Chairman)
Williams (Vice-Chairman)
Barlow
Doughty
English
Garnett
Hamezeian
Marcus
Pidduck
Richardson
Stephenson
Waiting

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EXECUTIVE COMMITTEE

Meeting: 30th June, 2010
at 2.00 p.m.

PRESENT:- Councillors Williams (Vice-Chairman), Barlow, Dawes (Items 1-15 only), Doughty, English, Garnett, J. Hamezeian (Items 1-19 only), Marcus, Pidduck, Richardson, Stephenson and Sweeney.

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 (Minute Nos. 38, 39, 40 and 41) and Paragraph 3 (Minute No. 33) of Part One of Schedule 12A of the said Act.

21 – Disclosure of Interests

Councillor Barlow declared a personal interest in Agenda Item 9 – Grants to Barrow AFC and Barrow RLFC (Minute No. 34). He personally knows a Director of Barrow AFC.

Councillor English declared a personal interest in Agenda Item 12 – Capital Programme 2009-2010 Final Outturn and the Programme for 2010-2013 (Minute No. 27). He has a unit in the Market.

Councillor Garnett declared a personal and prejudicial interest in Agenda Item 7(d)(vii) – Homelessness Funding 2010/2011 (Minute No. 24). He was the Chairman of the Board of CAB.

Councillor Stephenson declared a personal interest in Agenda Item 12 – Capital Programme 2009-2010 Final Outturn and the Programme for 2010-2013 (Minute No. 27). He was a retailer in the Town Centre.

Councillor Williams declared a personal interest in Agenda Item 12 – Capital Programme 2009-2010 Final Outturn and the Programme for 2010-2013 (Minute No. 27). He was a retailer in the Town Centre.

22 – Minutes

The Minutes of the meeting held on 26th May, 2010 were agreed as a correct record.

23 – Apologies for Absence

Apologies for absence were received from Councillors Guselli and Waiting.

Councillors Dawes and Sweeney substituted for Councillors Guselli and Waiting respectively.

24 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 17th June, 2010 were submitted for consideration.

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

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

Appointment of Representatives to Working Groups etc.

That Membership for 2010/11 be as follows:-

Tenant Compact Working Group:- Councillors James, Waiting and McEwan and Tenant Representatives; Mrs K. Hotchkiss, Mr A. McIntosh and Mrs P. Charnley; and

Homelessness Funding Working Group:- Councillors James and Pointer and Tenant Representatives; Mr A. McIntosh and Mrs P. Charnley.

Consultation: Council Housing – A Real Future Prospectus

Members agree:-

- (i) That the Council continue to support the principles of the self-financing proposal; and
- (ii) That the Housing Manager and Borough Treasurer, draft a suitable reply to the Consultation Paper by 5th July, 2010, to be agreed with the Chair of the Executive Committee.

Housing Services Delivery Plan

That Members note and agree the content of the report.

Choice Based Lettings: Cumbria Choice

That Members agree:-

- (i) To note the content of the report; and
- (ii) The final draft of the Allocation Policy which will form the operating basis for Cumbria Choice, which will enable the Cumbria Choice Based Lettings Scheme to progress with Barrow Borough Council as a key partner.

Housing Maintenance Contract

That Members agree that the Housing Manager prepares the necessary OJEU notice which has sufficient flexibility to appoint one or more than one contractor to deliver the required maintenance services over a four year period.

2010 Stock Condition Survey

That Members agree:-

- (i) To note the content and findings of the report; and
- (ii) To implement the five year investment plan on a “worst first” basis.

Homelessness Funding 2010/2011

That Members:-

- (i) Agree the following spend profile:-

£5,000	Shelter: South Cumbria Offenders Scheme
£12,100	Deposit Guarantee Scheme (DIGS)
£1,000	Barrow Borough Council Sanctuary Scheme
£10,000	Barrow Borough Council Refurbishment of Temporary Accommodation
£8,825	CADAS Mediation Service
£3,250	Destin (Performance Management System)
£10,000	Homeless Prevention Funding
£5,000	Rough Sleepers Count

£55,175	

- (ii) Agree to continue the Court Desk provision by use of £10,000 awarded by Communities and Local Government (CLG);
- (iii) Agree to continue the CAB surgery provision by use of £10,000 awarded by CLG; and

- (iv) Note the Prevention of Repossession Funding of £28,500 awarded by CLG.

Former Housing Office – 182 Roose Road, Barrow-in-Furness

That Members agree that the property be sold to the current occupier and a mutually agreed independent valuer be appointed to determine a market price for the property.

34 Fenton Street, Barrow-in-Furness – Two Bedroomed House

That consideration of this matter be deferred to the next meeting to enable Members to attend a Site Visit at the above property.

NOTE – Immediately after the vote had been taken Councillor Hamezeian requested that it be recorded in the Minutes that he objected to the Sale of the Former Housing Office, 182 Roose Road, Barrow.

25 – Appointment of Members to the Health and Safety Management Board

The Chief Executive reminded the Committee that at its meeting on 26th May, 2010 it had agreed that Officers review the Membership of the Health and Safety Management Board and report the findings back to the next meeting of the Committee for any nominations to be made.

Officers had determined that the Health and Safety Management Board Membership should be proportional and recommend that five Members be appointed on the basis of two Labour, two Conservative and one Independent (2:2:1:0).

RESOLVED:- To appoint Councillors Barlow, Callister, Jefferson, Richardson and Williams to the Health and Safety Management Board.

26 – Grant Sub-Committee – Amendments to Terms of Reference

The Borough Treasurer informed the Committee that the Grants Sub-Committee currently meet two to three times in a financial year to award a relatively small budget for general grants and charitable NDR relief. He stated that it would be more efficient to have one meeting to deal with the general grants and another for the charitable relief and allocated the full budget for the year if justifiable. It was intended to have the general grants meeting in July and the charitable relief in September.

Also Members of the Sub-Committee had asked for this Committee to decide on whether a limit of £1,000 should be adopted for the award of individual grants.

RESOLVED:- (i) To agree to amend the terms of reference of the Grants Sub-Committee to limit the amount of individual grants up to a maximum of £1,000; and

(ii) To agree that a general Grants meeting would be held in July and the Charitable NDR Relief in September.

27 – Capital Programme 2009-2010 Final Outturn and the Programme for 2010-2013

The Committee considered the actual expenditure on the various capital projects for the financial year 2009-2010 as follows:

Capital Programme	2009/2010 Budget as at 27/01/2010	2009/2010 Outturn as at 31/03/2010
Public Housing	1,911,202	1,791,215
Private Housing	1,234,831	1,251,868
Housing Market Renewal	2,609,848	2,304,334
Public Buildings	1,038,781	874,643
Other Public Assets	6,010,370	5,210,356
Community Initiatives	359,093	207,589
Total	13,164,125	11,640,005

The expenditure was financed by using the following capital resources:

	2009/2010 Budget as at 27/01/2010	2009/2010 Outturn as at 31/03/2010
Total Programme	13,164,125	11,640,005
Funded by:		
Prudential Borrowing	2,000,000	1,174,051
Grants	8,800,635	8,295,879
Reserves	2,045,561	1,866,439
Usable Capital Receipts	317,929	303,636

The Committee considered major alterations to the programme compared to previously reported programme on 27th January 2010.

The Committee also considered the proposed three year Capital Programme 2010/2011 to 2012/2013 which was summarised as follows.

Capital Programme	2010/2011 Budget	2011/2012 Budget	2012/2013 Budget
As at 31/12/2009	13,443,835	10,782,331	6,145,415
As at 31/05/2010	14,624,187	10,882,533	6,619,297
Difference	1,180,352	100,202	473,882

	2010/2011 Budget	2011/2012 Budget	2012/2013 Budget
Total Programme	14,624,187	10,882,533	6,619,297
Funded by:			
Borrowing	2,825,947	2,000,000	2,000,000
Grants	8,080,643	6,195,211	2,173,382
Major Repairs Reserve	1,933,543	2,008,258	2,060,915
Earmarked Reserves	45,234	0	0
Usable Capital Receipts	1,738,820	679,064	385,000

The Committee also considered major (over £10,000) alterations to the programme compared to previously reported programme on 27th January 2010.

RESOLVED:- To note the final outcome of the Capital Programme for 2009-2010 and approve the variations to the current programme.

28– Revenue Outturn for the Year ended 31st March, 2010

The Borough Treasurer reminded the Committee that the 2009-2010 original General Fund (GF) net revenue budget had been set at £13,742,000. The net GF expenditure for the year was £13,449,953. The surplus for the year was £292,047.

The final GF balance as at 31st March, 2010 was £2,263,306 which was a prudent level of balance to maintain and represented around 16% of the net revenue budget.

The actual expenditure had been compared to the original budget and the difference formed part of the GF balance.

The main variations from the original budget had been reported to the Committee on a quarterly basis throughout 2009-2010.

The Housing Revenue Account (HRA) original budget for 2009-2010 had been set at a surplus of £52,670. The outcome for the year was a deficit of £22,918. The HRA balance as at 31st March, 2010 was £824,061.

The Collection Fund (CF) had resulted in a deficit of £80,235 which would be shared in 2011-2012 amongst the Council, Cumbria County Council and the Police Authority in proportion to their precepts for 2010-2011.

The available reserves as at 31st March, 2010 were the Opportunity Reserve at £1,111,758 of which £208,474 had been committed. In the year approved amounts totalling £83,794 had been used.

There were two amounts previously earmarked from the opportunity reserve that were no longer required and had been included in the available balance at 31st March, 2010, these were: £12,500 for the Credit Union (Executive Committee 20/4/2005) and £31,216 that was not required for the Waste Minimisation Project implemented in 2009-10 (Executive Committee 10/12/08 approved £126,330).

The general reserve stood at £461,623, and other earmarked reserves amounted to £3,308,717.

Main contributions to earmarked reserves:	£
Area Based Grant carried forward	1,951,582
Industrial units ring-fenced income	262,545
Used for:	
Budget setting support	189,000
Leisure Centre loss of income support	76,060

The other earmarked reserves were:

	£
Area Based Grant	2,238,323
Budget setting support	311,000
Industrial units	262,545
Leisure centre loss of income	194,261
Festival fund reserve	114,047
Planning delivery grant	73,000
Park Vale	56,290
Market refurbishment	50,650
Re-lining Cremator	8,601
Total	3,308,717

The Usable Capital Receipts at the year end were £1,908,986 and the Major Repairs Reserve for the HRA at the year end was £411,486.

RESOLVED:- (i) To note the report and in particular the General Fund surplus for the year of £292,047 resulting in a General Fund balance of £2,263,306 at 31st March, 2010; and

(ii) To approve the reclassification as available of £12,500 for the Credit Union (Executive Committee 20/4/2005) and £31,216 that was not required for the Waste Minimisation Project implemented in 2009-10 (Executive Committee 10/12/08 approved £126,330).

29 – Development of Multi Use Games Area and Playground Dalton-in-Furness

The Director of Regeneration and Community Services informed the Committee that the Council wished to develop a Multi Use Games Area (MUGA) and playground on

land at the front of Dalton Leisure Centre. The land was in part, currently leased to Dalton Recreational Charity Trust (DCRT) and they wished to surrender the non operational lands included within their 1980 lease.

Responsibility for the 255m long limestone wall separating Fairview from the Leisure Centre was unclear. The Council title documents were silent on the subject and responsibility for repair and maintenance was not transferred to DRCT in the 1980 lease.

Without accepting liability, Capita had been commissioned to complete an assessment of the condition of the wall, and they had concluded it was "... in good condition and was structurally sound and there are no concerns about imminent failure." Some sections of the wall required repairs to prevent its condition deteriorating. A meeting had also been held with Officers of Cumbria County Council as the lower sections of the wall retained an adopted highway. Cumbria County Council were currently confirming their position.

A number of designs for the MUGA and playground had been prepared, and Cumbria County Council had developed a Consultation Plan on the proposal which had included local members (County and Borough), the Town Council, Dowdales School, Dalton Old Peoples Welfare Centre, residents of Chapel Street and Fairview, local schools, youth groups and neighbourhood policing team. Planning consent was required for the MUGA and the playground as significant changes of level were required.

The estimated costs of the works were £275,000 and that could be met from the 2010/11 capital budget for playgrounds. The works would commence in October with a 16 week build programme.

RESOLVED:- (i) To agree to the surrender of the non operational lands included in the lease by Dalton Recreational Charity Trust and a new lease covering their operational areas be prepared;

(ii) To agree to develop a Multi Use Games Area and playground on the land between the Leisure Centre car park and Chapel Street subject to planning consent; and

(iii) To note the consultation plan for the development.

30 – Adoption of the Barrow Port Area Action Plan

The Director of Regeneration and Community Services reminded the Committee that the Barrow Port Area Action Plan Development Plan Document (DPD) was the first DPD to be progressed by the Council as part of the new Local Development Framework (LDF).

On 6th August, 2009, the Area Action Plan had been submitted to the Secretary of State for independent Examination. An Inspector had been duly appointed to conduct an Examination into the soundness of the document.

The Examination Hearing Sessions had been held from 23rd-25th February, 2010 and 2nd-4th March, 2010. The Inspector's final binding report had been received by the Council on 3rd June, 2010. The Inspector's overall conclusion was that providing it was changed in the ways specified in the Report, the Barrow Port AAP was 'sound', and therefore satisfied the relevant legislative requirements and meet the criteria for soundness set out in Planning Policy Statement 12 – Local Spatial Planning (PPS12). A copy of the Inspector's Report was considered by the Committee.

The Inspector had divided the changes into two categories; those considered to be issues of soundness, and those considered to be minor issues improving clarity and accuracy but not necessary in order for the Plan to be considered sound. The Inspector had summarised his key changes as follows:

- a) amend Policies BP 2, BP 5 and BP 23 and the design guidelines in relation to sustainable construction and renewable energy;
- b) amend Policies BP 4, BP15, BP 18, BP 19, BP 20 and BP 21, the design guidelines and supporting text in relation to biodiversity;
- c) amend Policy BP 17 to ensure a satisfactory relationship between the Marina Service Area and the Gas Condensate Facility;
- d) amend Policy BP 17 to make it clear the Marina Link allocation is indicative;
- e) amend Policies BP 5, BP 18, BP 21 and BP 23 in relation to flood risk;
- f) delete the Barrow Cruise Facility Key Site, including Policy BP 24;
- g) amend Policies BP 6, BP 18 and BP 21 to introduce flexibility in respect of phasing, housing numbers and densities;
- h) amend Policy BP 21 with regard to potential odours from the Barrow Waste Water Treatment Works; and
- i) strengthen the targets and indicators.

From the Council's perspective, the changes fell into three categories: firstly, minor corrections and those changes that were supported, many of which were advanced by Officers on behalf of the Council during the Examination to aid clarity; secondly, those changes which were discussed at the Hearing Sessions but not put forward by the Officers on behalf of the Council as they were considered unnecessary or to involve repetition of national policy or policies elsewhere in the Plan, but these were not considered to alter the substance of the Plan or raise significant issues. The final category was changes which altered the proposals or policies in the Plan, the most significant being the deletion of the proposed Key Site for the Barrow Cruise Facility and the Inspector's reasoning for that change was set out in paragraphs 3.34-3.36 and 3.86-3.100 of his report. There were also changes to the wording of some policies which in Officers' view, diluted their local distinctiveness and watered down their strength; for example the removal of the requirement to reach certain Code for Sustainable Homes/BREEAM standards.

The Inspector's report was binding on the Council and the Plan, if adopted, must be adopted in the form specified by the Inspector. Following adoption, the Inspector's Report, the Plan, Proposals Map and accompanying Adoption Statement would be published in accordance with the relevant regulations.

The LDF Section had produced a final version of the Area Action Plan and accompanying Proposals Map incorporating the Inspector's changes. A copy of the amended Area Action Plan was considered by the Committee.

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

(ii) To adopt the Barrow Port Area Action Plan as part of the Local Development Framework.

31 – An Updated Procurement Policy for the Council

The Director of Corporate Services informed the Committee that a Pilot period of using "the chest" e-tendering website had delivered an effective, efficient and transparent procurement system. Contracts awarded by the Council using that system had included a range of values from low level request for quotations from an approved list to contracts over the OJEU threshold.

These contracts had been assessed by internal audit with recommendations for policies and Standing Orders to be amended to suit these changes.

The pilot period had also introduced the use of standard templates from the North West Improvement and Efficiency Partnership (NWIEP).

Pre Qualification Questionnaires were used to vet the suitability, competence and capacity of tenderers. Quotations and tenders were evaluated on the basis of the most economically advantageous using criteria of whole life costs and quality. A weighting of 70% whole life cost and 30% quality was recommended.

Considerable savings had been delivered by removing the need to advertise in local papers and journals as well as related postal charges. The annual subscription fee of £1,500 for the Chest (which had been paid by NWIEP until October 2010) was commensurate with the related savings made by the Council who would have to pay the fee after October.

Increased competition had delivered lower prices for service contracts in most cases and local suppliers were informed before each opportunity was advertised to ensure that they have an opportunity to compete. A copy of the updated Procurement Policy was considered by the Committee.

RESOLVED:- (i) To note and agree the contents of the new procurement policy; and

(ii) To note the changes to Contract Standing Orders and agree to recommend the changes to Council.

32 – Waterfront Barrow – Barrow Marina Village Progress Report

The Director of Regeneration and Community Services informed the Committee that the site originally comprised 21 separate plots of land in 15 ownerships, excluding the Council who were the majority landowner at the outset of the scheme. Since the project started, £6.5m had been spent on land acquisition with a similar amount required to complete purchase of land necessary for the scheme. 14 plots remained to be acquired in nine ownerships. Five were vacant, five owned by the business which occupied them and five were tenanted. Negotiations were continuing with landowners, but it was inevitable that a Compulsory Purchase Order would be opposed and resolved through a public inquiry. The Council already owned 85% of the land required.

The CPO was the critical path in the Marina Village Development. To present the most convincing case at the CPO public inquiry, the Council would have to demonstrate that:-

- a) a developer had been appointed for the scheme, preferably with a Development Agreement in place
- b) planning consent for the scheme had been obtained;
- c) finance to complete the site assembly and development had been agreed;
- d) there was a relevant and up to date planning policy background to justify the scheme.

d) above had been achieved with the recommended adoption of the Barrow Port Area Action Plan setting out in considerable detail how the scheme should proceed. That would smooth the path to achieving point (b) as the planning application would be based upon agreed policy.

Since early 2009, Story Homes had been identified as “Preferred Developer”. The principles of a formal Development Agreement had been agreed between Story Homes, the Council and Barrow Regeneration. The only substantive issue preventing finalisation of the Development Agreement was the public sector funding contribution to the overall scheme.

The Marina Village scheme included the costs of providing a bespoke Marina access from the Walney Channel and the installation costs of a 350 berth marina. The majority of the public sector funding agreement of the scheme, currently estimated at £20m of the total scheme cost of £120m, was to provide these two facilities. Both North West Development Agency and the Homes and Communities Agency had indicated that in order to establish a headline budget figure of public sector intervention, they required a detailed business plan for the whole project, identifying all costs and values. That would then be subjected to a Government "Green Book" appraisal before an overall figure for public sector intervention could be agreed.

