

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 22nd October, 2014
at 2.00 p.m. (Committee Room No. 4)

NOTE: Group Meetings at 1.15 p.m.

A G E N D A

PART ONE

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

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

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

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

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. To confirm the Minutes of the meeting held on 10th September, 2014 (copy attached) (Pages 1-24).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D) 7. 2015-2016 Holiday Dates (Pages 25-26).
- (D) 8. IT Working Group and Champion (Pages 27-28).
- (R) 9. Data Protection Policy (Pages 29-30).
- (D) 10. Data Protection Code of Practice (Pages 31-32).

- (R) 11. Access to Information Policy (Pages 33-34).
- (R) 12. Discretionary Income Policy (Pages 35-37).
- (D) 13. Universal Credit Update (Pages 38-41).
- (D) 14. Surplus properties at 10, 12 and 22 Sutherland Street – Proposed partnership with Mind in Furness (Pages 42-44).
- (D) 15. Barrow Business Improvement District (Pages 45-47).
- (D) 16. The North West Coast Connections Project (NWCC) Barrow Borough Council Response to National Grid’s Route Corridors Consultation (Stage 2) 2014 (Pages 48-55).

PART TWO

- (D) 17. Re-gradings (Pages 56-57).

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

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

Membership of Committee Councillors

Pidduck (Chairman)
Sweeney (Vice-Chairman)
Barlow
Bell
Biggins
Garnett
Graham
Guselli
Hamilton
Irwin
Richardson
Seward

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Published: 14th October, 2014

EXECUTIVE COMMITTEE

Meeting: Wednesday 10th September, 2014
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Bell, Biggins, Garnett, Guselli, Hamilton, Irwin and Williams.

Also Present:- Phil Huck (Executive Director), Sue Roberts (Director of Resources), Colin Garnett (Assistant Director – Housing) (Items 1 to 7 only) and Jon Huck (Democratic Services and Monitoring Officer).

50 – 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>
Commemoration of Sinking of AE1 Minute No. 62)	To enable the Australian Flag to be flown on 14th September, 2014.

51 – 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:- (i) That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute Nos. 70) of Part One of Schedule 12A of the said Act; and

(ii) To agree that Agenda Item 20 – Universal Credit Update be taken in Part One apart from the Universal Credit Delivery Partnership Agreement (Minute No. 61).

52 – Declarations of Interest

Councillor Hamilton declared an Other Registrable Interest in Agenda Item 7 – Recommendations of the Housing Management Forum – Adelphi Court (Minute No. 55). He was a Member of Cumbria County Council.

53 – Minutes

The Minutes of the meeting held on 30th July, 2014 were agreed as a correct record.

54 – Apologies for Absence

Apologies for absence were received from Councillors Graham and Richardson.

Councillor Williams substituted for Councillor Richardson for this meeting only.

55 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 28th August, 2014 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 Advisers: Housing Maintenance Contract

That Supplier 3 be appointed to assist the Council in considering the future options and if, or when necessary, in the procurement of a new Contract. Their appointment had regard to the involvement of the Adviser in delivering a range of other Investment works.

Scrutiny of Void Standard Policy and Procedures

- (i) To note the content of the Assistant Director – Housing’s report;
- (ii) To note the four-stage scrutiny process for future scrutiny reviews within the Housing Service; and
- (iii) To agree the final draft of the Void Standard Policy and Procedures which will form the operating basis for management of the void process by the Maintenance Team, Housing Options and External Contractors.

Housing Management ICT Systems Review

- (i) To agree an initial review be carried out by an independent consultant with the additional resources required being met from the existing agreed Budget; and
- (ii) That Capita’s ICT and Transformation Consultancy be approved.

Housing Department Relocation to Town Hall

To agree to a reduced service as outlined in the report to enable Officers, equipment and systems to move into the Town Hall on dates to be confirmed.

2014 Housing Investment Programme – Devonshire Estate

To agree to fund the additional roofing work using any accrued surplus budget within the Housing Revenue Account for the current year or, should there not be sufficient under-spend in the previously agreed Maintenance Investment

Programme, by using additional monies from the Housing Revenue Account reserves if necessary so the additional work could be completed.

Adelphi Court, Barrow-in-Furness

To agree that the Council grants a five year lease to the Croftlands Housing Trust to provide supported accommodation for people with mental health issues on the terms outlined in the report.

Sale of Land at Salthouse Road, Barrow-in-Furness

- (i) That the sale be progressed;
- (ii) That it would be at the purchasers risk to obtain appropriate Planning Permission and carry out investigation works regarding the power line;
- (iii) That the purchaser would pay for all of their own and the Council's costs associated with the transfer of the land; and
- (iv) That the garages should be developed within an appropriate timescale agreed with the Council.

56 – Council Finances and Performance Quarter 1 2014-2015

The Committee considered a detailed report of the Director of Resources regarding the Council's finances and performance for 2014-2015, as at the end of June 2014. The report had included all revenue, capital and treasury items which included: the General Fund, the Housing Revenue Account, the Collection Fund and also the financial reserves.

RESOLVED:- (i) To note the quarter 1 financial information;

(ii) To approve the reserve movements, contributing £258,220 to the restructuring reserve as set out in Section D of the report; and

(iii) To note the progress on the Council's priorities.

57 – 2015-2016 Budget Assumptions and Timetable

The Director of Resources report sets out the budget assumptions that would be applied in estimated 2015-2016 and the timetable that had been adopted.

RESOLVED:- To agree the assumptions and timetable for the 2015-2016 budgets as detailed in the report.

58 – Issues and Options Draft Local Plan

The Executive Director informed the Committee that the Borough's existing Local Plan had been adopted in 2001 and therefore some of the policies were out of date and needed updating or replacing. The Planning Policy Team was

responsible for preparing the new Local Plan which sets the broad framework for acceptable development in the Borough for the next 15 years up to 2031.

The production of the new Local Plan was set out in the Council Priorities 2013-16, where objective 1.3 was 'to ensure the timely progression of the Local Plan'. That objective had been linked to the Housing priority but also supported the Regeneration and Public Realm and Local Economy Priorities.

The Council had 'saved' the following documents to be replaced in due course by a new Local Plan.

1. Barrow-in-Furness Borough Council Local Plan Review 1996-2006 (Adopted August 2001)
2. Housing Chapter Alteration 2006 (Adopted June 2006)

The policies within the Barrow Port Area Action Plan (Adopted July 2010) had also been saved.

As a result of new planning guidance, the National Planning Policy Framework introduced in March 2012, Local Planning Authorities could now produce a single Local Plan rather than a suite of policy documents.

The Local Plan would contain strategic policies, land allocations, development control policies and a proposals map. A consultation exercise had been carried out in November 2012, and the comments received and development sites put forward had informed the production of that initial Draft Local Plan.

The draft contained options for a suite of policies on Strategy, Sustainable Development, Housing, Employment, Retail, Environment, Infrastructure, Open Space, Health, Flood Risk, Heritage, Design and Climate Change.

A copy of the draft Local Plan was available on the Council's website via the following link <http://www.barrowbc.gov.uk/Default.aspx?page=5237>

Upon agreement the Issues and Options Draft Local Plan would then be available for consultation for a six week period during September/October 2014. During that time comments would be invited from statutory bodies, organisations, individuals, groups, developers/landowners and other interested parties. A number of exhibitions throughout the borough would be held. The options within the Draft would undergo a Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA).

In February 2015 a 'Preferred Options' Draft Local Plan would be finalised and brought back to Committee. That would have been informed by the environmental assessments, consultation responses and further evidence gathering, and amendments would have been made where required.

In line with the regulations a number of assessments and consultation stages were required throughout the process of drafting the new Local Plan, however the timetable suggested the Plan would be examined and adopted in 2016.

RESOLVED:- (i) To agree the Issues and Options Draft Local Plan; and

(ii) To proceed with informal consultation for a six week period.

59 – Pay Policy Statement and Organisational Chart

The Director of Resources informed the Committee that the Council was required under the Code of Recommended Practice for Local Authorities on Data Transparency 2011, to publish details of salaries paid to senior staff on–line, with effect from 30th March 2012.

The information had been updated on an annual basis. The Pay Policy Statement for the current year has been updated to reflect the Council’s restructure of senior management. The pay Policy Statement and the current organisational chart were considered by the Committee.

RESOLVED:- To agree that the Pay Policy Statement be published on the Council’s website.

60 – Barrow and Dalton Town Centre Shop Front Grant Scheme 2014

The Executive Director informed the Committee that high quality design was transformational. Shops and shop fronts were important to the character of the Borough’s town centres. The design of shop fronts was an important issue which could have a marked impact on the appearance of the street scene. Shop fronts should be a positive element that provided vitality and added interest to the street rather than a negative one that detracted from its overall architectural character. A poorly designed shop front may also reflect badly on business and affect trade. The Council had previously funded two Shop Front Improvement Schemes, in 2010 and 2012 and had produced Barrow Borough Council Supplementary Planning Guidance “Shop front and Advertisement Design November 2010”

These previous Shop Front Grant Schemes proved extremely popular and were oversubscribed. The Council had invested £400,000 in these schemes and that investment had a marked impact on the appearance of small shops in the Town Centres, raising the standard of design and attractiveness of streets.

The new scheme would be targeted at small retailers where modest investment could yield maximum benefit. Grants could cover new windows, exterior treatment, vinyls for windows, fascias, signage, lighting, but were only available to improve the principle trading elevation or elevations of the property. He proposed to target the retail core of Dalton and Barrow Town Centres, where investment would have the maximum impact on the shopping experience in order to not only help regenerate and strengthen the retail offer, but to attract independent retailers to main town centre shopping streets where shops were open during core retail shopping hours. With that aim, the scheme would concentrate on retail businesses; not professional services or the evening economy.

It was proposed that the maximum amount of grant be £5,000 and that the applicant paid 25% of the cost of the approved scheme and the Council 75% of approved expenditure. There were very few designs in the previous two schemes which costed more than £7,500 in total. That would allow the Council to fund at least 50 businesses with a maximum grant of £5,000.

Finance to support the Town Centres Shop Front Grants would not become available until the revised Capital Programme had been agreed by Council on 14th October, 2014.

RESOLVED:- (i) To agree that the Shop Front Scheme would cover Askam, Dalton and Barrow Town Centres;

(ii) To agree the maximum grant rate of £5,000 per property and a 75% maximum contribution from the Council; and

(iii) To agree that the eligibility criteria and operational aspects of the scheme set out in the report.

61 – Universal Credit Update

The Director of Resources provided a detailed update to the Universal Credit report of 30th July, 2014. A further update would be presented at the next Executive Committee that should provide all of the information that should be taken into consideration when signing the DWP Agreement.

RESOLVED:- (i) To note the progress reported;

(ii) To endorse the Director of Resources application to the DWP to move the commencement day back to avoid Christmas; and

(iii) To ask the Leader of the Council and John Woodcock, MP to write to DWP to ask that the commencement date be moved to January to avoid Christmas.

62 – Commemoration of Sinking of AE1

The Executive Director reported that he had received notice from the Barrow Submariners Association that they wished to commemorate the centenary of the loss of the Barrow built submarine AE1 on 14th September 1914 – the first submarine lost in World War 1.

The Centenary commemoration would be held on Ramsden Square at the memorial to AE1 and AE2. Barrow Submariners had confirmed that an RAN Commander from the Australian High Commission would attend and lay a wreath on behalf of the Australian Defence Force and they had requested that the Australian flag be flown from the Town Hall on the day to mark the occasion.

RESOLVED:- To approve the request to fly the Australian Flag to commemorate the centenary of the loss of AE1 on 14th September, 2014.

REFERRED ITEM

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

63 – 2013-2014 Outturn and the Budget Strategy

The Director of Resources submitted a detailed report regarding the outturn for 2013-2014 revenue, capital and treasury together with the position on the Council's financial reserves. The report also contained the subsequent revisions to the Medium Term Financial Plan, reserves and balances, and the Capital Programme. The new Reserves and Balances Policy which had been used to assess the financial reserves had also been included along with an update on the Budget Strategy position at the end of year two of the four-year plan.

RECOMMENDED:- To recommend the Council:-

- (i) To note the outturn for 2013-2014;
- (ii) To approve the 2013-2014 final budget as £13m;
- (iii) To approve the Medium Term Financial Plan revisions;
- (iv) To approve the removal of the budget support required from reserves for 2014-2015;
- (v) To note the Budget Strategy update;
- (vi) To approve the Annual Treasury Management Review;
- (vii) To approve the Capital Programme for 2014-2015 to 2016-2017, including the projects added from the release of reserves;
- (viii) To note the amounts written off under delegation in relation to 2013-2014;
- (ix) To approve the Reserves and Balances Policy and the General Fund balance contained therein; and
- (x) To approve the grouping/classification of financial reserves as set out in Section G of the report in accordance with the Reserves and Balances Policy.

64 – Lowsy Point Beach Huts and Piel Island Cottages

The Director of Resources reminded the Committee that from 1st April, 2013, the Council's second homes discount was 0%. Prior to that there was a second homes discount of 10% and before that 50% (prior to April 2005).

When the second homes discount was reduced from 50% to 10%, the Council reviewed the application to the beach huts at Lowsy Point and Piel Island cottages. The review had concluded that the 50% discount be continued for these

specific properties. Piel Island cottages were closed for up to six months of the year and the services and amenities were restricted. The beach huts at Lowsy Point had similar characteristics.

The Council had approved the second homes discount of 50% for these properties on 25th October, 2005 with the conditions that there was a covenant restricting the length of time that the dwelling could be occupied, that vehicular access to the dwelling made it impractical for the Council to deliver key direct services such as the collection of domestic waste and street cleansing, and wheeled vehicular access was prevented at least daily by the tide.

When the second homes discount was set as 0% from 1st April, 2013, the Council reconsidered these properties and the conditions set out above and agreed to award a discretionary discount of 50% to these properties as the access and amenities had not altered since the previous decision was taken. The discretionary discount of 50% was subject to an annual review.

There were 18 beach huts at Lowsy Point and one had been occupied as a main residence. The cost of continuing the 50% discretionary discount on 17 beach huts would cost the Council £1,366.

There were nine Piel Island cottages and one had been occupied as a main residence. The cost of continuing the 50% discretionary discount on the eight properties would cost the Council £579.

RECOMMENDED:- To recommend the Council that for 2015-2016 the Council awards the 50% discretionary discount to the properties set out in the report.

65 – War Pensions Disregard

The Director of Resources reminded the Committee that Local Authorities could disregard up to 100% of war pension payments when calculating entitlement to Housing Benefit and the Council Tax support; the first £10 was statutorily disregarded for Housing Benefit. That included all War Disablement Pensions, War Widow's Pensions, Armed Forces Compensation Scheme payments and any corresponding pensions payable to a widower or a surviving civil partner.

RECOMMENDED:- To recommend the Council:-

- (i) To approve the disregard of war pensions up to 100% for Housing Benefit for 2015/16; and
- (ii) To approve the policy of disregarding of war pensions at 100% for Council Tax support.

66 – Employer Pension Discretions

The Director of Resources informed the Committee that each pension scheme employer must formulate and keep under review their policy concerning the exercise of their functions in awarding additional pension to members and in

operating early retirement and flexible retirement provisions including those related to redundancy and compensatory payments.

In addition to these mandatory policy decisions there were many other areas where discretionary policy decisions could be made by employers.

The Council had reviewed the requirements and produced the Employers Discretions Statement of Policy. The new regulations mandate the review; the new pension scheme regulations had been introduced in April 2014. As required, the Policy had been sent to Cumbria County Council, in its role as administering authority to the fund and once approved would be published on the Council's website.

The review had not amended any current policies, the employer discretions would not be exercised as a policy but may be used in exceptional circumstances.

RECOMMENDED:- To recommend the Council to approve the Employers Discretions Statement of Policy.

67 – Administration of Re-grading Policy

The Committee considered a report regarding the administration of Re-grading Policy.

It was proposed that the approval was moved from full Council to the Executive Committee. That would significantly reduce the time from the employee applying for re-grading and the implementation of the re-grade. Where appeals were decided by the appeals panel, the date of action would be the next Executive Committee to maintain the consistent treatment of re-grades.

RECOMMENDED:- To recommend the Council to approve the delegation of approving re-grading applications to the Executive Committee.

68 – Cumbria Housing Partnership

The Committee considered a detailed report from the Executive Director that explained the Cumbria Housing Partnership and the Council's current relationship. The report proposed that the Council becomes a full member of the Partnership and sets out the considerations that it involved.

RECOMMENDED:- To recommend the Council:-

- (i) To agree that the Council becomes a full member of the Cumbria Housing Partnership; and
- (ii) To agree that the Housing Maintenance Manager be appointed to represent the Council as a Director on the board of the Cumbria Housing Partnership.

69 – The Council Plan 2014-2016

The Executive Director informed the Committee that the Council Plan 2014-2016 brought together the Council's approved corporate policies, the Council's Vision policies and governance arrangements to form the Council Plan. The Council Plan was the overarching plan for the Council and sets out the focus for the priorities and direction for the use of the available resources.

RECOMMENDED:- To recommend the Council to approve the Council Plan 2014-2016.

70 – Housing Service Establishment

The Executive Director informed the Committee of the proposed changes to the Housing Service establishment to reflect the changing housing market in which it operated.

The principle objective was to adapt the existing establishment to ensure best use of resources, invest where necessary and to develop the skills of employees to ensure the customer contact with the service was maximised for their benefit and our effective management of their tenancy.

RECOMMENDED:- To recommend the Council:-

- (i) To note the information contained in the report;
- (ii) To agree the increase in resources and development of the Reception Service to be the first point of call for the Service;
- (iii) To agree the introduction of generic Housing Officers in the Operational teams;
- (iv) To agree the creation of two new posts of Senior Housing Officer (Scale 6/SO1) and Housing Assistant (Scale 2/3);
- (v) To agree the changes of title as detailed in the report and level of reward to reflect additional duties as follows:-
 - Re-grade of Postholder OHS 525 from Scale 1/2 to Scale 2/3;
 - Re-grade of Postholders OHS 140 and OHS 145 from Scale 6 to Scale 6/SO1;
 - Re-grade of Postholders OHS 270, OHS 275 and OHS 380 from Scale 5/6 Scale 6/SO1;
 - Re-grade of Postholders OHS 300, OHS 390, OHS 470, OHS 475, OHS 290, OHS 285, OHS 263, OHS 477 and OHS 080 from Scale 2/4 to Scale 3/5;

- Re-grade of Postholder OHS 040 from Scale 4 to Scale 4/5;
- Re-grade of Postholder OHS 500 from Scale PO8 to PO14; and
- Re-grade of Postholder OHS 095 from PO6 to PO10.

The meeting ended at 4.25 p.m.

HOUSING MANAGEMENT FORUM

Meeting: Thursday 28th August, 2014
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Irwin and Pointer.

Tenant Representatives:- Ms M. Burgess and Mr W. McEwan.

Officers Present:- Colin Garnett (Assistant Director – Housing).
Keely Fisher (Democratic Services Officer).

10 – Minutes

The Minutes of the meeting held on 12th June, 2014 were taken as read and confirmed.

11 – Apologies for Absence/Changes in Membership

Apologies for absence were submitted from Councillors Barlow, Johnston and Williams and Tenant Representatives Mr A. McIntosh and Mrs K. Warne.

Tenant Representative Mr W. McEwan had replaced Mr A. McIntosh for this meeting only.

12 – Appointment of Advisers: Housing Maintenance Contract

The Assistant Director – Housing reported that the purpose of his report was to agree the appointment of advisers to assist the Housing Service to consider the most appropriate approach to securing future delivery of a Housing Maintenance Contract. He had previously reported on the matter at the Housing Management Forum on 27th February, 2014.

The current Housing Maintenance Contract (2011-15) was due to end on 4th November, 2015, but did have an optional two year extension.

The Contract delivered day to day responsive repairs, out of hour's services, void property repairs and gas servicing. It was based on the NEC 3 form of Contract with a target cost for the completion of repairs.

At the present time, it was unclear whether the current Contractor would be interested in a possible two year extension. The Assistant Director – Housing suggested also, that it was not appropriate for the Council to make a decision on whether it would be appropriate to offer such an extension at this time.

However, in view of the time frame between now and the date the Contract was due to end he suggested it was appropriate to progress a review of current arrangements and consider the options for future procurement.

The current Contract covered a number of work streams. The form of Contract was NEC Option 3, which with some amendments had been the basis on which this Contract had been managed over the last nine years. Whilst this model had delivered the necessary Services over this period of time, in view of the time that had passed it would be appropriate in the first instance to consider whether this remained the most appropriate model for delivery or what alternative options were available.

Key considerations in looking forward would include ensuring cost certainty for the Council, certainty of delivery and quality to customer, and to ensure the Council received value for money.

In considering the appointment of advisers, it would also be appropriate to ensure the adviser appointed had an ongoing commitment to ensure the successful delivery of any future arrangements, if and when it became necessary. The Assistant Director – Housing did not suggest therefore that a supplier be appointed merely to carry out the review even though the timescales for delivering a new Contract was not yet clear.

On this basis he had taken the liberty to ask three suppliers for prices to deliver the review of current arrangements, and the cost of procurement and ongoing support should this become necessary. The details were as follows:-

SUPPLIER	OPTIONS FEE	PROCUREMENT FEE	CONTRACT FEE			LEGAL FEE			AMOUNT FOR 4 YEARS
			DAYS	RATE	TOTAL	DAYS	RATE	TOTAL	
1	£ 4,200	£14,200	24	£ 510	£ 12,240	10	£1,400	£14,000	£44,640
2	£ 1,875	£28,750	24	£ 625	£ 15,000	10	£ 296	£ 2,960	£48,585
3	£10,000	£23,000	24	£ 500	£ 12,000	INCLUDED IN PROCUREMENT FEE			£45,000

The three estimates included the current supplier and two others who the Housing Service worked with. All three would be capable of providing the necessary services.

Whilst it may be normal practice and attractive to select the “lowest price” the Assistant Director – Housing suggested Members consider more than just price in making a decision.

The strategy for future procurement could have a significant impact on the Council’s longer term financial commitments and it was appropriate that investment to “get it right” at the start was essential.

In considering the proposals it should be borne in mind that the total value of this Contract was in the region of £1.2m per annum and, as such, the fees indicated represented a small percentage of the total Contract value over a four or six year period and the difference in quoted cost for the work were not significant.

Supplier 3, whilst highest for the “options” stage had successfully facilitated the delivery of other Investment Contracts in terms of value for money and customer satisfaction. Again the same supplier was second highest for the Procurement stage, and ongoing support costs if this was required. Whilst their work was predominantly based on Investment works the Assistant Director – Housing was confident they have sufficient skills to advise the Council appropriately on its requirements.

In summary, it was not clear whether through choice or necessity the Council would need to appoint a new Contractor to deliver these Services. However it would be appropriate to ensure the Council had considered the possible alternative models of delivery and were in a position to do so if required.

RECOMMENDED:- That Supplier 3 be appointed to assist the Council in considering the future options and if, or when necessary, in the procurement of a new Contract. Their appointment had regard to the involvement of the Adviser in delivering a range of other Investment works.

13 – Scrutiny of Void Standard Policy and Procedures

The Assistant Director – Housing reported that the Tenants Scrutiny Working Party had been established in September 2013 in line with the regulatory emphasis on co-regulation and the requirement for meaningful scrutiny by residents with an aim to scrutinise two, or possibly three areas of service each year.

The purpose of his report was to provide Members with an update on progress with the Scrutiny Review of the Void Standard Policy and Procedures. Tenants Scrutiny Working Party agreed the scope and timeframe of the project based on a four stage approach:-

- Stage 1: Fact Finding;
- Stage 2: Further investigation, compare and challenge;
- Stage 3: Analysis and recommendations; and
- Stage 4: Implementation and review.

A thorough review of the policy and procedures had now been completed by the Tenants Scrutiny Working Party in partnership with the Council’s Maintenance and Operational Teams. As part of the review consideration was given to information obtained from a good practice review of the organisations service literature and website benchmarked alongside Void Standards of other similar sized Local Authorities. Void Inspection visits were carried out by members of the Tenants Scrutiny Working Party to a selection of void properties to:-

- Review the current Void Standard; and
- Agree a revised Void Standard.

The Housing Service was committed to being accountable to its residents and ensuring greater transparency in the way it operated. The Housing Service believed its new residents’ scrutiny arrangements enabled those residents involved to gain a real understanding of the how the Housing Maintenance Team/ Housing Options Team managed the void process.

The Housing Maintenance Team/Housing Options Team would implement the new policy and procedures from September 2014. A further site visit to inspect void properties would take place under 'Stage 4' – Implementation and Review during September/October 2014. Members of the Tenants Scrutiny Working Party would have the opportunity to view properties which had been upgraded to the new 'Voids Standard' and review as deemed appropriate.

RECOMMENDED:-

- (i) To note the content of the Assistant Director – Housing's report;
- (ii) To note the four-stage scrutiny process for future scrutiny reviews within the Housing Service; and
- (iii) To agree the final draft of the Void Standard Policy and Procedures which will form the operating basis for management of the void process by the Maintenance Team, Housing Options and External Contractors.

14 – Housing Management ICT Systems Review

The Assistant Director – Housing reported that the main Housing Management System (InHouse provided by Civica) was some 30 years old. Its underlying platform was several generations out of date and Officers were experiencing difficulty and expense in 'bending' the system to meet their needs. Over the years the Housing Service had resorted to buying other bolt on systems that were not integrated and it may be the case that the limits had been reached.

Additionally, Civica had finally launched their new product (CX) and it was expected that they would at some stage withdraw their support for InHouse. CX was a wholly different technology – merely upgrading was not an option.

The Housing Service's needs were to have the tools and information to serve its customers well and that its customers needed access to information and be able to carry out their transactions efficiently and easily.

The direction Officers were looking towards were to:-

- Innovate to secure Value for Money;
- Increase interaction and website services for customers;
- Improve customer profiling data collection and updating;
- Integrate business, information and reporting systems;
- Streamline system workflow processes; and
- Enable mobile working to support new working practices to improve performance and outcomes.

To that end they had invited quotes from three consultants to carry out the initial review which would consist of:

- Meeting with Council business and technical personnel to discuss the current ICT environment, the current system's capabilities and future requirements;
- Undertake a review and gap analysis of Inhouse and other systems in use;
- Set out a series of options to meet the Council's requirements supported by indicative costs; and
- Provide a report detailing the review, findings and recommendations.

The quotes had been received on 15th August, 2014. From the four invitations issued two quotes have been received and evaluated on mix of price, methodology and experience. The submission from Capita exceeded the criteria and additionally had the capacity to undertake and delivery of a full replacement system, if that was what is recommended and agreed. The price was £9,500.

In the event that substantial investment was required and approved the second stage would be to go out to competitive tender to outsource the planning and implementation.

RECOMMENDED:- (i) To agree an initial review be carried out by an independent consultant with the additional resources required being met from the existing agreed Budget; and

(ii) That Capita's ICT and Transformation Consultancy be approved.

15 – Housing Department Relocation to the Town Hall

The Assistant Director - Housing reported that the Housing Department were expecting to move towards the end of October 2014 to the Town Hall. It would not be practical to facilitate the move without some disruption to normal Service provision.

The actual move would be carried out in one move on a Saturday to minimise disruption within the Town Hall. Staff would pack their own equipment and effects on the Friday and unpack in their new location on the Monday.

Steele's would carry out the furniture and equipment removal.

The approach to the practical aspects of moving would be based on:-

- Maintaining the publicised telephone and email contact for the duration of the time highlighted and responding as appropriate;
- To close the reception at Cavendish House on the Friday of the weekend of the move to enable staff to complete final preparations for the reception moving;

- To reduce the impact and possible knock on effect on Liberata staff within the Town Hall they would try to ensure that the new Housing Reception area, kiosk and PCs were fully operational in advance of the move so that it could provide face to face service on the Monday and Tuesday; and
- During this period office interviews and home visits would be kept to a minimum and restricted to urgent issues.

The Service would look to publicise the date of the move and arrangements to customers once a date was established. The Assistant Director - Housing suggested this approach would ensure a successful move to the new offices and minimise disruption to customers.

RECOMMENDED:- To agree to a reduced service as outlined in the report to enable Officers, equipment and systems to move into the Town Hall on dates to be confirmed.

16 – 2014 Housing Investment Programme – Devonshire Estate

The Assistant Director – Housing reported that on 27th February, 2014 Members of the Housing Management Forum had agreed the 2014/15 Housing Maintenance Investment Programme. The report included a recommendation to commence a programme of re-pointing and re-rendering improvements on the Devonshire estate to remedy on-going problems with key building components such as lintels, sills, pointing, render and blocked cavities.

Officers had recently completed a detailed inspection of the estate to quantify the extent of the work required and identified a previously unknown problem of “nail rot” that was affecting the original slate roof covering.

The defect was common across all the 30 properties on the estate and required the roofs to be completely replaced. The existing slate roof covering was approximately 90 years old.

As the original agreed investment focused on ensuring the properties were “wind and water tight” it would be appropriate and practical to complete the replacement of the roof coverings at the same time.

The work could be delivered before 31st March, 2015 via the Cumbria Housing Partners framework for an additional estimated cost of £280,000.

RECOMMENDED:- To agree to fund the additional roofing work using any accrued surplus budget within the Housing Revenue Account for the current year or, should there not be sufficient under-spend in the previously agreed Maintenance Investment Programme, by using additional monies from the Housing Revenue Account reserves if necessary so the additional work could be completed.

17 – Adelphi Court, Barrow-in-Furness

The Assistant Director – Housing reported that at the Housing Management Forum meeting on the 29th August, 2013 it was agreed to suspend the letting of vacant flats at Adelphi Court and consider alternative options for the use of the flats (Minute No. 35 refers).

A further report was presented to the Forum meeting on 27th February, 2014 when it was agreed to use the flats to provide supported housing for people with mental health issues, to agree a workable proposal by 30th April or if not possible to progress their letting to meet general housing need (Minute No. 63 refers).

Unfortunately it was not possible to agree a workable proposal by that date but following discussion with the Chairman of the Housing Management Forum and having regard to the shortage of suitable accommodation to meet this housing need in the Borough, the Assistant Director – Housing continued to progress the matter and he was now in a position to update Members on progress.

The overall proposal was based on providing independent, but supported Housing to people with mental health issues. Each resident would have an appropriate tenancy with the Trust.

It was intended these flats would contribute towards an integrated “pathway” to ensure residents with mental health issues had a range of appropriate accommodation available within the Borough.

Tenants for the properties would be identified with Adult Social Care who would also fund the support required to enable the tenants to live independently but with support. At an appropriate time the residents would be assisted to move into more independent accommodation.

Croftlands Trust would have a Contract with Adult Social Care for these services which would be up to March 2016 when the services were due to be re-commissioned. The Assistant Director – Housing attached a summary of the intended services to be provided as an appendix. In discussions with Croftlands Trust, heads of terms for a lease had been progressed between the Council and the Trust.

The basis of the lease was as follows:-

- The lease will be for a period of five years with a break clause in March 2016 (to reflect the re-commissioning time frame);
- Either party will be able to end the lease for whatever reason by service of six months' notice;
- The rental will be £40k per annum with annual increases in line to any agreed rent increases across the Councils residential housing stock;

- The Trust will be responsible for water rates on each property, utility charges for common areas and other charges as appropriate;
- The Council will retain responsibility for maintenance and insurance of the property. Maintenance Services will be in accordance with our normal practices;
- The Trust will provide support and housing management services to all residents which will include hours outside normal working hours; and
- The property will only be used to accommodate residents who have mental health issues.

In order for the arrangement to start there were a number of issues that needed finalising including, the financial and operational details of the arrangements between Croftlands and Adult Social Care, the completion of essential repairs and there remained one occupied flat. In addition, Croftlands would require some time to furnish and decorate the flats and office before use.

It was intended, however, to commence the lease from the 1st October, 2014 or as soon as practical after that date.

This proposal enabled the Council to meet an identified need in the Borough and ensured the flats and residents would have “on-site support” and assistance to ensure the intended objective was met and the flats had ongoing value to the community.

RECOMMENDED:- To agree that the Council grants a five year lease to the Croftlands Housing Trust to provide supported accommodation for people with mental health issues on the terms outlined in the report.

18 – Sale of Land at Salthouse Road, Barrow-in-Furness

The Assistant Director – Housing reported that he had recently been approached by a developer who was re-developing the previous Sandgate Public House into three houses. They had requested consideration that the Council sell them a section of land to provide three garages for the new houses.

The section of land in question was between the Sandgate and rear of Longway. The land previously had Council garages on the site that were demolished some years ago. A plan of the site was attached as an appendix to the report.

The Council had previously entered into a ‘Deed of Contract’ with Electricity North West Limited which included a proviso not to construct any buildings over the power line to a nearby sub-station. It would appear it may be possible to construct garages without this being an issue.

The land in question formed part of a parcel of land which extended most of the way along the even numbered side of Longway, i.e. the railway line side. It was not uncommon to experience fly-tipping in the area and there was also overgrowth.

To construct garages may improve the visual appearance of the area. It was unlikely the site would be suitable for residential development.

Should the Council decide to agree the request, the Assistant Director – Housing suggested it be subject to:-

- It did not compromise Electricity North West Limited's Deed of grant;
- The site be used for the construction of garages only and such garages to be constructed within a specified time; and
- That planning permission be approved prior to the sale being completed.

Should the Council be prepared to dispose of this site the Assistant Director – Housing would instruct the Council's valuers to value the site on the basis of the applicant being a 'special purchaser' and for 'best consideration'.

He would also propose the Council's legal costs be met by the purchaser.

RECOMMENDED:-

- (i) That the sale be progressed;
- (ii) That it would be at the purchasers risk to obtain appropriate Planning Permission and carry out investigation works regarding the power line;
- (iii) That the purchaser would pay for all of their own and the Council's costs associated with the transfer of the land; and
- (iv) That the garages should be developed within an appropriate timescale agreed with the Council.

19 – Housing Management Performance Report

The Assistant Director – Housing submitted information relating to the Housing Management Performance 2014/15 and Best Value Performance Indicators. The information is attached at **Appendix A** to these Minutes. He provided a brief commentary to assist Members in their understanding of the key trends.

RESOLVED:- To note the Housing Management Performance Report.

20 – Planned Investments and Planned Maintenance

The Assistant Director – Housing reported information relating to the Planned Investment and Planned Maintenance Programme for 2014/15. The information is attached at **Appendix B** to these Minutes.

RESOLVED:- To note the information.

The meeting closed at 2.30 p.m.

HOUSING MANAGEMENT PERFORMANCE REPORT

APPENDIX A

Performance Indicator	Actual 2011/12	Actual 2012/13	Actual 2013/14	Apr-June 2014	Target (Median)
£ Rents Collection					
£ Rent & Service Charges due	£9,228,558	9,728,187	10,687,981	2,549,037	£10,196,148
£ Rent collected	£9,134,875	9,604,739	10,482,254	2,451,512	£ 9,992,225
Rent collected as % of rent due (exc ft)	98.98%	98.73%	98.08%	96.17%	98%
£ Current Arrears (dwellings)	£181,230	£203,623	£370,804	£465,845	£305,884.44
£ Former Arrears (dwellings)	£92,499	£135,745	£162,969	£184,016	£160,768
Write Offs (Gross)	£75,538	£38,573	£137,688	£8,969	£150,000
Tenants evicted for rent arrears	6	5	15	1	15
Current tenants arrears % of rent owed	2.0%	2.1%	3.5%	4.6%	3%
Former tenants arrears % of rent owed	1.0%	1.4%	1.6%	1.8%	2%
£ Rent arrears Garages	£1,824	£1,452	£1,763	£3,635	£ 3,750
£ Rent Arrears Shops	£16,602	£22,146	£15,464	£12,122	£ 15,000
Void management	2694	2686	2677	2672	2666
Tenancy Turnover %	8.4%	10.1%	12.9%	3.6%	8.05%
Total number of re-lets	278	245	340	78	370
No. of Voids	227	270	344	95	350
Ends due to Under Occupation			48	0	10
Average relet time for dwellings (inc days spent in MW)	37	32	35	52	30
£ rent loss through vacant dwellings	£ 100,227	£ 111,607	£ 165,336	£ 40,169	£ 168,229
£ rent loss due to vacant garages	£5,098	£2,290	£2,157	£339	£ 4,500
£ rent loss due to vacant shops	£16,546	£5,000	£1,022	£0	£ 4,000
£ rent loss due to vacant dispersed	NA	NA	NA	£2,166	£ 13,019
% properties accepted on first offer	86.4%	78.4%	76.5%	80.7%	70%
Loss per Void (Rents, Repairs, Arrears)	£ 2,846	£ 2,684	£ 1,341	£ 1,022	£2,000
Maintenance					
No. Repair Orders issued (Tenant Demand)	11,587	10,109	10,822	2,575	9,197
Responsive & Void repairs per property	4.3	3.7	4.0	1.0	3.4
P1 & P2 as a % of total repairs	61.7%	63.8%	63.0%	55.0%	47.5%
% all responsive repairs completed on time	87.3%	77.1%	71.2%	83.5%	96.3
P1 % emergency repairs completed on time	94.6%	94.6%	89.0%	92.7%	96.7
P2 % urgent repairs completed on time	78.9%	77.3%	73.0%	79.5%	94.6
Average end-to-end time for all reactive repairs (days)	12.25	19.78	17.46	10.75	8.2
Percentage of repairs completed 'Right First Time'	78.5%	79.79	N/A	N/A	88.8
Appointments kept as a percentage of appointments made	77%	61%	N/A	N/A	96.8
Appointments made as a percentage of repair orders (exc gas & voids)	NA	100%	N/A	N/A	94.1
Percentage of dwellings with a valid gas safety certificate	99.89%	100%	100.0%	100.0%	99.8%
Percentage of homes that fail to meet the Decent Homes Standard	0%	0%	0%	0%	0.2%
*Average energy efficiency rating of dwellings (based on RD SAP 9.83)	69.2	69.2	69.2	69.2	68.90%
Homeless					
Homeless ave. days in temporary dispersed accommodation	59	57	56	29	
Homeless ave. days in temporary B&B accommodation	20	27	35	37	
Homeless Total Cases Closed	752	903	782	83	
Homeless Advice	339	408	187	25	
Homeless Prevention	114	170	492	38	
Homeless Applications	185	147	103	20	
Homeless Successful Preventions	85	148	277	24	
Eligible Homeless (Owed a full duty)	29	30	19	3	

HOUSING MANAGEMENT PERFORMANCE REPORT

APPENDIX A

Housing Register	Actual 2011/12	Actual 2012/13	Actual 2013/14	Apr-June 2014/15	
Applicants on housing register					
Active Direct Applicants		1471	1162	1070	
Active Transfer Applicants		346	286	248	
Cumbria Choice Register	1745	1817	1448	1317	
Equality & Diversity					
ASB cases reported	82	72	58	11	143
Percentage of closed ASB cases that were successfully resolved	91%	99%	96%	83%	88%
% Diversity Information : Age	100%	100%	100%	100%	100%
Gender	100%	100%	96.6%	97.9%	98%
Ethnicity	95%	82%	93.4%	94.3%	75%
Disability	100%	100%	96.1%	97.3%	75%
Sexuality	56%	52%	48.1%	48.8%	55%
Religion or belief	57%	53%	48.5%	49.1%	55%
Percentage of Stage 1 complaints upheld	22%	40%	14%	0%	NA
Value for Money - Direct Costs per property					
Overhead per property	£ 324	£ 274	£ 319		130
Major & Cyclical works	£ 1,256	1100	1232		1200
Responsive Repairs	£ 480	391	514		375
Void Repairs	£ 167	166	164		150
Housing Mgt	NA	277	259		250
Leasehold	£ 70	134	152		
Total staff turnover	7.0%	5.9%	3.8%	1.9%	
Ave. working days lost / sickness absence	14.0	18.9	18.1		
Satisfaction					Target
Percentage of tenants satisfied with the landlord's services overall		88%			83%
Percentage of tenants satisfied with repairs and maintenance		87%			79%
Percentage of tenants satisfied that their views are taken into account		78%			64%
Percentage of tenants satisfied with the quality of the home		90			N/A
Percentage of residents satisfied with the neighbourhood as a place to live		84%			82%
Percentage of tenants satisfied that their rent provides value for money		90%			N/A
Percentage of tenants satisfied that their service charges provide value for money		81%			N/A
Housing Stock					
Houses	1290	1284	1274	1270	
Flats	1248	1245	1247	1245	
Bungalows	157	157	157	157	
Total Dwellings	2694	2687	2678	2672	
Total Dispersed /Temporary Dwellings	10	10	8	9	
Community Centres	5	5	5	5	
Leaseholds	202	204	205	206	
Garages	484	486	486	489	
Shops	20	20	19	19	
TOTAL PROPERTIES	3415	3412	3401	3400	
Sold Property / Land	2011/12	2012-13	2013/14	2014/15	2014/15
Houses	3	252,750	365,040	162,030	4
Flats	1	42,160	19,320	14,760	1
Land	1	0	0	3,000	1
TL	4	294,910	384,360	179,790	6

PLANNED INVESTMENTS 2014-15

APPENDIX B

SCHEME	CONTRACTOR OR SUPPLIER	AVAILABLE BUDGET	NO OF PROPERTIES (P) OR BLOCKS (B)	EXPENDITURE TO DATE	ESTIMATED START DATE	ESTIMATED COMPLETION DATE	CONTRACTOR	COMMENTS	Leasholders affected?
RE-ROOFING AND POINTING WORKS ROOSEGATE ESTATE (2-3 YEARS DELIVERY PLAN)	CUMBRIA HOUSING PARTNERS	£255,000	56 (P)	£ 8,985	16/06/2014	31.3.2015	DLP Roofing	20% COMPLETE	No
RE-ROOFING WORKS FLAT ORMSGILL ESTATE	CUMBRIA HOUSING PARTNERS	£132,000	20 (B)	£ -	01/08/2014	31.3.2015	TBC	WORKS PRESENTLY OUT TO TENDER	Yes
RE-POINTING/RENDERING DEVONSHIRE ESTATE	CUMBRIA HOUSING PARTNERS	£464,000	30 (P)	£ -	01/08/2014	31.3.2015	DLP Roofing	ADDITIONAL RE-ROOFING REQUIRED HMF APPROVAL REQUIRED	No
WINDOW REPLACEMENTS CENTRAL & WALNEY	CUMBRIA HOUSING PARTNERS	£300,000	137 (P)	£ -	01/09/2014	31.3.2015	TBC	WORKS PRESENTLY OUT TO TENDER	No
COMMUNAL ENTRANCE LIGHTING UPGRADES - CENTRAL	CUMBRIA HOUSING PARTNERS	£64,000	14 (B)	£ 93,234	01/10/2014	31.3.2015	K WILSON	100% COMPLETE	Yes
COMMUNAL ENTRANCE PAINTING - CENTRAL	CUMBRIA HOUSING PARTNERS	£30,000	14 (B)		01/11/2014	31.3.2015	GEORGE JONES	WORKS TO COMMENCE IN LATE AUTUMN	Yes
COMMUNAL ENTRANCE DOOR UPGRADES - ORMSGILL	CUMBRIA HOUSING PARTNERS	£120,000	18 (B)		01/08/2014	31.3.2015	SS GROUP	70% COMPLETE	Yes
GARAGE IMPROVEMENTS	CUMBRIA ROOFING	£48,600	10 (B)	£ 48,208	01/04/2014	31.3.2015	CUMBRIA ROOFING	90% COMPLETE	No
REWIRES	CUMBRIA HOUSING PARTNERS	£150,000	120	£ 98,018	01/04/2014	31.3.2015	K WILSON	50% COMPLETE	No
BATHROOMS	CUMBRIA HOUSING PARTNERS	£360,000	200	£ 123,672	01/04/2014	31.3.2015	AB MITCHELL	40% COMPLETE	No
KITCHENS	CUMBRIA HOUSING PARTNERS	£500,000	300	£ 108,841	01/04/2014	31.3.2015	AB MITCHELL	25% COMPLETE	No
HEATING	CUMBRIA HOUSING PARTNERS	£525,000	200	£ 186,443	01/04/2014	31.3.2015	AB MITCHELL	30% COMPLETE	No
PAINTING	CUMBRIA HOUSING PARTNERS	£115,880	500	£ 22,500	09/06/2014	31.3.2015	G JONES	20% COMPLETE	Yes

HOUSING MAINTENANCE COMMITMENTS 2014-15

	Funding Available 2014-15	EXPENDITURE TO DATE	Weekly Available	Gross Comm. as a % funds available
Tenant Demand Repairs	£ 1,085,671	£ 326,488	£ 20,878	30%
Voids	£ 238,243	£ 146,626	£ 4,582	62%
Gas Servicing	£ 99,049	£ 48,691	£ 1,905	49%
Decoration Vouchers	£ 45,000	£ 10,917	£ 865	24%
Disrepair Claims	£ 15,000	£ -	£ 288	0%
Environmental Impmts	£ 25,000	£ 1,159	£ 481	5%
Disabled Adaptations	£ 100,000	£ 62,808	£ 1,923	63%
Electrical Testing	£ 80,700	£ 16,086	£ 1,552	20%
Door Entry Maintenance	£ 20,000	£ 707	£ 385	4%
Total	£1,783,663.00	£613,482.00	£32,858.90	

EXECUTIVE COMMITTEE	(D) Agenda Item 7
Date of Meeting: 22nd October, 2014	
Reporting Officer: Director of Resources	
Title: 2015-2016 Holiday Dates	
Summary and Conclusions:	
This report sets out the bank holidays and additional days when the Council will be closed. This includes the need for staff to take either a holiday or flexi-day over the Christmas and New Year period.	
Recommendations:	
To note the 2015-2016 holiday dates as detailed in the Director of Resources report.	

Report

The bank holidays and additional days that the Council will be closed are as follows; staff will be required to take either a holiday or flexi-day for 31st December, 2015:

Easter

Friday 3rd April 2015 Good Friday bank holiday
Monday 6th April 2015 Easter Monday bank holiday

Other bank holidays

Monday 4th May 2015 Early May bank holiday
Monday 25th May 2015 Spring bank holiday
Monday 31st August 2015 Summer bank holiday

Christmas and New Year

Friday 25th December 2015 Christmas Day bank holiday
Monday 28th December 2015 Boxing Day (substitute) bank holiday
Tuesday 29th December 2015 Council Day
Wednesday 30th December 2015 Council Day
Thursday 31st December 2015 Annual leave or flexi-day to be taken
Friday 1st January 2016 New Year's Day bank holiday

Easter

Friday 25th March 2016 Good Friday bank holiday
Monday 28th March 2016 Easter Monday bank holiday

(i) Legal Implications

The recommendation has no implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

EXECUTIVE COMMITTEE	(D) Agenda Item 8
Date of Meeting: 22nd October, 2014	
Reporting Officer: Director of Resources	
<p>Title: IT Working Group and Champion</p> <p>Summary and Conclusions:</p> <p>This report sets out the need to establish an IT Working Group and identifies the opportunity for a Member Champion for IT.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To agree to establish an IT Working Group with Membership in the proportion of 3:1; and 2. To nominate a Member Champion for IT. 	

Report

The Council has an established IT Strategy and working directly within that remit, has also established an IT Steering Group. The IT Steering Group is an officer group with the remit of considering proposals for new IT projects and changes to existing arrangements; as well as making the most of existing technologies as far as possible.

IT Services and products play a key role in the Council's business transformation agenda. To maximise potential benefits, the IT Steering Group aims to align and prioritise IT strategies, plans and resources with the Council's priorities and service objectives.

Many of the efficiency and transformation projects have sought to reduce or eliminate paper and move to computerised information as the source document retention method. This is efficient, effective and economic.

An area which continues to consume a great deal of paper are the committee packs. It is not an area that officers would seek to transform without Members involvement, assistance and acceptance. The benefits would need to be quantified and Members would be asked to approve the way forward.

To begin this process, Members are asked for volunteers to establish an IT Working Group with officers, to review the potential for paperless committees. It is proposed that the political membership of the Group be 3:1. The officers on the Group would

be the Director of Resources, the IT Team Leader and the apprentice posted to the IT Department.

Members are also asked to nominate an IT Champion who would have a closer overview of the IT Strategy which describes the purpose of IT activity within the Council and relates those activities to the overall direction and objectives of the Council; and would receive briefings on the progress of the IT Steering Group.

(i) Legal Implications

The recommendation has no implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 9
Date of Meeting:	22nd October, 2014	
Reporting Officer:	Director of Resources	
<p>Title: Data Protection Policy</p> <p>Summary and Conclusions:</p> <p>This report contains the Council's revised Data Protection Policy.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the revised Data Protection Policy.</p>		

Report

The revised Data Protection Policy is attached at **Appendix 1**. The Policy has been updated as part of a programme of annually refreshing policies to ensure their continued relevance and applicability. It is important to emphasise the contents of corporate policies and an annual revision should be seen as best practice.

The Policy has been to an officer Policy Group which has been established to review proposed policies and revisions to existing policies, ensuring that the standards and compliance that the Council must put in place are practical and the officers provide an operational point of view. It is likely that there will be executive summaries created to provide an overview of corporate policies for quick reference.

The revisions to the Policy update the current version; the revisions to note are:

- Section 2 highlights that the communication of the Policy will be achieved through e-learning and the production of an executive summary. E-learning will deliver other information security modules as well.
- Section 6.7.1 links the reporting of incidents with the Breach Reporting Policy.

(i) **Legal Implications**

The Council is required to comply with the Data Protection Act.

(ii) **Risk Assessment**

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

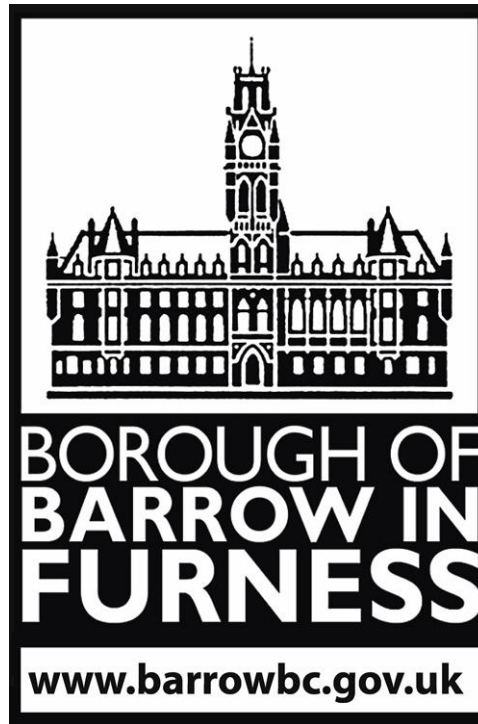
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

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

Background Papers

Nil



Data Protection Policy

Version Control:	
Document Name:	Data Protection Policy
Version:	Version 2.0.01102014
Author:	Corporate Support Officer
Approved by:	Executive Committee/Full Council
Date Approved:	
Review Date	31 st July 2015

1. Introduction

The Data Protection Act 1998 (DPA) imposes obligations on the use of all personal data held by Barrow Borough Council (the Council), whether it relates to data subjects and their families, employees, complainants, contractors or any other individual who comes into contact with the Council. This has implications for every part of the organisation.