The Business Plan had been submitted in December 2009. Since the submission HCA and NWDA consultants had requested additional information on housing market demand; economic impacts; alternative options, value for money and an independent appraisal of the viability of the Marina. That work had required BR to appoint consultants to prepare the information. The latest draft of the Business Plan would be submitted at the end of July and there was unlikely to be a decision on the scale of public sector funding before October/ November 2010. Until that agreement was in place, it was difficult to set out a comprehensive timetable for the scheme.

RESOLVED:- To note the report.

33 – Dial-a-Ride Re-Tender 2010

The Chief Executive informed the Committee that the Barrow Dial-a-Ride contract had been re-tendered in January, 2010 along with all County Council transport contracts. The current contract expired on 31st August, 2010 and contracts were let for five years, starting in September, 2010.

The service was now funded equally by the Council and Cumbria County Council; both currently contributing £28,500 towards the cost of the current contract.

From September, 2010 the cost of the Dial-a-Ride would reduce to £40,400 (per annum) which would require both the Council and Cumbria County Council to commit to an annual contribution of £20,200 if the "mixed-fleet" option was awarded to Carefree Travel. That contribution would rise annually in line with the inflationary increase given to operators.

The total cost of Dial-a-Ride support for 2010/11, therefore, would be £46,936 with Barrow Dial-a-Ride providing the service from April to August and Carefree Travel from September to March, 2010. Shared between the Council and Cumbria County Council that equated to a contribution of around £23,500 each.

RESOLVED:- To agree that the Council supports the decision to award the new contract to Carefree Travel.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

34 – Grants to Barrow AFC and Barrow RLFC

The Chief Executive informed the Committee that both Barrow AFC and Barrow RLFC were facing significant costs to upgrade their grounds and in particular the floodlighting.

The Council currently provided an annual grant of £5,000 to Barrow AFC and RLFC. It would be possible for the Council to make a single capital grant of £50,000 to each club and withdraw the annual grant arrangement.

Both clubs had been consulted on that option and had indicated that such a change would be advantageous to them.

The Council's reserves were strong and could comfortably accommodate these payments whilst the withdrawal of the annual grant would reduce the revenue costs by £10,000, equivalent to a 0.24% reduction in Council Tax.

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

35 – War Pensions – Benefits Disregard Determination

The Borough Treasurer submitted a report seeking approval for maintaining the award of full disregard both local and government, for war pensions for the financial year 2010-2011.

War pensions included War disablement pension, War widow/er pension and special war widows supplementary 1973

All were disregarded in full if the claimant or partner was over 60, without any local disregard.

He informed the Committee that the number of claims processed in 2009-2010 had been 70, at a cost of £35,765 of which 75% qualified for government subsidy. The net cost to the Council was £8,941. The table below indicated the split amongst the various types of claimants:-

	Number of Claims	Gross Cost (£)	Net Cost to Council (£)
Council tenants	9	9,220	2,305
Private tenants	16	12,539	3,135
Council Tax claimants	45	14,006	3,501
Total	70	35,765	8,941

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

36 – Working Neighbourhoods Fund

The Director of Regeneration and Community Services informed the Committee that as part of the Government strategy for reducing local government expenditure by £1.1bn, the Council was required to make in year savings in 2010/11 of £245,000. These savings were to be made from Area Based Grants (ABG's) which were non-ringfenced government grant. Working Neighbourhoods Fund had accounted for 98% of the Council ABG in 2010/11.

On 27th January, 2010 this Committee had agreed to set aside unallocated Working Neighbourhoods Fund (WNF) until the implications for revenue funded WNF projects became clearer. As a result of that policy, there was currently a balance of £238,545 unallocated WNF to meet the required savings with the residual saving being met from other ABG resources. The saving could be achieved without affecting current WNF supported projects. As a consequence, WNF revenue support for Enterprise and Skills Development, CCTV operator costs and Neighbourhood Management would cease on 31st March, 2011.

The Chief Executive informed the Committee that he had been advised by the Secretary of State that the Free Swimming Grant was to be withdrawn at the end of July 2010.

The Council had previously been notified that it would receive a full year grant of £59,000 to support the initiative. It was, therefore, anticipated that would create a loss of grant of £40,000.

In view of the surplus for 2009/10 reported in Agenda Item 13, he recommended that the free swimming initiative be maintained at least until the end of this financial year, despite the loss of grant.

Further reductions in Government grant heralded in the Budget 2010 would be detailed in the Public Spending Review to be published on 20th October 2010 and would no doubt require a fundamental review of services and a decision on the future of free swimming could be dealt with as part of that process.

RECOMMENDED:- To recommend the Council:-

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

37 – Minor Amendments to the Council’s Constitution

The Director of Corporate Services reminded the Committee that Article 4 Paragraph 4.02 (a) allowed the Council to adopt or allow changes to the Constitution.

Changes in current legislation, changes to the establishment of the Council or relevant updates due to expediency would necessitate periodic amendments to the Council’s constitution.

Part 3 (2) Officer Delegations

Section A - CHIEF EXECUTIVE

Electoral Registration Officer

The word “as” is now inserted between the words “appointed” and the words “Electoral Registration Officer.”

Returning Officer

The word “as” is now inserted between the words “appointed” and the words, “Returning Officer”.

Section B - DIRECTOR OF CORPORATE SERVICES:-

The following paragraphs 1-4 are now inserted:-

General Management Responsibilities of Directors

1. The day to day management of buildings under their control.
2. To incur revenue expenditure within the Council’s budget subject to compliance with Standing Orders, Financial Regulations and any Council policy for the time being in force.

3. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force.
4. To deal with all operational matters within their areas of responsibility to ensure compliance with Council policy and any relevant legislation.

The pre-existing paragraphs 1-5 are now numbered 5-9.

After Paragraph 9 there is now a new Paragraph 10 as shown below.

“As Monitoring Officer to have responsibility as Statutory Officer under Section 5 of the Local Government and Finance Act 1989”.

Paragraph B - Granting New Leases

Authority to enter into new leases under the Landlord and Tenant Acts up to a period of 5 years and a value of £10,000.

Leases for a period over 5 years but up to 10 years and or with a value exceeding £10,000 can be agreed in consultation with the Chairman and Vice Chairman of the Executive Committee.

Section F – CHIEF ENVIRONMENTAL HEALTH OFFICER

Safe and Secure at Heart (SASH) Grants

The word “as” is now inserted between the words “Officer” and the words” delegated authority”.

Section H – MANAGEMENT TEAM

Surveillance

The pre-existing text is now replaced with the following words:-

“Any member of Management Team has powers to authorise in writing surveillance exercises carried out on behalf of the Council (Minute No.37 Executive Committee 15th June 2000 refers).

Part 4 Rules of Procedure

Overview and Scrutiny Procedure Rules

Paragraph 1 (a)

The third and fourth lines now read” maximum of six elected members of the Council selected in accordance with the political balance rules”

Contract Standing Orders

Order 1 GENERAL

1.2.3 Change EEC to EU.

Order 2 DELEGATED AUTHORITY TO ENTER INTO CONTRACTS

2.3 Change the term “the lowest value tender only” with “the most economically advantageous tender”

Order 3 SMALL CONTRACTS OF £100,000 OR LESS

The clause below replaces Clause 3.2

3.2 Contracts having a value of £5000 or less shall be in writing and should be on the Council’s official order form. A minimum of 2 written quotations is required. For regular purchases the existing Council or Efficient Procurement in Cumbria (EPiC) Contract should be used.

The following are new clauses:-

3.3 Contracts having a value of between £5000 and £25000 shall:-

3.3.1 Have a minimum of 3 written quotes from an approved list. A request for a quotation via the chest is recommended.

3.3.2 For items not covered by an approved list an open tender using the chest is recommended.

3.4 Contracts having a value of between £25000 and £100,000 shall:-

3.4.1 Have a minimum of 3 electronic quotations invited from an approved list via the Council’s e-portal “the Chest.”

3.4.2 For Items not covered by an approved list an open tender via the chest is recommended.

Order 4 REQUIREMENT FOR TENDERS

4.1 After the sum £100,000 the words “but below the EU Procurement thresholds” are now inserted.

4.3 Open competitive tender in accordance with Order 5.

Order 5 now reads:-

OPEN COMPETITIVE TENDERS

Tenders shall be invited after complying with all the requirements of EU Public Procurement Regulations currently in force and giving at least 14 days' public notice posted on the Chest (with an option to place invitations in one local newspaper or trade journal for specialist services) and stating the nature and purpose of the contract inviting tenders and stating the last date when tenders will be accepted.

The pre-existing Order 6 AD HOC APPROVED LIST is now deleted.

The pre-existing Order 7 is now Order 6 STANDING APPROVED LIST

References to EEC and EC in 7.1 and 7.2.1 (now 6.1 and 6.2.1) are now changed to EU (European Union).

6.1.2, 6.1.3 and 6.1.4 now read as follows:-

6.1.2 Notices inviting applications for inclusion in the list shall be published not less than 28 days before the list is compiled on the council's preferred option the Council's selected e-portal "the Chest". Notices may be placed in at least one local newspaper or trade journal for specialist services.

6.1.3 "No contractor shall be included in the list unless vetted via the approved Pre-Qualification Questionnaire, evaluating the supplier's Technical capacity, Health and Safety policy and insurance cover, financial information and Equality and Diversity policy. References must be taken up.

6.1.4 The first line now reads "Where a Contractor has been properly evaluated in line with clause 6.2.3 and has been successful in winning a contract..."

Order 7 NUMBER OF TENDERERS OR INVITEES

7.2 now reads:-

The selection of persons from whom tenderers shall be invited in accordance with Order 6 shall in respect of contracts where the contract sum is estimated to be £100,000 or less be delegated to the Chief Executive, or appropriate Director. In respect of Contracts where the contract sum is expected to exceed £100,000 quotations must be obtained by open tender using the e-portal in accordance with Order 5 or appropriate framework supplier selected. Approved frameworks include those by Effective Procurement in Cumbria (Epic), OGC, and other public services.

Order 8 FORM OF INVITATION TO TENDER AND SUBMISSION OF TENDERS

- 8.1 All tenders shall be required to be submitted on a form of tender prepared by the Council which form shall include a statement that the Council will not be bound to accept any tender.
- 8.2 The invitations to tender shall state that no tender will be considered unless submitted by the due date on the e -portal. This is order to maintain the anonymity of any tenders and ensure that they are verified for consideration at the same time.
- 8.3 Every tender submitted via the e-portal shall be automatically locked and unable to be opened for consideration until the agreed, advertised deadline for submission has passed.
- 8.4 When obtaining an accurate submission requires suppliers to examine plans and inspect sites, identical facilities should be notified and made available to all prospective tenderers. Plans are to be electronically attached at the earliest possible stage of the tender process and a time-table for visits advertised to all suppliers from the Pre-Qualifications stage. A record of such liaisons must be recorded on the e-portal.

Order 9 EXTENSION OF TIME

9.1.1 to 9.1.3 now read:-

- 9.1.1 In respect of tenders invited in accordance with Order 5 giving notice via a notification email from the e-portal to all suppliers whose expression of interest has been accepted.
- 9.1.2 In respect of tenders invited in accordance with Order 6 by a notification email from the e-portal to reach each of the selected contractors
- 9.1.3 In respect of tenders invited in accordance with Order 8.4 by a notification email from the e-portal to each of the suppliers successfully shortlisted at this stage.

Order 10 OPENING OF TENDERS

Order 10 now reads as shown below:-

- 10.1 All tenders for a contract value expected to be over £100,000 shall be opened at the same time and in the presence of the following persons:-

- 10.1.1 In respect of tenders invited by the Chief Executive or a Director in accordance with Order 2.1 the Chairman or Vice-Chairman of the Executive Committee or such other member as they nominate at the time, the Chief Executive or the appropriate Director or such Officer as each respectively shall have designated for the purpose.
- 10.1.2 In respect of tenders invited in accordance with Order 2.2 the Chairman or Vice-Chairman of the Executive Committee or such other Member as they nominate at the time, together with the Chief Executive and the appropriate Director or such Officer as each respectively shall have designated for the purpose.
- 10.2 The Chief Executive or the relevant Director or Officer will oversee the monitoring of tenders received via access to the e-portal where a record is automatically held of the following particulars:
- 10.2.1 the last date and time for the receipt of tenders
 - 10.2.2 the date and time upon which the tender was actually received
 - 10.2.3 the name of the tenderer and the amount of the tender
 - 10.2.4 the date upon which they were opened
 - 10.2.5 the signature of the Officer to whom the tenders were handed after opening
- 10.3 All persons required by Order 10.1 to be present at the opening of tenders shall immediately sign against the relevant particulars in the register and shall also sign the tender as evidence of such tenders having been opened by them or in their presence.
- 10.4 Any tender received after the specified time shall be returned promptly to the tenderer by the Chief Executive or relevant Director or Officer. The tender may be opened to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.
- 10.5 Following the opening of tenders invited in accordance with Orders 6 or 7 the Chief Executive shall write to all persons who were invited to tender but who failed to tender to ascertain the reasons for that failure

Part 7 Official Spokespersons

“Equalities and Diversity” is replaced with “Equality and Diversity”.

RECOMMENDED:- To recommend the Council to approve the Constitutional amendments to the Council.

38 – Town Hall Stewards

The Director of Corporate Services reported that postholder CLA 205, one of the Town Hall Stewards retires on 22nd September, 2010 after 13 years 4 month service with the Council.

He was one of three Town Hall Stewards two of which were full time working 48 hours per week and one part time Steward on a one year contract working 20 hours per week.

It was recommended that a permanent part time Steward be appointed on 25 hours per week and that the part time steward post be made permanent and the post holders hours increased from 20 to 25 hours per week.

RECOMMENDED:- To recommend the Council:-

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

39 – Housing Department: Changes to Establishment

The Director of Regeneration and Community Services informed the Committee that Post OH 350 was currently vacant following the retirement of the postholder on 31st May 2010.

The postholder was responsible for supervising and assisting in the provision of a reception service at Cavendish House. The post had been created to facilitate the centralisation of the Housing Service in 2005.

The Reception Service was the first point of call for many customers on all aspects of the Housing Service and provided advice and assistance or signposts them to other colleagues.

With the introduction of Choice Based Lettings later this year, it would be beneficial to align the working relationship between Reception Services and Property Lettings Section.

He proposed to merge the two sections and it being re-titled Housing Options Service.

In doing so, the Senior Customer Services Assistant would be re-titled Customer Services Assistant on scale 2/3.

One function of the Housing Maintenance Team was to deliver the Housing Service's Investment Plan.

Over a number of years the role of managing the on site supervision of a proportion of such works had been completed by Capita.

However, following review of the delivery of the Investment Plan last year, he was now considering the option of managing all schemes in-house. The investment works managed by Capita were intrusive for tenants. In completing such works, any queries or issues with the tenant invariably returned to the Maintenance Section to resolve. The option to manage directly was being facilitated by changes in working practices, introducing the development of the Council's relationship with Cumbria Housing Partners and the contract now in place to deliver adaptations for tenants with a disability.

At present part of the work was managed by the Contract Supervisor (Postholder OHS 522). In order to increase the Section's capacity to merge all schemes in-house, He proposed the post of Area Surveyor (Special Projects) be redesignated Contract Supervisor to reflect the responsibilities of the other postholder.

RECOMMENDED:- To recommend the Council:-

- (i) To agree the Reception and Property Letting Service be combined under the title Housing Options Service;
- (ii) To agree that Postholder OH350 Senior Customer Services Assistant be re-designated Customer Services Assistant on Scale 2/3; and
- (iii) To agree that Postholder OH520 Area Surveyor (Special Projects) be re-designated Contract Supervisor on Scale 6/SO1.

40 – Staff Changes – Environmental Health Department

The Director of Regeneration and Community Services informed the Committee that the Senior Environmental Health Officer in the Environmental Health Department had submitted his resignation with the Council effective from 18th June, 2010. He was pleased to announce that postholder OEH 082 was due to complete his assessment of competence with the Environmental Health Officer's Registration Board and it was anticipated that he would be in a position to begin to fulfil the majority of the operational duties carried out by the Senior Environmental Health Officer, with the exception of any supervisory responsibilities, from July 2010 onwards.

The Chief Executive had therefore appointed Postholder OEH 082 to the post of Environmental Health Officer on Scale Point 29 effective from the date that he was registered with the Environmental Health Officers Registration Board.

In agreeing to the above recommendation a vacancy would be created in the Environmental Health Department as postholder OEH 082 was currently employed on housing enforcement duties in the Housing Section.

As housing enforcement duties could now be carried out by Officers from a variety of professional backgrounds he was confident that the post could be filled from the local workforce. He recommended that the post of trainee Environmental Health Officer be removed from the establishment at a time when postholder OEH 082 was appointed to the post of Environmental Health Officer and that a post of Housing Enforcement Officer be added to the establishment.

It was anticipated that the amendments to existing establishment would generate approximately £5,000 savings on the salary budget this year.

RECOMMENDED:- To recommend the Council:-

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

41 – Development Control Section: Temporary Clerical Assistant

The Director of Regeneration and Community Services reported that postholder DDA 90, Temporary Clerical Assistant had been first employed in June 2007 to provide maternity cover and had been retained since due to circumstances affecting other members of staff. He recommended that post be now subject to a permanent contract.

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

The meeting ended at 4.30 p.m.

HOUSING MANAGEMENT FORUM

Meeting: 17th June, 2010
at 2.00 p.m.

PRESENT:- Councillors Biggins, Irwin, James, Pointer and J. Waiting.

Tenant Representatives:- Mrs M. Burgess, Mr N. Hird, Mrs K. Hotchkiss, Mr A. McIntosh, Mrs C. McFayden, Mr T. Slater and Ms L. Webb.

1 – Appointment of Chairman for 2010/11

The Chief Executive reported that it was normal practice for the Council to appoint a Chairman for the Housing Management Forum. The decision on who will appointed to that post will not be made until the next meeting of the Full Council on 20th July, 2010. However at the Executive Committee on 20th May, 2003 (Minute No. 216 refers) it had been agreed “that a Member Chairman for the purpose of Housing Management Forum be appointed by Council for the purpose of recognising responsibility for retaining the Forum with freedom to appoint an alternative Chairman for meeting management if it so wished”.

Nominations were requested for the appointment of Chairman for meeting management.

The nomination of Mrs P. Charnley was received, duly seconded and voted upon and it was,

RESOLVED:- That Mrs P. Charnley be appointed Chairman of the Housing Management Forum for 2010/11.

MRS P. CHARNLEY IN THE CHAIR

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

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

<u>Item</u>	<u>Reason</u>
Appointment of Representatives to Working for Groups etc. (Minute No. 5)	Members of the Working Groups in question needed to meet before the next meeting of the Housing Management Forum.

3 – Minutes

The Minutes of the meeting held on 25th February, 2010 were taken as read and confirmed with the following amendments:-

“Miss A. Hotchkiss” should read “Mrs K. Hotchkiss” and “Mr J. Slater” should read “Mr T. Slater” in the attendances.