The Council and its employees are bound by a legal duty of confidentiality to all data subjects which can only be set aside to meet an overriding public interest, legal obligation, or similar duty.

The DPA applies to all staff (including temporary/agency staff), contractors and volunteers working for the Council.

The Council is a Data Controller, as defined in Section 1 of the DPA, and is obliged to ensure that all of the DPA's requirements are implemented.

2. Scope

The purpose of this Data Protection Policy is to ensure that the Council and people working on its behalf, this includes employees, temporary staff, contractors, volunteers, consultants, partners (and their staff) and Members of the Council, are aware of their obligations under the Data Protection Act 1998 and comply fully with that Act.

The policy will be communicated to all staff and they will be expected to understand and abide by it. This will be achieved through e-learning and the production of an executive summary of this Policy.

This policy sets out how the Council meets its legal obligations and requirements under confidentiality, Data Protection and information security standards. The chief requirements outlined in this Policy are based upon the DPA, which is the central piece of legislation covering security and confidentiality of personal information.

A brief summary of all legislation and guidelines relevant to this policy is found in Appendix 1.

Designated personnel and their responsibilities are identified.

Procedures on accessing and disclosing personal information to individuals and third parties are included.

The obligations on the Council, service areas, individual members of staff and are explained.

The process for governance and review of the policy is clarified.

If you have any queries regarding this Policy, please contact the Data Protection Officer.

3. The Requirements of Legislation

The DPA applies to all personally identifiable information held in manual files, computer databases, videos and media about living individuals, such as personal records, personnel and payroll records, other manual files, microfiche/film, etc. Data referenced by a number of any criteria that might identify a living individual – including but not limited to name and address, or reference number – constitutes personal data.

The DPA specifically identifies health, housing, education and social work records as “accessible records”, which means that all electronic data and manual data from any of these categories meets the definition of personal data (even if that manual data is not stored in a relevant filing system).

All personal data must be handled according to the DPA’s requirements, and this policy sets out how this is delivered.

4. Definitions

The Council

Barrow-in-Furness Borough Council

Managers

Any officer with line management responsibility, this includes supervisors.

Staff

All staff, including temporary/agency staff, Elected Members, contractors and volunteers working for the Council.

Information Asset

Data on any media format created, processed and used by the business. Media formats may vary from paper copies (memos, letters, check stock, etc.); electronic files stored on hard drives, USB flash memory devices, CD's, DVD's, back-up tapes etc.; to voice mail. An alternate definition - Information that has value to the extent that it enables an entity to achieve goals and thus is an asset like people, money, and material.

Data Subject

Any living individual about whom data is processed.

Personal Data

Personal data means data which relates to a living individual who can be identified from that data or from that data and other information which is in the possession of, or likely to come into the possession of the Council. For example data relating to

employees, tenants, suppliers, debtors, creditors, customers, clients, business contacts, etc., these individuals (and partnerships) are referred to as 'data subjects'.

Sensitive Personal Data

Sensitive personal data is a category for data introduced in the Data Protection Act 1998. It refers to information relating to the racial or ethnic origin of the data subject, his political opinions, religious beliefs, trade union membership, sexual life, physical or mental health or condition, or criminal offences or record.

Processing

Processing in relation to data (or information) means virtually any use that can be made of the data, from collecting the data, using it, storing it, and destroying it. It is difficult to envisage any action involving data, which does not amount to processing within this definition.

Manual Data

Manual Data covered by the Data Protection Act 1998 is any non-automated information system (paper files, card index, Rolodex, non-automated microfiche) or 'relevant filing system' referring to data subjects. Filing systems are structured, either by reference or by criteria relating to individuals, in such a way that specific information relating to particular data subjects is readily accessible.

5. Responsibilities

Director of Resources

The Director of Resources has overall responsibility for Data Protection within the Council. The Director of Resources is also designated as the Council's Senior Information Risk Owner (SIRO).

Corporate Support Manager (Data Protection Officer)

The implementation of, and compliance with, this Policy is delegated to the Corporate Support Manager. The Corporate Support Manager is the Council's designated Data Protection Officer.

All correspondence with the Information Commissioner on Data Protection matters will be dealt with by the Data Protection Officer.

Requests for personal data are dealt with by the Data Protection Officer.

Information Sharing Agreements will be signed on behalf of the Council by the Director of Resources or the Corporate Support Manager.

Managers

All managers are responsible for ensuring that this policy is communicated and implemented within their area of responsibility. They are responsible for the quality,

security and management of personal data in use in their area. Advice or assistance regarding this policy or the Data Protection Act in general is available from the Data Protection Officer. Those who own Information Assets are responsible for carrying out a privacy impact assessment, risk assessment, and providing reports for IT Services and the SIRO on measures taken to mitigate or deal with information risks.

Managers are responsible for reporting all data protection and information related incidents to the Data Protection Officer, and properly investigated according to the Council's incident management procedures.

Elected Members

Elected Members acting for or on behalf of the Council must be aware of their obligations and responsibilities with regards to the collection and processing of personal data under the provisions of the Data Protection Act 1998 and this it is the intention of the Council to comply with all aspects and requirements of the Act.

Elected Members have an individual responsibility to keep themselves aware of the Council's policies, including data protection and information security policies.

Data Protection training is mandatory for all Elected Members.

Elected Members are expected to co-operate in full with any investigation undertaken by (or on behalf of) the Council into an alleged breach of the Act.

Elected Members must register with the Information Commissioner's Office and renew their registration annually if they use Information Technology to process personal data e.g. if you use a computer, for your constituency work (not work for or on behalf of The Council).

Staff

All staff have a responsibility to ensure they follow the Council's Data Protection Policy. They must be aware of their obligations and responsibilities sufficiently enough so that they understand their obligations in relation to data protection. This includes knowing which activities they are not authorised to undertake (notably in relation to Data Subject Access Requests and the transfer of data to third parties).

All staff have a duty to notify their line manager if they feel they do not have sufficient knowledge in this regard.

All staff have an individual responsibility to keep themselves aware of all Council policies, including data protection and information security policies.

Data Protection training is mandatory for all staff and will be delivered by e-learning.

Staff Members are expected to co-operate in full with any investigation undertaken by (or on behalf of) the Council into an alleged breach of the Act.

The Data Protection Act places a personal liability on an employee in the event of

any offence being committed with her/his consent or connivance or attributable to her/his neglect. This means that the individual may be liable to prosecution as well as the Council. In addition, failure to observe the Council's policies on data protection and information security is likely to be treated internally as a disciplinary offence.

6. The Data Protection Principles

The DPA contains 8 principles which regulate the use of personal data. The principles apply to all personal data, however it might be obtained.

6.1 Principle 1 - Personal data shall be processed fairly and lawfully

The Council is obliged to make the public aware of how it uses personal data, and to ensure that they are properly informed with whom their data is shared.

6.1.1 Data subjects

Data subjects must be made aware of how their data will be used by The Council directly. When information is requested from data subjects verbally or using an application form, a clear explanation should be provided about how the data will be used. Data subjects can also be informed by the use of data subject information leaflets, either provided directly or made available in data subject areas.

6.1.2 Staff

All staff, including temporary employees (volunteers, locums) and should be told the purposes for which their data will be used, and to whom it may be disclosed. This may occur during induction, by their individual manager.

6.1.3 Third Party Requests for Disclosure

Requests from third parties acting on behalf of an individual must be accompanied by the consent of the data subject. The Council's standard form may be used or a letter from the data subject will suffice. This includes requests from Councillors and Members of Parliament. Staff and should refer to the Council's Code of Practice – Disclosure to Third Parties.

6.1.4 Disclosure of Information without consent

Information about identifiable individuals (including data subjects and staff) should only be disclosed on a need to know basis.

Disclosures of information may occur because of a legal requirement e.g. with a Court Order. Specific legislation covers some disclosure of staff information (e.g. for tax and pension purposes) and data subjects (e.g. notifiable diseases).

The validity of all requests for disclosure of personal data without consent must be checked. The identity of those requesting data and their legal right to request or demand information must be validated. The reasons for disclosures made without consent must be documented.

Police officers or others requesting information for the purposes of a criminal investigation, including for benefit, tax or immigration offences, should be asked to put their request in writing by using a standard data protection request form. This requirement can be set aside where the request is made in an emergency (i.e. a person is in immediate and imminent risk of serious harm).

The request should include:

- What information is needed
- Why it is needed
- How the investigation will be prejudiced without it

6.2 Principle 2 - Personal data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

6.2.1 Notification

The Council must provide an annual notification to the Information Commissioner, summarising the purposes for which data is used by the organisation. This process is known as notification. Failure to submit the annual notification or to keep it up to date is a criminal offence.

The Data Protection Officer is responsible for submitting the notification.

All managers must notify the Data Protection Officer if their areas of responsibility change or develop in such a way that data subject or other personal data is likely to be substantially different. This will allow the Data Protection Officer to make any necessary changes to the notification.

6.2.2 Incompatible re-use of information

Managers must notify the Data Protection Officer if personal data is to be used for a different purpose than that for which it was obtained. This is to ensure that re-uses of information are not incompatible with the original purpose for which the data was obtained.

6.3 Principle 3 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed

Managers should ensure that any data collected from individuals is complete, and the level of data retained on The Council's systems is required for current, existing purposes, and sufficient to support appropriate and effective decisions.

6.4 Principle 4 - Personal data shall be accurate and, where necessary, kept up to date

Managers must ensure that personal data held on any media is accurate and up to date. The accuracy of the information can be achieved by implementing validation routines, some of which will be system specific and details must be provided of these validation processes to the system/information users. Users of software are responsible for the quality (i.e. accuracy, timeliness, completeness) of their data by carrying out their own quality assurance and participating as required in quality assurance processes.

All Staff should ensure that the information held by the Council is kept up to date by asking data subjects to validate the information held.

Staff and Councillor information should also be checked for accuracy on a regular basis – either by the manager or by the HR department.

6.5 Principle 5 - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes

Personal data must not be retained indefinitely, and managers must ensure that they are aware of, and compliant with, the Council's Retention Guidelines.

6.6 Principle 6 - Personal data shall be processed in accordance with the rights of data subjects under this Act

Individuals have a number of rights, including subject access, preventing processing likely to cause harm or distress, preventing direct marketing, the right to take action for compensation for breaches of the DPA which cause damage, and a right to take action to rectify, block, erase or destroy inaccurate data.

Some of these rights have to be determined by the courts

6.6.1 Subject Access

Individuals have a right to request any personal data held by the Council in whatever form. The Council has a procedure to deal with requests for access to information – in summary, all subject access requests must be sent to the Data Protection Officer.

6.6.2 Direct Marketing

The Council is obliged to cease sending correspondence for the purposes of direct marketing if an individual indicates that they no longer wish to receive it. The Information Commissioner's definition of direct marketing is "the offer for sale of goods and services, and the promotion of an organisation's aims and ideals". Managers should be aware that correspondence sent to influence decisions or choices is likely to be covered by this definition.

6.6.3 Complaints

The Council's complaints procedure takes account of complaints which may be received because of a breach or suspected breach of the Data Protection Act 1998. Individuals should be advised of the Data Controller's complaints procedures if they are unhappy about the way in which their data has been used.

6.7 Principle 7 - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data

6.7.1 Security

All information relating to identifiable individuals must be kept secure at all times. Managers must take steps to ensure that office environments and working practices take account of the security necessary to prevent the loss, theft, damage or unauthorised access to data subject and other information. Information Asset Owners are responsible for ensuring that all systems storing personal data, or other assets or repositories of information are appropriately risk-assessed and protected from identifiable threats.

Security measures include (but are not limited to) the following:

- all software and data should be removed from redundant hardware and media storage before being disposed of
- personal information must not be held on removable media unless encrypted (e.g. memory sticks, laptops, discs etc.)
- personal data must not be stored on computer hard drives unless encrypted
- access to both computer and paper records should be restricted only to those who need direct access to the data contained within them
- access controls like passwords, smart cards and other similar measures must not be shared
- passwords and other security information must not be written down
- offices where paper records are stored must be secure, and adequate measures must be in place to prevent the loss or theft of records – measures include controlling access to premises, checking the identity of individuals visiting premises, and locking away paper records when not in use. Managers are responsible for assessing the risk of premises where their staff work, and taking remedial action
- all confidential waste paper must be shredded
- all actual and potential incidents must be reported in accordance with the Breach Reporting Procedure.

6.7.2 Information Security

IT Services and Managers for the relevant service area are jointly responsible for ensuring that systems under the control of the Council and the Council's users

comply with current Policies and Support Strategies covered in the Council's Information Security Policy, Data Protection legislation and with the Data Protection Principles. This includes responsibility for ensuring that procedures are in place to achieve a high level of data quality.

This includes ensuring that:

- users are set up on the system on a need to know basis
- Managers have been advised of their responsibilities and carried out a risk assessment, and where applicable a privacy impact assessment on the asset for which they are responsible
- advice is sought from the Data Protection Officer regarding Data Protection issues whenever appropriate, and DP implications are considered at the earliest stage whenever systems are procured or altered
- disclosures of information are checked and appropriate
- unusual requests for disclosure must be scrutinised and referred to the Data Protection Officer
- IT staff must be aware of their responsibilities regarding security, data protection and confidentiality issues

6.7.3 Back-ups

IT Services are responsible for ensuring there is a procedure which outlines the media, frequency and retention period for back-ups of the data and programs for the systems within their control.

Those systems which are 'run' for the users by IT Services will have their systems backed up by on a regular basis. The master copy of programs and back-ups of data will be kept in a fireproof data safe, ideally in a separate building from the system.

6.7.4 Information in Transit

Reliable transport couriers must be used at all times. Packaging should be sufficient to protect the contents from any physical damage during transit, hardcopy data subject or other sensitive personal data must only be sent by recorded delivery, and must be properly addressed to a named individual.

Contracts between the Council and third parties must include an appropriate confidentiality clause which should be disseminated to the third parties employees.

6.7.5 Data Processors

Where the Council uses a contractor to process personal data on its behalf, the contractor must sign a Data Processing/Sharing Agreement (Appendix 2) which ensures that they are taking adequate steps to comply with Principle 7 on the Council's behalf. The Council retains legal responsibility for the actions of processors, and so those managing contracts must ensure that they contact the Data Protection Officer to ensure that security procedures are specified in the contract, and subsequently checked to ensure that they are in place.

6.8 Principle 8 - Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

Any manager who is required to send person identifiable information in any format to countries outside the EEA, they must discuss this with the Data Protection Officer as the levels of protection for the information may not be as comprehensive as those in the UK. In the majority of cases, such sharing will only be possible with the specific consent of the individuals whose data is to be shared.

7. Staff and Councillor Awareness

7.1 Training

The Council roll out a mandatory training programme which includes maintaining awareness of data protection, confidentiality and security issues for all staff. This is carried out by regular training sessions covering the following subjects:

- personal responsibilities
- confidentiality of personal information
- relevant Council Policies and Procedures
- compliance with the Data Protection Principles
- individual rights
- general good practice guidelines covering security and confidentiality
- records management

7.2 Induction

All new starters will be given the standard Information Governance training as part of The Council's induction process. Extra training in these areas will be given to those who require it due to the nature of their job. A register will be maintained of all staff and attendance at training sessions.

7.3 Contracts of Employment

Staff contracts of employment are produced and monitored by the Council's Human Resources department. All contracts of employment include a data protection and general confidentiality clause. Agency and contract staff are subject to the same rules.

7.4 Disciplinary issues

A deliberate or reckless breach of the DPA could result in a member of staff facing disciplinary action. Managers must ensure that all staff familiarise themselves with the content of this policy. A signed declaration should be recorded and held on the individuals personal file which is held in HR

All personal data recorded in any format must be handled securely and

appropriately, and staff must not disclose information for any purpose outside their normal work role. Any deliberate or reckless disclosure of information by a member of staff will be considered as a disciplinary issue. Employees should be aware that it is a criminal offence deliberately or recklessly to disclose personal data without the authority of the Data Controller (i.e. the Council).

Relevant Acts of Parliament

1 Human Rights Act 2000

This Act became law on 2 October 2000. It binds public authorities to respect and protect an individual's human rights. This will include an individual's right to privacy (under Article 8) and a service user's right to expect confidentiality of their information at all times.

Article 8 of the Act provides that 'everyone has the right to respect for his private and family life, his home and his correspondence'. However, this article also states 'there shall be no interference by a public authority with the exercise of this right except as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention or disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'.

2 Regulation of Investigatory Powers Act 2000

This Act combines rules relating to access to protected electronic information as well as revising the 'Interception of Communications Act 1985'. The Act aims to modernise the legal regulation of interception of communications in the light of the Human Rights laws and rapidly changing technology.

3 Crime and Disorder Act 1998

This Act introduces measures to reduce crime and disorder, including the introduction of local crime partnerships around local authority boundaries to formulate and implement strategies for reducing crime and disorder in that local area.

The Act allows disclosure of person identifiable information to the Police, Local Authorities, Probation Service or the Health Service but only if the purposes are defined within the Crime and Disorder Act. The Act does not impose a legal requirement to disclose/exchange person identifiable information and responsibility for disclosure rests with the organisation holding the information. There should be a Crime and Disorder Protocol governing the disclosure/exchange and use of personal information within a local authority boundary agreed and signed by all involved agencies and organisations.

4 The Computer Misuse Act 1990

This Act makes it a criminal offence to access any part of a computer system, programs and/or data that a user is not entitled to access. Each organisation will issue each user an individual user id and password which will only be known by the individual they relate to and must not be divulged / misused by other staff. This is to protect the employee from the likelihood of their inadvertently contravening this Act.

Each organisation will adhere to the requirements of the Computer Misuse Act 1990 by ensuring staff are made aware of their responsibilities regarding the misuse of computers for personal gain or other fraudulent activities. Any member of staff found to have contravened this Act will be considered to have committed a disciplinary offence and be dealt with accordingly.

DATA PROCESSING/SHARING AGREEMENT

Parties

The Parties to this Agreement are:

Barrow-in-Furness Borough Council (“the Council”) of Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD; and

[CONTRACTOR NAME] of (Insert Address) (“the Contractor”);

1. Introduction

- 1.1 The purpose of this Agreement is to provide a robust and clear framework for the purposes of delivery of the Contract known as [insert details] and includes provisions relating to the legal, secure and confidential transfer of personal information between the parties.
- 1.2 For the purpose of this Agreement the terms information and data are synonymous.

2. General Principles

- 2.1 All parties shall have a designated officer who is responsible for providing and accepting information under this Agreement, as identified in **Appendix 1**.
- 2.2 All parties will take appropriate measures towards compliance with the Data Protection Act 1998 and other relevant legislation.
- 2.3 All parties are committed to ensuring their staff are appropriately trained in data protection procedures.
- 2.4 All parties are committed to issuing practical guidelines to their staff on the transfer of personal information.
- 2.5 All parties shall have in place appropriate measures to investigate and deal with the inappropriate or unauthorised access to, or use of, the information provided under this Agreement whether intentional or inadvertent.
- 2.6 Where a request for access to either personal or non-personal data relating to this Contract is received by any party to this Agreement, it will be the responsibility of the party receiving the request for access to respond, in consultation with the other party.
- 2.7 The Contractor will ensure that none of its personnel publish, disclose or divulge any of the Personal Data to any third party unless directed in writing to do so by the Council;

- 2.8 The Contractor will provide the Council with full co-operation and assistance in relation to any complaint or request made, including by:
- 2.8.1 providing the Council with full details of the complaint or request;
 - 2.8.2 complying with a data access request within the relevant timescales set out in the Data Protection requirements and in accordance with the Council's instructions;
 - 2.8.3 providing the Council with any Personal Data it holds in relation to a Data subject (within the timescales required by the Council); and
 - 2.8.4 providing the Council with any information requested by the Council;
- 2.9 The Contractor will permit the Council or its representatives (subject to reasonable and appropriate confidentiality undertakings), to inspect and audit the Contractor's data processing activities (and/or those of its agents, subsidiaries and Sub-Contractors) and comply with all reasonable requests or directions by The Council to enable the Council to verify and/or procure that the contractor is in full compliance with its obligations under this Contract/Agreement;
- 2.10 The Contractor will not Process Personal Data outside the European Economic Area without the prior written consent of the Council and, where the Council consents to transfer, to comply with:
- 2.10.1 the obligations of the Data Controller under the Eight Data Protection Principle set out in Schedule 1 of the data Protection Act 1998 by providing an adequate level of protection to any Personal Data that is transferred; and
 - 2.10.2 any reasonable instructions notified to it by the Council.
- 2.11 The Contractor shall comply at all times with the Data Protection Requirements and shall not perform its obligations under this Contract in such a way as to cause the Council to breach any of its applicable obligations under the Data Protection Requirements.
- 2.12 The Contractor will allow its data processing facilities, procedures and documentation to be submitted for scrutiny by the Council or its auditors in order to ascertain compliance with the relevant laws of the United Kingdom and the terms of this Contract.
- 2.13 Save as set out in this Agreement, any unauthorised processing, use or disclosure of personal data by the Contractor is strictly prohibited.

3. Data to be provided by the Council

- 3.1 The Council will provide [*describe information to be provided*] to the Contractor as set out in **Appendix 2**.
- 3.2 The Council will only provide information which is relevant to the purpose outlined in paragraph 3.4. The Council will not provide any information it considers to be irrelevant or excessive.
- 3.3 The information provided by the Council under this Agreement is personal

information. Personal information is defined as information relating to any living individual from which that individual may be identified.

3.4 Information will be provided for the specific purpose of [*describe purpose*].

4. Restrictions on the use of information provided

4.1 Personal Information provided under this Agreement shall be used only for the purposes set out in paragraph 3.4. It is a condition of this Agreement that information provided by the Council must not be used for any other purpose without the permission of the Council, except as required by law.

4.2 Personal Information provided by the Council cannot be regarded by the receiving party as being intelligence for the general use by that party.

4.3 The Contractor acknowledge and accept that they are processing the personal data provided by Barrow Borough Council as a data processor and that, as between the parties, the data and all intellectual property rights in the Data shall belong to Barrow Borough Council. The data shall be identified, clearly recorded and marked as such by the Contractor on all media and in all documentation.

4.4 The Contractor shall obtain prior written consent from the Council in order to transfer the Personal Data to any sub-contractors for the provision of the Contract.

5. The legal framework

5.1 In general, people have a right to choose how their personal data is used and who may have access to it. However the law allows for information to be shared where there is a legitimate purpose and a legal basis. For the purposes of this Agreement the provisions that provide the legal basis for this sharing of personal data are listed below:

[insert relevant legislation]

Options include:

5.1.1 The Social Security Contributions and Benefits Act 1992

123 — (4) Each billing or levying authority—

(a) shall take such steps as appear to it appropriate for the purpose of securing that any person who may be entitled to council tax benefit in respect of council tax payable to the authority becomes aware that he may be entitled to it; and

(b) shall make copies of the council tax benefit scheme, with any modifications adopted by it under the Administration Act, available for public inspection at its principal office at all reasonable hours without payment.

5.1.2. Local Government Act 2000

Under Section 2 local authorities may do anything, which they consider likely to achieve any one or more of the following objectives:

- the promotion or improvement of the economic well-being in their area;
 - the promotion or improvement of the social well-being of their area; and
 - the promotion or improvement of the environmental well-being of their area.
- The power may not be exercised where there is an express restriction on doing so.

5.1.3. Data Protection Act 1998 – Schedule 2

- **Paragraph 1** The data subject has given his consent to the processing.
- **Paragraph 3** The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
- **Paragraph 5(b)** The processing is necessary for the exercise of any functions conferred on any person by or under any enactment
- **Paragraph 5(d)** The processing is necessary for the exercise of any functions of a public nature exercised in the public interest by any person.
- **Paragraph 6 (1)** The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

Section 29 - 29 Crime and taxation

(1) Personal data processed for any of the following purposes—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders, or
- (c) the assessment or collection of any tax or duty or of any imposition of a similar nature,

are exempt from the first data protection principle (except to the extent to which it requires compliance with the conditions in Schedules 2 and 3) and section 7 in any case to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection...

(3) Personal data are exempt from the non-disclosure provisions in any case in which—

- (a) the disclosure is for any of the purposes mentioned in subsection (1), and
- (b) the application of those provisions in relation to the disclosure would be likely to prejudice any of the matters mentioned in that subsection.

Section 35 - Disclosures required by law or made in connection with legal proceedings etc.

(1) Personal data are exempt from the non-disclosure provisions where the disclosure is required by or under any enactment, by any rule of law or by the order of a court.