4 – Apologies for Absence/Changes in Membership

Apologies for absence were received from Councillor Hammond and Joan McMurray.

Mrs C. McFadyen had permanently replaced Mr D. McMillan on the Forum and Ms L. Webb had attended as a substitute for Mrs J. McMurray for this meeting only.

5 – Appointment of Representatives to Working Groups etc

The Chief Executive reported that at the Annual Council on 18th May, 2010, the allocation of seats in respect of Forums, Panels, Working Groups etc. had been agreed. The Housing Management Forum were requested to nominate Members and Tenant Representatives to the Tenant Compact Working Group and the Homelessness Funding Working Group for 2010/11. Three Member representatives by proportionality indicated in the report and three Tenant representatives were required for the Tenant Compact Working Group and two Member representatives by proportionality indicated in the report and two Tenant representatives were required for the Homelessness Funding Working Group.

RECOMMENDED:- (i) That Memberships for 2010/11 be as follows:-

Tenant Compact Working Group

Council Representatives (1:1:0:1) Councillors Waiting, James and McEwan.

Tenant Representatives – Mrs K. Hotchkiss, Mr A. McIntosh and Mrs P. Charnley.

Homelessness Funding Working Group

Council Representatives (1:1:0:0) Councillors Pointer and James.

Tenant Representatives – Mr A. McIntosh and Mrs P. Charnley.

6 – Consultation: Council Housing – A Real Future Prospectus

The Housing Manager reported that the current system for financing Council housing dated back to the 1930s. It involved the re-distribution of surpluses on individual HRAs to those local authorities incurring deficit. It was underpinned by notional allowances for rents and finance, management and maintenance costs which took no account of actual borrowing, income and expenditure.

On 21st July, 2009 (Housing Management Forum 27th August 2009, Agenda Item 11 refers), a Consultation Paper: 'Reform of Council Housing Finance' was published. The paper followed on from a pilot in six authorities of a 'self-financing model' for the Housing Revenue Account.

The proposal was widely accepted and this further consultation paper provided proposals for a 'settlement' on how it could be implemented.

The purpose of the report was to present Members with a copy of the recently issued Consultation Paper on the reform of financing Council housing. Comments had been requested by 5th July 2010.

The paper provided details on a 'self-financing' model for Council housing to achieve operational and financial independence in return for:-

- a settlement on the long-term loan debt that they would be required to service;
- potentially, a one-off settlement on grant funding for 'backlog repairs'; and
- no further recourse to Government funds for stock investment.

The Consultation Paper was attached as an appendix to the Housing Manager's report.

The Housing Manager gave details in his report on the questions on which local authorities are being consulted on and he also summarised the sections in which the consultation paper was broken into as follows:-

Section 2: The Self-Financing Settlement

Section 3: The financial, accounting and regulatory framework of a new system

Section 4: Implementing the Reform

When drafting the report the Housing Manager had not sought to summarise its content in full but rather provide a commentary on the highlighted key features of the proposal and likely implications.

At present the proposals were referred to as a voluntary offer in the form of a prospectus. The proposed start date was 1st April, 2011.

The key proposals in summary were:-

- Dismantle the HRA subsidy system;
- One-off allocation of housing debt;
- Rents to be retained locally;
- Right to Buy receipts to be retained locally; and
- Strengthened ring fence guidance,

The aim of the self-financial model was to provide a framework within which all local authorities which could sustain their stock in a good condition in the future. The current subsidy arrangements created an annual uncertainty which it was suggested

a self-financing system would remove and aid longer-term planning. It suggested it would help local authorities to:-

- set and work towards medium and long-term local priorities within a clear financial framework;
- manage their homes better and improve quality of services;
- respond to local housing priorities; and
- involve local communities in deciding what money was raised in rents and how it was used.

In the time available since the consultation being issued there had been insufficient time to fully appraise the implications for this Council.

From the information available, it would see an increase in debt but also increase in income. However, details in the paper still needed confirmation before a detailed appraisal could be made of the implications and the affect on a longer-term (30-year) Business Plan.

It had been suggested that even if it did not stack up in the short term, the continuation of the existing subsidy system would mean being worse off. For example, this Council was in a 'negative' subsidy position. This meant that the Council annually paid into the system nationally rather than receive subsidy. The process was somewhat unpredictable which made long-term planning difficult.

The financial implications would be assessed more fully when the outcome of the consultation was complete.

In discussion with the Borough Treasurer the opinion was that the introduction of a self-financing model for the Housing Service should be welcomed. However, there were still details within the proposals that required clarification. Also, whilst benefiting the Housing Service there were wider implications for the Council that required consideration.

Whilst the proposals had been developed by the previous Government, it was understood the current Housing Minister had acknowledged the unsatisfactory nature of the current system and the need to consider these proposals further.

RECOMMENDED:- That Members agree:-

- (i) That the Council continue to support the principles of the self-financing proposal; and
- (ii) That the Housing Manager and the Borough Treasurer, draft a suitable reply to the Consultation Paper by 5th July 2010 to be agreed with the Chairman of the Executive Committee.

7 – Housing Services Delivery Plan 2010/11

The Housing Manager submitted a report which asked Members to consider and agree the Key Tasks for the Housing Service in 2010/11. These were attached to the Housing Manager's report for Members' information.

The Key Tasks would form the focus of the service's work during the year and achieve the Housing Service's vision to "Provide well-maintained houses and estates where people choose to live".

Drafting the plan sought to reflect discussion with Officers, tenant representatives, reference to Council priorities and operational requirements.

In addition to the specific areas of work identified in the plan, through the Council's working process it would also focus on:-

1. collating information regarding tenants in line with the seven strands of Equality and Diversity requirements; and
2. complete Equality and Impact Assessments as previously agreed.

Members discussed the report and raised issues with regards to the Homelink Service.

RECOMMENDED:- That Members note and agree the content of the report.

8 – Choice Based Lettings: Cumbria Choice

The Housing Manager proved Members with an update on progress with the Cumbria-wide Choice Based Lettings (CBL) Project.

The Housing Manager had presented a report to the Forum in February 2010 to advise that the Council had been awarded a grant of £37,818 towards the cost of participating in the Cumbria Choice Based Lettings Project. Accent Housing the other major social housing provider in the Borough, were also involved with the Project.

Since the last report, the draft Housing Allocation Policy had been out to a three-month public consultation which closed on 30th April, 2010. During this period letters were sent to all Members of the Forum along with members of Tenants' Forum and Stakeholders advising on how to access the online consultation. The Housing Service website had a section entitled 'Cumbria Choice' which had up to date information on the Project which included:-

- a summary scheme guide;
- frequently asked questions and answers; and
- a copy of the draft allocation policy.

The Project Board organised stakeholder events in Barrow and Kendal during the consultation period which were well attended and feedback received. The last Tenant's Panel was held on 21st April, 2010. The Borough Council Housing Service had a representative on the Panel. All responses to the consultation had been fed into the final draft 'Allocations Policy'. A copy of the final draft was attached as an appendix to his report.

The Project Board commissioned Andy Gale, Specialist Advisor for the Communities and Local Government (CLG), to review the policy on a practitioner basis. Andy Gale had provided a report with recommendations to the Project Board and it was anticipated minor changes may be made to the attached policy which would be reported to HMF at the next meeting.

Abritas were the appointed ICT provider for the project; all partners were to sign the ICT contract before the end of May to enable the implementation of the ICT to begin.

One of the challenges with such a project was balancing the requirements of each partner whilst being able to reach consensus on the way forward. In order to aid this process a 'Partnering Agreement' had now been finalised and the document had been viewed by the Council's Director of Corporate Services on behalf of the Borough Council. The Director of Corporate Services would sign the Partnering Agreement by the end of June on behalf of the Borough Council.

Cumbria Choice would be introduced across Cumbria on the expected launch date of January 2011.

RECOMMENDED:- That Members agree:-

- (i) the content of the report; and
- (ii) The final draft of the Allocation Policy which would form the operating basis for Cumbria Choice which will enable the Cumbria Choice Based Lettings Scheme to progress with the Borough Council as a key partner.

9 – Housing Maintenance Contract

The Housing Manager reported that at the Housing Management Forum meeting on 25th June, 2009 Members had agreed to extend the existing Housing Maintenance Contract arrangements with Integral for a further 2 years. This agreement was due to end at midnight on 4th November 2011.

The re-tendering process was expected to take around 12 months and would follow EU procurement directives. As the contract value would exceed the EU threshold of £3.9m notification would be required via the Official Journal of the European Union (OJEU).

He provided a timetable of the overview of the re-tendering process.

In preparation of re-tendering the contract, Members agreed at their meeting held on 26th November, 2009 to appoint consultants to review the current contract structure and operating arrangements. The aim of this review was to consider the range of procurement options available to ensure the Council engage a contractor that was best placed to deliver a cost effective customer focused service. This work was presently ongoing and on completion would be presented to the members of the Tenant Compact Working Group for consideration before reporting progress and possible options to Members of this Forum.

The new contract was expected to be re-tendered on the basis of a four-year appointment and would include sufficient flexibility to allow the appointment of one or more than one contractor to deliver some or all of the following services;

- Day to day responsive repairs;
- Gas servicing and maintenance;
- Void maintenance; and
- Out of hours emergency response.

RECOMMENDED:- That the Housing Manager prepares the necessary Official Journal of the European Union (OJEU) notice that has sufficient flexibility to appoint one or more than one contractor to deliver the required maintenance services over a four year period.

10 – 2010 Stock Condition Survey

The Housing Manager reported that at the Housing Management Forum meeting on 26th November 2009 Members had agreed to appoint a team of independent chartered surveyors to carry out a detailed survey of the Councils social housing stock in line with the Governments good practice guide entitled “Collecting, Managing and Using Stock Information”.

The 2010 survey was carried out by Michael Dyson Associates Ltd during November and December 2009 and involved inspecting a total of 332 properties and 285 communal blocks.

The stock was found to be in reasonably good condition and appeared to have benefited from a proactive maintenance regime, especially in relation to kitchens where over 50% of the stock was deemed not to require a new kitchen for at least 15 years.

The level of catch up repairs was relatively low at less than £100 per property. The level of future major repairs (planned maintenance) was probably at the higher end of ‘average’ but was not what Michael Dyson’s would assess to be significantly high for a stock of this size.

The survey identified £73,090,298 of repairs and planned maintenance liability; (excluding fees, preliminaries and VAT) which suggested an average spend prediction of £26,831 per property over the 30 year period, an annual average of £894.

Michael Dyson’s report concluded that whilst the stock was in reasonable condition it would require continued sustained investment due to the age of some of the building components.

The Cost Generation Model issued by the DCLG described a number of repair categories used for the pricing of housing stock maintenance over the 30 year business planning period. This model formed the basis of the anticipated 30 year expenditure profile which was attached as an appendix to the Housing Manager’s report.

He reported that the 2006 stock condition survey identified around 550 homes that failed the Governments standards regarding decency. Whilst these properties all now met the standard, Michael Dyson's estimated that a further 75 properties had fallen into disrepair since the 2006 survey. This figure was expected to rise to 84 properties after 2010. The cost to make these properties decent was £25,400.

Using the Housing Health and Safety Rating System Michael Dyson's identified 68 properties that presently failed the standard due to risks associated with slips, trips and falls. Michael Dyson's classified these risks as category "C" (Category "A" risks were the highest) and as such these properties would be re-inspected over the next three months by the Housing Maintenance Team to eliminate or reduce the hazards identified.

Michael Dyson's report provided analysis of the "remaining life expectancy" for major components such as kitchens, bathrooms and central heating improvements. A new proposed Five-year Investment Plan for 2010-2015 summarising properties which would have major components replaced was attached as an appendix to the Housing Manager's report. This would seek to smooth out the expenditure 'peaks and troughs' shown in the cost summary table also as an appendix to his report.

In presenting the proposals for the investment programme, further discussion with the Tenant Participation Compact Working Group would continue to relate the investment needs of the stock in the preparation of a new Business Plan for the service.

RECOMMENDED:- Members agree to:-

- (i) note the content and findings of the report; and
- (ii) implement the five year investment plan on a worst first basis.

11 – Homelessness Funding 2010/11

The Housing Manager reported that the Homelessness Directorate previously awarded funding to this Authority to support the implementation of the homeless strategy and prevent homelessness. The Homelessness Directorate had since confirmed that £60,000 would be available to Barrow Borough Council in 2010/11.

Members had previously agreed in March 2004 that a Homelessness Working Group should be established, made up of three Elected Members, three Tenant Representatives and the Customer Services Manager.

The role of the Group was to:-

- develop an application procedure for homelessness funding;
- devise grant conditions;
- consider applications and make recommendations to the Executive Committee; and
- monitor future funding against homelessness outcomes.

Due to operational issues arising, it had not proved possible for the Homelessness Working Group to consider the applications for homelessness funding for 2010/11 prior to this meeting, but would ask Members to support the following proposals and would recommend the grant monies be used as follows:-

- £5,000 – Shelter South Cumbria Offenders Scheme;
- £12,100 – Deposit Guarantee Scheme (DIGS);
- £1,000 – Barrow Borough Council Sanctuary Scheme;
- £10,000 – BBC Refurbishment of Temporary Accommodation;
- £8,825 – CADAS Mediation Service;
- £3,250 – Destin - Performance Management Solution;
- £10,000 – Homeless Prevention Funding; and
- £5,000 – Rough Sleepers Count

In 2009/10 the Council was awarded £10,000 by CLG to assist with the provision of a court desk in Barrow. A court desk was a facility within the court premise to ensure any household facing repossession of their home and attending court could be properly represented 'on the day'.

The funding was used to develop the court desk service in partnership with CAB to enhance the existing advice and assistance provided by the CAB solicitor attending court.

A Working Group was in place consisting of CAB and the Council representatives which had developed proposals to deliver the service and monitor its effectiveness.

The Housing Manager reported that a further £10,000 had been awarded to the Borough by CLG to continue to assist court desk provision in 2010/11 and he proposed that the Council continue with the current arrangements.

During 2009/10 CLG had awarded a further £10,000 to enhance the provision of the court desk facility. The funding had been used to facilitate a debt advice surgery in partnership with CAB, to be held one half-day a week at Cavendish House. The surgery was covered by an experienced CAB debt advisor and was accessed by both tenants and customers experiencing financial difficulties and at risk of losing their home. The surgery had proved very successful. CLG had awarded a further £10,000 for 2010/11 and the Housing Manager proposed that the Council continue with the current arrangements in partnership with CAB.

CLG had awarded the Borough Council £28,500 funding to assist persons at risk of homelessness through repossession or eviction.

A draft criteria was being drawn up to ensure proper use of the funding to assist persons at risk of losing their homes through repossession or eviction.

Additional funding over and above the funding previously awarded was now available to the Council. The Housing Manager asked Members to support the proposals

contained within the report which would seek to compliment those services currently provided by the Council and assist in preventing homelessness within the Borough.

The spend profile left £4,825 unspent within the budget.

RECOMMENDED:- That Members:-

(i) Agree the following spend profile:-

£5,000	Shelter: South Cumbria Offenders Scheme
£12,100	Deposit Guarantee Scheme (DIGS)
£1,000	Barrow Borough Council Sanctuary Scheme
£10,000	Barrow Borough Council Refurbishment of Temporary Accommodation
£8,825	CADAS Mediation Service
£3,250	Destin (Performance Management System)
£10,000	Homeless Prevention Funding
£5,000	Rough Sleepers Count

£55,175	

(ii) To agree to continue the Court Desk provision by use of £10,000 awarded by Communities and Local Government (CLG);

(iii) Agree to continue the CAB surgery provision by use of £10,000 awarded by CLG; and

(iv) Note the Prevention of Repossession Funding of £28,500 awarded by CLG.

12 – Former Housing Office, 182 Roose Road, Barrow-in-Furness

The Housing Manager reported that he had received a request from the occupier of 182 Roose Road to purchase the property.

It was a detached property situated at the junction of Roose Road and Westway, adjacent to the Council's Roosegate estate. The property had recently been inspected by a member of the Council's Housing Maintenance team. It was found to be in a generally satisfactory state of maintenance, with only relatively minor repairs required.

It had been used by the Housing Service as an Estate Office until 2005. Since then it had been leased to other organisations. More recently it had been leased to A B Mitchell Developments Ltd. The lease was for three years commencing on 1st April 2009. A B Mitchell carried out a number of contracts for the Housing Service including disabled adaptations, kitchen, bathroom, and central heating upgrades.

They had recently contacted the Housing Manager and enquired about the possibility of purchasing the property.

Whilst the property was in reasonable condition and generated income from its lease charge, it did not form an integral part of the adjoining estate in the same way commercial properties (shops) did elsewhere on Council estates. He did not envisage it being a property the Council would want to directly make use of in the future. He therefore suggested consideration be given to selling the property to the current occupier.

RECOMMENDED:- That Members agree that the property be sold to the current occupier and a mutually agreed independent valuer be appointed to determine a market price for the property.

134 – 34 Fenton Street, Barrow-in-Furness – Two Bedroomed House

The Housing Manager submitted a report asking Members to reconsider the future of this miscellaneous property. The matter was initially considered on 27th August, 2009 when it was decided to carry out remedial works. However, it had become apparent further works were required at an estimated cost of £14,000 to £15,000 and Members were, therefore, requested to reconsider the matter.

At the time, the property had been on a long lease to Project John. They had vacated the property due to its condition. The estimated cost of remedying the defects identified at the time was £4,000 to £6,000.

The work agreed included rendering the external gable end of the property, carrying out damp remedial work, internal re-plastering of all the rooms affected and the supply of a condensation unit.

However, following completion of some of the identified remedial work, it had become clear that further extensive works were required to ensure the dampness problems were eradicated.

It was now estimated that a further £14,000 to £15,000 was required to tackle the dampness problem. Such expenditure would not, however, tackle some of the fundamental problems of this particular property which were implicit due to the original construction. For instance, it was of solid wall construction and it would be difficult to improve the thermal insulation of the property, to reflect the standard of the majority of the Council's other social housing stock, or the standards that were being suggested for the future.

The Housing Manager therefore suggested having regard to the financial demands on the Housing Service's Investment Plan, the property be sold on the open market.

Members of the Forum discussed the recommendations of the Housing Manager and were unsure as to whether selling the property was the appropriate thing to do in this case and it was therefore:-

RECOMMENDED:- That consideration of this item be deferred to the next meeting to enable Members to attend a site visit.

14 – Housing Maintenance Programme – Reduction of Resources

The Housing Manager reported that the purpose of his report was to update Members with regards the Major Repairs Allowance (MRA) funding of £300,000 which was brought forward to the year 2009/10. It was now clear that the current year's MRA would be reduced by the equivalent amount. He provided this for your information on how the Housing Service would continue to deliver the agreed Investment Programme for 2010/11.

At the time of drafting his report, the accounts for 2009/10 had not yet been finalised. Whether action was therefore required to adjust the current year's agreed plan to take account of this adjustment to the MRA was not clear. It was the Housing Manager's intention therefore to continue with the programme as agreed and would seek to fund the agreed plan from MRA balances. Should this not be practical, he would update Members at the next meeting of the Housing Management Forum in August.