(2) Personal data are exempt from the non-disclosure provisions where the disclosure is necessary—

- (a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or
- (b) for the purpose of obtaining legal advice, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights

5.1.4. Human Rights Act 1998

Article 8 of Schedule 1 provides that everyone has the right to respect for his private and family life, his home and correspondence. However this is a qualified right which can be interfered with if in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

5.1.5 Health & safety At Work Act 1974

2 General duties of employers to their employees.

(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(2) Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—

(a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;

(b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;

(c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;

(d) so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;

(e) the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

(4) Regulations made by the Secretary of State may provide for the appointment in prescribed cases by recognised trade unions (within the meaning of the regulations)

of safety representatives from amongst the employees, and those representatives shall represent the employees in consultations with the employers under subsection (6) below and shall have such other functions as may be prescribed.

3 General duties of employers and self-employed to persons other than their employees.

(1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

(2) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.

(3) In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.

6. Handling the personal data provided

6.1 Transmission

The Council considers that it is only appropriate to transfer personal data in the following ways:

6.1.1 Electronic exchange - All information transmitted across public networks within the UK or across any networks overseas must be encrypted or sent via secure email.

6.1.2 Personal exchange – Information may be hand delivered providing it is accompanied at all times; contained within a sealed envelope/package and is clearly addressed to the designated recipient officer.

6.1.3 Removable media - Information transmitted via removable media must be encrypted. The password must be sent separately.

6.2 Recording

The transfer of all personal data provided under this Agreement must be recorded accurately. Such record shall include details of the information provided, the date provided, who gave it, who received it and when it was destroyed.

6.3 Storage

The receiving party must ensure that it has appropriate measures in place to ensure the secure storage of all personal data provided under this Agreement as follows:

6.3.1 information provided should be held in a lockable storage area, office or cabinet.

6.3.2 Electronic files must be protected against illicit internal use or intrusion by external parties through the use of appropriate security measures.

6.4 Disclosure

No personal data provided by the Council can be released to any third party without the Council's consent.

6.5 Destruction

The personal data provided under this Agreement shall not be kept any longer than necessary and if requested by the Council must be returned to the Council, destroyed or erased (including all copies whether paper or electronic). The data shall be destroyed in an appropriate manner, as follows:

6.5.1 All electronic data must be destroyed in an appropriate manner which renders it irretrievable. This could be logically, physically, digitally or magnetically destroyed.

6.5.2 All paper documents should be immediately strip shredded or incinerated.

7. Organisational responsibilities

All parties will:

7.1 ensure that their organisational and security measures protect the lawful use of information provided under this Agreement.

7.2 accept the security levels on supplied information and handle the information accordingly.

7.3 report any misuse, loss, destruction, damage or unauthorised access, suspected or otherwise, of information to the Council as soon as is practicable. Following a report of misuse the Council will decide on the appropriate course of action.

7.4 ensure that all employees abide by their rules and policies in relation to the protection and use of personal information. Individuals working for the

organisation, either directly employed or sub contracted, are personally responsible for the safekeeping of any information they obtain, handle, use and disclose. Individuals should uphold the general principles of confidentiality and follow the rules laid down in this Agreement and seek advice when necessary.

- 7.5 keep the data strictly private and confidential and allow access to the data strictly on a “need to know” basis and use appropriate access controls to ensure this requirement is satisfied
- 7.6 make all employees aware of individual and corporate responsibilities under the Data Protection Act 1998.

8. Payments

- 8.1 This Agreement forms part of [DETAILS] Contract and comes under the existing Contract for the [details].
- 8.2 The Council will make payments to the Contractor in accordance with the provisions of that Contract. The Council is not obliged to make any payments to the Contractor for the delivery of this Agreement.

9. Insurance and Liability

- 9.1 All parties shall procure and maintain Public Liability insurance for a minimum of £1,000,000 in respect of all claims for loss, injury and/or damage (including costs) arising out of or in consequence of any breach of this Data Sharing Agreement.
- 9.2 Clause XXXXX “Limits on Liability” contained in the document ‘XXXXXXXX’ as already agreed between The Council and XXXXXX stand.

10. Termination

- 10.1 This Agreement will terminate when the Contract has been terminated.
- 10.2 In the event of termination, the Contractor shall, as requested by the Council, straightaway erase or return all personal data provided by Barrow Borough Council
 - 10.2.1 Erasure means deleting all copies of any part of the data from its systems and magnetic data. The Contractor shall dispose of all paper copies of the data in an appropriate manner, agreed with the Council prior to disposal or, at the Council's election, return all paper copies to it.
- 10.3 The Contractor shall confirm to the Council in writing that all the data has been erased and destroyed in accordance with this clause.
- 10.4 Clause 11.2 is subject to the statutory requirements of retention of data as legally required.

11. Assignment

No party shall be entitled to assign this Agreement or any rights or obligations arising under it without the prior written consent of the other parties.

12. Variation

No variation or amendment of or additions to this Agreement shall be valid or enforceable unless agreed in writing by all parties.

13. Third Party Rights

A person who is not a party to this agreement has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any terms of this agreement.

14. Agreement

Signed for and on behalf of Barrow Borough Council

Signature..... Date.....

Position.....

Witness

Signature..... Date.....

Position.....

Signed for and on behalf of [CONTRACTOR'S NAME]

Signature..... Date.....

Position.....

Witness

Signature..... Date.....

Position.....

APPENDIX 1

APPENDIX 1 - DESIGNATED OFFICER

DESIGNATED OFFICER

Barrow Borough Council

Name: XXXX

Position: XXXXX

Contact Details: Barrow Borough Council, XXXXXXXX

Tel: XXXXXXXX

DESIGNATED OFFICER

[Contractor Name]

Name:

Position:

Contact Details:

APPENDIX 2

DATA TO BE PROVIDED BY THE COUNCIL

EXECUTIVE COMMITTEE		Part One (D) Agenda Item 10
Date of Meeting:	22nd October, 2014	
Reporting Officer:	Director of Resources	
<p>Title: Data Protection Code of Practice</p> <p>Summary and Conclusions:</p> <p>This report sets out the Council's compliance with data protection regulations in relation to the disclosure of personal information to third parties.</p> <p>Recommendations:</p> <p>To approve the Data Protection Code of Practice in relation to the disclosure of personal information to third parties.</p>		

Report

The Council is a data controller as defined by the Data Protection Act and is obliged to ensure that all of the requirements laid down in the regulations are implemented and complied with.

The Code of Practice in relation to the disclosure of personal information to third parties is attached at **Appendix 2**. The Code represents best practice and ensures that the Council's duties in relation to the personal and sensitive data that is held can be satisfactorily controlled and discharged.

The Code sets out the legal definitions, the procedure and includes the authorisation forms that may be used in the event of someone wishing to authorisation a third party, Councillor or MP to act on their behalf.

This Code has been reviewed by the Policy Group and following that, examples have been included to provide officers with further guidance.

(i) **Legal Implications**

The recommendation relates to the Council's Data Protection responsibilities.

(ii) **Risk Assessment**

The recommendation mitigates the risk of personal data being unlawfully released.

(iii) **Financial Implications**

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

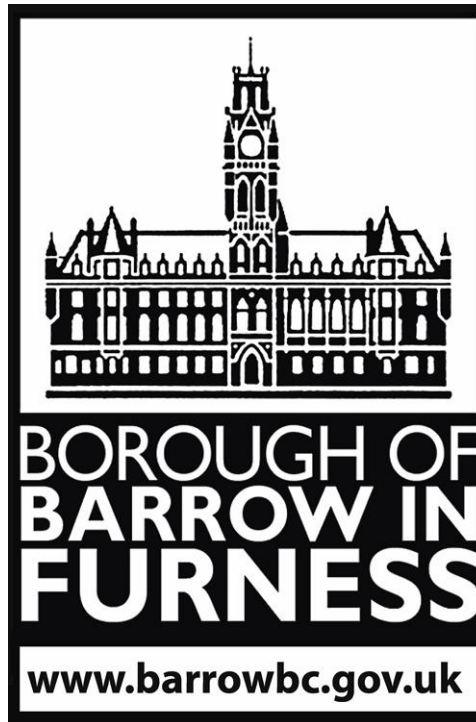
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

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

Background Papers

Nil



Data Protection Code of Practice: Disclosure of Personal Information to Third Parties

Version Control:	
Document Name:	Disclosure to Third Parties
Version:	Version 1.0.01102014
Author:	Corporate Support Officer
Approved by:	Executive Committee/Full Council
Date Approved:	
Review Date	31 st March 2015

1. Introduction

This document is for the information of Officers of the Council, Councillors and third parties acting on behalf of another individual.

The Code is intended to cover:-

- Requests from third parties relating to the personal affairs/information of another individual
- Councillors acting on behalf of a constituent

2. Definitions

Some of the definitions used in the Data Protection Act:

Data: is information recorded electronically; and manual data held in a relevant filing system or structured form. Since the amendments brought in by the Freedom of Information Act 2000 in January 2005, it also now includes unstructured data held in manual form (sometimes referred to as Category e data).

Personal data: relates to living individuals who can be identified from it, either by itself or in tandem with other information that might be in the Council's possession. It includes expressions of opinion, and intentions towards the individual.

Personal data could be contact details, date of birth, qualifications, or anything pertaining to an individual. It is something that affects that person's privacy (whether in their personal / family life, or business / professional capacity) in the sense that the information has the person as its focus or is otherwise biographical in nature, and identifies that person - by itself or with other information.

Incidental mention of an individual's name may not count as personal data about that person.

The Council holds personal data about its staff, Members, borough residents, customers, and other individuals connected with the Council.

Sensitive personal data: is the following sort of information:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of an offence
- Proceedings for any offence or alleged offence, or sentence of court

To process data: means any of the following: to obtain, record or hold, carry out operations on it, organise, adapt, alter it, retrieve it, disclose it, erase or destroy it.

Data Subject: is a living person who is the subject of the information, and can be identified from it.

3. Disclosure Rules

Disclosure of personal data to third parties is allowed only where the Data Subject has given consent, or in certain other limited circumstances for example:

- Disclosures required by law
- For the prevention or detection of crime

4. The Procedure

Enquiries or requests to the Council relating to an individual about a third party will be treated as follows: -

1. Request from families members (including spouses), friends or associates

The Council will not disclose personal information or discuss matters relating to a third party without the consent of the individual concerned. The Third Party Authorisation Form attached to this document must be completed. The completed form should be retained with the reply.

2. Requests from Councillors or MPs

The Council will not disclose personal information or discuss matters relating to a third party without the consent of the individual concerned. The Constituent Authorisation Form attached to this document must be completed. The completed form should be retained with the reply.

3. Request from Solicitors

Solicitors requesting information on behalf of a Data Subject will be asked to provide an original signed authority from that person. The Third Party Authorisation Form can be used for this purpose. The completed form should be retained with the reply.

4. Requests from investigatory bodies for the purpose of preventing or detecting crime or apprehending or prosecuting offenders

Investigative bodies may include: -

- Police
- Immigration
- Local Authorities investigating fraud
- HMRC

Requesting bodies will be required to complete the Council's form for this purpose and return it to the Corporate Support Officer or Data Protection Officer.

Based on the information provided on this form, the Council will make a decision as to whether we will provide the information requested. This decision will be based on:

- The reasons provided by the enquirer for requesting the information
- The crime for which the individual is being investigated
- The rights of the individual concerned
- Whether the enquirer could get the information from another source
- Whether the Council considers disclosure to be necessary and proportionate
- Whether the body has proper prosecuting or statutory powers.

It is extremely unlikely that the Council would disclose information to private organisations such as financial institutions or private investigators.

5. Practical examples

For avoidance of doubt, any request for personal information that comes through a third party should be accompanied by a Third Party Authorisation Form or a Constituent Authorisation Form. If such a request is received without an authorisation form, then officers may correspond with the individual concerned direct, but may not correspond with or disclose any information to the third party; officers may inform Members that the issue has been dealt with.

For example, "A" writes in to request a note of the balance of "B's" rent account as "B" has asked him to find out. There is no written authorisation from "B", so an authorisation form can be sent out, or more reasonably, contact is made direct with "B" to resolve his query.

As another example, a Councillor phones in to discuss a constituents' case that is with a Council appointed bailiff and there is no authorisation in place. Officers can contact the constituent to resolve the issue but may not discuss the position with the Councillor.

Where a request is accompanied with an authorisation form, say from a Councillors' constituent, authorising the Councillor to find out what's holding up their case or service, then officers may discuss the relevant and necessary details with the Councillor but should still be mindful that it is only information relevant to resolving the issue that should be disclosed – in the majority of cases it is process/service information that is required to resolve a query and not personal details.



Third Party Authorisation Form

Your name:	
Your address: (Including Postcode)	
Your telephone:	Home: Work: Mobile:
Your email address:	
Please complete this section if you are authorised to act on behalf of the applicant	
<p>I have been authorised to act on behalf of the applicant. I declare that I will not disclose any information from the records other than to the person on whose behalf I am acting, unless they give me their express permission.</p>	
Signed:	
Authorisation	
<p>I authorise (Name) of (Address) to act on my behalf. I declare that this authorisation was given freely.</p>	
Signed:	
Date:	



Constituent Authorisation Form

- Councillors and Officers of Barrow-in-Furness Borough Council are all bound by the Data Protection Act 1998.
- This procedure must be used when seeking consent from a constituent to obtain and use their personal information from the Local Authority as part of a Member Enquiry, or to obtain information from the constituent.
- It is good practice to give the constituent a copy of the form once they have signed it.

Constituent name:	
Address: (Including Postcode)	
Telephone:	Home: Work: Mobile:
Summary for the reason for the enquiry:	
<p>I authorise Councillor..... to make enquiries and receive necessary information on my behalf. I declare that this authorisation was given freely.</p>	
Signed:	
Date:	

EXECUTIVE COMMITTEE		<u>Part One</u> (R) Agenda Item 11
Date of Meeting:	22nd October, 2014	
Reporting Officer:	Director of Resources	
<p>Title: Access to Information Policy</p> <p>Summary and Conclusions:</p> <p>This report contains the Council's Access to Information Policy in relation to committee papers and attendance.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the Access to Information Policy in relation to committee papers and attendance.</p>		

Report

The Council's Access to Information Policy in relation to committee papers and attendance is attached at **Appendix 3**. The Policy relates to the reports presented to meetings of the Council and sets out the rules and treatment of confidential and exempt information. The Council is committed to striking the proper balance between openness and individual's legal rights and privacy.

The Policy sets out the definitions of confidential information and exempt information as set out in the Local Government Act 1972 (as amended).

Reports that include confidential or exempt information will be presented as Part 2 – not for publication. Appended to the Policy is a 'record of decision' form which must be completed by the reporting officer upon the submission of a Part 2 report for any of the Council's committee meetings. The justification for reporting in Part 2 will then be clear and evidenced.

Section 13 of the Policy sets out the procedures for handling Part 2 reports and this is different to current practice. The changes have been made as they are considered best practice, in summary the procedure for Part 2 reports is:

- Part 2 reports will be itemised on committee agenda as usual;
- A reading copy will be available in Democratic Services;
- At the committee meeting, Part 2 reports will be handed out to attending Members;
- All copies will be returned to and be collected by the Democratic Services Officer when the meeting ends.

(i) Legal Implications

The recommendation relates to the Council's Data Protection responsibilities and obligations under the Data Protection Act, commercial confidentiality and exclusions and exemptions contained in Access to Information provisions.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

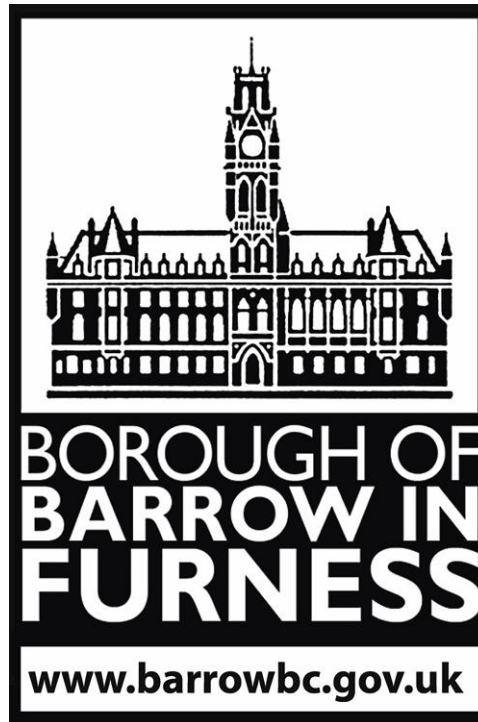
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

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

Background Papers

Nil



Committee Papers & Attendance - Access to Information Policy

Version Control:	
Document Name:	Committee Papers & Attendance – Access to Information Policy
Version:	Version 1.2.01102014
Author:	Corporate Support Officer
Approved by:	Executive Committee/Full Council
Date Approved:	
Review Date	31 st August 2015

1. Purpose

In some circumstances, it will be necessary to exclude the public and press from meetings of the Council because it is likely that **confidential** or **exempt** information will be disclosed. Papers relating to these items are classed as Part 2 Items and printed on green paper and are withheld from the public. There will be a record of the decision for a report to be classed as Part 2, this will be completed and submitted by the reporting officer when their paper is sent to Democratic Services for inclusion on a committee's agenda.

The purpose of the Policy is to set out the exemptions under Schedule 12A of the Local Government Act 1972 (as amended by the Local Authorities (Access to Information) (Exempt Information) (England) Order 2006) and provide guidance to Members, Officers and the Public as to how these exemptions will/can be applied.

2. Introduction

The Council is committed to striking the proper balance between openness and individual's legal rights and privacy, and will:

- Promote transparency in its work
- Be proactive in making available information which is public in nature or interest
- Be open and accountable
- Maintain individual privacy and confidentiality in an appropriate manner
- Share information in accordance with information sharing protocols.

3. Changes to Access to Information Legislation

On the 1st March 2006, Schedule 12A of the Local Government Act 1972 (the Act) was amended. The new Regulations were brought in to take account of the impact of the Freedom of Information Act 2000. There are seven categories of information which can be exempt. All of them require consideration of the public interest before deciding whether to withhold the information.

4. Definitions

Confidential items

Confidential information means:

- information provided to the council or local government body by a Government department on terms which forbid the disclosure of the information to the public; and
- information which is prohibited from being disclosed by any enactment or by a court order

The public **must** be excluded from meetings for items where confidential information would be disclosed.

Exempt Information

The public **may** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted that exempt information would be disclosed. Exempt information means information falling within the 7 categories outlined in 12A of the Local Government Act 1972 (as amended).

5. The presumption of open governance

The approach is based on open governance with disclosure of as much information as possible about decision making. Only in the limited circumstances allowed by statute may information be withheld.

6. Preliminary considerations

The starting point with any report is that the report will be open to the public. Any information considered to be appropriate to be withheld, will be assessed to establish if any one of the exemption categories applies. If any do, then the public interest test will be applied.

7. Exemption categories

The exemption categories contained in Schedule 12A of the Act are set out in the Constitution and the relevant constitutional extract is attached to this guidance. Schedule 12A is in three parts:

- Part 1 - Descriptions of Exempt Information
- Part 2 - Qualification
- Part 3 - Interpretation

Part 1 - Exemption paragraphs

The Schedule 12A, 7 exemptions are as follows:-

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)
4. Information relating to any consultations or negotiations or contemplated negotiations in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
6. Information which reveals that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;
- (b) to make an order or direction under any enactment

7. Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Part 2 – Qualifications (When the exemptions do not apply)

A. Information falling within number 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

[the Companies Acts (as defined in section 2 of the Companies Act 2006)];
the Friendly Societies Act 1974;
the Friendly Societies Act 1992;
the *Industrial and Provident Societies Acts 1965* [Co-operative and Community Benefit Societies and Credit Unions Acts 1965] to 1978;
the Building Societies Act 1986; or
the Charities Act 2011.

B. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992

C. Information which—

falls within any of numbers 1 to 7 above; and
is not prevented from being exempt by virtue of number A or B above,

is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 3 – Interpretation

(1) In Parts 1 and 2 and this Part of this Schedule –

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 **F8** (matters which may be the subject of a trade dispute, within the meaning of that Act);
or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986 [F9](#), means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to—

(i) any constituent principal council;

(ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and

(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to—

(i) the committee, or any of the committees, of which it is a sub-committee; and

(ii) any principal council which falls within paragraph (b) above in relation to that committee.

8. What is the public interest test?

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9. What is in the public interest?

It is important to note that in relation to ALL the exemptions above, it is necessary in addition to applying the exemptions, to apply the public interest test. Officers and Members must ask themselves:

“Does the public interest in maintaining the exemption outweigh the public interest in disclosing the information?”

There is no legal definition of what the public interest is however the following may be some relevant considerations to weigh up and balance the public interest in disclosure as against non-disclosure:

- The information in question would assist public understanding of an issue that is subject to current national debate
- The issue has generated public or parliamentary debate
- Proper debate cannot take place without wide availability of all the relevant information
- The issue affects a wide range of individuals or companies
- The public interest in sufficient information being available for local interests to be represented effectively
- Facts and analysis behind major policy decisions
- Knowing reasons for decisions
- Accountability for proceeds of sale of assets in public ownership
- Openness and accountability for tender processes and prices
- Public interest in public bodies obtaining value for money
- Public health
- Damage to the environment
- Contingency plans in an emergency

10. Exemption Paragraphs – detailed guidance

Paragraph 1 - Information relating to any individual

This is a potentially very wide exemption and therefore the issues set out below should be taken into account in determining whether the exemption should be applied. If the information constitutes “personal data” i.e. a **living** individual who can be identified from the report” – the protections under the Data Protection Act 1998 will apply.

In relation to disclosure of personal data relating to members of the public - it would be necessary in most cases to determine whether including this information in a report would be **unlawful or unfair** to the person taking into account all the circumstances involved – in particular:

1. How the information was obtained?
2. Would the third party expect that his or her information might be disclosed to others?
3. Has the person been led to believe that his or her information would be kept secret?
4. Has the person expressly refused consent to disclosure of the information?
5. The effect that disclosure would have on the person. Would the disclosure cause unnecessary or unjustified distress or damage to the person?

If the information consists of the names of senior officials, their grades, job functions or decisions which they have made in their official capacities, then disclosure would normally be made.

Information such as home addresses or internal disciplinary matters would not normally be disclosed.

It would be unlikely to be unfair to publish details of expenses incurred in the course of official business, information about pay bands, or, particularly in the case of senior staff, details of salaries.

Officers should consult with the Council's Corporate Support Officer prior to any decision to disclose information.

In addition it is necessary to consider the public interest test and the public interest in disclosure. The following factors will be relevant in carrying out the balancing exercise:-

- Does the personal data relate to the person in a public or private capacity?
- Would the disclosure have a detrimental effect on the data subject or **any other** person?
- Is the information already in the public domain?

In relation to staff – the Information Commissioner has stated that “there is a strong public interest in provision of information about how a public authority has spent public money. These are not hard and fast rules. While names of officials should normally be provided ..., if there is some reason to think that disclosure of even that information would put someone at risk – for instance confirming the work address of a member of staff who has been physically threatened – then it may be right not to give out that information. It is relevant to think about the seniority of staff: the more senior a person is the less likely it will be that to disclose information about him or her acting in an official capacity would be unfair.”

Paragraph 2 - Information which is likely to reveal the identity of an individual

The issues/factors that should be taken into consideration in determining whether this exemption applies are the same as the matters set out at paragraph 1 above.

Officers should consult with the Council's Corporate Support Officer prior to any decision to disclose information.

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding the information)

This is again a potentially wide-ranging exemption. It relates to the financial and business/commercial affairs of individuals, sole traders, companies or any other organisations (including the Council). It also includes contemplated, as well as past or current activities.

There is an exception to this exemption: -

Information falling within exemption paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and

Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.

In addition it will be necessary to apply the public interest test. It is suggested that this test can be applied in the case of paragraph 3 by weighing up the prejudice caused by the disclosure in the report against the likely benefit to the public.

The following issues might weigh in favour of the public interest in withholding information:-

- Would it cause significant damage to the business reputation of or confidence in the person/organisation?
- Would it have a significant detrimental impact on its commercial revenue or threaten its ability to obtain supplies or secure finance?
- Would it significantly weaken its position in a competitive environment by revealing market – sensitive information or information of potential usefulness to competitors
- Would it adversely affect its bargaining position?
- What would the effect be on competition generally?

The following factors weigh in favour of disclosure:-

- Transparency in the accountability of public funds;
- Public money is being used effectively and the Council is getting value for money when purchasing goods and services;
- The Council's commercial activities – including the procurement process – are conducted in an open and honest way;
- The protection of the public.

If it intended to disclose financial and/or business/ commercial information in a report that relates to a 3rd party, serious consideration should be given to consulting with that party in order to determine whether disclosure would or would be likely to prejudice their interests. Failure to do so might expose the Council to legal action.

Paragraph 4 - Information relating to any consultations or negotiations or contemplated negotiations in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.

“Labour relations” means:-

- Any matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of trade dispute within the meaning of that Act); or
- Any dispute about a matter falling within paragraph (a) above.

It is necessary to apply **the public interest test** to this exemption. There has been very little guidance provided in relation to the exemption in paragraph 4 above and the public interest test. It is suggested that information that might prejudice the consultations or negotiations will not be in the public interest.

Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

Legal professional privilege is a common law concept based on the need to protect a client's confidence that any communication with his professional legal adviser will be treated in confidence and not revealed without consent. This concept can be difficult to apply in practice and will therefore probably require legal advice. The Corporate Support Officer should be contacted for legal advice.

There are 2 categories of privilege:-

Advice privilege

This attaches to communications between a client and the professional legal adviser where there is no pending or contemplated litigation.

The communication needs to be made for the principal or dominant purpose of seeking or giving advice.

Litigation privilege

This arises where litigation is contemplated or underway.

Privilege attaches to all documents, reports, information, evidence, etc. obtained for the sole or dominant purpose of the litigation.

This is wider than advice privilege as it extends to 3rd party communications as well as legal adviser/client communications.

The Information Commissioner has advised that he "would not expect privilege to be waived in cases where disclosure might prejudice the rights either of the authority itself or any third party to obtain access to justice." It should be noted however that information may cease to be privileged if it is copied and shared with third parties i.e. externally of the Council.

Privilege cannot be claimed if advice is given with the intention of furthering a criminal purpose. Policy/presentational advice provided by lawyers – i.e. not about the substantive rights and obligations of the authority – may **not** attract legal professional privilege.

It is also necessary to apply the public interest test. The public interest in maintaining the exemption under paragraph 5 could be as follows:-

- The decisions of the Council are taken in a fully informed legal context where relevant
- The Council is not prejudiced in its ability to defend its legal interests by having its position exposed to challenge;
- To enable access to justice and guarantee a fair trial.

The public interest in disclosure is guided by the Information Commissioner who advises that where litigation has ended or the possibility of litigation has ended the public authority may be more inclined to disclosure on public interest grounds.

- Accountability for the quality of decision making including that decisions are made on the basis of good quality legal advice:
- Knowing that legal advice has been followed

Further guidance on applying this exemption can be obtained from the Corporate Support Officer.

Paragraph 6 - Information which reveals that the authority proposes

- (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;**
- (ii) to make an order or direction under any enactment**

Information falling within this paragraph is exempt information only if and so long as its disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction was given. This exemption applies if information in the report:-

- reveals that the authority proposes to give notice, order or direction under an enactment; and
- gives the person to whom it relates the opportunity to defeat the purpose of the notice etc.

In addition it is necessary to apply the public interest test. Maintaining confidence in the regulatory actions of the Council is clearly of great importance in relation to the public interest but this does have to be set against the need to maintain confidentiality in relation to specific cases.

Paragraph 7 - Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

This is a wide-ranging exemption and applies to all authorities with a criminal law enforcement role. It is necessary to apply **the public interest test** in relation to this exemption. In weighing the public interest it will be necessary to consider the public interest that applies to the particular case. The following are relevant considerations in relation to maintaining the exemption:-

- Would disclosure compromise the investigation/prosecution?
- Would the information disclose strategies and tactics to prevent crime and hamper future operational activity?
- Would disclosure facilitate the commission of an offence?
- Would disclosure prejudice a fair trial?

The public interest in favour of disclosure could be the need to maintain confidence in law enforcement and the criminal justice system. But this might weigh both for and against disclosure.

11. Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. The public **MUST** be excluded from meetings for items where confidential information would be disclosed.

12. Documenting the decision

A record of the application of any of the 7 exemptions shall be made using the template form (Appendix 1).

The reporting officer should complete the form which must then be sanctioned by the Proper Officer (Executive Director or The Monitoring Officer).

All forms will be stored centrally with Democratic Services.

13. Collection of Reports

Part 2 Items (green papers) will not be issued to Members with the Part 1 Items prior to committee meetings. A reading copy will be available from Democratic Services and this cannot be taken away or copied.

Part 2 Items will be distributed to Members at committee and at the closure of the meeting all Part 2 Items (green papers) will be collected from Members by the Committee Administrator and destroyed confidentially.

Members leaving part way through any meeting should hand the papers to the Committee Administrator. The Committee Administrator should ensure this happens.

If a meeting is adjourned Part 2 papers will be collected by the Committee Administrator and when the meeting reconvenes.

The Committee Administrator will record the collection from each Member. Any missing papers will be recovered as soon as is practically possible and a record made of the date of recovery.

SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS
RECORD OF DECISION

Meeting and Date Of Meeting:

Report Title:

Author:

I have considered grounds for exemption of information contained in the background paper for the report referred to above and make the following recommendation to the Proper Officer: -

Exemption applying to the report:

Factors in favour of disclosure:

Prejudice which would result if the information were disclosed:

My view on the public interest test is as follows:

Recommended decision on exemption from disclosure:

Date:

Signed:

Designation:

I accept/do not accept the recommendation made above

Signed:

Proper Officer (Executive Director/Monitoring Officer)

Date:

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 12
Date of Meeting:	22nd October, 2014	
Reporting Officer:	Director of Resources	
<p>Title: Discretionary Income Policy</p> <p>Summary and Conclusions:</p> <p>This report sets out the Council's revised discretionary income policy.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the revised discretionary income policy.</p>		

Report

The Council's discretionary income policy is currently:

1. Full cost recovery; or
2. Pricing to match the nearest provider (market pricing); or
3. Annual inflationary increases (set at 2.5% in the Budget Strategy).

Full cost recovery for discretionary services allows these services to continue with no impact on tax payers.

Pricing to match the nearest provider has been adopted for several services with discretionary pricing, but where the Council once 'matched' pricing the subsequent increases have left the Council's prices behind the nearest providers in several instances.

Adding inflation to the existing prices aims to maintain or not increase the subsidy of discretionary services. As costs go up each year, the extra income from a 2.5% price increase aims to cover that, so there is no increased net cost year on year.

The discretionary income policy has been varied by the Council in relation to car parking tariffs and swimming charges most recently. Since the Budget Strategy re-set of prices, these income streams were following 'option' 3 (above), but after a years' experience were swapped to a hybrid of 'option' 2 – the prices were frozen to draw more custom from the market. The experience of car parking does not correlate with the pricing changes and presents a unique case for a pricing policy distinct from the options above; further work is required before any recommendations can be presented to this committee.

This report focusses on the Park Leisure Centre and The Forum. The Budget Strategy and Medium Term Financial Plan both include additional income being generated from both venues; 2.5% year on year cumulatively. In order to allow the venue managers the required discretion and ability to react to the market, it is proposed that the 2.5% additional income is generated through the activities and pricing determined by the venue managers. This means that there will not be a static annual price list presented to Council.

As a starting point the current agreed prices are the baseline, but the venue managers can raise or reduce those depending on the time of year, any troughs in the facilities use that could be filled from special offers, family deals, to react to competition and to use pricing to promote the venues. Both venue managers are experienced in their field and have a commercial awareness that will allow them to use this policy change in running their services.

The venue managers would be fully supported by Management Board. This is a new venture and will be closely monitored to see if the results are beneficial and how quickly they materialise.

As these two venues have this challenge, it is fair to recognise achievements over and above the target of 2.5%. It is proposed that any income above the target for the year is split 50/50; 50% reducing the Council's subsidy of the venue and 50% for the venue manager to use for equipment or venue maintenance. This cannot be used for staffing or contracting services as it is not sustainable additional funding and each year the target is re-set against the last actual outturn. The venues will be treated separately and the income not pooled between them.

The discretionary income policy would become:

1. Full cost recovery; or
2. Pricing to match the nearest provider (market pricing); or
3. Inflationary increases (set at 2.5% in the Budget Strategy); or
4. For the Park Leisure Centre and The Forum:
 - To generate 2.5% more income than the last outturn through the use of and pricing of the venues' facilities; where more than 2.5% additional income is generated, 50% will be used to reduce the subsidy of the individual venue and 50% will be available to the venue manager for one-off expenditure of a revenue nature. In the event that the venue requires any additional subsidy (increased costs) during the year, any additional income will be offset against this by 100% first.

There are no financial implications set out in the assessment that follows as until the policy is tried and tested, the outcome cannot be pre-judged. It is anticipated that the discretion given to the venue managers will allow them to take advantage of their knowledge and structure their offer (facilities and services) to suit the market.

(i) Legal Implications

The recommendation has no implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

EXECUTIVE COMMITTEE	(D) Agenda Item 13
Date of Meeting: 22nd October, 2014	
Reporting Officer: Director of Resources	
<p>Title: Universal Credit Update</p> <p>Summary and Conclusions:</p> <p>This report provides an update on Universal Credit and the DWP Delivery Partnership Agreement. Arrangements are progressing but are not yet finalised. The report also recommends that Members agree that the final Delivery Partnership Agreement from the DWP be signed by the Executive Director (as delegated by Council on 15th October, 2014) with the agreement of the Chairman of this Committee.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To note the progress reported; 2. To agree in principle the Councils' Universal Credit Service Provision as follows: <ol style="list-style-type: none"> i. Provide support to the Universal Credit Service Centre staff around housing issues that may arise through its Revenues and Benefits contractor. ii. Manual processing for Local Council Tax Reduction Scheme through its Revenues and Benefits contractor. iii. Support claimants with complex needs and in particular those who require personal budgeting support through an extension of the existing Service Level Agreement with Barrow Citizen's Advice Bureau. iv. Work with Universal Credit Programme in preparing landlords through existing arrangements in the short to medium term; and 3. To agree that the final Delivery Partnership Agreement from the DWP be agreed by the Chairman of this Committee before being signed by the Executive Director. 	

Report

This report focusses on the Universal Credit service provision set out in the Delivery Partnership Agreement and provides a position statement. Members are asked to

agree the way forward in principle which will allow the arrangements to be finalised. The DWP will then tailor the Delivery Partnership Agreement for the Council and it is proposed that this is then agreed with the Chairman of this committee before being signed by the Executive Director. The Delivery Partnership Agreement must be signed by 30th November, 2014.

Members will note that the Council is not proposing to provide online support facilities and will commission (outsource) the services that will be covered by the Delivery Partnership Agreement.

Universal Credit Service Provision

i. Provide support to the Universal Credit Service Centre staff around housing issues that may arise through its Revenues and Benefits contractor.

This involves providing a contact for the DWP team that can provide expertise on complex housing issues. Housing Benefit claim statuses must be confirmed within two working days and the detailed information requests returned within five working days.

It is envisaged that this will be provided by the Revenues and Benefits contractor under a contract change control notice. The Council will pass on the formula based grant based on the provision of the caseload data, to the contractor.

ii. Manual processing for Local Council Tax Reduction Scheme through its Revenues and Benefits contractor.

This involves manually updating council tax support claims as is currently performed, but the format of the data transfer is different for a transition period.

It is envisaged that this will be provided by the Revenues and Benefits contractor under a contract change control notice. The Council will pass on the formula based grant based on the provision of the caseload data, to the contractor.

iii. Support claimants with complex needs and in particular those who require personal budgeting support through an extension of the existing Service Level Agreement with Barrow Citizen's Advice Bureau.

This involves processing personal budgeting support referrals from the DWP including those claimants who have alternative payment arrangements. The DWP require certain information in relation to throughput and outcomes.

It is envisaged that this will be provided by the Barrow Citizens Advice Bureau under an appendix to the existing Service Level Agreement. The Council will pass on the formula based grant based on the provision of the caseload and other required data, to the Bureau.

iv. Work with Universal Credit Programme in preparing landlords through existing arrangements in the short to medium term

This includes hosting a landlord forum for Universal Credit, directing landlords to online support facilities, signposting landlords to the DWP for any queries and promoting the use of online facilities for Universal Credit.

The existing landlord forum that is run for housing benefit purposes can be used as a joint session with the DWP in the medium term. Once the housing benefit administration responsibility has ended, the Council would no longer run the landlord forum. The use of The Forum as a venue may continue, but that can be resolved at a later date.

Directing landlords and claimants to online facilities may be an area that this Council should opt out of. This is because the Council cannot provide online facilities, supported or un-supported and we have advised the DWP that discussions with the County Council are ongoing in this respect. The Council have requested that the online support element of the Universal Credit service provision within the Delivery Partnership Agreement be removed as it is not a service that would not be provided for the foreseeable future. If the County Council were able to agree this service with the DWP, then perhaps they would be best placed to promote that as part of their current arrangements.

Administration

The collation of the statistics to enable the grant to be claimed will hopefully be undertaken from existing resources; these have yet to be identified. The claim would be for the number of assists to the Service Centre, the number of council tax support manual processes and the number of personal budgeting support sessions.

Both of the parties that would be involved in delivering the services for the Council will have the details from the Delivery Partnership Agreement included in their reporting requirements; the collation, submission and payment would be retained by the Council as the signatory to the Delivery Partnership Agreement.

General Advice

There will also be customers aware that they need to start a claim for housing benefit that may need to be referred to register for Universal Credit; depending on the client groups included for Universal Credit. Staff will need to understand how to check that and make sure customers are directed as necessary. The DWP will provide training for staff and leaflets/information notices for the reception area/First Point.

Commencement

The start date for Universal Credit in the Borough is 8th December, 2014; a statutory instrument has been published. After writing to the DWP, assurance has been given that the DWP have arrangements in place to make an interim payment to those that cannot wait until their first Universal Credit payment date.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

EXECUTIVE COMMITTEE	(D) Agenda Item 14
Date of Meeting: 22nd October 2014	
Reporting Officer: Executive Director	
<p>Title: Surplus properties at 10, 12 and 22 Sutherland Street – Proposed partnership with Mind in Furness</p> <p>Summary and Conclusions:</p> <p>A proposal to work in partnership with Mind in Furness to develop accommodation for people with mental health problems is outlined. This will utilise properties currently owned by the Council. A leasing arrangement will be put in place to allow Mind in Furness to provide accommodation for their clients.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To approve in principle the proposed use for the properties in question; and 2. To authorise the Executive Director to agree the heads of terms and detail of a lease based on these principles. 	

Report

The properties at 10, 12, and 22 Sutherland Street are all two bedroom terraced properties that were acquired as part of the North Central Renewal Area programme. The properties are now surplus to requirements, and are in a very poor state of repair internally. At a previous meeting, Members were presented with a recommendation to dispose of the properties on the open market. However, it was agreed to defer the disposal of the surplus properties to enable a report to be submitted to a future meeting on the possibility of releasing one property to Impact Housing to provide interim accommodation for 16/17 year olds.

The proposal to release the property to Impact Housing has not made any progress. In the meantime, the Council has been approached by Mind in Furness. This organisation is seeking to develop accommodation for their clients, who are people with mental health problems. Within the Borough there is a lack of housing with low level support for this client group. Housing with low level support could act as move-on accommodation for people currently living with higher levels of support, and thus act as a valuable stepping stone towards totally independent living. To enable this project to proceed, Mind in Furness have requested that the Council leases these surplus properties to them for a peppercorn rent.

Mind in Furness propose to manage the support element themselves. They currently provide accommodation with support at Coniston House, Lesh Lane, and will use the staffing resource from Coniston house to provide the support at Sutherland St. They have also agreed in principle that Accent Foundation will provide housing management services on their behalf. A funding application has been made to Northern Rock Foundation to allow the necessary improvements to be made to bring the properties into beneficial use. The current preferred option is to retain one property as a two bedroom shared house, and to convert each of the other two properties into two self-contained studio apartments. Accommodation will therefore be provided for six individuals.

The key principles Members are asked to agree are:

1. To agree to lease 10, 12 and 22 Sutherland Street to Mind in Furness at a peppercorn rent;
2. For the lease to be at least medium term (say 20 years) in length, with provision for appropriate break clauses;
3. For Mind in Furness to carry out the necessary conversion and/or refurbishment works to make the properties suitable for the clients they have identified;
4. For Mind in Furness to be responsible, either directly or in partnership with another organisation, for the provision of support and housing management for their clients.

(i) Legal Implications

The head lease to Mind in Furness will need to protect the Council's interest as freeholder.

(ii) Risk Assessment

No significant corporate risk has been identified.

(iii) Financial Implications

There is an opportunity cost to using the properties in the recommended way rather than disposing of them on the open market. Releasing these properties at a peppercorn rent effectively offers an "in kind" subsidy for the provision of supported accommodation. This can be justified as the project meets the Council's strategic housing objectives.

(iv) Health and Safety Implications

No significant Health and Safety implications have been identified.

(v) Equality and Diversity

The recommendation has a positive impact on service users, who will show protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation will have a positive effect on the Health and Wellbeing of users of this service by improving providing them with more suitable housing.

Background Papers

Mind in Furness “Heart” Housing Project proposal held by Property Services Group Manager.

EXECUTIVE COMMITTEE	(D) Agenda Item 15
Date of Meeting: 22nd October 2014	
Reporting Officer: Executive Director	
<p>Title: Barrow Business Improvement District</p> <p>Summary and Conclusions:</p> <p>To support businesses within the Town Centre to work together through the framework of a Business Improvement District (BID) based on the feasibility study undertaken by Kolek Consulting led by the Federation of Small Businesses and a Steering Group of Town Centre business.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To engage Kolek Consulting to support the Federation of Small Businesses and BID ambassadors to establish a BID Steering Group and draft a Stage 1 BID Development Brief; 2. To agree that the Council fund the cost of establishing the Steering Group and Stage 1 Development Brief to a maximum of £1,000; and 3. To agree in principle that the Council supports a proportion of the costs of preparing the Stage 2 submission. 	

Report

On 19th February, 2014, this Committee agreed to commission Kolek Consulting to undertake a study to test the feasibility of establishing a BID in Barrow-in-Furness. Its aims were

- (a) To gauge opinion and assess the existing attitudes of business ratepayers towards the idea of a BID for Barrow.
- (b) To begin to explore the technical and financial feasibility of establishing a BID in the town, including a consideration of some of the options.

The methods used focused on three main sources of information and intelligence. The first involved a set of 52 structured interviews with carefully selected sample of businesses of different types, sizes and locations. The second involved a series of more in-depth interviews with 11 key stakeholders, and the third involved analysis of the Non-Domestic Rates data for Barrow.

The survey findings revealed that although more than 80% of business ratepayers admitted that they had no knowledge or awareness of Business Improvement Districts, almost as many of them (77%) said that they were willing to work together

to benefit the town and themselves. They were asked about their concerns and specifically about their priorities for action. These are summarised in the Executive Summary a copy of which is attached at **Appendix 4**.

Business owners and managers were asked if they would be willing to pay to address these priorities and responses were in the most part positive. 50% expressed their willingness to pay a relatively small charge with only 27% stating that they would not be willing to pay such a charge.

The third element of the research related to the analysis of the rates list data. This demonstrated that it would be feasible to develop a BID in the centre of Barrow that is both capable of sustaining itself, and also having a positive impact. The recommended options were either a larger town centre area bounded by Abbey Road, Rawlinson Street, Greengate Street and Hindpool Road or this area plus Hindpool Park.

It is proposed that Chris Kolek of Kolek Consulting be appointed to undertake this work. He has specific expertise in the development of Business Improvement Districts and as a senior policy advisor working for a Government Advisory Body was involved in establishing the first small town BID in the UK as a pilot in the development of the national BID Regulations for England. Chris Kolek has been involved with the successful BIDs in Penrith and Kendal and has also recently undertaken a feasibility study for Ulverston. He is based in Cumbria and understands the geography and has detailed understanding and experience of investigating and establishing BIDs in the County. It is considered that this company is in a unique position to undertake this task.

It is crucial that a BID is led by the private sector. To progress a BID, it was suggested that a BID Champion or group of Champions should be found. The Federation of Small Businesses has offered to champion the Barrow BID and work with a group of BID ambassadors and Kolek Consulting to take the BID forward. It is considered that professional assistance is required for stage 1 and stage 2:

Stage 1

1. identify and contact potential BID task group members from the business community
2. prepare a discussion paper for and hold the first task group meeting;
3. draft a BID development brief, with the group consulted on each iteration of the draft via email.

The total cost for Stage 1 would be £960 plus the cost of a meeting venue.

Stage 2

Development phase of BID proposal to the point of ballot. The amount of work will depend on the level of assistance required by the Federation of Small Business and the business champions. BID development normally costs in the region of £22,000 - £28,000. The Federation of Small Businesses are keen to continue working with Kolek Consulting on this project.

Financial support to cover the costs of Stage 2 are yet to be identified and it would be appropriate for the Borough Council to agree to fund a proportion of the costs. In other parts of the County, e.g. Ulverston and Kendal, Cumbria County Council has supported BID development work through a grant from the Local Committee and other sources of potential funding may be identified through the Stage 1 process. Any specific contributions from the Borough Council will be reported back to Committee.

(i) Legal Implications

No significant legal implications have been identified.

(ii) Risk Assessment

No significant corporate risk has been identified.

(iii) Financial Implications

Additional provision of £1,000 will need to be made

(iv) Health and Safety Implications

No significant health and safety implications have been identified.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

File held by the Executive Director

Executive Summary

Barrow Borough Council commissioned this study to investigate the feasibility of establishing a Business Improvement District (BID) in Barrow-in-Furness.

The feasibility study has two aims:

- to gauge opinion and assess the existing attitudes of business ratepayers towards the idea of a BID for Barrow-in-Furness; and
- to begin to explore the technical and financial feasibility of establishing a BID in the town including a consideration of some of the options for a BID in Barrow-in-Furness.

The methods used focused on three main sources of information and intelligence. The first involved a set of 52 structured interviews with a carefully selected sample of businesses of different types, sizes and locations. The second involved a series of more in-depth interviews with 11 key stakeholders, and the third involved analysis of the Non-Domestic Rates data for Barrow-in-Furness.

The survey findings revealed that although more than 80% of business ratepayers admitted that they had no knowledge or awareness of Business Improvement Districts, almost as many of them (77%) said that they were willing to work together to benefit the town and themselves.

The issue most frequently raised at the time of the survey work was car parking (42%), particularly in relation to the affordability of the ticket charges and a perceived lack of convenience for customers visiting the town centre.

Broader concerns referred to the need for Barrow to be more competitive, to project a more positive image and to do much more marketing and promotion to encourage more people, including visitors as well as locals, to visit and make more use of the town. A common complaint was the falling numbers visiting businesses in Barrow – a decline reported by several businesses who claimed to be closely monitoring the changes in their footfall.

When asked specifically about their priorities for action, the business owners and managers identified the following top three priorities:

Over half (52%) identified the need to make car parking easier and more affordable for visitors to the town centre, particularly to address a perceived disadvantage in relation to free parking available at the edge-of-town retail parks and supermarkets.

Almost half (46%) identified the need for better advertising, marketing and promotion of Barrow town centre, not only to raise awareness of what the town already offers but to address concerns about the poor image of the town.

Over a quarter (27%) identified the need to take action to brighten up the appearance of the town, to enhance areas of the town centre (particularly beyond Dalton Road and Portland Walk) and to fill or improve the appearance of empty shops and premises.

When business owners and managers were asked if they would be willing to pay to address these priorities the responses were, in the most part, positive. In the survey exactly half (50%) expressed their willingness to pay a relatively small charge, with just over a quarter (27%) stating that they would not be willing to pay such a charge and just under a quarter (23%) either unsure or (in the case of national organisations) unable to respond on behalf of their respective employers.

The analysis of the rates list data was also generally positive, with at least four options considered to be feasible, specifically:

- A. Smaller Town Centre
- B. Larger Town Centre
- C. Larger Centre with Hindpool Park
- D. Larger Centre with the Retail Parks

These four options demonstrate that it would be feasible to develop a BID in the centre of Barrow that is both capable of sustaining itself, and also of having a positive impact. These options would, for example, have the potential to raise funds through a BID levy ranging from around £83,000 per year (Option A) to just over a quarter of a million pound per year (Option D).

The analysis found that options B and C were particularly strong and of an optimum size and scale. Therefore these two options are recommended.

In conclusion, the prospects for a BID in Barrow are very good, but they would be greatly improved if a “champion”, or group of champions, can be found. They are needed to instill confidence and deliver the majority vote needed to take the initiative forward. Identifying that person, or persons, should now be the next step forward.

EXECUTIVE COMMITTEE	(D) Agenda Item 16
Date of Meeting: 22nd October 2014	
Reporting Officer: Assistant Director	
<p>Title: The North West Coast Connections Project (NWCC) Barrow Borough Council Response to National Grid's Route Corridors Consultation (Stage 2) 2014</p> <p>Summary and Conclusions:</p> <p>The NWCC Project is regarded as a Nationally Significant Infrastructure Project (NSIP) because it involves the development of an electricity transmission connection with an operating voltage of over 132kV. This means National Grid have to submit an application for what is known as 'development consent' to the Planning Inspectorate. The Secretary of State for Energy and Climate Change will then make the final decision on whether to grant or refuse consent.</p> <p>National Grid are developing the NWCC Project because they need to connect and export the electricity that will be generated by Moorside, the new 3.4 GW nuclear power station that will be built near Sellafield in West Cumbria. This means that National Grid need to build a new high voltage connection from Moorside to their existing national electricity transmission network. The closest points on the network where these circuits can connect are over 50 kilometres (31 miles) away from the site.</p> <p>Recommendations:</p> <p>To endorse the response to the consultation on the Route Corridor and Outline Siting Studies for Associated Infrastructure Report, which is included in Appendix 5a and 5b.</p>	

Report

1.0 Introduction

In October 2012, following completion of the Stage 1 consultation and appraisal of six possible Strategic Options, National Grid decided that it was taking forward two Strategic Options for further development:

Strategic Option 3 – Cumbria Ring Onshore and
Strategic Option 4 – Cumbria Ring Offshore South.

Both of these options have two variants and require two transmission circuits north and two heading south either onshore or offshore. These two Strategic Options are the subject of this latest consultation, which commenced on 4 September 2014, and runs for 12 weeks and closes on 28 November 2014. During this time a total of 33 public information events took place at venues across Cumbria and Lancashire.

Within each section of the route, there are some choices to be made regarding the preferred route corridor. National Grid has set out these options in its consultation documents.