RESOLVED:- That Members note the information.

15 – Performance Information Report –6th April, 2009 to 4th April, 2010

The Housing Manager submitted information relating to a selection of local and national performance indicators and Best Value performance indicators. The information was as follows:-

HOUSING SERVICE: PERFORMANCE INDICATORS							
Housemark/ BVPI / Local	Performance Indicator	Actual 2006/7	Actual 2007/8	Actual 2008/9	Target 2009/10	Actual 2009/10	Target 2010/11
	Rent Arrears and Collection						
BV66a	% Rent Collected	97.88%	96.78%	96.48%	98%	97.65%	98%
BV66b	% Tenants with > 7 weeks arrears	5.89%	6.82%	6.33%	5.5%	5.05%	5%
BV66c	% Tenants served with Notice of Seeking Possession for arrears	35.48%	29%	30.6%	25%	27.1%	25%
BV66d	% Tenants evicted for rent arrears	1.05%	0.66%	0.89%	0.5%	0.67%	0.5%
Housemark	Current tenants arrears as % of rent roll	2.99%	2.96%	2.60%	2.5%	1.96%	2%
	Void management						
BV212	Average relet time for dwellings (in days)	28	35.9	30	28	31	28
Housemark	% rent loss through vacant dwellings	0.98%	1.41%	1.16%	1%	1.05%	1%
Local	% rent loss due to voids – garages	2.63%	2.81%	3.25%	2%	2.91%	2%
	Homelessness						
Housemark	Average stay in B & B for families with children or pregnant women (in days)	2	10	3.7	3	2.14	3
Housemark	% of homeless applications where decision made and notified within 33 days	98.5%	95.3%	84.8%	99%	89.5%	99%
Local	Average length of stay in B&B (in days)	22	14.4	18	12	21.6	15
Local	Average length of stay in dispersed (in days)	45	48	56	28	47	30
Local	Average length of stay in dispersed for families with children (in days)	34	41	49	28	42	30
Local	Average number of homeless households in dispersed accommodation	5.8	7.3	9.6	5	6.4	5

BV213	% of households whose situation was resolved by housing advice	N/A	N/A	N/A	75%	N/A	75%
NI 156 <i>(new for 08/09)</i>	Number of households living in temporary accommodation	--	13	8	10	11	10
	Housing Applications						
Local	% Housing applications answered within 6 days	95%	52%	62%	95%	84%	95%
	Repairs						
Housemark	% urgent repairs completed within Government time limits	89.59%	78%	79.91%	92%	97.23%	100%
Housemark	% emergency repairs completed on time	93.6%	84.36%	89.07%	94%	93.48%	98%
Housemark	% routine repairs completed on time	92.3%	77.26%	79.95%	93%	87.82%	97%
Housemark	% urgent repairs completed on time	78.7%	74.86%	74.45%	90%	*	*
NI 158 <i>(was BV184a)</i>	Proportion of homes which are non-decent	17.8%	2%	0.22%	1.75%	*	*
Local	Average time taken to complete non-urgent repairs (in days)	10	13.7	24.85	8	12.6	8
	General Management						
NI 160 <i>(new for 08/09)</i>	Local authority's tenants' satisfaction with landlord's services	--	--	87%	N/A	N/A	N/A

RENT ARREARS as at week ending 4th April 2010

Area	Current £	% Gross Debit	Former Tenants £	% Gross Debit
Central	41,311.10	2.32	26,504.59	1.42
Dalton	10,919.84	1.53	3,508.16	0.47
Roosegate	56,629.29	2.42	26,532.69	1.15
Ormsgill	37,398.79	1.83	46,641.95	2.21
Walney	15,063.11	1.18	4,540.74	0.35
Miscellaneous	1,204.83	5.84	0.00	0.00
Dwellings total	162,529.96	1.99	108,728.13	1.29
Garages	3,367.21	2.10	726.59	0.39
Homeless	2,925.28	4.55	14,335.44	22.29
Total	168,819.45	2.01	123,790.16	1.43
Grand Total		£292,609.61	3.36%	

FORMER TENANT ARREARS

Former tenants arrears written off in period April 2009 – March 2010 = £127,083.54

VOIDS						
from 6th April 2009 to 4th April 2010						
	Central	Dalton	Ormsgill	Roosegate	Walney	Total
1 Bedroom						
Ground-floor flat	15	1	23	16	10	65
Upper-floor flat	40	2	18	23	6	89
Bungalow	3	2	2	0	4	11
Sub total	58	5	43	39	20	165
2 Bedrooms						
Ground-floor flat	3	0	18	1	0	22
Upper-floor flat	4	1	13	3	2	23
Bungalow	0	0	0	0	0	0
House	14	0	6	9	2	31
Sub-total	21	1	37	13	4	76
3 Bedrooms						
Ground-floor flat	0	0	0	0	0	0
Upper-floor flat	0	0	0	0	0	0
Bungalow	0	0	0	0	0	0
House	3	2	13	11	8	37
Sub-total	3	2	13	11	8	37
4 Bedrooms						
House	1	0	0	2	0	3
5 Bedrooms						
House	0	0	0	0	0	0
Total	83	8	93	65	32	281

OFFERS OF ACCOMMODATION								
made and refused between 6th April 2009 to 4th April 2010								
Area	Property Details	Area	Condition	Personal circumstances	No reply to offer	Other reasons	Withdrawn	Total
Central	7	8	4	3	0	1	0	23
Dalton	1	0	0	1	0	0	0	2
Ormsgill	2	9	2	2	1	3	0	19
Roosegate	1	6	2	1	0	0	0	10
Walney	3	5	0	1	0	2	0	11
Total	14	28	8	8	1	6	0	65

NEW TENANCIES
6th April 2009 to 4th April 2010

Applicant Type	No.
Housing Register	184
Transfers:	77
General Management	4
Management	17
Medical	24
Under/over Occupancy	32
Homeless (monitored from October 2004)	30
Mutual Exchanges	27
Total Relets	318

HOUSING PROPERTY AS AT 31st March 2010

TYPE OF PROPERTY	NO. OF BEDS.	CENTRAL	DALTON	ORMSGILL	ROOSE	SHOPS	DISPERSED	WALNEY	TOTAL
BUNGALOWS	1	13	35	27	14			54	143
	2		5						5
	3			4	4				8
FLATS	1	314	30	212	243		5	145	949
	2	63	12	161	51		3	16	306
	3	3	1		1		2	1	8
HOUSES	2	80	19	66	143			76	384
	3	132	113	220	250			119	834
	4	9	4	7	51			4	75
	5				5				5
SUB-TOTAL		614	219	697	762		10	415	2717
SHOPS	0					16			16
	2					4			4
	3					0			0
	4					1			1
HOSTEL FLATLETS	1						0		0
	2						0		0
GRAND TOTAL		614	219	697	762	21	10	415	2738
GARAGES		207	42	68				167	484

SOLD PROPERTIES

6th April 2009 to 4th April 2010

AREA	PROPERTY TYPE	BEDROOMS	TOTAL
Abbotsmead	HSE	3	1
Dalton	HSE	3	1
Greengate North	HSE	3	1
North Walney	GFL	1	1
Ormsgill	GFL	2	1
Risedale	HSE	3	1
TOTAL			6

RESOLVED:- (i) That the performance information report be noted;

- (ii) That the Homeless Working Group be tasked on how homelessness figures can be presented to the Housing Management Forum at future meetings; and
- (iii) That the Tenant Compact Working Group be asked to look at how clearer splits between wards (i.e. maps) could be presented to this Forum.

16 – Planned Maintenance Programme 2009/10

The Housing Manager reported information relating to the progress of the Planned Maintenance Programme for 2009/10 as at 21st May, 2010. The information is attached at **Appendix A** to these minutes.

RESOLVED:- To note the information.

The meeting closed at 3.37 p.m.

PLANNED MAINTENANCE PROGRAMME 2009/10 @ 21ST MAY 2010

SCHEME	CONTRACTOR OR SUPPLIER	AVAILABLE BUDGET	NO OF PROPERTIES	INVOICES PAID TO DATE	START DATE	ESTIMATED COMPLETION DATE	CONTRACTOR	TARGET COST	OUT TURN ESTIMATE	COMMENTS
REWIRES	CUMBRIA HOUSING PARTNERS	£252,700	Phase I Ewan Close (82 properties) Phase II Broad Close (72 properties)	£210,000	Apr-09	Feb-10	AB MITCHELL (via K Wilson)	Phase I - £125,788 Phase II - £113,502	£210,000	Phase I - 100% COMPLETE Phase II - 100% COMPLETE
BATHROOMS I	CUMBRIA HOUSING PARTNERS	£200,000	Walney/Abbotsmead (95 properties)	£166,468	May-09	Feb-10	AB MITCHELL	£196,690	£166,468	100% COMPLETE
BATHROOMS II	INTEGRAL	£100,000	Sowerby Avenue (29 properties)	£28,374 + £14,000 Prelims	Sep-09	Feb-10	INTEGRAL	£75,000	£28,374 + £14,000 Prelims	100% COMPLETE
BATHROOMS III (MRA Funding)	CUMBRIA HOUSING PARTNERS	£100,000	The Griffin (38 Properties)	£88,783	Oct-09	Feb-10	AB MITCHELL	£72,560	£88,783	100% COMPLETE
KITCHENS I	CUMBRIA HOUSING PARTNERS	£400,000	Ewan Close/Ormsgill (117 properties) Yew Tree estate (36 properties)	£338,815	May-09	Feb-10	AB MITCHELL	£361,360	£338,815	100% COMPLETE
KITCHENS II	INTEGRAL	£225,000	Park Road/Millstone Ave (25 Properties)	£56,704	Sep-09	Feb-10	INTEGRAL	£85,000 + £30,000 One Off Installations; + £32,000 prelims	£56,704	100% COMPLETE
KITCHENS III (MRA Funding)	CUMBRIA HOUSING PARTNERS	£100,000	Ormsgill (37 Properties) + BRATHAY CRESCENT	£114,221	Oct-09	Feb-10	AB MITCHELL	£85,398	£114,221	100% COMPLETE
KITCHENS IV (MRA Funding)	CUMBRIA HOUSING PARTNERS	£100,001	Ormsgill (37 Properties) + BRATHAY CRESCENT	£114,221	Oct-09	Feb-10	AB MITCHELL	£110,000	£114,221	100% COMPLETE
HEATING 1	CUMBRIA HOUSING PARTNERS	£110,000	VULCAN ROAD	£479,000	May-09	Feb-10	AB MITCHELL	Phase I - £253,776 + £100,000 One off installations	£479,000	100% COMPLETE Includes 25 No One off installations @ £100,000
HEATING II	INTEGRAL	£375,000	Dalton (47 Properties) Ormsgill (22 Properties)	£227,000	Sep-09	Feb-10	INTEGRAL	£276,000 + £45,000 for One off boiler swaps +£54,000 Prelims	£227,000	100% COMPLETE Includes 30 No boiler swaps by Apr 2010 and £54k prelims
HEATING III (MRA Funding)	CUMBRIA HOUSING PARTNERS	£100,000	Ormsgill + others (45 Properties)	£114,000	Oct-09	Feb-10	AB MITCHELL	£143,668	£114,000	100% COMPLETE
PAINTING	CUMBRIA HOUSING PARTNERS	£200,000	Phase I Vulcan/Risedale (206 properties) Phase II Greengate (150 properties)	£156,000	Jun-09	Feb-10	GH JONES	Phase I - £87,859 Phase II - £46,173	£156,000	Phase 1 - 100% COMPLETE £13,200 EXTRA agreed to repaint render at Raglan court Phase 2 - On site 66% COMPLETE

HOUSING MAINTENANCE COMMITMENTS 2009/10 @ 31.3.2010

	Funding Available 2009/10	Gross COMMITMENT	Weekly Available	Gross Comm. as a % funds available
Tenant Demand Repairs	£900,000.00	£832,810.00	£17,307.69	93%
Voids	£175,000.00	£240,111.00	£3,365.38	137%
Gas Servicing	£425,000.00	£251,601.00	£8,173.08	59%
Decoration Vouchers	£35,000.00	£35,525.00	£673.08	102%
Fire Damaged properties	NIL	£25,560.00	NIL	Claim via Insurance company
Disrepair Claims	£25,000.00	£0.00	£480.77	0%
Environmental Impmts	£50,000.00	£60,195.00	£961.54	120%
Disabled Adaptations	£250,000.00	£301,000.00	£4,807.69	120%
Door Entry	£100,000.00	£18,704.00	£1,923.08	19%
Total	£2,035,000.00	£1,765,506.00	£8,173.08	

EXECUTIVE COMMITTEE	(D) Agenda Item 8
Date of Meeting: 21st July, 2010	
Reporting Officer: Chief Executive	
Title: Drop Zone Youth Projects Body	
Summary and Conclusions:	
A request has been received from the Chairman of the Drop Zone Youth Projects (DZYP), a Charity based in Cornwallis Street that two representative be elected to serve on the body. Such arrangement is not subject to proportionality.	
Recommendation:	
To agree to appoint two representatives to serve on the Drop Zone Youth Projects Body.	

Report

A request has been received from the Chairman of the Drop Zone Youth Projects (DZYP), a Charity based in Cornwallis Street that two representative be elected to serve on the body. DZYP acts with the young persons of Barrow over a variety of activities.

Two trust Members have been lost over the last twelve months and need to replace them as they are now down to two members.

(i) Legal Implications

When Councillors are acting as representatives on another authority they must comply with their Code of Conduct.

(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

Correspondence held by the Chief Executive.

EXECUTIVE COMMITTEE	(D) Agenda Item 9
Date of Meeting: 21st July, 2010	
Reporting Officer: Borough Treasurer	
Title: Council Finances Report – Quarter 1 2010-2011	
Summary and Conclusions:	
This report presents financial information for the first quarter of the financial year. It contains summary information and key data for the:	
A. General Fund B. Treasury Management C. Capital Expenditure and Financing D. Housing Revenue Account E. Collection Fund F. Bad Debt Provisions and Write Offs G. Reserves, Balances and Provisions H. Benefits Performance	
Recommendations:	
To note the information contained in the report of the Borough Treasurer.	

Report

Council Finances For the period to 30th June 2010

Introduction

This report contains all of the key data relating to the Councils finances for the period ended 30th June 2010. Where key data is not available at the end of the reporting period date, the latest available key data has been used and this is noted where applicable.

A. General Fund

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

The budget for 2010-11 was agreed by Council on 23rd February 2010 at £16,749,218. The budget was balanced using £156,000 from reserves.

There are certain items of income and expenditure that are incurred throughout the year and other items that are entered into the General Fund at the end of the financial year. The monitored items and their position at 30th June 2010 are set out below, the actual spend compared to the budget is shown as Q1%. In general the Q1 budget assumes expenditure is incurred on a straight line basis.

Item	Total budget £	Q1 budget £	Q1 actual £	Q1%
Staff costs	6,873,270	1,718,318	1,635,009	95
Transport costs	203,030	108,050	99,109	92
Property costs	2,103,110	969,043	740,360	76
Supplies and services	5,510,210	1,377,552	1,095,659	80
Contract services	6,046,740	1,224,949	1,190,810	97
Transfer payments	24,875,720	5,210,406	4,917,759	94
External income	(32,166,800)	(8,041,699)	(8,330,748)	(104)
Direct costs	13,445,280	2,566,619	1,347,957	53

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

Key data:

- o Salaries and on-costs

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

The salaries and on-costs budget at 30th June 2010 was £1,683,058 and the difference between this and the actual spend of £1,593,389 is an under spend or saving of £89,669. The difference between the budget against actual spend is broken down below:

Item	Savings £
Purchase holidays –additional leave bought by staff	10,126
Savings from vacancy gaps and establishment changes	79,543
Total	89,669

- o The main income streams in the General Fund are those realising at least £250,000 in the year. This is income that is earned for services provided and does not include grant income, the actual spend compared to the budget is shown as Q1%:

Income stream	2010-11 budget £	Q1 expected income based on previous year trend £	Q1 actual income £
Car parking-pay & display	732,000	162,739	148,855
Estates property rents	1,050,500	360,257	192,029
Leisure Centre fees	691,060	128,077	129,892
Crematorium services	373,800	93,450	77,802

- Sundry debtors outstanding at 30th June 2010 compared to the sundry debtors outstanding the previous year:

Outstanding 30th June 2009 £	Days overdue	Outstanding 30th June 2010 £
123,624	Current	415,750
219,763	1 to 30	476,600
50,124	31 to 60	52,371
408,707	Over 61	388,800
802,218	Total	1,333,521

B. Treasury Activities

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

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

Key data:

- Interest paid on borrowings compared to budget estimate:

The Council currently has no short-term temporary borrowing.

The Council's long-term debts are all with the Public Works Loan Board and interest is payable every six months, the first payment for the period 1st April 2010 to 30th September 2010 to be paid on 1st October 2010:

Annual budget estimate for interest paid £	Actual interest paid £
1,030,350	0

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

Annual budget estimate for interest earned £	Actual interest earned at 30th June 2010 £
35,000	1,219

At the time of writing this report the Council had £6,900,000 invested with the HSBC.

- o Change in the Council's borrowings:
There has been no new long-term borrowing undertaken. The Council's borrowings at 30th June 2010 were £22,389,734.

The Authorised Limit that the Council's debt cannot exceed in 2010-2011 is £31,000,000.

C. Capital Programme

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

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

Key data:

- o Spend to 30th June 2010 compared to the programme projected:

As at:	Capital programme £	Q1 Actual spend £
23 rd February 2010 – approved by Council	13,420,458	978,400
31 st May 2010 – as reported to this Committee on the 30 th June 2010	14,624,187	

D. Housing Revenue Account

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

The budget for 2010-11 was agreed by Council on 23rd February 2010 as a break-even for the year. The budget did not include the use of the Housing Revenue Account balance.

There are certain items of income and expenditure that are monitored throughout the year and other items that are transacted at the end of the financial year. The monitored items and the position at 30th June 2010 are set out below, the actual spend compared to the budget is shown as Q1%:

Item	Total budget £	Q1 budget £	Q1 actual £	Q1%
INCOME				
Dwelling rents	(8,405,900)	(2,101,475)	(1,759,997)	84
Other income	(674,510)	(238,427)	(237,709)	99
Gross income	(9,080,410)	(2,339,902)	(1,997,706)	85
EXPENDITURE				
Management	3,443,310	860,828	616,219	72
Dwelling repairs	2,930,280	732,570	713,119	97
Gross expenditure	6,373,590	1,593,398	1,329,338	83

Overall the Housing Revenue Account is expected to be on target to achieve the budgeted income and expenditure items above, set by Council on 23rd February 2010.

E. Collection Fund

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

When the council tax is set, there is a certain amount set aside for uncollectible council tax. Where the uncollectible council tax for the year is different to the estimate, for illustration there is more uncollected council tax than estimated, this deficit is shared between the Council, the County and the Police. Due to the timing of setting the council tax, the deficit would impact on the 2012-13 General Fund.