These two Strategic Options are the subject of this latest consultation, which commenced on 4 September 2014, and runs for 12 weeks and closes on 28 November 2014. During this time 33 public information events are taking place at venues across Cumbria and Lancashire, a total of five within Barrow-in-Furness. Within each section of the route, there are also some choices to be made regarding the preferred route corridor. National Grid has set out these options in its consultation documents.

Cumbria County Council (CCC) are acting as the accountable body and have entered into a Planning Performance Agreement (provides a legal framework and funding to resource the Local Authorities involvement in the process) with National Grid. A joint BBC/CCC member's workshop was held on 17th September 2014 in Barrow Town Hall. Therefore Officers working with CCC have produced a formal response to the Stage 2 Consultation. A summary of the response can be found in **Appendix 5a and 5b**.

The Background for the North West Coast Connections Project

NuGeneration Limited (NuGen) is a joint venture between Toshiba and GDF Suez. They are working closely with Local Authorities and other statutory consultees to progress a Development Consent Order for a new generation nuclear power station of up to 3.4GW on land adjacent to Sellafield. The current 132kV Electricity North West distribution network serving West Cumbria has insufficient capacity to accommodate the connection of a power station as large as the proposed 3.4GW plant. Consequently, National Grid have been asked to upgrade the electricity transmission system to accommodate the substantial amount of new generation capacity. National Grid has a statutory duty to connect Moorside nuclear power station to the transmission system via four transmission circuits (two 400kV double circuits) by 2024. The Planning Inspectorate will handle both planning submissions (NWCC and the Moorside Project), with substantial involvement from affected Local Authorities. Both National Grid and NuGen intend to submit their development consent orders to the Planning Inspectorate in 2017. Barrow Borough Council will be a statutory consultee and asked by the Planning Inspectorate to respond to formal consultations in line with the Planning Act 2008 i.e. analyse the developers Statement of Community Consultation, prepare a Local Impact Report and provide engagement in the examination process.

Background and Purpose of the "Route Corridor and Outline Siting Studies for Associated Infrastructure" Report

In October 2012, following completion of National Grid's Stage 1 consultation and appraisal of Strategic Options (six broad, technically feasible connection options), National Grid decided that it was taking forward two Strategic Options for further development; Strategic Option 3 – Cumbria Ring Onshore and Strategic Option 4 – Cumbria Ring Offshore South. Both of these options have two variants and require two transmission circuits north and two heading south either onshore or offshore. These two Strategic Options have been developed into more detailed Route Corridor options, which are the subject of this latest consultation. Input is sought on the findings of detailed studies which are set out in National Grid's report entitled, "Route Corridor and Outline Siting Studies for Associated Infrastructure" (Route Corridors Report (RCS)). This is Stage 2 of the consultation process. Further information can be found at: <http://www.northwestcoastconnections.com>

The Route Corridors Report has been compiled by National Grid as part of their pre-application procedures for major projects that require an application for development consent pursuant to the Planning Act 2008. This meets the recommendations set out in National Policy Statement EN5 relating to consideration of alternative means of network reinforcement. National Grid's report has been published for the purposes of the consultation and sets out their emerging preferences for the route corridors that may be progressed to the next stage of project development. Local authorities and other statutory consultees can comment on the content and the analysis included within the route corridors report. Interested members of the public and other stakeholders can respond via National Grid's website.

National Grid's final decision will take into account these consultation responses, and will be published in a "Statement of Preferred Route Corridor" by National Grid in May 2015. It is important to note that the current consultation by National Grid is informal and does not form part of the formal planning process. National Grid's Route Corridors Report provides an overview of potential route corridors for new 400kV electricity lines and locations for associated infrastructure. Within the report, National Grid has prepared appraisals of the route corridors, considering relevant technical, environmental and, socio-economic factors.

Further consideration of the two Strategic Options and subsequent route corridor studies has identified potential for a single group of onshore connection options to the north, while three further groups have been identified to the south. These are summarised as follows;

- Onshore North Group – An onshore connection, north from Moorside to Carlisle
- Onshore South Group – A wholly onshore route, south from Moorside, routed around Morecambe Bay
- Onshore South with Tunnel Group – Predominantly onshore connection from Moorside to the Furness Peninsula, with a tunnel under Morecambe Bay

- Offshore South Group - Predominantly offshore connection from Moorside, with short onshore sections, including outline siting for converter stations.

Through the Report, National Grid have prioritised consultation on 'preferred' route corridors onshore to the north of Moorside, and to the south via a tunnel across Morecambe Bay:

- Onshore North Group - This is the only option north of Moorside being considered and would require the installation of a 400kV double circuit overhead line that where possible would make use of existing 132kV opportunity corridors.
- Onshore South Tunnel Group - The appraisal concluded a new 400kV circuit where possible utilising existing 132kV opportunity corridors and a tunnel beneath Morecambe Bay represented the appropriate balance between achieving the grid upgrade whilst having regard to the many environmental designations located in the area.

Other group options that do not include the tunnel option performed less well, but are also presented and are as such not ruled out at this stage. In addition to these strategic level group options, National Grid's report also sets out some localised route corridor choices which need to be made within each section of the route. National Grid seek to identify the option that is likely to achieve the best balance between its various statutory duties under the Electricity Act 1989, which include:

- To develop and maintain an efficient, co-ordinated and economical system of electricity transmission;
- To have regard to the desirability of preserving natural beauty, conserving flora, fauna and geological features of special interest...and of protecting sites, buildings and objects of architectural, historic and archaeological interest;
- To do what [it] reasonably can to mitigate any effect of proposals on the natural beauty of the countryside...or on flora, fauna, sites, buildings or objects.

National Grid's statutory duties give rise to the following principles:

- Using or adapting existing infrastructure is preferable to new build;
- Shorter route options are preferable;
- Less expensive options are preferable;
- Options which avoid environmental or socio-economic constraints are preferable to those which do not.

There is no hierarchy between these principles. National Grid believe its emerging preferred route corridor best balances National Grid's various statutory duties.

Barrow Borough Council's response to the Informal Route Corridors Consultation

Technical specialists from Cumbria County Council, supported by WYG Consultants have reviewed the Route Corridors Report in relation to Barrow, resourced through the Planning Performance Agreement. The inputs from these specialists has been summarised to produce a Barrow Borough Council response to the Route Corridors consultation, which is included in **Appendix 5a** and **5b**.

Following the Strategic Options consultation only one group option to the north of Moorside was taken forward in to the next stage. National Grid has identified three possible routes to deliver the grid upgrade south of Moorside, and has expressed a preference for the Onshore South with Tunnel option.

The Council has given careful consideration to the three south options and has concluded that the RCS has provided appropriate evidence to determine National Grid's preference for the Onshore South with Tunnel Group Option. Should the group preference change after this consultation the Council would expect that all partners and communities would to have an additional opportunity to comment and revise overall comments accordingly.

Barrow Borough Council is located within the Onshore South with Tunnel route corridor option and therefore would be directly affected by the development of this route corridor. National Grid has identified the emerging preferred Route Corridor for the Onshore South with Tunnel Group. They consider that subject to more detailed assessment and appropriate mitigation at the next stage of project development that the route corridor they have identified is deliverable and acceptable in planning terms.

The Council considers that the assessment of the route corridor options set out in the RCS are generally acceptable and provide the basis to make an assessment of route performance. It is acknowledged that the emerging preferred option presents a series of complex and challenging issues that must be overcome to ensure the route options can be delivered effectively without compromising important environmental, economic and social considerations of the route.

The Council considers that in order to finalise preferred routes through Section E2, detailing routing and survey work is required to fully understand the implication of the development. Therefore, the Council suggests that both route options are taken forward and should be subject to detailed survey and assessment of specific routing before a preference can be established, and appropriate mitigation developed. Where it is established through further work that both routes will have unacceptable effects, and mitigation is not possible, a further route or delivery technology such as undergrounding (where appropriate) must be explored.

The Council is also concerned about the effect of the NWCC on economic activity, transport, and social infrastructure. At this stage the impact of the construction in terms of labour force requirement, transport, housing and social infrastructure is not fully considered in the RCS. More information is required to fully assess these implications of the project, both on its own and in combination with other major projects in Cumbria. The next stage of project should be appropriately informed by evidence to provide a better understanding of the implications and develop appropriate routing and associated mitigation.

Associated with this a construction and economic development strategy should be implemented that seeks to maximise the economic benefit and legacy to the local area. A central component of this will be building the key skills and training that will provide a lasting and positive skills and education legacy for local people. It is considered that this could ensure that the residual effect of construction is positive and opportunities for economic development and inward investment achieves long term positive effects.

Consideration must be given to the transport implications of the construction, and where mitigation is required it must recognise the limited and constrained road network in the local area. The RCS suggests that the tunnel construction would require good road access in order to transport tunnelling/ construction equipment, in addition to the large quantities of spoil (up to 400,000 tonnes) produced by the tunnelling operation. This spoil would have to be removed for offsite disposal and/or re-use. The transport network in the local areas is constrained and not suited to HGV movements. Therefore, the Council has serious concerns about the ability of the road networks to accommodate such movements. It is essential that a full transport assessment is carried out, and alternative modes transport such as rail and barge are maximised.

The Council considers that there is a clear requirement to address deficiencies in the transport network to facilitate the project and reduce the impact on communities and businesses throughout Barrow-in-Furness. The electrification of the Cumbrian Coast Line could assist in delivering an efficient programme of construction while maximising the benefit to the local transport system. In such circumstances where usage of the rail network is not possible, permanent road enhancements should be explored both in terms of delivering the project and in leaving a lasting legacy from the project for the communities affected during construction.

The development of route corridors has the potential to result in positive temporary economic activity effects during construction, both directly, from the workforce expenditure, and in respect of the multiplied indirect positive effects of that local expenditure within existing and new supply chains. The Council will work with partners including National Grid to maximise the opportunities and support for local businesses and labour force.

The introduction of new 400kV overhead lines could provide potential opportunities for inward investment which could have positive local economic effects in the long term. The Council supports this benefit of the grid upgrade and suggests that the

detailed routing should seek to ensure that required infrastructure such as new substations maximises opportunity for local economic activity across the area.

There are many potential positive impacts on the economy; however, given the potential for negative impacts on communities both during and after construction. Suitable community mitigation should be explored through dialogue with stakeholders including Barrow Borough Council and other relevant local authorities during the next phase of routing. The Council supports early dialogue on the detailed routing and mitigation that will be required to ensure that the route options can be delivered effectively without compromising important environmental, economic and social considerations of the route.

Robust scoping of assessment and routing methodology will be key to ensuring that the route takes full account of the important issues during the next stage of the NWCC project, and therefore can adopt the most appropriate route and community mitigation measures.

Options

Members could choose not to respond to National Grid's Consultation on the Route Corridors Report. When National Grid agree their detailed route option and submit their Development Consent Order to the Planning Inspectorate, Barrow Borough Council would continue to be a Statutory Consultee and asked by the Planning Inspectorate to formally respond to consultations in line with the Planning Act 2008 i.e. analyse the developer's Statement of Community Consultation, prepare Local Impact Reports and provide engagement in the examination process. However, the Planning Inspectorate encourages local authorities to discuss and work through issues raised by Nationally Significant Infrastructure Projects, such as the North West Coast Connections Project, well before the application is submitted and to engage with applicants in the preparation of statements of common ground. This pre-application stage consultation provides an opportunity to share issues and thoughts with National Grid at this early stage of the project.

The deadline for the consultation response is 28th November 2014. However the decision taken (with minutes) by Members will need to be forwarded onto Cumbria County Council (as accountable body) to be included in a report to their Cabinet on 27th November 2014.

Next Steps

Once a preferred route corridor has been confirmed in May 2015, a detailed route alignment will be developed by National Grid. They will also identify the technologies that will be used to build the route, and where their equipment will be located. This work will be undertaken in consultation with the North West Coast Connections Project Group and other Statutory Consultees.

Once completed, this work will be subject to a further formal public consultation where National Grid will seek views on matters such as the precise route that the new connection will take, the specific technologies to be utilised and impact mitigation measures. The feedback from this future stage of public consultation will be utilised to shape their final proposal. National Grid will submit their Development

Consent Order to the Planning Inspectorate in 2017. The Planning Inspectorate's Application Process will likely take twelve to eighteen months.

Barrow Borough Council will have an opportunity to formally respond and comment upon the likely social, economic and environmental impact of the proposed development on the Authority's area when it is invited to prepare the **Local Impact Report** under Section 60 of the Planning Act, once the application is formally submitted to the Planning Inspectorate.

The Authority will also have the opportunity to comment upon whether National Grid have adequately consulted Communities in line with their Statement of Community Consultation. It can also make formal representations and submit evidence at the Examination stage.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Correspondence held by the Assistant Director

Appendix 5a

North West Coast Connections Project – Barrow Borough Council Response to National Grid’s Route Corridors Consultation (Stage 2) November 2014

Consultation Response

1.0 General Issues

1.1 The following report provides Barrow Borough Council’s response to National Grid’s Route Corridors Consultation (Stage 2). Comments are set out by geographic section and are focussed on the emerging preferred route corridor and other route options where they are considered to be preferable or more consideration is required. It is recognised that there are many different factors that need to be taken into account in assessing potential route options, the response focuses on the following key issues:

- Landscape and Visual issues
- Ecology and biodiversity issues
- Cultural Heritage issues
- Socio-economic issues
- Traffic and Transport

1.2 It must be noted that the comments are based on information that in many cases lacks the detail required to make a comprehensive assessment of the likely impact. This is generally accepted at this stage, as the current consultation seeks to identify ‘route corridors’ and as such they will be subject to detailed data gathering and assessment to identify specific impacts and mitigation that is required. With this in mind the views expressed may therefore be subject to change and refinement when further detailed information is available. It is also probable that the Council would wish to comment on wider issues than those identified above as the project moves forward.

1.3 The RCS evidence base has been reviewed and comments noted in a separate table attached to this report (Appendix 1b).

1.4 The Study is underpinned by a number of key assumptions with regard to the technology and techniques that will be required to deliver the grid upgrade. It is important that in carrying out the Council’s assessments of National Grid’s emerging preferred route corridors the specialist comments are made based on these underlying assumptions. The most pertinent consideration of the impacts of the proposals are as follows;

- The connection will be provided using overhead lines on standard 50m lattice pylons, or potentially 'T-pylons'.
- Where possible National Grid has identified route corridor options that follow an 'opportunity corridor', that is, an existing 132kV overhead line corridor (or one existing overhead line where there are more than one within the opportunity corridor). Where this is the case, the assumption is that one line will be removed and replaced with the new 400kV overhead line. It should be noted that the use of such corridors would not necessarily mean that the new transmission line would follow the existing overhead line along the exact same alignment, while replacement of existing lines may also require the need for temporary pylons and lines.
- National Grid has not identified any areas that they consider are only deliverable by undergrounding of overhead lines, with the exception of the Morecambe Bay tunnel. Undergrounding would only be considered in areas where the route is only deliverable using this method. National Grid has not identified any areas where undergrounding is the only means of delivery.

2.0 Group Options

2.1 Through the Route Corridor Studies (RCS), National Grid have prioritised consultation on 'preferred' route corridors onshore to the north of Moorside, and to the south via a tunnel across Morecambe Bay:

- Onshore North Group - This is the only option north of Moorside being considered and would require the installation of a 400kV double circuit overhead line that where possible would make use of existing 132kV opportunity corridors.
- Onshore South Tunnel Group - The appraisal concluded a new 400kV circuit where possible utilising existing 132kV opportunity corridors and a tunnel beneath Morecambe Bay represented the appropriate balance between achieving the grid upgrade whilst having regard to the many environmental designations located in the area.

2.2 Further consideration of the two Strategic Options and subsequent route corridor studies has identified potential two further groups to the south. These other route options that do not include the tunnel option performed less well, but are also presented and are as such not ruled out at this stage. These are summarised as follows;

- Onshore South Group – A wholly onshore route, south from Moorside, routed around Morecambe Bay

- Offshore South Group - Predominantly offshore connection from Moorside to the Fylde coast in Lancashire, with short onshore sections, including outline siting for converter stations.

3.0 **Group Appraisal**

- 3.0 National Grid has identified three possible routes to deliver the grid upgrade south of Moorside, and has expressed a preference for the Onshore South with Tunnel option. The Council has given careful consideration to the three south options and has concluded that the RCS has provided appropriate evidence to determine National Grid's preference for the Onshore South with Tunnel Group Option.
- 3.1 Although the Onshore South is the least costly (£0.8bn) and technically most straight forward option, it is the lowest performing group in terms of landscape and visual, ecology, cultural heritage and socio-economic activity. Based on the RCS it is considered that there are a number of significant negative effects across a range of topic that would threaten delivery of this group option. Furthermore, the route corridor has a direct effect on the Lake District National Park (estimated to be approximately 18km), in addition to the nearby AONB and other important receptors.
- 3.2 The choice between the Onshore South with Tunnel and the Offshore South is more balanced. There are clear benefits to constructing the route south entirely offshore, thus avoiding the important landscape, ecological and economic receptors through the south of Cumbria and the Morecambe Bay. However, the RCS demonstrates that there are clear difficulties with this group option that must be balanced and could threaten the timely delivery of the project. These issues are mainly technical in nature and relate to the technology that would be required and the complexity of installing and maintaining an HVDC cable on the seabed.
- 3.3 **No nuclear power station in the world has been connected by HVDC circuits; therefore, use of the technology in this situation is untested and may result in material additional costs and delays, to what is estimated to be the overwhelmingly most costly option at approximately £1.8bn. Furthermore, the route offshore has potentially additional issues related to existing uses such as the Eskdale firing range, oil and gas pipelines, offshore wind turbines and associated cable crossings. The technical and cost implications of this option are substantial and it is accepted that these would be unlikely to satisfy the National Grid's Principles for route development.**
- 3.4 On balance, with the appropriate mitigation, the Council accepts that the emerging Onshore South with Tunnel Option provides the most preferable

Comment [ps1]:

group option. However, it is also accepted that the emerging preferred option presents a series of complex and challenging issues that must be overcome to ensure the route option can be delivered effectively without compromising important environmental, economic and social considerations of the route. The impacts of this group option on communities and businesses of Barrow are likely to be significant, given the location of potential route corridors and the tunnel head outline siting area. Therefore, a comprehensive set of community mitigation measures must be provided to ensure the impact of construction and operation of the new line provides addresses the main issues and ensures a lasting positive legacy on the area.

- 3.5 Following the Strategic Options consultation only one group option to the north of Moorside was taken forward in to the next stage. This group is common to all South Group Options.
- 3.6 The following section provides detailed comments on National Grid's emerging preferred options for the Onshore South with Tunnel Group. Should the group preference change after this consultation the Council would expect that all partners and communities would to have an additional opportunity to comment and revise overall comments accordingly.

4.0 Route Corridors

- 4.1 The Onshore South with Tunnel contains a series of Route Corridors travelling south from Moorside on land as far as the Furness peninsula from where the option proceeds via a tunnel below Morecambe Bay to a new substation at Heysham. This option will require a new 400kV circuit where possible utilising existing 132kV opportunity corridors and a tunnel beneath Morecambe Bay.
- 4.2 The group options have been split up into sections in order to facilitate the process of identification, appraisal and comparison of route corridors. These cover the Sections E2 and H of the Onshore South with Tunnel Route, and relate to the following subsections that have direct overlap with Barrow;
- E2 Lady Hall to Lindal in Furness
 - H1 Lindal in Furness to Morecambe Bay
 - H2 Morecambe Bay to Middleton substation
- 4.3 The following pages provide detailed comments on National Grid's emerging preferred options for the route corridor sections related to the Barrow Borough Council Area.

5.0 Onshore South With Tunnel

5.1 Section E2 - Duddon to Lindal in Furness

- 5.2 Two route corridors have been identified in Section E2. Route Corridor E2.1 commences at Lady Hall and follows the opportunity corridor, proceeding in a south easterly direction, passing around the eastern edge of the Kirkby-in-Furness. The route corridor continues in a southerly direction along the western edge of the ridge of high ground that runs south down the Furness peninsula, to Askam-in-Furness and Ireleth. At Ireleth the route corridor continues in a south easterly direction towards Lindal-in-Furness.
- 5.3 E2.2 follows largely the same alignment with the notable exception that this route provides alternative choices that allow a reduced crossing of the Duddon Estuary SPA, Ramsar site and SSSI (and the associated part of the Morecambe Bay SAC) and also avoids crossing a parcel of land which forms part of the wider Duddon Mosses SSSI, NNR and SAC designated areas. Between Lady Hall and Foxfield, there is a wide area where any eventual alignment could deviate from the opportunity corridor to the north and west. Furthermore, the route corridor has been shaped to allow choice over the point of crossing of the inner Duddon Estuary. On the eastern side of the Duddon Estuary, it then crosses the ridge of higher ground near Windmill Hill to the south east of Broughton in Furness and then it narrows to follow the alignment of the A5092 at Wreaks Causeway. The route corridor then turns south to follow Kirkby Pool and the A595 to re-join the opportunity corridor immediately to the north of Kirkby-in-Furness.

Landscape and Visual

- 5.4 The RCS concludes that Route Corridor E2.1 is preferable from a landscape and visual perspective, however, it does not express an overall Section preference based on the potential serious nature and complexity of the impacts in the area.
- 5.5 It is considered that on balance the conclusion reached in the RCS is broadly correct based the evidence and assessment. However, in landscape and visual terms, both of these routes would impact upon the A595 corridor north of Lindal, where vertical infrastructure is prominent, notably through wind farms located on the high fells, and through pylons which are sited along the narrow coastal plain, impacting upon coastal views. Northwards of Kirkby in Furness, E2.2 would then pass in closer proximity to the Lake District National

Park, and the settlement of Broughton in Furness. Given these factors, and the creation of a new route across previously undeveloped land, it is considered that the net adverse effects of this route would outweigh those of E2.1.

- 5.6 This route passes through a very sensitive area of landscape. Wider environmental constraints (ecological and archaeological) may prevent undergrounding the line in this location – although this would be preferable from a landscape and visual perspective. Mitigation may involve the use of lower height pylons along this section of route.
- 5.7 Section 7.0 of this report sets options that will form the basis of the mitigation where it is required.

Ecology

- 5.8 The RCS concludes that Route Corridor E2.2 is the best performing in terms of ecology and therefore is the emerging preference, however, given the clear landscape issues that are associated with E2.2 the RCS does not suggest a preference for Section E2.
- 5.9 The RCS has identified E2.2 for ecological reasons to provide an alternative route that avoids important ecological areas. Importantly the route which passes further north to avoid impacts on the Duddon Mosses. Based on the evidence and assessment focusing on Duddon Mosses SAC and SSSI within the RCS it is considered that E2.2 provides the preferred Route Corridor from an ecological perspective.
- 5.10 Installation of any new foundations for E2.1 within the SAC and creation of new access tracks during installation and maintenance of the towers and cables is unlikely to be acceptable on these peat habitats, and the Habitats Regulation Assessment (HRA) would potentially demonstrate that this route could have an adverse effect on site integrity.
- 5.11 In terms of ecological mitigation much of this will need to be addressed at the next stage taking into account the discussion set out in Section 7.0 of this report.
- 5.12 Deep peat in Duddon Mosses SSSI is presently undergoing restoration and it is mentioned that potentially the removal of the 132kV could help with this process provided that the peat below is not disturbed. However the process of removing the cables and towers is itself likely to damage the peat, and alter the hydrology. It is likely that the actual foundations would have to remain in situ to avoid further damage. It is doubtful whether sufficient mitigation could

be provided for the route option 2.1 so as not to have a significant adverse effect the SAC habitats.

- 5.13 The RCS considers that south of Kirkby-in-Furness both E2.1 and E2.2 are relatively unconstrained. From an ecological viewpoint (Paragraph 12.11.41). However, it appears that this corridor may pass within 500m of known natterjack toad breeding habitats immediately south of Kirkby-in-Furness. Micro-siting of the towers and any access tracks etc could avoid sensitive habitat but it should be acknowledged that natterjack toads can make use of terrestrial habitat for foraging, refugia and hibernation 500m at least from their breeding pools. Therefore further surveys will be required at the next stage to establish the spatial extent of their habitats in these locations.
- 5.14 In addition it appears that peat has been left off the soils and geology overview map. Peat has not been considered consistently in the soils and geology sections and the ecology sections for each route option. Designated sites which are over peat are discussed under ecology; other peat areas appear in the soils and geology sections which do not necessarily include the designated nature conservation areas on peat. Water Environment has only considered baseline water quality and makes no reference to water quality issues in the consideration of route options. It would be useful to cross-reference the water quality aspects with the ecological constraints.
- 5.15 Removal of existing 132kV overhead lines in opportunity corridors has been cited as of benefit to wildfowl in terms of minimising potential effects of bird strike. Addition of bird visibility markers is also considered appropriate to minimise this risk. There is likely to be movement of SPA birds between the Morecambe Bay and Duddon estuaries, and also potentially along the coast to Ravenglass.
- 5.16** At risk in particular are concentrations of migratory shorebirds and waders, and wintering wildfowl, shorebirds, waders and gulls. There is a higher risk where power lines are located immediately over watercourses i.e. over the Duddon. Wintering geese and whooper swans more prone to collisions due to high wing loading and less manoeuvrability in flight. Potentially significant impacts may occur where concentrations of migratory shore birds and waders fly over in spring and autumn.