Key data:

- Percentage of council tax collected at 30th June 2010 compared to the previous year:

Year	Amount due for the year £	Amount collected £	Collected
2010	27,704,992	8,089,674	29.2%
2009	27,587,581	7,984,446	28.9%

- Percentage of business rates collected at 30th June 2010 compared to the previous year:

Year	Amount due for the year £	Amount collected £	Collected
2010	21,309,396	6,909,630	32.4%
2009	21,643,698	6,594,171	30.5%

F. Bad debt provisions and write offs

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

Key data:

- The bad debt provisions at 1st April 2010 and at the amounts written off to 30th June 2010 are shown below:

Fund	1 st April 2010 £	Written off during 2010-11 £
General Fund	661,506	0
Benefits overpayments	545,390	0
Housing Revenue Account	262,173	0

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

G. Reserves, balances and provisions

Reserves, balances and provisions are specific to each fund.

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

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

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

Key data:

- The General Fund reserves held at 1st April 2010 and at 30th June 2010 are shown below:

Item	1 st April 2010 £	Allocated for use £	30 th June 2010 £
Opportunity reserve	1,111,758	208,474	903,284
Budget setting support	311,000	311,000	0
General reserve	461,623	0	461,623
Leisure centre loss of income	194,261	194,261	0
Other reserves	2,803,456	2,803,456	0
Total	4,882,098	3,517,191	1,364,907

- The balances at 1st April 2010 and at 30th June 2010 are shown below:

Fund	1 st April 2010 £	Used during 2010-11 £	30 th June 2010 £
General Fund	2,263,305	0	2,263,305
Housing Revenue Account	823,061	0	823,061

- The reserves and balances are sufficient and remain at satisfactory prudent levels.
- The provisions at 1st April 2010 and at 30th June 2010 are shown below:

Item	1 st April 2010 £	Used during 2010-11 £	30 th June 2010 £
Insurance settlements	626,519	0	626,519
Early retirement	53,672	0	53,672
Total	680,191	0	680,191

H. Benefits Performance

One of the main performance targets agreed with Liberata for 2010-2011 is the time taken to process new claims and change events. For new claims the target is 25 days and for change of circumstances 12 days. The DWP will monitor the combination of these two targets which they refer to as NI 181. The combined agreed target for this year is **13.5 days**.

For the quarter April to June 2010 Liberata's performance was:

Council	NI181	New Claims – Days	Change of Circumstances - Days
South Lakeland	8.0	20.2	5.0
Barrow	8.2	24.0	6.3
Allerdale	9.0	16.0	8.0
Copeland	17.0	39.1	13.3
Eden	17.3	26.7	15.0
Carlisle	13.9	27.1	10.4

In terms of quality performance and error rates, the error rate at the end of May was 22.9% compared to a target of 12%.

(i) Legal Implications

Not Applicable.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

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

(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

Nil

EXECUTIVE COMMITTEE	(R) Agenda Item 10
Date of Meeting: 21st July, 2010	
Reporting Officer: Policy Review Officer	
Title: Covert Surveillance Policy	
Summary and Conclusions:	
This Council undertakes covert surveillance to support enforcement activities. Under the Regulation of Investigatory powers Act (RIPA) we are required to have a covert surveillance policy to ensure that we are conforming to the Act. The policy has been updated to include the Director of Regeneration and Community Services and the Borough Treasurer as additional authorisers	
Recommendation:	
To recommend the Council to agree that the revised Policy be adopted by the Council.	

Report

The policy was reviewed by this Committee in April 2008 and has now been revised to include Director of Regeneration and Community Services and the Borough Treasurer as additional authorisers. These changes will allow the Director of Corporate Services to have more of an overview of all surveillance operations and to ensure that they are undertaken correctly. He will review the effectiveness of this policy and the completion of application forms on an annual basis.

The Director of Corporate Service will continue to be an authorising officer but he will only be used in urgent cases when the other authorising officers are not available this is to preserve his status as the Monitoring Officer for RIPA and CHIS operations.

The revised policy is attached as **Appendix 1**.

(i) Legal Implications

Compliance with the Human Rights Act 1998 (HRA) and the Regulation of Investigatory Powers Act 2000 (RIPA) with regard to covert surveillance techniques.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

The additional authorisers will be required to undertake training with expected costs of £100 each.

(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

Nil



**BOROUGH OF
BARROW IN
FURNESS**

Covert Surveillance Policy 2010-2012

**Compliant with the Human Rights Act 1998 and Regulation of Investigatory Powers
Act 2000**

Author
Date published
Review date

Policy Review officer
June 2010
May 2012

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1.1 Purpose, Intent and Extent

- 1.1 This Policy is intended to formalise the ways in which Barrow Borough Council will comply with the Human Rights Act 1998 (HRA) and the Regulation of Investigatory Powers Act 2000 (RIPA) with regard to covert surveillance techniques.
- 1.2 RIPA regulates covert surveillance by a number of bodies including this Council. It is a tool providing a balance between an individual's right to privacy and the proper use of surveillance to gather evidence. In particular Article 8 provides that everyone has the right to respect for his private and family life, his home and his correspondence.
A public authority can only interfere with a person's Article 8 rights if it can be shown that:
the interference had a clear legal basis; the aim of the interference was either national security, public safety, protection of the economy, prevention of crime, the protection of health or morals or the protection of the rights and freedoms of others; it was necessary (and not just reasonable) to interfere with their rights for one of the permitted reasons; and the interference was proportionate, that is, going only as far as was required to meet the aim.
- 1.3 The Council could use surveillance in several areas of operation i.e. fraud investigation and environmental and planning enforcement, housing, licensing etc – it is important therefore that any surveillance undertaken complies with the legislation.
- 1.4 The Council is entitled to use two main types of covert surveillance techniques. They are directed surveillance and the conduct of covert human intelligence sources as defined in Section 2. Intrusive surveillance as defined in the legislation may not be authorised by local authorities.
- 1.5 The Council recognises the need to utilise its investigatory powers taking account of human rights and the need for equitable service delivery. The Council therefore embraces the spirit of the legislation and fully accepts its duties in respect of the requirements of the Regulation of Investigatory Powers Act. As a responsible authority it has agreed this corporate policy in order to demonstrate transparent compliance with the legislation.
- 1.6 In accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Source Surveillance) Order 2003 the Council has designated named Post Holders to authorise or sanction the use of covert surveillance, being the Director of Corporate Services and the Chief Environmental Health Officer as listed in appendix A of this document.
- 1.7 In considering authorisations under the RIPA, Officers of the Council will have regard to any statutory codes of practice, which apply. In particular an authorisation will not be granted unless it is believed that the authorisation is necessary, and that

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it is proportionate to what is sought to be achieved by that conduct or use, and that appropriate arrangements are in force as prescribed by the legislation.

An authorisation is considered necessary if it is:

For the purposes of preventing or detecting crime or of preventing disorder

- 1.8 The Council will ensure that all Officers who are involved in surveillance and granting of authorisations are aware of the procedures to be followed, and that appropriate training is given. Authorising officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable especially in the case of small organisations or where it is necessary to act urgently. Where an authorising officer authorises such an investigation or operation the central record of authorisations should highlight this and the attention of a Commissioner or Inspector should be invited to it during the next inspection.
- 1.9 The Model forms approved by the Secretary of State have been adopted by the Council in granting authorisations and is available on the Council's intranet: <http://intranet/Default.aspx?page=649>. Appendix B to this document lists those matters which must be recorded by each Officer in considering an authorisation, and procedures for review and cancellation of authorisations. Copies of the relevant Codes of Practice can be accessed via the website of the Office of Surveillance Commissioners (OSC) www.surveillancecommissioners.gov.uk. Appendix C sets out the procedures to be followed.
- 1.10 Any authorisations granted for directed surveillance will cease to have effect at the end of the period of three months beginning with the date on which it took effect. Oral authorisations will cease after 72 hours, and covert human intelligence source authorisations will cease to have effect after a period of 12 months beginning with the day on which the grant takes effect. Cancellation of Authorisations are set out in Appendix B. Reviews of Authorisations should be undertaken following any significant occurrence. Any request for a renewal will be fully investigated, but in any event must be approved by a Line Manager before submission for authorisation.
- 1.11 The designated Officers are responsible for recording use of the powers under the legislation and for retaining the necessary documentation. A central record of surveillances undertaken will also be kept with the Policy Review Officer which should contain the information detailed in Appendix D (Central Record of Authorisations).
- 1.12 The Council's Director of Corporate Services will have an overview of all surveillance operations and will ensure that they are undertaken correctly. He will review the effectiveness of this policy and the completion of application forms on an annual basis.

2.0 Definitions

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2.1 Directed Surveillance

For the purposes of Part II of the Act, surveillance is direct if it is covert but not intrusive and is undertaken:-

- 2.1.1 for the purposes of specific investigation or a specific operation;
- 2.1.2 in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- 2.1.3 otherwise than by way of an immediate response to events or circumstances which is such that it would not be reasonably practicable for an authorisation under Part II to be sought for the carrying out of the surveillance.

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2.2 Covert Human Intelligence Sources (CHIS)

2.2.1 This is identified by the Act as including asking or assisting a person to engage in conduct such as a source, or to obtain information by means of the conduct of such a source.

2.2.2 A person is a “covert human intelligence source” if they establish or maintain personal contact or other relationships with another person for the covert purpose of facilitating either:-

- the obtaining of information; or
- covertly disclosing information so obtained.

A professional witness posing as a neighbour to obtain evidence would be a covert human intelligence source.

3 THE REGULATION OF INVESTIGATORY POWERS ACT 2000 DESIGNATED OFFICERS

The Council has designated the following officers as authorising officers for the purposes of the legislation:-

Director of Regeneration and Community Services
Chief Environmental Health Officer
Borough Treasurer.

The Director of Corporate Service is also an authorising officer but he will only be used in urgent cases when the other authorising officers are not available this is to preserve his status as the monitoring officer for RIPA and CHIS operations

4 THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Except in urgent circumstances, applications for authorisation to carry out directed surveillance must be made in writing and should describe any conduct to be authorised and the purpose of the investigation or operation. The application should also include:-

- The reasons why the authorisation is necessary in the particular case and on the relevant ground as prescribed by the 2000 Act for the Council – this is for the purpose of preventing or detecting crime or of preventing disorder
- The reasons why the surveillance is considered proportionate to what it seeks to achieve
- The nature of the surveillance
- The identities where known, of those to be the subject of the surveillance
- An explanation of the information which it is desired to obtain as a result of the surveillance
- The details of any potential collateral intrusion and why the intrusion is justified
- The details of any confidential information, which is likely to be obtained as a consequence of the surveillance
- The level of authority required (or recommended where that is different) for the surveillance; and
- A subsequent record of whether authority was given or refused, by whom and the time and date

In urgent cases the authorisation should record:

- The reasons why the authorising officer or the officer entitled to act in urgent cases considered the case so urgent that an oral instead of a written authorisation was given; and/or
- The reasons why it was not reasonably practicable for the application to be considered by the authorising officer

Where the authorisation is oral, the detail referred to above should be recorded in writing by the applicant as soon as reasonably practicable.

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Applications for renewal should record the above information together with details of:-

- Whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- Any significant changes to the information previously provided;
- The reason why it is necessary to continue with the directed surveillance;

- The content and value to the investigation or operation of the information so far obtained by the surveillance;
- The result of regular reviews of the investigation or operation

As required by the Regulation of Investigatory Powers (Source Records) Regulations 2000, the following information is included in records relating to each covert human intelligence source:-

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- (g) the date when, and the circumstances, in which the source was recruited;
- (h) the identities of all persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) or in any order made by the Secretary of State;
- (i) the periods during which those persons have discharged those responsibilities;
- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (k) all contacts or communication between the source and a person acting on behalf of any relevant investigating authority;

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- (l) the information obtained by each relevant investigatory authority by the conduct or use of the source;
- (m) any dissemination by that authority of information obtained in that way; and
- (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

Applications for authorisation for the use or conduct of a source should be in writing and record the information laid down within the relevant code of practice.

Applications for renewal of covert human intelligence sources should record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information previously provided;
- the reasons why it is necessary to continue the use of the source;
- the use made of the source in the period since the grant, or, as the case may be, latest renewal of the authorisation;
- the tasks given to the source during that period and the information obtained from the conduct or use of the source;
- the result of regular reviews of the use of the source

Duration and Cancellation

For Direct surveillance the written authorisation will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect. Urgent Oral authorisations will, unless renewed cease to have effect after 72 hours beginning with the time when the authorisation was granted or renewed.

In a case in which the authorisation is for the conduct of a covert human intelligence source, the authorisation shall cease to have effect after a period of 12 months beginning with the day on which the grant takes effect.

A person shall not renew an authorisation for a covert human intelligence source unless a review has been carried out as to the use made of the source, and tasks given during that period, and considered the same.

Authorisations should be cancelled if:-

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- a) The officer is satisfied that the requirements of section 28 and 29 are no longer satisfied or, in the case of an authorisation under section 29, that the arrangements for the source's case that satisfy the requirements mentioned in 29(2)(c) no longer exist.

A separate authorisation is required for each investigation.

Reviews should be undertaken following any significant occurrence and the reviewing officer should notify the Director of Corporate Services of the results of a review which should be recorded on the central register of authorisations.

Appendix C

5 THE REGULATION OF INVESTIGATORY POWERS ACT 2000 PROCEDURE

1. All staff who may be required to use covert surveillance will receive training on the identification of circumstances when authorisation will be required. This will be included in the corporate training plan.
2. On identification of an investigation to which RIPA is likely to apply, the officer should prepare the form within the policy for initial authorisation or renewal of authorisation and present the form to their Line Manager under Appendix A who should normally present it to the Director of Corporate Services or the Chief Environmental Health Officer
3. In the case of a renewal, it is expected that the original line manager will be advised of the need for a renewal and a line Manager in a different section be requested to consider the application.
4. The line manager considering any application will interview the applicant officer concerned to satisfy himself/herself of the need for the authorisation with regard to the guidance and code of practice, and will expect to be interviewed by the approving designated officer.
5. If an authorisation is agreed the authorising designated officer will:
 - a) Ensure relevant details are included in central register.
 - b) Confirm with the applicant officer the operation dates approved.
 - c) Ensure that the authorisation is retained on the file.
6. On any significant date after the granting of an authorisation, but, in any event before the expiry date, the approving Line Manager will hold a review meeting with the applicant officer to consider the evidence recorded and to ensure that all

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collateral material is recorded and edited within the terms of the guidance and decide whether to:-

- a) Cancel the authorisation.
- b) Consider referral or a renewal application to an authorised officer in another Directorate.

With notification to the Director of Corporate Services as appropriate.

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7. In all covert surveillance cases, officers should maintain the following documentation on their file;
 - A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer.
 - A record of the period over which the surveillance has taken place.
 - The frequency of reviews prescribed by the authorising officer.
 - A record of the result of each review of the authorisation.
 - A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested.
 - The date and time when any instruction was given by the authorising officer.
8. With regard to covert human intelligence sources, the records as detailed in the Code Of Practice on Covert Human Intelligence Sources should be kept by the relevant departments.
9. On receipt of a complaint regarding procedures under the Act, the Director of Corporate Services shall provide a complainant with the details of the Investigatory Powers Tribunal and shall hold a review meeting to consider whether cancellation of the authorisation which is the subject of the complaint is appropriate until the matter is resolved.

Central Record of Authorisations

These records should be retained for a period of at least 3 years from the ending of the authorisation and in cases of covert surveillance should contain the following information:-

- Types of Authorisation
- The date the Authorisation was given
- Name and grade of the Line Manager and name of the authorising Officer
- The unique reference number (URN) of the investigation or operation
- The title of the investigation or operation, including a brief description and the names of subjects, if known
- Whether the urgency provisions were used, and if so why
- If the authorisation is renewed, when it was renewed and which Line Manager recommended the renewal, and the name of the authorising officer
- Whether the investigation of operation is likely to result in obtaining confidential information as defined in the Code of Practice
- The date the authorisation was cancelled

With regard to Covert Human Intelligence Source records consideration must be given to the Regulatory of Investigatory Powers (Source Records) Regulations 2000, which detail the particulars, which must be included in the records relating to each source.

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 11
Date of Meeting:	21st July, 2010	
Reporting Officer:	Policy and Strategy Officer	
<p>Title: Equality Scheme and Equality Action Plan</p> <p>Summary and Conclusions:</p> <p>The report is presented on behalf of the Corporate Equalities Group. It introduces the Council's Equality Scheme and its associated Equality Action Plan, which supersede the previous Comprehensive Equality Policy.</p> <p>Recommendations:</p> <p>To recommend the Council to note the contents of the Equality Scheme and the associated Action Plan and adopt the scheme.</p>		

Report

In July 2004 the Council adopted its first Comprehensive Equality Policy (CEP). The CEP (subsequently revised in 2005) set out the Council's commitment to equality and diversity and explained how we would meet our statutory duties under a range of equality legislation.

The CEP also incorporated the Council's existing Race Equality Scheme, Disability Equality Scheme and Gender Equality Scheme.

New legislation, progress in delivering on the content of the existing CEP, and the Council's commitment to reaching the 'Achieving' stage of the Equality Framework for Local Government, have rendered the existing policy out of date.

Attached at **Appendix 2** is a copy of the Equality Scheme that has been prepared by the Policy and Strategy Officer in consultation with the Corporate Equalities Group and our partners, including those retained under service level agreements to offer the Authority advice and support on Equalities issues. Developing versions of the draft have been available for public consultation on the Council's website for several months, and this version of the document has been available since April 2010.

The Equality Action Plan which is attached at **Appendix 3** is a live, working document and as such will be subject to ongoing review and amendment, while the Equality Scheme itself is a statement of policy and will be reviewed

(i) Legal Implications

The Equality Scheme and Action Plan together meet the Council's existing statutory duties to adopt and publish a Disability Equality Scheme, Race Equality Scheme and Gender Equality Scheme.

(ii) Risk Assessment

Failing to meet the 'achieving' level of the Equality Framework for Local Government is a risk identified on the Corporate Risk Register. The Equality Action Plan is designed specifically to address this risk and reach the 'achieving' level of the EFLG by December 2010

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

Supports the Council's Key Priority to improve access to services, and the corporate aim to reach the 'achieving' level of the Equality Framework for Local Government.

(vi) Equality and Diversity

Adoption of the Scheme is expected to have a positive impact on the Council's equality and diversity performance by re-affirming the organisation's commitment to equality for all in the delivery of its services. The Scheme and Action Plan have been developed in consultation with Partners, including representatives of local communities and those with equality and diversity expertise.

(vii) Health and Well-being Implications

Not Applicable.

Background Papers

- Equality Framework for Local Government: Key Principles (Improvement and Development Agency)
- Civil Partnerships Act 2004
- Disability Discrimination Act 1995
- Disability Discrimination (Amendment) Act 2005
- Employment Equality (Age) Regulations 2006
- Employment Equality (Sex Discrimination) Regulations 2005
- Employment Equality (Sexual Orientation) Regulations 2003

- Employment Equality (Religion or belief) Regulations 2003
- Equality Act 2006
- Equal Pay Act 1970 (Amended)
- Gender Recognition Act 2004
- Sex Discrimination Act 1975
- Sex Discrimination 1975 (Amendment) Regulations 2008
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Race Relations Act 1976 (Amendment) Regulations 2003
- Racial and Religious Hatred Act 2006

These documents are available for inspection on request from the offices of the Assistant Director Regeneration.

**Barrow Borough Council
Equality Scheme (DRAFT)**



**BOROUGH OF
BARROW IN
FURNESS**

July 2010

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Introduction

Barrow Borough Council is committed to achieving equality for everyone in the Borough, whether they live here, or are in the Borough to work or visit. This document sets out how the Council promotes equality in its work and reflects our ongoing commitment to equality of opportunity for all.

As an organisation we are committed to progressing through the Government's Equality Framework for Local Government and we are working with our partners both in Barrow and across Cumbria to do achieve that progress.

In creating this Equality Scheme we have worked with our Equality Partners AWAZ, Cumbria Disability Network and OutREACH to produce what we believe is a comprehensive demonstration of our commitment to Equalities. We are grateful to them for their input advice and guidance. We will continue to work with them in the future to improve and refresh this Scheme and the activities associated with it.

The Framework is a means to combat the institutional processes that lead to discrimination. By progressing through the Framework, Barrow Borough Council will demonstrate that it has successfully mainstreamed issues of equality and diversity throughout our activities as a service provider, an employer, and a leader of the community.

The Framework is about long-term, institutional change, and for this reason responsibility for implementing the policy lies with all of the Council's elected members and officers. This Scheme recognises the crucial importance of ensuring that the principles of equality and diversity inform decision-making at every level within the Council.

Cllr J Richardson
Leader of the Council

Mr T Campbell
Chief Executive

Our Commitment to Equality and Diversity

Barrow Borough is home to a wide range of people who make different and valuable contributions to life in the area. These groups include disabled people, women, people from different socio-economic backgrounds, religions and faiths, black and minority ethnic (BME) backgrounds, lesbians, gay men and transgendered people.

The Council acknowledges that some people in the Borough may face discrimination every day. Because of race, gender, age, disability, sexual orientation, socio-economic status and other issues, people are denied life-chances, find access to services more difficult, and suffer inequality.

Barrow Borough Council believes that everyone should be treated fairly and with respect. We want to improve the quality of life for everyone in the Borough, regardless of race, gender, age, disability, sexual orientation, religious belief or socio-economic status.

The Council has a responsibility to challenge unfair discrimination, wherever it happens, and is committed to doing so. We are working to ensure that people are not discriminated against on the grounds of disability, gender, race, colour, national or ethnic origin, religion, belief, culture, age, sexual orientation or socio-economic status. In doing so we recognise that individuals do not fit neatly into categories and that some people may be affected by more than one form of discrimination.

Our commitment applies whether the Council is acting as an employer, a service provider, or as a partner to other organisations.

This Equality Scheme has been developed to recognise and value the diversity that exists in the Borough, and is based on principles of mutual respect, fairness and social inclusion. The scheme promotes the ideals of equality, accessibility and quality in everything we do. Specific policies relating to race, age, gender, disability and sexual orientation form a part of this scheme.

The Law

The law rightly protects people from unfair discrimination on the grounds of race or ethnic origin; nationality; religious belief; gender; disability, age and sexual orientation. In some cases this protection currently applies only to issues about employment; but in others it applies more widely, including the areas of social protection, education and access to goods and services.

This means we must build equality into our everyday business, policy-making, service delivery, employment practice and other roles. This Scheme explains how we will meet our obligations and responsibilities under the range of legislation summarised in Appendix 2.

The Equality Framework for Local Government

The Equality Standard for Local Government (published by The Employers' Organisation for Local Government.) made clear that adopting a Equality Scheme is a commitment to review and change local authority practice. This is considerably more than the production of a policy statement and extends to reforms in planning and service delivery across the local authority and its partnership with other groups and organisations.

The Equality Standard for Local Government has now been replaced by The Equality Framework, but the commitment required from local authorities is unchanged. The Equality Framework for Local Government is an improvement tool to make sure that all local authorities are developing a systematic approach to embedding equality across everything they do. The Framework recognises that Equality cannot be achieved overnight and sets out three levels of improvement:

- Emerging
- Achieving
- Excellent

We are committed to meeting our legal duties under anti-discrimination law by working through the stages of The Equality Framework for Local Government. We recognise that this requires the long-term commitment of council staff, councillors, trade unions and partners.

Along with The County Council and Cumbria's five other district councils, Barrow Borough Council has established a partnership that brings all seven authorities together to develop shared capacity around:

- A single Cumbrian action plan for all authorities to reach the "Achieving" level of the Equality Framework.
- A programme of shared equality impact assessments.
- An integrated community and staff engagement programme on Equality.

Equality for Disabled people

Barrow Borough Council is committed to eliminating discrimination against disabled people, attempting to remove the barriers which disabled people face in accessing services and encouraging disabled people's right to an independent life.

The Council's Policy on Equality for Disabled people forms our **Disability Equality Scheme**, and has been adopted to help pursue these commitments, as well as to acknowledge and ensure compliance with our statutory duties as described in Appendix 2.

This document, to be read as an integral part of the Council's broader Equality Scheme, sets out how the Council intends to promote and deliver equality for disabled people in all its functions.

In carrying out all of its duties the Council will seek to ensure that disabled people are free from prejudice and discrimination in their everyday lives. To achieve this objective the Council will:

1. review, on an ongoing basis, all policies, procedures and practices to ensure they comply with current and emerging legislation
2. consider and take into account the specific needs of disabled people and their carers in planning and delivering services
3. design, plan and provide services to enable disabled people to maximise the control over their own lives and to encourage their social and economic inclusion
4. improve access to services and the built environment, utilising the experience, views, creativity and expertise of disabled people
5. tackle barriers in the provision of joint services through effective partnership working
6. where possible, make information available, on request, through a range of media and in a range of formats [including, where appropriate, the provision of materials in symbols, large print, Braille, British Sign Language video or audio description] and offer alternatives to verbal communication so that disabled people enjoy equal access to information and services
7. handle sensitively allegations of discrimination and harassment providing appropriate support to the alleged victim(s) in accordance with organisational policy and procedure
8. improve access to independent advocacy, self advocacy, legal and advice services to help disabled people take control over their own lives
9. ensure that recruitment and selection is carried out in line not only with UK legislation, but also with the wording and spirit of this Policy and national best practice;. Reasonable adjustments will be made so that applicants with disabilities and existing employees who are or become disabled are treated fairly and with proper consideration of their abilities
10. make all reasonable efforts to help employees who are or become disabled remain in the Council's employment

11. manage employees fairly and appropriately, ensuring there is no discrimination in terms of attitude, work allocations, promotion, development opportunities, conditions of employment or the work environment
12. work, in consultation with disabled people, to find solutions to disability issues to meet needs and deliver best value for taxpayers and users of Council services
13. ensure that all consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 13.1 a commitment to equal opportunities
 - 13.2 the name or position of the person responsible for the effective implementation of the policy.

Definition of Disability and The Social Model

One of the Council's goals is to challenge the view that the inequality faced by disabled people is down to their medical 'problems'. This medical model of disability has reinforced negative stereotypes sometimes held by non-disabled people, and thus supported discrimination against disabled people, by focussing only on what a person cannot do.

By contrast the social model of disability suggests that institutional barriers, negative attitudes and exclusion by society (deliberate or accidental) are what really defines who is disabled and who is not. It recognizes that while some people have physical, sensory, intellectual, or psychological variations, which may sometimes cause individual limitations or impairments, but these do not have to lead to disability unless society fails to take account of and include people regardless of these differences.

The social model of disability does not deny that some individual differences lead to individual limitations or impairments, but rather that these are not the cause of individuals being excluded. An example of some questions that illustrate the difference between the medical and social models of disability might be "Does your disability make it hard for you to use public transport?" compared to "Does inaccessible transport make it difficult for you to use public transport?". Or "Does your disability affect your ability to work?" compared to "Do you have problems at work due to the working environment, or the attitudes of others?".

The Disability Discrimination Act defines disability using the medical model - disabled people are defined as people with certain conditions, or certain limitations on their ability to carry out 'normal day-to-day activities, but the requirement for public bodies to produce a Disability Equality Scheme and make "reasonable adjustments" to our policies, practice and buildings, follows the social model.

The Disability Discrimination Act (DDA) states that a person has a disability "if he/she has a physical or mental impairment which has a substantial and long term adverse effect on his/her normal day to day activities".

Physical impairment includes sensory impairment but does not include:

- addiction to or dependency on alcohol, nicotine or any other substance (other than as a result of the substance being medically prescribed or diseases resulting from addictions);
- seasonal allergic rhinitis (e.g. hayfever), except where it aggravates the effect of another condition;
- tendency to set fires;
- tendency to steal;
- tendency to physical or sexual abuse of other persons;
- exhibitionism;
- voyeurism.

Disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day to day activities.

Mental Impairment is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities. However, the Act states that it does not include any impairment resulting from or consisting of a mental illness, unless that illness is a clinically well-recognised illness. A clinically well-recognised illness is one that is recognised by a respected body of medical opinion.

“Substantial” means that they are not minor or trivial, they must last or be expected to last longer than 12 months. They must affect day to day activities.

“Normal day-to-day activities” are activities that are carried out by most people on a fairly regular and frequent basis. The test of whether or not an impairment affects normal day-to-day activities is whether or not it affects one of the following broad categories of capacity:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of the risk of physical danger

The Law specifically extends protection to cover people who have HIV infection, cancer and multiple sclerosis from the moment they are diagnosed.

Race Equality

Engaging with people from Black and Minority Ethnic (BME) groups presents particular challenges in the Borough, which has a relatively low proportion of BME residents, however the Council is committed to developing and implementing policies that will ensure equal and universal access to both services and employment.

This document, to be read as an integral part of the Council's broader Equality Scheme, sets out how the Council intends to promote and deliver race equality in all its functions.

Barrow Borough Council is committed to eliminating discrimination against people on the grounds of race, colour, nationality, ethnic origin, and cultural background. It is also committed to the principles of individuality and diversity. The Council's Racial Equality Policy forms our **Race Equality Scheme**, and has been adopted to help pursue these commitments, as well as to ensure compliance with the range of legislation detailed in appendix 2.

The Council will afford equal access to employment and services and will not discriminate on the grounds of race, colour, nationality, ethnic origin, and cultural background. In order to achieve this objective, the Council will:

1. Ensure that BME communities are involved in planning services, and that their specific needs are considered in consultation processes;
2. give consideration to advertising and promoting services in the BME media and in areas with higher concentrations of BME people;
3. make service users clearly aware that they do not have the right to refuse service from particular Council employees on racial grounds;
4. monitor use of services by ethnicity to ensure equality of access, and use the data to develop services which are appropriate to the needs of the whole community;
5. ensure that recruitment is carried out in line with not only with legislation, but also with the text and spirit of this Policy, and national best practice;
6. ensure that employees are given appropriate training in anti-racist practices and are made aware of their responsibility for the implementation of this Policy;
7. ensure that service users, employees, consultants, contractors, suppliers, and partners [including those in the voluntary and community sectors] are able to go about their daily business free from racial harassment and discrimination;
8. handle allegations of racial discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s], in accordance with organisational policy and procedures
9. manage employees fairly and appropriately, ensuring there is no discrimination on racial grounds in terms of work allocations, consultation and communication, development and training opportunities, employees appraisals, granting of leave, or grievance and disciplinary matters;
10. ensure that all consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 10.1 a commitment to equal opportunities

10.2 the name or position of the person responsible for the effective implementation of the policy.

Gender Equality

Barrow Borough Council is committed to eliminating sex discrimination and enabling women, men and transgendered people to participate on an equal basis in social, cultural, political and economic life. It is also committed to the principles of individuality and diversity. In pursuing these commitments the Council acknowledges its statutory duties under a range of legislation detailed in appendix 2.

The Council will ensure that in carrying out its duties, women, men and transgendered people are protected from unlawful discrimination and treated equally. To help achieve this objective the Council will:

1. encourage women, men and transgendered people to participate equally in the decisions which affect their lives
2. work in partnership to create safer environments for women, men and transgendered people
3. value life skills developed in the home and the community
4. support employees in making personal choices about their parenting, caring and work roles
5. where operationally viable, support and enable flexible working to help employees who wish to do so balance their lives inside and outside work
6. ensure that female, male and Transgendered workers have the same development and progression opportunities
7. ensure that development and progression opportunities for part-time workers are the same as those for full-time workers
8. ensure that women, men and transgendered employees are paid the same for doing equal work and that the same service conditions apply
9. ensure that employees are able to work in an environment that values them as individuals and is free from sexual harassment
10. confront unlawful discrimination and promote sex equality through learning and development
11. handle sensitively allegations of sexual discrimination and harassment providing appropriate support to the alleged victim(s) in accordance with organisational policy and procedures
12. ensure that recruitment and selection is carried out in accordance with corporate standards and best practice.
13. manage employees fairly and appropriately, ensuring there is no discrimination in terms of attitude, work allocations, promotion or other conditions of employment
14. provide appropriate development opportunities to assist with the implementation of this policy and ensure that employees and elected members are aware of their individual responsibilities and the organisation's commitment
15. ensure that all consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 15.1 a commitment to equal opportunities
 - 15.2 the name or position of the person responsible for the effective implementation of the policy.

Equality for Lesbian, Gay, Bisexual People

Barrow Borough Council is committed to eliminating homophobic prejudice and discrimination, and to the principles of individuality and diversity. In pursuing these commitments the Council acknowledges its statutory duties under a range of legislation detailed in appendix 2.

The Council will ensure that in carrying out its duties lesbian, gay and bisexual people are given equal and unprejudiced treatment. To achieve this objective the Council will:

1. ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual
2. acknowledge same sex relationships and ensure that, wherever possible, partners have equal access to the services and benefits available to heterosexual couples
3. encourage the participation of lesbian, gay and bisexual people in the decisions that affect their lives
4. work with others to make communities safer and enable lesbian, gay, and bisexual people to live without prejudice or fear
5. encourage a culture of openness about sexual orientation and ensure that lesbian, and bisexual employees have a safe and supportive environment in which to work
6. ensure service users are aware that they do not have the right to refuse service from lesbian, gay, and bisexual employees
7. ensure that recruitment and selection is carried out in accordance with Corporate standards and best practice
8. provide appropriate development opportunities to assist with the implementation of this policy and ensure that employees and elected members are aware of their individual responsibilities and the organisation's commitment
9. handle sensitively allegations of discrimination and harassment providing appropriate support to the alleged victim(s) in accordance with organisational policy and procedure
10. manage employees fairly and appropriately, ensuring there is no discrimination in terms of attitude, work allocations, promotion or other conditions of employment
11. provide information and guidance to managers and employees on gender reassignment as well as on general appropriate language and behaviour issues that may affect people who are lesbian, gay, bisexual or transgendered
12. ensure that all consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 12.1 a commitment to equal opportunities
 - 12.2 the name or position of the person responsible for the effective implementation of the policy.

Equality for People of all Religions and Beliefs

Barrow Borough Council is committed to eliminating discrimination against people because of their religion or belief. In pursuing these commitments the Council acknowledges its statutory duties under a range of legislation detailed in appendix 2.

Barrow Borough Council will afford equal access to employment and services and will not discriminate on the grounds of religion or belief. In order to achieve this objective, the Council will:

1. ensure that Faith communities are involved in planning services and their specific needs considered in any consultation processes
2. give consideration to advertising and promoting services in the Faith media
3. ensure that recruitment and selection is carried out in accordance with Corporate standards and best practice
4. ensure that service users, employees, consultants, contractors, suppliers, and partners [including those in the voluntary and community sectors] are able to go about their daily business free from harassment and religious discrimination;
5. handle allegations of religious discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s], within the context of the normal Council policy and procedure;
6. manage employees fairly and appropriately, ensuring there is no discrimination on religious grounds in terms of work allocations, consultation and communication, development and training opportunities, employees appraisals, granting of leave, or grievance and disciplinary matters;
7. acknowledge and publicly recognise cultural and religious festivals and holidays across the Council so that leave is not unreasonably withheld from employees who may wish to celebrate them;
8. ensure that all consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 8.1 a commitment to equal opportunities
 - 8.2 the name or position of the person responsible for the effective implementation of the policy.

Equality for People of All Ages

Barrow Borough Council is committed to eliminating age discrimination. We will do all we can to promote greater social inclusion for people of all ages and we will develop the right conditions for our employees of all ages to develop and contribute. In pursuing these commitments the Council acknowledges its statutory duties under a range of legislation detailed in appendix 2. In order to achieve this objective, the Council will:

1. include younger and older people in drawing up plans and making decisions.
2. support younger people's and older people's interest groups and make special efforts to include hard to reach groups.
3. provide services on the basis of need, regardless of age. Age will not be used as a criterion to restrict access to services.
4. work with partners in other organisations to improve our effectiveness in promoting equality and valuing diversity.
5. ensure that consultants, contractors, suppliers and partners are made aware of this policy and the expectation that their own policies will include as a minimum:
 - 5.1 a commitment to equal opportunities
 - 5.2 the name or position of the person responsible for the effective implementation of the policy.

The Council acknowledges that older and younger workers may face stereotyping with regard to their capabilities and prospects and we believe that age stereotypes diminish choice for individuals and lead to ineffective use of people in the organisation.

We acknowledge that age does not equate to physical or mental ability and is a poor predictor of performance, and consequently we reject the use of age as a deciding factor in employment decision making.

The Council will apply these principles to all employment policies, practices and decisions applied to the employees of the Council. This includes recruitment, election, training, promotion, reward, retirement, redundancy, transfer and career development.

Implementing the Policy: Delivering on Equality

Barrow Borough Council's Organisational Structure

The Council is made up of 38 Councillors, but manages most of its business through an Executive Committee comprising of eleven members and chaired by the Leader of the Council. This Committee considers all policy issues, including the development of new policy and the implementation of existing policies. There are separate regulatory Committees for Planning and Licensing. Our Standards Committee is chaired by an independent person and reports directly to Council.

The Executive Committee has also established a Housing Management Forum. This is made up of equal numbers of elected Members and tenants' representatives, who have equal voting rights, and guides housing management policy decisions.

Overview and Scrutiny Committees monitor the decisions of the Executive Committee and the implementation of policy. There are two separate Overview and Scrutiny Committees, one dealing with Corporate Services, and another dealing with Regeneration & Community Services.

The Council's staffing structure is shown in Appendix 1.

Barrow Borough Council's purpose and vision

The driver for all of Barrow Borough Council's activity is delivery of the objectives identified in The Sustainable Community Strategy for Barrow Borough. This means that the Council is committed to working with local partners towards a shared long-term vision for the Borough. Our vision, and that of our partners, is that:

“Barrow Borough will become recognized, both by local people and by those outside the area, as a prosperous, pleasant, healthy and safe place to live and work.”