Cultural Heritage

- 5.17 The RCS suggests that Route Corridor E2.1 is considered the best performing option from a cultural heritage perspective. The RCS does not provide a preference for this Route Corridor, given the number of important issues identified in the area. Therefore, there is no conflict between this topic area

and the overall route corridor choice. The corridor is the most direct route and utilises an existing opportunity corridor. Option E2.2 would be likely to result in a greater extent of new effects in relation to designated heritage assets.

- 5.18 In terms of mitigation the majority of mitigation measures will need to be addressed at the next stage, through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.
- 5.19 The identification of the use of a monopole pylon has been identified as a potential mitigation measure (within the Option Appraisal Summary Tables and 12.11.64) to reduce visibility and hence effects on setting. The appropriateness of this as a mitigation technique will need to be assessed on a case by case basis once the preferred route is identified.
- 5.20 The use of screen planting to minimise visibility of pylons and hence mitigate effects on the setting of heritage assets has been identified as a possible mitigation measure. It is acknowledged within paragraph 12.11.64 that this unlikely to be an effective measure where monuments are extensive and/or landscapes are open. The appropriateness of this as a mitigation technique will need to be assessed on a case by case basis once the preferred route is identified.

Socio-economic

- 5.21 From an economic activity and planning perspective, Route Corridor E2.1 is considered to be preferable, as it would avoid the LDNP, employment land at Brought-in-Furness and would involve the use of the existing opportunity corridor. Overall it is not possible for National Grid to determine a preference at this stage, based on the complexity of the interaction between issues and especially with ecology and landscape.
- 5.22 The preference for E2.1 is considered to be marginal, and is mainly based on E2.2 introducing new lines into the Lake District National Park and to a greater number of economic receptors. Given that the impact of this is uncertain, and if suitable mitigation could be achieved both routes could have an equal effect from an economic and policy perspective, therefore, there is no conflict between the topic and overall project.
- 5.23 The effect on the Lake District National Park and other economic receptors is uncertain, but with detailed landscape mitigation and routing/siting effects could potentially be acceptable from an economic and planning policy perspective. Given the uncertainty of the Route Corridor choice the impacts are difficult to judge. The next stage of project development will provide the

scope to better understand the implications and develop appropriate routing and associated mitigation. Further evidence is required to fully assess the economic impact of the route, specifically of the impact of the infrastructure on tourism and economic activity. Given that this sector of the economic is of key importance this represents an omission that will be required, to fully consider of the implications of the route choice, and possible economic mitigation required.

- 5.24 The introduction of new 400kV overhead lines could provide potential opportunities for inward investment which could have positive local economic effects in the long term. The Council supports this benefit of the grid upgrade and suggests that the detailed routing should seek to ensure that required infrastructure such as new substations maximises opportunity for local economic activity.
- 5.25 At this stage mitigation has not been suggested, however, this will be central to next stage of project development. Through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.

Traffic and Transport

- 5.26 The RCS has not suggested a preferred route in terms of transport and traffic; therefore it has not been a key consideration in the selection of the overall route preference. This is generally accepted in Section E2, where the potential impact on the transport system is expected to be similar for all routes. Furthermore with mitigation measures effects of all options are generally similar until the emergence of further details concerning exact locations and construction plans.
- 5.27 It is considered that any transport mitigations must recognise the limited and constrained road network in the local area. The A595 particularly is of poor vertical and horizontal alignment and not suited to HGV movements. It must also be acknowledged that alternative diversionary routes are often lengthy and limited in scope. The re-routing of the construction traffic to less congested parts of the road network is a sensible approach, however, full assessment and communication with the relevant highways authority is essential as details emerge.
- 5.28 Section 7.0 contains an overview of the type of mitigation measures that may be required to facilitate an acceptable project.

Section E2 Conclusion

- 5.29 The RCS does not identify an emerging preferred Route Corridor for the Duddon to Lindal in Furness section. This conclusion is accepted given the significant sensitivities and complexity associated with the area. The RCS and the Council's assessment of the route corridors suggest that there are both options have potentially unacceptable impacts. In terms of landscape and visual E2.1 is preferred due the lower impact on the LDNP and several settlements, while from the perspective of ecology, E2.2 is a challenging, but preferred route. The implications of selection of either route is therefore undesirable based on the level of evidence available at this stage as either could result in significant negative effect on designations of the highest level of protection.
- 5.30 Therefore, the Council suggests that both route options be taken forward and should be subject to detailed survey and assessment of specific routing before a preference can be established, and appropriate mitigation developed. Where it is established through further work that both routes will have unacceptable effects, and mitigation is not possible, a further route or delivery technology such as undergrounding (where appropriate) must be explored.
- 5.31 As a general principle the Council supports the use of an 'opportunity corridor' given the clear potential to rationalise the number of pylons and overhead lines in order to reduce the impact on the communities and economic receptors along the route. This form of mitigation will be key to reducing the residual negative impacts across a range of topics including; landscape and visual impact; ecology; cultural heritage as well as the impact on community along the emerging route corridor. However, in some locations where there are multiple existing lines the resultant configuration of cables at differing height could potentially exacerbate landscape and visual issues. Given this there is a clear requirement in some locations to investigate removal of more than one line to reduce the residual negative effect.
- 5.32 Furthermore, detailed pylon siting, screen planting, technology choice and appropriate construction management will be key to ensuring that the effects of the upgraded overhead line are acceptable.
- 5.33 Mitigation measures that should be considered are detailed in Section 8.0 of this report.
- 5.34 It is considered that detailed assessment of the preferred route corridor will be key to ensuring that the specific routing of overhead lines and siting of pylons is appropriate. Scoping of survey and assessment methodology will be key to ensure that the route takes account of the important issues and receptors in the next stage of the NWCC project. This will assist in the development of the

most appropriate route, and mitigation measures that will be required. The Council supports early dialogue on the detailed routing and mitigation that will be required to ensure that the effect of the upgrade is acceptable.

- 5.35 The development of route corridors has the potential to result in positive temporary economic activity effects during construction, both directly, from the workforce expenditure, and in respect of the multiplied indirect positive effects of that local expenditure within existing and new supply chains. The Council will work with partners including National Grid to maximise the opportunities and support for local businesses and labour force.
- 5.36 However, the effect economic activity is uncertain, and given the uncertainty of the Route Corridor choice the impacts are difficult to judge. The next stage of project development will provide the scope to better understand the implications and develop appropriate routing and associated mitigation. Further evidence is required to fully assess the economic impact of the route, to fully consider of the implications of the route choice, and possible economic mitigation required.
- 5.37 Furthermore, it is expected that a construction and economic development strategy should be implemented that seeks to maximise the economic benefit and legacy to the local area. A central component of this will be building the key skills and training that will provide a lasting and positive skills and education legacy for local people. It is considered that this could ensure that the residual effect of construction is positive and opportunities for economic development and inward investment achieves long term positive effects.
- 5.38 There are many potential positive impacts on the economy; however, given the potential for negative impacts on communities both during and after construction. Suitable community mitigation should be explored through dialogue with stakeholders including Barrow Borough Council and other relevant local authorities during the next phase of routing.

6.0 Section H – Lindal-in-Furness to Heysham

6.1 Section H1 – Lindal-in-Furness to Morecambe Bay

Tunnel Head Outline Siting Areas

- 6.2 Four route corridors have been identified to link the tunnel head outline siting areas described above to the Lindal in Furness area. Route Corridor H1.1 follows the opportunity corridor, occupied by two existing 132kV overhead lines, between Lindal in Furness and Roosecote power station for almost its entire length. The route commences at Lindal in Furness and extends in a

southerly direction following the opportunity corridor passing between the settlements of Lindal in Furness, Dalton-in-Furness, Newton, Leece and the eastern outskirts of Barrow-in-Furness. At its southerly end, the route corridor widens and occupies a broad area between Roose Gate, Leece and Rampside. The route corridor meets Tunnel Head Outline Siting Area H1T1 and extends to the siting area's western edge, which is bordered by Rampside gas terminal and Roosecote power station.

- 6.3 H1.2 is almost identical to Route Corridor H1.1 given the proximity of Tunnel Head Outline Siting Areas H1T1 and H1T2. However, at Page Bank Lane, it extends south eastwards on the eastern side of the A5087 and terminates at the south eastern edge of Tunnel Head Outline Siting Area H1T2, near High Peasholmes.
- 6.4 Route Corridor H1.3 extends along the opportunity corridor to an area to the east of Newton and to the south west of Stainton with Adgarley, where it leaves the opportunity corridor and continues in a south easterly direction, passing between Dendron and Gleaston, towards Newbiggin where it meets Tunnel Head Outline Siting Area H1T3, about 1km from the coast.
- 6.5 Route Corridor H1.4 also follows the opportunity corridor for a short distance leaving the opportunity corridor, and extends in a south easterly direction, passing between the settlements of Stainton with Adgarley and Little Urswick, before widening to a 1km wide swathe, to the south of Scales, to meet the western boundary of the Tunnel Head Outline Siting Area H1T4, to the west of Aldingham.

Landscape and Visual

- 6.6 The RCS notes that the presence of settlements, notably Barrow-in-Furness, Lindal in Furness, Stainton with Adgarly, Gleaston, Scales, Little Urswick, Great Urswick, Leece, Rampside, Roosecote, Baycliff, Newbiggin and Aldingham have been key considerations in route siting.
- 6.7 Whilst H1.1 and 1.2 would potentially affect more visual receptors, passing in closer proximity to the main settlements of Barrow and Dalton-in-Furness, National Grid consider these preferable to the alternatives presented, due to the relative sensitivity of the landscape affected by H1.3 and 4 (rolling limestone hills), the creation of a new line of pylons through this landscape, and the effects upon the scattered smaller settlements within this area, such as Stainton with Adgarly. H1.1 and 1.2, by contrast, follow an existing corridor, which although relatively longer, is straighter, and is more closely related to the urban area. H1.1 would terminate with a tunnel head siting area situated

in an area which is more industrial in nature than H1.2. Given this, H1.1 is identified as National Grid's preference in landscape and visual terms.

- 6.8 Whilst this is accepted in principle, the impacts upon Barrow and Dalton-in-Furness are potentially extensive, due to the amount of residents potentially affected. Given this, opportunities to mitigate the impact of the proposed new line, including through the use of lower height pylons, should be considered. Section 7.0 of this report sets options that will form the basis of the mitigation where it is required.

Ecology

- 6.9 The RCS concludes that Route Corridor H1.1 and associated Tunnel Head Outline Siting Area H1T1 is considered to be the preferred option from the ecological viewpoint. After consideration of the four routes and siting options it is not possible to select a preference without further detailed survey evidence.
- 6.10 The RCS preferred option results in use of land parallel to the coast between Cavendish Dock and Roosecote Sands and the main Morecambe Bay site for route corridor H1.1 which could impact on SPA bird flightlines between roosting and foraging areas. There are also in-combination effects of other vertical structures along this route. H1T1 to H1T3 also involve tunnel head locations in areas of Coastal and Floodplain Grazing Marsh.
- 6.11 H1T4 avoids Coastal and Floodplain Grazing Marsh and also the route corridor H1.4 is located much further north, is shorter and hence possibly does not present such a barrier to movement of birds between Morecambe Bay to Cavendish Dock and the Duddon estuary. H1T2 is further removed from the designated sites but may still lie across flightlines; H1T3 is also close to the bay and may be located in fields used by SPA birds. This is close to Newbiggin where there is important roosting habitat for birds including migratory species.
- 6.12 Options H1.1 to H1.3 involve some or total replacement of one of the existing 132kV overhead lines with a 400kV overhead but in all cases there will be a 132kV left resulting in a greater extent of vertical barrier. In the case of the route H1.4 there would be no removal of 132kV so for a short section there would be 3 overhead lines which would present a greater potential impact. However this would be over a shorter distance and located further north up the estuary so possibly less of an obstacle to SPA birds, though detailed surveys will be required to assess this effect. It is considered that the relative effects of the four options on SPA birds can only be addressed with any

confidence through more detailed ornithological survey work. Without this detailed evidence it is not possible to select a preferred route.

- 6.13 Furthermore, the RCS places weight on the impact of H1.4 on the Stainton Quarry and Bolton Heads CWS/LPO, and the fact that these sites could not be avoided during micro-siting (Paragraph 13.7.39). However, there does appear to be a possible route spanning across the B road running between the two sites, or indeed to the east of the limestone pavement area. Should this be proven the assessment carried out in the RCS would need to be revised and following this the preferred route choice re-assessed accordingly.
- 6.14 At this stage without detailed survey work related to SPA birds a route preference cannot be stated. Additionally more work is required to understand the potential to avoid other sites such as the Stainton Quarry and Bolton Heads CWS.
- 6.15 In terms of ecology the preferred route need to be subject to detailed survey and assessment of specific routing. If it is established through further work that the route will have unacceptable effects, and mitigation is not possible, a further route or delivery technology must be explored. Mitigation much of this will need to be addressed at the next stage taking into account the discussion set out in Section 7.0 of this report.

Cultural Heritage

- 6.16 The RCS concludes that Route Corridor H1.2 and Outline Siting Head H1T2 is the best performing option from a cultural heritage perspective. The emerging preference of route corridor H1.2 and tunnel siting H1T2 is considered an appropriate conclusion. This route option utilises an opportunity corridor for the majority of the route and has a lesser potential for effects on designated assets at Roosecote and Rampside than Option H1.1.
- 6.17 The overall preferred route is for Option H1.1. The preference of Option H1.2 is not considered to be a significant issue with regard to the overall preferred option. Route Corridor H1.1 and tunnel siting location H1.T1 will still be acceptable in heritage terms, particularly if options for micro-siting of pylons and the tunnel head are utilised in the central part of the tunnel head siting area.
- 6.18 The excavation of the tunnels is considered to be at sufficient depth that it will not have any effects on archaeological remains within the onshore areas once the initial entrance location has been constructed.

6.19 In terms of mitigation the majority of mitigation measures will need to be addressed at the next stage, through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.

Socio-economic

6.20 Although Route Corridor H1.1 would have the greatest interaction with economic activity receptors, the RCS suggests that it is would be the preferred option from an economic and planning policy perspective. This is due to the clear principle of energy related infrastructure in the route corridor and the limited negative residual effect of development. Based on the evidence presented in the RCS the assessment of preferred route is judged to be acceptable. This accords with the overall Section conclusion which selects Tunnel Head Outline Siting Area H1T1 and Route Corridor H1.1 as the emerging preference for providing part of the link between Section E, at Lindal in Furness, and Heysham, via a tunnel beneath Morecambe Bay. Given this there is no conflict between the topic and overall project.

6.21 At this stage mitigation has not been set out in detail. It is considered that detailed route alignment and planting could be designed to avoid any negative effects on site allocations.

6.22 Further evidence is required to fully assess the impact of the construction in terms of labour force requirement, housing and social infrastructure, both during and after construction. This will allow full consideration of the route choice, and possible economic community mitigation required.

6.23 The development of the tunnel head would require good road access in order to bring to site the tunnelling and construction equipment. In addition it is suggested that 400,000 tonnes of spoil produced by the tunnelling operation would have to be removed for offsite disposal and/or re-use. The logistics and economic impact of this needs to be assessed; in terms of the ability of surrounding transport network to facilitate this action, together with major projects such as the potential nuclear development at Moorside, and the cumulative impact on local economic activity.

6.24 Furthermore, the introduction of new 400kV overhead lines could provide potential opportunities for inward investment which could have positive local economic effects in the long term. The Council accepts that there is potential for a beneficial impact of the grid upgrade and suggests that the detailed routing should seek to ensure that required infrastructure such as new substations maximises opportunity for local economic activity across the area,

and specifically for high energy consumers and producers in the Barrow-in-Furness area .

- 6.25 A construction and economic development strategy should be implemented that seeks to maximise the economic benefit to the local area. It is considered that this could ensure that the residual effect of construction is positive and opportunities for economic development and inward investment achieves long term positive effects.
- 6.26 At this stage mitigation has not been detailed, however, this will be central to next stage of project development. Through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.

Traffic and Transport

- 6.27 The RCS identifies Tunnel Head Outline Siting Area H1T1 and Corridor H1.1 as a preferred emerging route. These preferences are accepted from a highways and transport perspective, based on the evidence and assessment set out in the Study. The proximity to rail and marine infrastructure is a key benefit of the Siting Area. Furthermore, tunnel siting areas H1T3 and H1T4 pass through small communities to gain access to the A5087 and this not considered to be an acceptable routing.
- 6.28 Whilst the principle of using the main highway network is sensible it should be stressed that even the main roads in some areas are heavily constrained and not suited to HGV movements. The Council strongly agree with the assessment that describes that the minor roads in the H1 (i.e. roads other than A590 and A5087) as “narrow, have poor vertical and horizontal alignment and do not lend them to the passage of HGVs” (paragraph 13.3.90). Following this it is essential that these issues are taken into account when planning the haulage and logistics requirements and solutions in the movement of construction equipment and materials. It is considered that National Grid’s emerging preferred route is served by rail, and is located close to Port of Barrow-in-Furness.
- 6.29 The RCS suggests that “a key consideration in identifying tunnel head areas as been the potential to obtain A road access; either directly or via a short section of temporary road or by upgrading an existing unclassified road.” (Paragraph 13.5.27). The Council welcome the acknowledgement that road enhancements will be required. In such circumstances permanent road

enhancements should seek to leave a lasting legacy to benefit the communities and local area affected during construction.

- 6.30 The RCS suggests that the tunnel construction would require good road access in order to transport tunnelling/ construction equipment, in addition to the large quantities of spoil (up to 400,000 tonnes) produced by the tunnelling operation. This spoil would have to be removed for offsite disposal and/or re-use. The Council has serious concerns about the ability of the road networks to accommodate such movements, therefore a full transport assessment in addition to maximising alternative modes transport such as rail and barge will be essential in mitigating the effects on the local road networks.
- 6.31 Given the relatively constrained road network it is considered that construction operations should seek to use of the rail network, where is preferable and possible without disruption rail services. The Council have reservations about ability of local roads to cope with the tunnelling and construction equipment required to facilitate the tunnel, as well as the large quantities of spoil that would be generated, particularly in relation to the extraction of spoil. Maximising alternative modes is essential in mitigating the effects on the local road networks.
- 6.32 Furthermore, the electrification of the Cumbrian Coast Line would assist in delivering an efficient programme of construction while maximising the benefit to the local transport system.
- 6.33 Section 7.0 contains an overview of the type of mitigation measures that may be required to facilitate an acceptable project.

6.34 Section H1 Conclusion

- 6.35 The RCS identifies Route Corridor H1.1 and H1T1 as the emerging preferred Route Corridor for the section between Lindal in Furness to Morecambe Bay.
- 6.36 The Council's assessment of route corridors and tunnel head outline siting areas largely concurs with National Grid's assessment of the emerging preference. In terms of ecology the preferred route needs to be subject to detailed survey and assessment of specific routing. If it is established through further work that the route will have unacceptable effects, and mitigation is not possible, a further route or delivery technology must be explored.
- 6.37 The Council is also concerned about the effect of the NWCC on economic activity, transport and social infrastructure. More information is required to fully assess the economic, transport and social implication of the project, both on its own and in combination with other major projects in Cumbria. The next

stage of project should be properly informed by appropriate evidence to provide a better understanding of the implications and develop appropriate routing and associated mitigation.

- 6.38 Furthermore, a construction and economic development strategy should be implemented that seeks to maximise the economic benefit and legacy to the local area. A central component of this will be building the key skills and training that will provide a lasting and positive skills and education legacy for local people. It is considered that this could ensure that the residual effect of construction is positive and opportunities for economic development and inward investment achieves long term positive effects.
- 6.39 The development of route corridors has the potential to result in positive temporary economic activity effects during construction, both directly, from the workforce expenditure, and in respect of the multiplied indirect positive effects of that local expenditure within existing and new supply chains. The Council will work with partners including National Grid to maximise the opportunities and support for local businesses and labour force.
- 6.40 There are many potential positive impacts on the economy; however, given the potential for negative impacts on communities both during and after construction. Further evidence is required to fully assess the economic impact of the new infrastructure both during and after construction. Suitable community mitigation should be explored through dialogue with stakeholders including Barrow Borough Council and other relevant local authorities during the next phase of routing.
- 6.41 Consideration must also be made transport implications of the construction and where mitigation is required it must recognise the limited and constrained road network in the local area. The RCS suggests that the tunnel construction would require good road access in order to transport tunnelling/construction equipment, in addition to the large quantities of spoil (up to 400,000 tonnes) produced by the tunnelling operation. This spoil would have to be removed for offsite disposal and/or re-use. The transport network in the local areas is constrained and not suited to HGV movements. Therefore, the Council has serious concerns about the ability of the road networks to accommodate such movements. It is essential that a full transport assessment is carried out, and alternative modes transport such as rail and barge are maximised.
- 6.42 It is considered that National Grid's emerging preferred route is served by rail, and is located close to Port of Barrow-in-Furness.

- 6.43 The electrification of the Cumbrian Coast Line could assist in delivering an efficient programme of construction while maximising the benefit to the local transport system. In such circumstances where usage of the rail network is not possible, permanent road enhancements should be explored both in terms of delivering the project and in leaving a lasting legacy from the project for the communities affected during construction.
- 6.44 It is considered that detailed assessment of the preferred route corridor will be key to ensuring that the specific routing of overhead lines and siting of pylons is appropriate. Scoping of survey and assessment methodology will be key to ensure that the route takes account of the important issues and receptors in the next stage of the NWCC project. This will assist in the development of the most appropriate detailed route, and mitigation measures that will be required. The Council supports early dialogue on the detailed routing and mitigation that will be required to ensure that the effect of the upgrade is acceptable.
- 6.45 Mitigation measures that should be considered are detailed in Section 8.0 of this report.
- 6.46 Section H2 – Morecambe Bay Middleton substation, near Heysham**
- 6.47 Three tunnel route corridors have been identified; H2.1 is approximate 22km long (from Tunnel Head Outline Siting Areas H1T1 or H1T2) and runs beneath Morecambe Bay from the coast of the Furness peninsula, between Rampside and Roosebeck, to Heysham on the east side of Morecambe Bay; H2.2 is about 19km long (from Tunnel Head Outline Siting Area H1T3) and runs beneath Morecambe Bay from the coast of the Furness peninsula, between Roosebeck and Newbiggin, to Heysham on the east side of Morecambe Bay; and H2.3 is about 18km long (from Tunnel Head Outline Siting Area H1T4) and runs beneath Morecambe Bay, from between Aldingham and Newbiggin on the western side of the Bay, to Heysham on its east.
- 6.48 It has been assumed, for the purpose of this appraisal that the tunnel route corridors would terminate at Tunnel Head Outline Siting Area H2T1 in the vicinity of the new Middleton substation, which National Grid intends to construct to the east of Heysham.

Landscape and Visual

- 6.49 The landward parts of H2 are located in Lancashire. The part of the route which falls within Cumbria is located under Morecambe Bay, and as such, the landscape and visual impacts upon the county are mainly limited to those which would arise as a result of tunnel ventilation and emergency exits, visible from areas overlooking and within the Bay.

6.50 H2.1 emerges as a slight preference in this respect, due to the greater distance of the islets from key visual receptors in the Lake District National Park and Arnside/Silverdale AONB. The assessment and conclusion reach in the RCS are generally accepted in this regard. The islets could be designed so as to appear naturalistic, in order to mitigate any adverse effects.

6.51 Section 7.0 of this report sets out options that will form the basis of the mitigation where it is required.

Ecology

6.52 The RCS concludes that the tunnel route H2.1 is the best performing route from an ecological point of view and overall. This is accepted based on the evidence and assessment provided, given that this option allows islets associated with the technology to be located outside the SPA/Ramsar site in the deeper sea of Morecambe Bay, although this could still have adverse effects on the Morecambe Bay SAC.

6.53 In terms of ecological mitigation much of this will need to be addressed at the next stage taking into account the discussion set out in Section 7.0 of this report.

Cultural Heritage

6.54 There has been no detailed assessment of the Tunnel Route Corridor Options therefore no preference for the tunnel options as a result of heritage considerations is identified. Heritage is not considered to be a determining factor in the identification of a preferred route option for this Area.

6.55 The conclusion that tunnel entrance location H2T1 is acceptable in heritage terms is considered appropriate.

6.56 The excavation of the tunnels is considered to be at sufficient depth that it will not have any effects on archaeological remains within the onshore areas once the initial entrance location has been constructed.

6.57 In terms of mitigation the majority of mitigation measures will need to be addressed at the next stage, through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.

Socio-economic

6.58 From an economic activity and planning perspective, the RCS suggests that Route Corridor H2.1 is considered to be preferable, as the route would be

located in deeper and wider water which would enable more freedom for navigation around the islets. Based on the evidence presented in the RCS the assessment of preferred route is judged to be accepted.

- 6.59 H2.1 is also selected as the overall preferred option; therefore, there is no conflict between the topic and overall project.
- 6.60 Tunnel Head Outline Siting Area H2T1 has been identified on land adjacent to the new Middleton substation. Appraisal of this outline siting area has confirmed its suitability for use and has identified benefits of co-locating the tunnel entrance and substation from an economic perspective.
- 6.61 Detailed siting of the islets will be required to reduce the potential impact on recreational and commercial uses of Morecambe Bay.
- 6.62 At this stage mitigation has not been suggested, however, this will be central to next stage of project development. Through a detailed programme of assessment identified as part of a Scoping study and following the discussion set out in Section 7.0 of the this report.