The Council aims to deliver the Sustainable Community Strategy by working as a member of Furness Partnership, the Local Strategic Partnership for the Borough. All of Furness Partnership's members are committed to:

- providing more and better jobs for local people
- improving health and life expectancy for people living in the area
- developing a more attractive place to live
- offering higher quality housing choices
- reducing levels of crime, and people's fear of crime
- ensuring our young people have the start in life that they deserve
- delivering better education for people at all levels
- tackling deprivation by giving extra help to those in the greatest need

The Council is responsible for developing the Sustainable Community Strategy, and for making sure it meets the needs of local people, but Furness Partnership implements the Plan.

Furness Partnership's commitment to equality and diversity is articulated in the Sustainable Community Strategy, and includes a commitment to promoting social inclusion for people who are disadvantaged by life circumstances or conditions, including the problems that can be associated with living within areas of deprivation, and with experiencing periods of unemployment, homelessness or other such difficulties.

The Council recognises a direct link between achievement of our Sustainable Community Strategy objectives and the adoption of policies that recognise and value diversity. For example, a workforce that is representative of diversity within the population will better understand the needs of its customers, will have more credibility, and will enjoy greater public confidence. A modern, high quality service will therefore recognise the diversity of its customers and act to ensure that individual needs are met.

Putting Policy into Practice

We believe that people deserve high quality services that meet their individual needs, so we constantly look for ways to increase the flexibility of the services we provide and offer people genuine choice in the services they receive.

Our Equality Scheme is a public commitment to:

- ensure that all of our policies and service plans reflect the principles of equal opportunities;
- monitor activity in relation to equal opportunities, and publish the results;
- identify policies that impact on equality, and ensure that they comply with the law and best practice;
- provide information or training on our equality policies and the law for all staff and councillors;
- insist that our partners, suppliers and contractors are committed to equal opportunities.
- continually review the way we publicise our services, to reach people not already using them;
- provide information in other formats or languages, to be more accessible to disabled people or non-English speakers;
- ensure that our workforce represents the diversity of the Borough's population;
- make a equality and diversity practice a selection criteria when selecting contractors or suppliers.

By adopting the Scheme we have promised to review and challenge our ways of working and bring equality and diversity into the heart of what we do; this relates to both service delivery and to our workforce.

We consult local people about their needs and adapt services to suit them. This means talking and listening to everyone in the community, not only those who regularly use our services or actively offer their views.

Mainstreaming

The Council has a coherent, strategic approach to equality issues that is effective, appropriate and provides continuous challenge. This approach is built into existing mechanisms of planning and performance management.

Our approach to equality and diversity issues, and to valuing diversity, are incorporated into service planning and delivery activities. Service managers must build a commitment to equality for all people into their day-to-day activities, acknowledging that for some the experience of discrimination is a reality.

Appropriate learning and development opportunities and/or information resources are provided for employees and elected members to enable them to fulfil the organisation's commitment to equality, recognising that the choices they make everyday will affect people's lives.

Achieving a position where our commitments are truly mainstreamed is a long-term process and will need sustained leadership, support and challenge.

Scope

Our Equality Scheme applies to:

- Users of our services and visitors to our sites
- Councillors
- Employees
- People seconded from other organisations to work with us
- Volunteers
- Contractors, sub-contractors and partners

Corporate Equalities Group

A Corporate Equalities Group (CEG), which includes a member of the Executive Committee, develops our equality policies and advises the Council on equality issues. The CEG is responsible for development and review of the Equality Scheme, in order to reflect best practice and support ongoing improvement.

The remit of the Corporate Equalities Group encompasses service delivery and employment issues. The Group focuses on three levels of activity:

- **Implementing equal opportunities monitoring of mainstream activity:** Developing a basket of indicators, success measures and targets (to be identified), and an information system that supplies the Corporate Equalities Group with regular monitoring information, in order to be able to review the success of equal opportunities policy initiatives that have been implemented.
- **Mainstreaming equality by establishing departmental and service area project groups:** Mainstreaming is a long-term goal. Given this, it will be necessary in some situations to provide more than a monitoring function to specific departments or service areas in order to achieve change and reduce discrimination. The Corporate Equalities Group will provide co-ordination, support and direction.

- **Commissioning work on crosscutting issues:** There will be some priorities that do not sit appropriately in any one part of the organisation. When this is identified the Corporate Equalities Group will commission individual time-limited projects to address those issues.

Our individual and collective responsibilities

The Chief Executive is responsible for making sure our equality policies are applied consistently throughout the Council.

The Executive Committee makes decisions in line with the Council's policies and budget. These decisions must always be informed by a commitment to promoting equality and diversity through comprehensive Equality Impact Assessment.

The Director of Corporate Services is responsible for the management of our equality and diversity policies.

The Corporate Governance Overview and Scrutiny Committee is responsible for the scrutiny of this policy, its contents and its implementation, and in particular for the delivery of objectives and performance related to the Scheme.

To be effective, our equality and diversity policies must be translated into action plans with specific outcomes and challenging targets. Chief Officers are responsible for making sure that departmental policies and service plans promote equality of opportunity. All departmental policies and service plans must reflect the principals of equality of opportunity, and include equality objectives. These objectives must have a clear timetable and specify who is responsible for action.

We expect all staff to show commitment to ensuring that the Equality Scheme is implemented at departmental and service delivery levels, and to abide by the principles of equal opportunity in the performance of their duties.

Targets and Monitoring

Working towards equality and diversity involves setting specific measurable and realistic targets. In addition to using targets required to satisfy Local Government Equality Framework, we use Local and National Performance Indicators and locally agreed targets to help assess our progress. These targets are set by us each year and reviewed regularly.

The Corporate Equalities Group is responsible for monitoring the equalities performance and general compliance with statutory duties. Annual progress is reported to Management Team, the Executive Committee and the Corporate Governance Overview and Scrutiny Committee.

Publication of the results of assessments and monitoring

We publish reports on our progress in improving equality and diversity practice though the Equality Scheme. Reports are published on the Council's public web site.

Our targets and the results of monitoring and any subsequent actions are also published and available to the public.

Consultation and Community Engagement

To successfully tackle inequality, the Council recognises must gain the trust and confidence of those it is seeking to work with and serve, both now and in the future.

The Council is committed to listening to people's views and to working with communities as an essential part of informed decision-making, and we use a variety of methods to gather the views of local people. We recognise that a targeted approach may be required to engage successfully with some members of local communities, to ensure that their views are properly taken into account. Our strategies for ensuring that consultation reaches the broadest possible range of people are identified in our Consultation Strategy, which is available from www.barrowbc.gov.uk/community, or in hard copy on request.

The low proportion of people from black and minority ethnic backgrounds living within the Borough means that we must take particular care in using the most appropriate means for seeking their views. We engage with representative and liaison groups such as the Furness Multi-Cultural Community Forum and AWAZ (Cumbria).

We engage with groups representing disabled people, women, people from ethnic minorities, lesbians, gay, bisexual and transgender people; and we encourage these groups to work with us to improve equality practice as members of our independent Equalities Advisory Group.

Impact Assessment

Government legislation places statutory duties on all public authorities to assess the impact of their work on gender equality, race equality and equality for disabled people.

To reflect the Council's commitment to continual improvement of its equality and diversity practise, we have adopted a broadly based approach to the assessment of our functions, policies and procedures in order to fulfil these duties. We consider the impact and potential impact of our work on the promotion of equal opportunities for everyone, regardless of race, gender, age, disability, sexual orientation or religious belief. These equality impact assessments will include appropriate consideration of the impact on gender equality, race equality and equality for disabled people, thereby meeting our statutory duties for impact assessment.

The Council has prioritised for assessment those functions with the greatest potential impact on equality of opportunities. Functions are subject to a rigorous impact assessment in order to identify any areas of adverse impact and any areas of potential for a positive impact, following a schedule based on the level of priority identified. This schedule forms part of the Equality Scheme, and monitoring the implementation of impact assessments is therefore the responsibility of both the Corporate Equalities Group and the Corporate Governance Overview and Scrutiny Committee.

In addition to existing policies and functions, the Council performs an impact assessment of any new policy, service or function before it is introduced or adopted. Any significant change to an existing policy, service or function must also be subject to an equalities impact assessment before its introduction, even where the existing policy, service or function has already been subject to an assessment.

Where an adverse impact is identified, or where potential for positive impact is not being exploited, the service provider must identify specific corrective actions. The impact assessment exercise thus leads to the production of action plans to help improve equal opportunities practice.

Positive Images and Language

We ensure that our communications and publications use images and language that help to promote equality of opportunity and good community relations.

Employment

Our workforce should reflect the diversity of the population of the Borough. We positively encourage applications from those sections of the community that are currently under-represented in our workforce. As a major employer, we aim to be a positive example of good practice to other employers in the Borough.

Recruitment and Selection

We will ensure that practices and procedures reflect current best practice and that person specifications contain only criteria that are necessary to perform the duties of the post. Where a particular group is under-represented in an area of work, positive action may be taken to encourage applications from that group. This action may include specific indications that we would welcome applications from people in those groups, or targeted advertising of vacancies to supplement standard advertisements.

The Council's Recruitment and Selection Policies contain further information.

Learning, Development and Information Resources

We recognise the need to develop and/or implement training programmes on all aspects of Equality, from basic awareness raising, to a more detailed knowledge of Equal Opportunities Policy and Practice. Appropriate training is required at all levels of the organisation. This training requirement will be incorporated into the Corporate Training Plan.

We will ensure that all employees and councillors have the competence necessary to ensure that this Policy is translated into positive action.

We will provide basic training for all employees in equality and diversity issues and in the requirements of equalities legislation described in Appendix 2.

We will regularly undertake a needs analysis to establish the ongoing requirements for and feasibility of:

- Training councillors and managers on good practice in recruitment, selection, induction, performance review and employee welfare
- Training councillors and employees on preventing and challenging discrimination, harassment and prejudice.

We will provide appropriate learning and/or information resources to ensure that all employees and councillors understand and fulfil the organisation's commitment to equality.

Service Delivery

We are committed to providing quality services that are responsive and accessible to all. People who use our services are entitled to do so free from discrimination and harassment.

Managing diversity in service delivery is about providing appropriate services, according to need, for everyone in the Borough. We aim to tackle exclusion from services and communities by offering individuals genuine choice in the type and style of services that they receive. We believe that a modern, high quality service will recognise the diversity of its customers and act to ensure that individual needs are met.

We will continue to develop our services to ensure that they are fully accessible to customers with disabilities, customers who use other languages and those who might otherwise find it difficult to access them. This means that we are committed to making information about our services accessible by:

- using "Plain English" (language that an English speaking audience can understand and act upon from a single reading)
- providing appropriate translation and interpretation for non-English speakers
- providing appropriate options for disabled people

We aim to ensure that our services:

- Are welcoming and accessible
- Attempt to remove the barriers which disabled people face in accessing services and encourage disabled people's right to an independent life
- Recognise the needs of carers of children and carers of adults
- Recognise the needs of people responsible for childcare
- Address the needs of the different ethnic groups in the Borough
- Support the right of lesbians and gay men to be open about their sexual orientation

Employees and any other people providing Council services to the public are entitled to be treated fairly and with respect. Where they face discrimination or harassment from service users, the Council will take appropriate action to prevent this happening again. This action may ultimately include the withdrawal of the service.

Service users do not have the right to unreasonably refuse service from particular employees or service providers on the grounds of gender and do not have the right under any circumstances to refuse service from particular employees or service providers on the grounds of disability, race, colour, ethnic origin, religion, belief, culture, nationality, national origin, age or sexual orientation.

Through our participation in the Local Strategic Partnership, the Council will seek to ensure that tackling discrimination is included in any plans to improve services in local neighbourhoods.

Procurement, Commissioning and Partnerships

We will take account of equality and diversity when selecting contractors, evaluating their ability to deliver services and monitoring their performance. Our partners and sub-contractors will be required to incorporate the principles of our Equality Scheme in all joint ventures and agreements.

Publications and information

Our Equality Scheme is publicly available on our Internet website and in hardcopy on request. We will try to meet any requests to provide copies in other languages or alternative formats.

We are committed to making information about the Council and our services accessible by:

- using “Plain English” (language that an English speaking audience can understand and act upon from a single reading)
- providing appropriate translation and interpretation for non-English speakers
- providing appropriate options for disabled people

The results of monitoring, assessments and consultations will be published annually on the website and will be available in hardcopy on request.

Sanctions

Members, managers, and employees need to make sure that the commitments within this policy are translated into action. Breaches of this policy will be treated seriously and may lead to disciplinary action, in accordance with agreed procedures.

All staff are expected to abide by the principles of equal opportunity in the performance of their work and not doing so may be a disciplinary offence. The following actions by employees of the Council may be disciplinary offences:

- Discriminating against fellow employees, job applicants or service users on grounds that cannot be justified
- Persuading, or trying to persuade, other people to discriminate unfairly
- Harassment or bullying of any kind
- Victimising someone who has made an allegation of discrimination or who has given information about discrimination

These matters will be addressed through the relevant disciplinary procedure.

Similarly, our employees and any other people providing Council services to the public are entitled to be treated fairly and with respect. Where they face discrimination or harassment from service users, the Council will take action to stop this happening again. In some circumstances this may include the withdrawal or refusal of the service.

Feedback, complaints and compliments

Questions and Feedback

Equality and diversity issues affect everyone, so it's important that we all understand the issues and are able to have our say. That's why we welcome feedback on our Equalities Policies; if you have any comments or questions about the policies and how they affect you, please email us at equality@barrowbc.gov.uk or, if you prefer, send them to:

Policy and Strategy Officer
Barrow Borough Council
Town Hall, Duke Street
Barrow-in-Furness LA14 2LD

We welcome constructive comments on our Equality Scheme and encourage any feedback, either positive or negative, that will help in our efforts to tackle all forms of unfair discrimination, inequality and injustice.

Complaints

Should you wish to complain about the way the Council operates or is meeting its duties with regard to any aspect of equal opportunities, then there is a formal complaints procedure to help you to do so.

Complaints can be made to the Council using a Complaint Form available from Barrow Town Hall reception, the Cemetery Office and the Housing Department, Cavendish House, Barrow. A copy of the full complaints procedure will be issued with each Complaint Form.

The Complaint Form is also available to download from the Council's Internet website or you may submit your complaint online at www.barrowbc.gov.uk/council.

We will try to provide both the form and procedures in alternative formats or languages on request, and we will offer assistance to anyone who has difficulty using the existing form or procedures.

You may also wish to raise your complaint with one of your local Councillors.

We will investigate your complaint in a fair and equitable way to achieve a satisfactory solution to the problem. However, if this is not possible or if you are unhappy with the Council's procedure, you have the right to refer your complaint to

the Local Government Ombudsman who may undertake an independent investigation on your behalf.

The Local Government Ombudsman is an independent person who investigates allegations of maladministration causing injustice to the person who has complained. The Ombudsman investigates complaints about most council matters including housing, planning, education, social services and council tax. The Ombudsman who deals with this Council is at:

Local Government Ombudsman Beverley House
17 Shipton Road
York YO30 5FZ

Tel : 01904 663200
Fax: 01904 663269

Web site: www.lgo.org.uk

If you have an enquiry about the Local Government Ombudsman's service you can telephone their Advice line on 0845 602 1983.

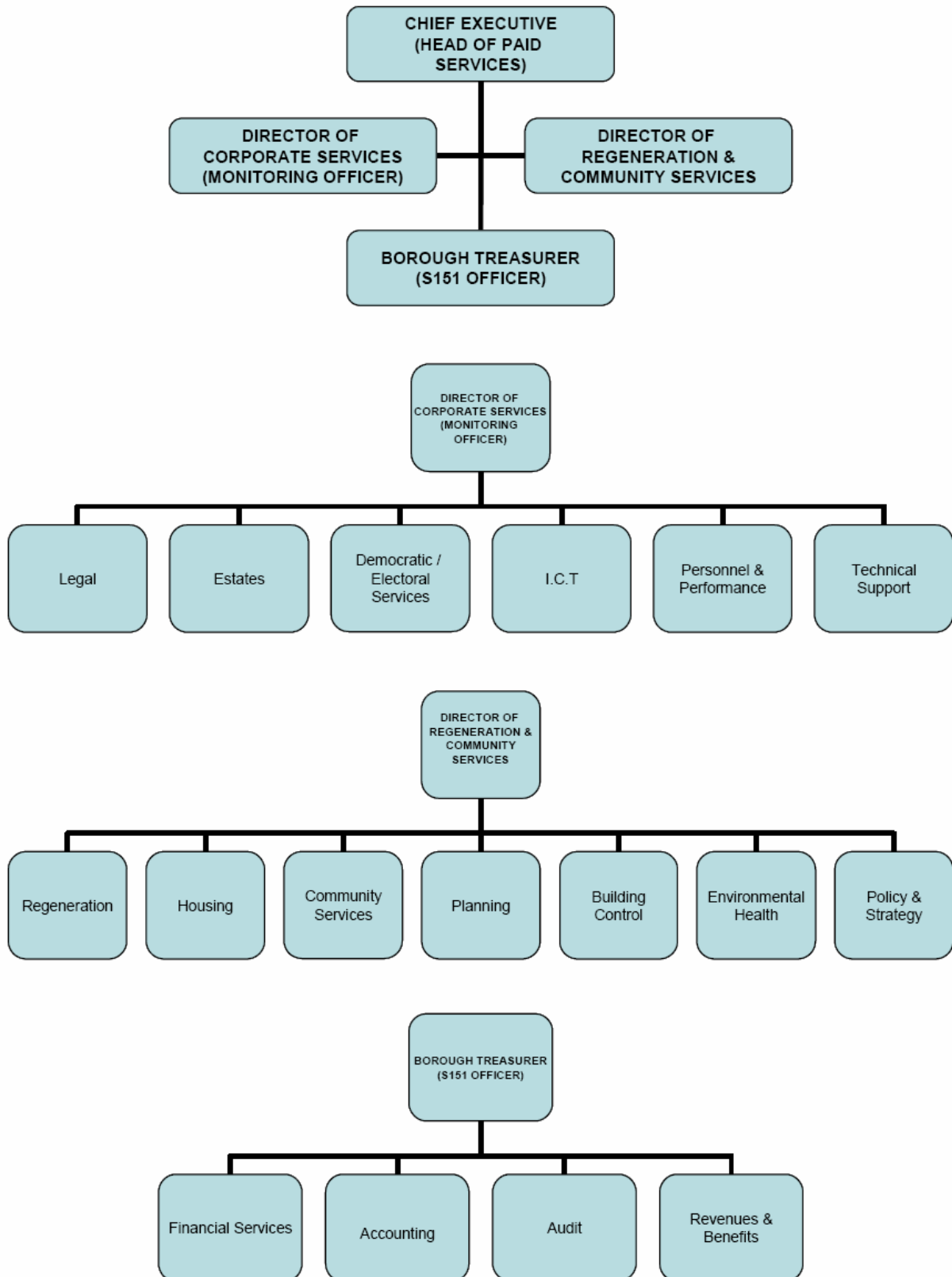
Where to find out more

For information on the Equality Framework for Local Government visit the Improvement and Development Agency's website at www.idea.gov.uk

The Equality and Human Rights Commission is an excellent source of information and advice on equalities issues: Visit their website at www.equalityhumanrights.com or, if you are in England, you can telephone their helpline on 0845 604 6610 (or textphone 0845 604 6620).

Barrow Borough Council's own website also includes a useful library of online equality and diversity resources at www.barrowbc.gov.uk/equality

Appendix 1: Council Structure



Appendix 2: Summary of Equality Legislation

Equality Strand	Legislation	Main duties on Local Authority	Scope
Gender	Equal Pay Act 1970 (Amended)	Gives individual employees a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and woman are doing: like work; work rated as equivalent under a job evaluation study; or work that is of equal value.	Employment
	Sex Discrimination Act 1975	To prevent unlawful discrimination on the grounds of sex. Applies to sex discrimination in employment, education, advertising or in the provision of goods, services or facilities.	Employment, provision of goods, services and facilities
	Employment Equality (Sex Discrimination) Regulations 2005	Introduces new definitions of indirect discrimination and harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity.	Employment
	Sex Discrimination 1975 (Amendment) Regulations 2008	Introduces a new definition of sex related harassment applying to individuals who are affected by unwanted conduct, as well as those subject to the conduct themselves. Introduces new concept of third party harassment, where employer knowingly fails to protect an employee from repeated harassment by a third party.	Employment
	Gender Recognition Act 2004	To provide transsexual people with legal recognition in their acquired gender.	Employment, provision of goods, services and facilities
	Equality Act 2006	Introduces a positive duty on public sector bodies to promote the equality of opportunity between women and men and a positive duty to eliminate sex discrimination and discrimination on the grounds of gender reassignment.	Employment, provision of goods, services and facilities
	Sex Discrimination (Gender Reassignment) Regulations 1999	To prevent sex discrimination relating to gender reassignment. Applies to transsexuals in relation to equal pay and treatment in employment and training.	Employment

Equality Strand	Legislation	Main duties on Local Authority	Scope
Ethnicity	Race Relations Act 1976	Prohibits discrimination on racial grounds in the areas of employment, education, the provision of goods, facilities, services and premises.	Employment, provision of goods, services and facilities
	Race Relations (Amendment) Act 2000	Statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.	Employment, education, provision of goods, services and facilities.
	Race Relations Act 1976 (Amendment) Regulations 2003	New definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, introduces new exemption for certain job requirements.	Employment, education, provision of goods, services and facilities.
	Racial and Religious Hatred Act 2006	An act to make provision for offences involving stirring up hatred against persons on racial or religious grounds	Employment, education, provision of goods, services and facilities.
Disability	Disability Discrimination Act 1995	Outlaws discrimination and disability related harassment against disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.	Employment, provision of goods, services and facilities.
	Disability Discrimination (Amendment) Act 2005	Introduces a positive duty on public bodies to promote equality of opportunity between disabled people and others; to eliminate unlawful disability discrimination and disability related harassment; to promote positive attitudes to disabled people and encourage participation by disabled people in public life and take steps to meet disabled people's needs including more favourable treatment.	Employment, provision of goods, services and facilities.
Sexual Orientation	Employment Equality (Sexual Orientation) Regulations 2003	Protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion and working conditions.	Employment
	Civil Partnerships Act 2004	Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.	Employment, provision of goods, services and facilities.

Equality Strand	Legislation	Main duties on Local Authority	Scope
Religion or Belief	Employment Equality (Religion or belief) Regulations 2003	Protects against discrimination on the grounds of religion and belief in employment, training, promotion and working conditions.	Employment
	Equality Act 2006	Protects access discrimination on the grounds of religion or belief in terms of access to goods, facilities and services	Provision of goods, facilities and services
	Racial and Religious Hatred Act 2006	An act to make provision for offences involving stirring up hatred against persons on racial or religious grounds	Employment, education, provision of goods, services and facilities.
Age	Employment Equality (Age) Regulations 2006	Protects against discrimination on the grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate	Employment

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Knowing our communities - equality mapping							
<p>Current, useful and relevant local information on equality issues is used to inform service delivery and development.</p>	1.1	Publish an Equality Profile for each of the six equality strands in Barrow Borough, including data from Place Survey and Mosaic.	GIS Officer	31/05/2010	GREEN - Profiles almost complete	Relevant and appropriate information is gathered efficiently using a range of techniques, across the local community, to inform the authority: corporate policy and strategy, sustainable community strategy, local area agreements and to identify key equality gaps	Are different techniques being deployed to gather data? How often is data gathered? Are national and regional data used and analysed? What systems are in place to assess the changing nature of local communities? Is information from ward councillors gathered in a systematic way? How are equality gaps identified and measured?
	1.2	Put systems in place to ensure that equality profiling and the findings of Equality Impact Assessment are reflected in the Council's Corporate Aims and Key Priorities, and in service level plans and budgets	Policy Review Officer	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	Information and data are disaggregated and analysed corporately and at service/unit level to monitor and assess and set equality objectives. (Links to 2.4, 2.17 and 2.25)	Is information disaggregated and analysed on a regular basis? What changes have been made as a result?
	1.3	Link to Equality Profiles and appropriate maps from Barrow BC and Furness Partnership websites	Policy and Strategy Officer	30/06/2010	GREEN - Equality/LSP web pages in development	Relevant and appropriate information and data (including data relating to the National Indicator Set) is mapped, disaggregated and used with partners, to assess and set equality objectives.	What information is available across partnerships? Is data disaggregated using the same or similar categories? How is the information being used to inform and achieve equality outcomes?
Place shaping, leadership, partnership and organisational commitment							
<p>A robust and comprehensive statement of our commitment to Equality is in place. This can be articulated by members and officers at all levels of the organisation and is reflected in our business and service delivery plans.</p>	2.1	Adopt updated Single Equality Scheme reflecting consultation responses and peer assessment	Policy and Strategy Officer	30/06/2010	GREEN - SES almost complete	Clear organisational and partnership equality priorities have been set and are owned and understood by all key stakeholders, including the voluntary and community sector.	Is there evidence of a link between equality schemes, equality objectives, corporate and service plans, and the corporate performance management system? Are equality objectives integrated into partnership strategies? What evidence exists to demonstrate challenge by all stakeholders? Does this challenge contribute directly to the development of the authority's targets and objectives?
	2.2	Introduce monthly performance report to Corporate Equalities Group produced via self-assessment via the IDEA Effect tool	Policy Review Officer	30/05/2010	GREEN - System in place to produce reports	Equality and cohesion priorities are monitored regularly by partners, the authority's political and senior managerial leadership, and appropriate resources are being allocated. (Links to 2.20)	In what ways do partners and the authority's leadership demonstrate that they continuously monitor, review and evaluate the performance of equality objectives? Is equality integrated into performance management frameworks? Do councillors/partners scrutinise EqIAs and action plans which lead to major new policies or initiatives?
	2.3	Update on progress of the Achieving Equality Project as a standing item for Management Board	Director Corporate Services	30/05/2010	GREEN - System in place to produce reports	Action is being taken to implement commitments within the equality schemes and monitored regularly by political and senior managerial leadership.	How are the schemes monitored and reviewed? How often? What steps are taken if deficiencies are identified? Is the community involved in the monitoring? How?
	2.4	See action at 1.2	Policy Review Officer	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	Appropriate resources have been allocated and action has been taken to mitigate adverse impact and improve equality outcomes where shortfalls have been identified.	Are the outcomes of all EqIAs fed into service planning processes? Are there targets with specific accountabilities and timescales? Are there indicators of how success will eventually be measured? How have targets been integrated into service plans? Have resource implications been properly assessed?
	2.5	Build the review of equality objectives and impacts into corporate overview and scrutiny systems.	Policy Review Officer	30/07/2010	GREEN - Equality progress to be reported to O&S as part of performance report in June	Political overview and scrutiny processes review equality impacts and objectives.	How does the overview and scrutiny function scrutinise equality issues? How are the public involved? How challenging is the scrutiny? Is information available on the website? How do councillors scrutinise EqIAs and action plans or other equality issues? Is progress on equality issues included in scrutiny reports?
	2.6	Produce an updated version of the Council leaflet "Our Commitment to Equality and Diversity"	Policy and Strategy Officer	30/07/2010	AMBER - Subject to adoption of SES and budget for publication	The authority communicates effectively about its equality and cohesion priorities, how it is responding to its communities' needs and promoting good relations.	Improve the way the authority communicates effectively about its equality and cohesion priorities, how it is responding to its communities needs and promoting good relations. (How is 'equality' success defined and communicated? What methods are used? How does the authority promote good relations across the whole community?)

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	2.7 Update the Equality and Diversity section of the Council's website, to include a summary reports on progress in delivering the Achieving Equality Project and a section publishing summaries of completed Equality Impact Assessments	Policy and Strategy Officer	30/06/2010	GREEN - Equality web pages in development		
Our commitment to Equality is reflected in our choice and management of suppliers	2.8 Review major contracts for outsourced services to ensure they continue to be appropriate and accessible	Technical Support Manager and Assistant Director Regeneration	31/07/2010	RED - Significant project over multiple contracts with high impact	The authority ensures that contractors, commissioned services and grant receivers regularly review their services and access to them to ensure they continue to be appropriate and accessible. (Links to 2.19)	How does it ensure that contractors, grant receivers and others continue to meet the changing needs of clients? What is written into the contract? How is the contract managed over time to support good practice and continuing service improvement?
	Procurement Policies to be subject to Equality Impact Assessment under action at 4.1	Technical Support Manager and Assistant Director Regeneration	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.		
All groups are appropriately represented and have equal opportunities to participate fully in civic and public life	2.9 Support further development of the Equality Advisory Group (in transition to Barrow Equality and Diversity Partnership) and the Borough Council's participation in the county-wide elected members Equality Group.	Director Corporate Services	30/06/2010	AMBER - Proposals developed and agreed in principal, however negotiation of TOR and refreshment of membership ongoing. Significant impact on project	Work is being undertaken to promote equality of opportunity in terms of the participation of under-represented groups in civic and public life, including as elected representatives.	How is the community being made aware of the opportunities that are available? Has any outreach work or public campaigning been undertaken?
The public, and our employees have confidence in the Council's willingness and ability to respond appropriately to hate-related incidents and to support victims	2.10 Review corporate systems for monitoring and analysis of hate crimes and incidents	Director Corporate Services	31/08/2010	RED - No system in place	The quality of community relations and harassment and hate crimes are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified.	What data is available? How frequently is it analysed and acted upon? Have there been any changes? Are relevant stakeholder groups and customers involved in the monitoring? How?
Community engagement and satisfaction						
Our community engagement procedures and standards ensure that our engagement is effective and accessible to all.	3.1 Update and adopt Community Consultation and Engagement Strategy	Policy and Strategy Officer	31/07/2010	AMBER - Officer time to complete revision of strategy. Fragmented implementation of engagement and consultation	Community engagement structures are working efficiently and effectively.	Does community engagement take place on an ongoing basis? How is its effectiveness monitored? Are there inclusive, open, and participative forums where community groups can participate? What arrangements are made to meet special needs? What ESOL (English for speakers of other languages) provision is there? How are interpretation services organised? Are there facilities for disabled people who are attending? What is the experience of the community and the voluntary and community sector?
	3.2 Introduce Delib Consultation Database and populate with details of all current and previous engagement.	Policy and Strategy Officer	30/06/2010	AMBER - Population and ongoing maintenance of database subject to resourcing. Fragmented implementation of engagement and consultation	Involvement and consultation influences and informs equality priorities and feedback is given to those consulted. Provide information on implementation	Are there processes and plans throughout the authority to ensure stakeholder and voluntary and community sector involvement in informing equality priorities? How is feedback given? How often? How are people in the community able to challenge? How are their views taken account of?
				AMBER - Fragmented implementation of engagement and consultation.	Consultation influences and informs equality priorities and feedback is given to those consulted.	Are there processes and plans throughout the authority to ensure stakeholder and voluntary and community sector involvement in informing equality priorities? How is feedback given? How often? How are people in the community able to challenge? How are their views taken account of?
	3.4 Produce evidence of the effectiveness of partnership working in relation to the LSP, CSP (CDRP), local equality and diversity partnerships, etc.	Policy and Strategy Officer	31/07/2010	GREEN - Good evidence available	Partners work together to balance diverse, but sometimes conflicting interests, in the locality.	Are there any examples where the authority and its partners have had to take unpopular decisions to prioritise but still managed to keep local communities on board?
Responsive services and customer care						

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Our services services meet the diverse needs of our customers	4.1(a)	Adopt the functional EIA model and develop a prioritised list of functions to be assessed.	Policy and Strategy Officer and Policy Review Officer	31/05/2010	AMBER - Model and prioritised list are project priorities and currently in development. Significant impact	A set of equality outcomes/ objectives/goals have been produced at service/unit level to meet the needs of identified equality target groups, and those who are most vulnerable. How have these objectives been arrived at? What will the outcomes for users be? How are the objectives addressing inequality and equality gaps?
	4.1(b)	Complete assessments in line with the programme developed at 4.1(a). EIA to be required for all policies and decisions recommended to Council	Management Board members as named on Schedule of EIAs	as scheduled	AMBER - Significant impact but recognised and external support via consultancy.	
	4.2	Action at 1.2	Policy Review Officer	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	Appropriate resources have been allocated and action has been taken to mitigate adverse impact and improve equality outcomes where shortfalls have been identified. Are the outcomes of all EIQAs fed into service planning processes? Are there targets with specific accountabilities and timescales? Are there indicators of how success will eventually be measured? How have targets been integrated into service plans? Have resource implications been properly assessed?
	4.3	Action at 2.8	Technical Support Manager and Assistant Director Regeneration.	31/07/2010	RED - Significant project over multiple contracts with high impact	Mechanisms are in place to ensure that service equality objectives are delivered by contractors and providers through contract management, and that they are monitored properly. Are there monitoring requirements built into contracts to ensure equality issues are addressed? Is there evidence that provision is being monitored using quantitative and qualitative analysis, and the results considered and analysed by both contractor and client? How do authorities ensure that contractors, grant receivers and others continue to meet the changing needs of clients? What is written into the contract? How is the contract managed over time to support good practice and continuing service improvement?
	4.4	Action at 2.2 and 2.3	Director Corporate Services and Policy Review Officer	30/05/2010	GREEN - System in place to produce reports	Equality and cohesion objectives are monitored regularly by portfolio holders and departmental management teams (DMTs). In what ways do portfolio holders and DMTs demonstrate that they continuously monitor, review and evaluate performance for equality objectives? Is equality integrated into the service performance management framework
	4.5	Action at 1.2 and 4.1(b)	Policy Review Officer and Management Board	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	The identified needs of vulnerable and marginalised groups are addressed and services are designed to ensure that customers and citizens are treated with dignity and respect. How are the needs of vulnerable and marginalised groups taken account of? What specific initiatives have been taken?
	4.6	Action at 1.2 and 4.1(b)	Policy Review Officer and Management Board	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	Human rights issues are considered and addressed when delivering services to customers and clients. How are human rights issues taken into account? What guidance is available for staff? Are manuals updated regularly with regard to changing case law?
	4.7	Action at 2.2, 2.3 and 4.1(b)	Director Corporate Services, Policy Review Officer and Management Board	30/05/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers.	Access to and appropriateness of services is monitored regularly by portfolio holders and DMTs. How do portfolio holders and DMTs demonstrate that they continuously monitor, review and evaluate access to services?
A modern, diverse and reflective workforce						
Our commitment to equality is evidenced through the delivery of our workforce strategy and our recruitment, management and treatment of staff.	5.1	Update workforce strategy to include clear reference to equality and diversity issues in the workforce	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	The equality aspects of the workforce strategy are implemented and monitored. How are the equality aspects of the workforce strategy being implemented and tracked? Are specific actions being taken? How are processes changing?
	5.2	Set equality and diversity objectives in the workforce strategy	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	Employment objectives have been set based on internal monitoring, staff consultation and the assessment of the local labour market and barriers. What objectives have been set? Where workforce data indicates that targets or objectives are not being met, are there appropriate examples of positive action to ensure they can be met? Where there is evidence of disproportionality, what action is being taken to reverse the trends?
	5.3	Publish employment data and historical data on Borough Council website	Assistant Director Personnel	31/07/2010	AMBER - Historical data available and plans for refresh in August 2010	The authority regularly monitors, analyses and publishes employment data to fulfil its statutory duties. Is there evidence that workforce data is analysed and published to help establish targets and objectives? What information is published and where? Are trends identified? What action has been taken as a result of the monitoring? Is monitoring SMART (specific, measurable, achievable, relevant and timely)? What has been the councillor/scrutiny response?

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	5.4 All employment procedures be subject to Equality Impact Assessment under action at 4.1	Assistant Director Personnel	31/07/2010	AMBER - EIA process in development. External consultant appointed to facilitate first EIAs and train managers. HR to be subject to county-wide EIA.	All employment procedures have been impact assessed and action has been taken to mitigate adverse impact and promote equality outcomes.	Have people management processes been impact assessed against all the equality strands? What action has been taken to ensure equality outcomes?
	5.5 Publish progress report on Job Evaluation Scheme	Assistant Director Personnel	31/07/2010	GREEN - Evaluation process complete and pay modelling underway. Process expected to be complete by December 2010	The authority has made significant progress on its equal pay review and is working towards reaching agreement with unions.	Has the review checked for equal pay gaps? Has a new pay structure been agreed, even if not all issues and gradings have been finalised? Have the new proposals been impact assessed? Has an offer been made to the unions in good faith? Are negotiations continuing where final agreement has not been reached? Have managers and employees received information about equal pay?
	5.6 Develop a learning and development plan for equality and diversity and review progress	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	It delivers a range of learning and development opportunities to support councillors and officers to deliver equality outcomes.	Are different methods used to promote learning to a wide audience? For example standard courses, coaching, mentoring. Does equality and diversity form part of councillor training and development? What evidence is there that equality issues are mainstreamed into all training (eg training on customer care and segmentation)?
	5.7 Publicise Harrassment and Bullying Procedures	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	Harassment and bullying incidents are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified.	Are harassment and bullying incidents monitored? What action is being taken to address problems? What information/ support is available to staff?
	5.8 Develop appropriate mechanisms for ensuring that equality is built into performance management of individuals in the absence of compulsory performance appraisal	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	Equality implications inform the setting of objectives in management and individual appraisals.	How do appraisal processes ensure staff and managers are aware of their responsibilities and accountabilities? How are employees made aware of equality objectives or any changes or improvements?
	5.9 Provide examples of ways in which staff are engaged positively in service transformation and in developing new roles and ways of working	Assistant Director Personnel	31/07/2010	AMBER - Plans in place to review and develop workforce strategy	Staff are engaged positively in service transformation and in developing new roles and ways of working.	What evidence is there that staff have been proactively engaged? Are there any improvements?