Traffic and Transport

- 6.63 The RCS does not suggest a clear preference for the route in terms of Transport. This is accepted given the nature of the route corridor options under assessment. However, it is noted that there could be an increased risk of collision between vessels associated with the construction of three tunnel ventilation and emergency exit islets and vessels visiting ports in the search area. It is generally agreed that this would be mitigated by raising awareness and deployment of buoyage and by lighting. Post-construction, the islets could be regarded as a navigation hazard to vessels. Such hazards would be mitigated by the feature being properly charted, buoyed and lit and would be most prevalent in narrower channels where adjacent shallows would restrict the ability of vessels to manoeuvre.
- 6.64 The Study concluded that the traffic and transportation effects of developing a tunnel entrance, and associated infrastructure, in Tunnel Head Outline Siting Area H2T1 would be acceptable given improved accessibility to the M6 that would be available by the time that the tunnel construction would commence and having regard to the range of alternative transportation options that would be available. The Council accepts the conclusions of the RCS assessment for this section, and suggests that early planning and discussion with stakeholders is key to ensure that negative impacts are addressed.

6.65 Section 7.0 contains an overview of the type of mitigation measures that may be required to facilitate an acceptable project.

6.66 Section H2 Conclusion

6.67 The landward parts of H2 are located in Lancashire. The part of the route which falls within Cumbria is located under Morecambe Bay, and as such the impacts on Barrow are mainly limited to those which would arise as a result of tunnel ventilation and emergency exits, visible from areas overlooking and within the Bay. The islets are likely to be located more than 5km offshore and so will be unlikely to lead to negative residual impact on Barrow Local Authority Area.

6.68 The RCS concludes that the tunnel route H2.1 is the best performing route. The Council considers that based on the assessment and evidence presented in the RCS that this, taking the section on its own is the most appropriate Route Corridor. However, given that development of H2.1 requires a connection with either H1.1(H1T1) or H1.2 (H1T2), and therefore any consideration of this route most be viewed in combination with the Section H1 and the previous discussion.

6.69 In terms of mitigation much of this will need to be addressed at the next stage taking into account the discussion set out in Section 7.0 of this report.

7.0 Route Corridor Mitigation - Stage 2

7.1 At this stage, National Grid has not set out mitigation that will be required in detail. However, the possible requirement for measures to mitigate the impact of the Project has been taken into account in appraising the identified connection options. In doing so, The RCS takes a high-level view of what mitigation measures would be appropriate in any given area, and to mitigate impacts within any given subtopic. Where specific mitigation issues have been raised by the assessment of the Route Corridor Options these are outlined in the relevant sections, however, there are a number of more general mitigation measures that will be important in facilitating an acceptable development. These more general mitigation measures are outlined in the following section and will be key to securing appropriate development consent at the next stage.

7.2 The Council will work with partners including National Grid from the earliest opportunity to understand the implications of route development and develop appropriate mitigation measures that will ensure acceptable development.

Landscape and Visual

- 7.3 It is accepted that the majority of mitigation measures will need to be addressed at the next stage.
- 7.4 In the majority of cases, the net impact of an increase in height of pylons resulting from following an 'opportunity corridor' is judged to be less significant than pursuing an alternative option which would involve developing a new corridor across previously undeveloped land. Given this, the preference in landscape and visual terms is generally to follow the existing 132kV route corridor. Whilst this approach would appear logical in the majority of cases, further evidence, such as photomontages and/or zone of theoretical visibility analysis illustrating the cumulative effects of several lines of pylon of different types to substantiate this view is required.
- 7.5 In certain 'pinch points', it is key that the upgrade of the connection should not exacerbate the already significant cumulative effects being experienced in this area. It is clear that the landscape, visual and cumulative effects of the introduction of a line of high voltage pylons would result in particularly significant adverse effects upon receptors and landscape character. Where these situations would be difficult to mitigate through the use of alternative pylon design and/or screening planting, alternative connection options, principally undergrounding, should be prioritised. From a landscape and visual perspective the use of undergrounding may therefore be an appropriate mitigation in these type of situations, however, this will have to be balanced against the appropriateness of this mitigation for other topic areas.
- 7.6 It is considered that where there is more than one operating 132kV overhead line National Grid should where possible seek to maximise rationalisation and removal.
- 7.7 Some landscape and visual issues may be mitigated through the use of lower height pylons. However, each case will need to be judged on its merits as in some cases use of different pylon type may exacerbate negative impacts, for example the use of 'T' pylons may add to the cumulative effect with wind turbines in particular, given their structural similarity to turbine towers.

Ecology

- 7.8 In terms of ecological mitigation it is accepted that much of this will need to be addressed at the next stage once the micro-siting of the cable lines has been agreed following more detailed survey findings on the ground.
- 7.9 In some instances removal of existing 132kV overhead lines in opportunity corridors has been cited by the RCS as of benefit to wildfowl in terms of minimising potential effects of bird strike. Where the 400kV follows the opportunity corridor of two 132kV lines, the RCS suggest that only one of the

132kV lines will be removed. The resultant configuration of cables at differing height could potentially result in greater collision risk due to the vertical extent of 'barrier' being increased. Given this there is a clear requirement in some locations to investigate removal of both existing lines to reduce the residual negative effect.

- 7.10 Pylon selection is also an important consideration from an ecological point of view; the 400kV lattice towers are preferable in terms of ecology due to the higher visibility, greater height of the cables, and greater spacing. Use of T-pylons may require permanent access tracks for maintenance and hence are unlikely to be a preferred option from the ecological point of view.
- 7.11 Construction management will need to include appropriate provisions to prevent contamination of watercourses along with other measures to be considered at the appropriate stage. This is particularly the case during installation and removal of existing lines and towers.

Cultural Heritage

- 7.12 In terms of mitigation the majority of mitigation measures will need to be addressed at the next stage. A detailed programme of assessment will have to be identified as part of a Scoping study and then completed. This should consider both physical effects on assets and effects on the setting of assets. The assessment should be completed in sufficient detail to allow the identification of appropriate micro-siting of pylons to avoid or reduce heritage impacts. A detailed programme of further evaluation and mitigation should be developed at this stage on an asset by asset basis.
- 7.13 The use of a T-pylon has been identified as a potential mitigation measure to reduce visibility and hence effects on setting. The appropriateness of this as a mitigation technique will need to be assessed on a case by case basis once the preferred route is identified.
- 7.14 The use of screen planting to minimise visibility of pylons and hence mitigate effects on the setting of heritage assets has been identified as a possible mitigation measure. It is acknowledged within the RCS Option Appraisal Summary Tables that this unlikely to be an effective measure where monuments are extensive and/or landscapes are open. The appropriateness of this as a mitigation technique will need to be assessed on a case by case basis once the preferred route is identified.
- 7.15 The use of opportunity corridors would minimise the proliferation of overhead lines in multiple locations and enable the removal of some existing 132kV

overhead lines. This is not considered to be an overall benefit, but would reduce the potential harm.

Socio-economic

- 7.16 From an economic activity and planning perspective, it is considered that mitigation through detailed routing and siting will be an important mechanism to address negative residual impacts. Careful consideration of the affect on the key economic receptors during and after construction is required to ensure there is not an adverse impact.
- 7.17 Once detailed route alignment is known it is also possible to identify the potential effects on farming activities, and associated mitigation to ensure that land lost to new pylons is offset by restoration where it is appropriate and desirable.
- 7.18 All identified route corridors cross Mineral Safeguarding Areas (MSA) and therefore detailed siting may be required to avoid permitting development which would affect potential extraction of mineral resources. Cumbria County Council or the LDNPA (for areas within the National Park) will be required to assess implications of the route development when detailed routing is investigated
- 7.19 At this stage the impact of the construction in terms of labour force requirement, housing and social infrastructure is not properly considered in the RCS. This will be an important component of the socio-economic impacts of the NWCC project that will need to be addressed in the next stage of the project development, both on its own and in combination with other major construction projects in Cumbria.
- 7.20 All route corridors have the potential to result in positive temporary economic activity effects during construction, both directly, from the workforce expenditure, and in respect of the multiplied indirect positive effects of that local expenditure within existing and new supply chains. The Council will work with partners including National Grid to maximise the opportunities and support for local businesses and labour force. A construction and economic development strategy should be implemented that seeks to maximise the economic benefit and lasting legacy to the local area. A central component of this will be building the key skills and training that will provide a lasting and positive skills and education legacy for local people. It is considered that this could ensure that the residual effect of construction is positive and opportunities for economic development and inward investment achieves long term positive effects.

- 7.21 As a general principle the Council supports the use of an 'opportunity corridor' given the clear potential to rationalise the number of pylons and overhead lines in order to reduce the impact on the communities and economic receptors along the route.
- 7.22 There are many potential positive impacts on the economy; however, given the potential for negative impacts on communities both during and after construction, therefore, suitable community mitigation should be explored through dialogue with stakeholders including Cumbria County Council and Barrow Borough Council during the next phase of routing.

Traffic and Transport

- 7.23 It is considered that any transport mitigations must recognise the limited and constrained road network in the local area. Some locations of the transport network are of poor vertical and horizontal alignment and not suited to HGV movements, while other routes are extremely sensitive to an increase in HGV movements and any proposals would have to take this into account by developing appropriate routes and usage patterns. It must also be acknowledged that alternative diversionary routes are often lengthy and limited in scope. The re-routing of the construction traffic to less congested parts of the road network is a sensible approach, however, full assessment and communication with the relevant highways authority is essential as details emerge.
- 7.24 Given the relatively constrained road network it is considered that construction operations should seek to make use of the rail network, where is preferable and possible without disruption to rail services. Furthermore, the electrification of the Cumbrian Coast Line would assist in delivering an efficient programme of construction while maximising the benefit to the local transport system. In such circumstances where usage of the rail network is not possible, permanent road enhancements should be explored both in terms of delivering the project and in leaving a lasting legacy from the project for the communities affected during construction.
- 7.25 Some issues (e.g. rationalisation of pylons) will inevitably require more traffic movements but are favoured. Further detail is required on specific construction locations and measures to properly assess acceptability in highway and traffic terms, while the Council would also suggest that in all cases appropriate transports management plans should be developed that promote best practice and ensure that the potential for negative effects is minimised.

7.26 It is essential that the relevant highways authorities are involved with the development of transport and access strategies, in order to minimise the effects on local communities and the transport network during the construction phase of all corridors and tunnel head siting's in the North West Coast Connections project.

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Appendix 5b – Baseline Assessment

Landscape and Visual

Section	Comment
All	Reference is made in the assessment to Landscapes of County Importance throughout the RCS. In policy terms, this local level designation is now superseded, except in Copeland, which retains reference in its Local Plan. The presence of Landscapes of County Importance in areas outside Copeland should not form a key consideration in the determination of route corridors therefore.
All	Cumulative impact arising from vertical infrastructure including pylons and wind turbines has been highlighted as a growing concern in Cumbria, and will play a key role in establishing the ultimate route and nature of the grid connection. In association with partners, Cumbria County Council is developing work which seeks to assess the cumulative impact of vertical infrastructure in Cumbria and North Lancashire. The Cumulative Impact Assessment of Vertical Structures Study (2014) has been referred to in the county council’s assessment of the National Grid proposals, will be of benefit in the next stage of the NWCC project.
All	In the majority of cases, the net impact of an increase in height of pylons resulting from following an ‘opportunity corridor’ is judged by the RCS to be less significant than pursuing an alternative option which would involve developing a new corridor across previously undeveloped land. Given this, the preference in landscape in visual terms is generally to follow the existing 132kv route corridor. Whilst this approach would appear logical in the majority of cases, further evidence to substantiate this view would be welcome. Photomontages illustrating the cumulative effects of several lines of pylon of different types may assist. Additionally, zone of theoretical visibility analysis will be key to understanding the impact of new infrastructure and consequently the development of according mitigation.

Ecology

Section	Comments
All	<p>1. There is often no clear definition of the qualifying features of European sites – SAC/Ramsar/SPAs or of the interest features of SSSIs for route corridor sections. This is important baseline information to inform the future work as the qualifying features and interest features will be of significance when undertaking the ecological impact assessments at a later date. It should more clearly define species and habitats of ecological value within the Search Areas which may need to be avoided and/or mitigated. The ecological receptors help to define the zone of influence of the scheme and hence requirements for more detailed survey at the next stage.</p> <p>2. The overview geology and soils map does not show the peat areas. Peat is of significance not only for ecology but for sustainability aspects of the scheme. The individual paragraphs on soils and geology for each option do not appear to consider peat, and only designated nature conservation areas on peat are considered in the ecology sections. It appears that some areas of peat may therefore have been omitted from the assessment of options.</p> <p>3. Water environment sections consider the ecological water quality targets in the initial baseline descriptions but do not address any water quality aspects in the</p>

	<p>section appraisals, neither is this covered in the ecology sections.</p> <p>4. The Bird Areas are shown on an overview map of the whole scheme but not on the individual ecology constraints maps for each section so could be overlooked.</p> <p>5. It has been difficult and time consuming to make use of the submitted maps due to the large number of layers involved, and lack of any means of viewing only the relevant layers. In addition the route options are not shown on all the maps so without this overlay it has meant going to and fro between a number of maps to locate and confirm constraints etc.</p> <p>6. Where SPA birds are relevant to the option appraisals it would be useful to have considered in-combination effects with existing and proposed vertical structures such as windfarms or radiomasts. Windfarms are mentioned with regards the visual impacts but information has not been provided for in the ecology appraisals for areas where SPA birds are a constraint.</p> <p>7. In general the baseline and appraisal information is very thorough but there have been a few oversights which possibly stem from lack of co-ordination between the separate specialist topic areas. As an example the presence of windfarms in Search Areas in combination with SPA bird presence should have been taken account of during consideration of route options, particularly in those areas where SPA birds are a constraint.</p> <p>8. In OSOV.08 UK BAP it is difficult to differentiate the different purple colours. Lowland raised bog, upland flushes, upland heath, CFPGM and saltmarsh, particularly where there are numerous overlays.</p> <p>9. Important Plant Areas have not been considered in the baseline information – Lake District IPA and its core areas and Duddon Dunes IPA.</p> <p>10. Construction effects for all of the route options will be of a similar nature but the way in which they might impact the ecology differ depending on the ecological receptors present. Location of all construction sites, crane pads, access routes, foundations etc will need to be considered in detail in the next stage. In addition the indirect effects of the construction phase will need to be addressed such as changes in hydrology due to compression of soils due to use of plant and temporary access tracks, equipment storage, particularly in areas of peat, coastal habitats, marshy areas and other sensitive habitats. Water quality aspects should be in relation to run-off and dewatering during construction of foundations especially upstream of any SAC watercourse including their tributaries.</p>
All	<p>Please note that the Onshore North overview soils and geology map ONOV.09 in Appendix 6 does not appear to show peat distribution, and it appears likely that this GIS layer may have been omitted. Peat is shown on the more detailed Figures for environmental constraints for sections of the route but there are so many layers shown it is difficult to identify these areas. Use of GIS will help to clarify the spatial extent of environmental constraints.</p> <p>Figure ONOV 07 Ecology and Biodiversity Constraints does not show bird sensitive areas or peat areas so these issues may be overlooked and hence neglected when considering and comparing options.</p>
A	<p>In 6.3.40 the internationally and nationally designated sites are considered, together with a sentence explaining their importance. 6.3.43 Clints Quarry near Egremont is CWT site; it should not be confused with Clints Quarry SAC further north at Moota, near Cockermouth which is designated for its large population of great crested newt.</p> <p>Water Environment – this section identifies watercourses, waterbodies etc within the search areas and includes current ecological quality status in 6.3.112. This is also of relevance to the ecological assessments so should preferably be cross</p>

	<p>referenced under the ecology heading, particularly where the watercourses are designated as SACs such as the River Ehen. Also it has been noted that when the route options are appraised the water environment section does not specifically address the ecological implications.</p> <p>6.3.57 mentions the hen harrier sensitive area which extends northwards from the northern edge of route section A2. Potential for impact on hen harriers is not addressed later in the consideration of options as both route options meet at this northern point. The hen harrier overwintering population of west Cumbria has been evaluated as of equal ecological status to SPA birds so it is important that bird surveys take account of the locations and movements of these birds.</p>
E	<p>It is useful to identify all the qualifying species and habitats of potentially affected European sites at the baseline stage to ensure these features are adequately surveyed and assessed at the next stage as Habitats Regulations Assessment of the scheme may be required.</p> <p>12.3.87 The natterjack toad importance is recognised by Duddon Estuary Ramsar Criteria 2, as it is a qualifying feature of this designation.</p> <p>12.3.114 Soils overview section mentions peat along the western side of the Duddon Estuary but these areas are omitted from the soils and geology overview figure.</p> <p>12.3.149 Water environment section mentions there are a number of small to large static water bodies in the E1 Search Area, and goes on to mention those at Hodbarrow and Baystone bank Reservoir. There are numerous other waterbodies present in the Haverigg dune systems, Ironworks Nature Reserve, upper saltmarsh areas etc These are important as many are used as natterjack breeding pools.</p>
E	<p>Haverigg Dunes is designated as an Important Plant Area forming a part of the scattered Duddon Dunes IPA on both sides of the Duddon Estuary.</p> <p>In OSOV.08 UK BAP it is difficult to differentiate the different purple colours - Lowland raised bog, upland flushes, upland heath, CFPGM and saltmarsh.</p> <p>The coastal vegetation extending south-east from Dunnerholme towards Askham is designated as an Important Plant Area forming a part of the scattered Duddon Dunes IPA on both sides of the Duddon Estuary. This IPA also includes Sandscale Haws, parts of north-west and south Walney Island.</p> <p>Both route corridor pass through or within 500m of known natterjack toad breeding pools at several locations along the Duddon estuary, including both sides of the Duddon Estuary crossing and south of Kirkby-in-Furness. It is therefore important that the breeding habitats are avoided during the micro-siting of the route, and that access tracks are located so as to avoid impact on their terrestrial habitat. Removal of the existing 132kV in these locations will also require more detailed consideration, as will the siting of any associated access roads, construction compounds and crane pads.</p>
E/F	<p>It will be useful to identify all the qualifying species and habitats at the baseline stage to ensure these features are adequately surveyed and assessed as Habitats Regulations Assessment of the scheme may be required..</p> <p>2.3.50 This states that there is a relatively large area of coastal floodplain and grazing marsh west of Grizebeck. Is this land also used by SPA birds from</p>

	<p>Morecambe Bay and Duddon Estuary?</p> <p>Figure OSOV 07 Ecology and Biodiversity Constraints does not show bird sensitive areas or peat areas so these issues may be overlooked and hence neglected when considering and comparing options as there are significant areas of peat in this area.</p> <p>2.3.77 Soils section does not mention any peat.</p> <p>2.3.82 Water Environment – this covers the current ecological status of the River Duddon and Kirby Pool but no comment on any effects on water quality or ecological status is mentioned later.</p> <p>Route passes close to, or within, known natterjack toad habitats.</p>
F	<p>Other ecological designations include Kirkby Moor SSSI, Morecambe Bay SSSI and Sea Wood SSSI. Again it would be useful if the interest features for these SSSIs were clearly identified at this stage so that the potential effects of installation can be assessed at a high level to allow comparison of options.</p> <p>Figure ONOV 07 Ecology and Biodiversity Constraints does not show bird sensitive areas or peat areas so these issues may be overlooked and hence neglected when considering and comparing options?</p> <p>It should be noted that the area immediately to the west, south-west and south of Lindale forms a Core Area within the Lake District Important Plant Area (IPA). IPAs were initially designated in 2007 by PlantLife and cover areas in the UK and overseas which support internationally important plant populations.</p> <p>3.3.114 Superficial geology section mentions a band of peat in F2 from Fish House Moss in the north to Reake Moss in the south. This is not clear on the soils and geology overview or the F2 section constraints but this is probably because of the number of overlays at this location.</p> <p>Water Environment – this section identifies watercourses, waterbodies etc within the search areas and includes current ecological status. This is also of relevance to the ecological assessments so should be referred to under the ecology heading. Also it has been noted that when the route options are discussed the water environment section does not specifically address the water quality or ecological implications.</p> <p>There is potential for loss and fragmentation of habitat, and disturbance if routes through ancient woodland are pursued. These woodlands support protected species such as red squirrel, badger and dormouse.</p> <p>Deep peat areas need to be highlighted in this area as not shown on the soils and geology overview map and not clearly identified on ecological constraints maps. Any construction of foundations or use of access tracks across peat are likely to cause temporary and permanent damage to the peat itself through compaction and digging through resulting in potentially irreversible damage. Many of the SAC habitats along the routes represented are dependent on the peat, and could therefore also suffer irreversible damage.</p>
G	<p>4.3.79 onwards – Soils and geology section does not mention peat in respect of G2. It is understood that the area adjacent and to the west of the existing overhead lines at Holme comprises peat possibly supporting lowland raised mire but this does seem to have been recognised in the text provided. This peat area</p>

	<p>extends over the boundary into Lancashire to the west of the M6. We cannot however accurately identify areas of peat from the very complex overlays in this area but peat is not shown here on either the soils overview map of the general ecology overview map. If there is deep peat in this area then this is of concern if additional foundations need to penetrate this. It is probable that the sensitive peat areas can be avoided but we need to know where they are at this stage so they are acknowledged as a potential constraint.</p> <p>4.3.128 Morecambe Bay Pavements SAC includes juniper on heathland calcareous grassland, semi-natural dry grasslands and scrubland facies on calcareous substrates (and important orchid sites), limestone pavements, Tilio-Acerion forests of slopes, screes and ravines, and yew woodlands. Priority habitat includes calcareous fens. Other features include dry heath and old sessile oak woodlands with holly and hard fern. Annex II species is the narrow mouthed whorl snail.</p> <p>4.3.132 River Kent and Tributaries SAC supports watercourses of plain to montane levels with Ranunculion fluitantis and Callitriche-Batrachion as Annex I qualifying feature and Annex II qualifying species are white-clawed crayfish (Primary reason for designation), freshwater pearl mussel and bullhead.</p> <p>4.3.228 Water Environment – this section identifies watercourses, waterbodies etc within the search areas and includes current ecological status. This is also of relevance to the ecological assessments so should be referred to under the ecology heading. Also it has been noted that when the route options are discussed the water environment section does not specifically address the water quality or ecological implications.</p>
G	<p>3.3.114 Superficial geology section does not mention peat in respect of G1. The BAP Priority habitats map shows that most of both corridors cross areas of lowland raised peat and heath but even this is difficult to pick out due to colour similarities. It appears that there is potentially deep peat in the area which might be crossed by the pylons in the case of G1.1 but this cannot be substantiated from the maps provided.</p> <p>Most of Search Area G1 lies within the Lake District Important Plant Area (IPA) designated by PlantLife in 2007 as an area of international importance for plants. These areas are not considered to be the most significant core areas of the IPA but nonetheless are recognised internationally.</p> <p>There are core areas of IPAs in the G2 Search Area but these are located to the west of the A6 and to the east of the M6 so these do not affect route options.</p>
H	<p>13.3.50 onwards – Soils and geology section does not mention peat in respect of H.</p> <p>Water Environment – 13.3.68 this section identifies watercourses, waterbodies etc within the search areas and includes current ecological status. This is also of relevance to the ecological assessments so it would be useful to cross-reference this to the ecology section. Also it has been noted that when the route options are discussed the water environment section does not specifically address the water quality or ecological implications.</p> <p>13.7.37 Residual noise effects are mentioned with regards the tunnel heads, but if a constant noise this is less likely to have permanent adverse effects on birds.</p> <p>In 13.15.12 the internationally and nationally important designated sites are</p>

	listed. Following this there is a useful Table 13.8 which lists the designated sites and interest features. This is not fully comprehensive as it leaves out some of the qualifying features of Morecambe Bay SAC such as sand dunes and Annex II species great crested newt.
I	2.6.3 states that the route I1.1 runs parallel and to the 'west' of the Cumbrian Coastal railway line whereas it appears to run to the east?
J	<p>Drigg Coast is not designated as an SPA or Ramsar site, but forms Drigg Coast Marine Site.</p> <p>Note that Drigg Coast SSSI has additional interest features to the SAC habitats above - these include great crested newt and natterjack toad, rich and varied flora and invertebrate fauna, and reptile population.</p> <p>3.3.89 mentions peat on high ground to the east of the coastal plain south of Ravenglass. The deep peat sensitivity map for Cumbria (RSPB, 2008) shows there are large areas of blanket bog on the fells to the east.</p> <p>Water Environment – 3.3.104 this section identifies watercourses, waterbodies etc within the search areas and includes current ecological quality status. This is also of relevance to the ecological assessments so it would be useful to cross-reference to the ecology appraisal. Also it has been noted that when the route options are discussed the water environment section does not specifically address any ecological implications.</p>

Cultural Heritage

Section	Comments
All	<p>The list of sources in Appendix 5 indicates that “Registered Parks & Gardens I II*, I” have been mapped on the project constraint figures. It is assumed this is a typographical error and should read “Registered Parks & Gardens I II*, II”.</p> <p>The list of sources in Appendix 5 indicates that “Significant Groups of Grade II Listed Buildings” have been mapped on the project constraint figures. The criteria used to determine “significant groups” has not been identified. Grade II Listed Buildings appear to have been considered within the Option Appraisal Summary Tables therefore it is unclear whether these have been comprehensively assessed.</p>
All	The baseline description does not consider the potential effects of the routes upon the proposed submission of the Lake District as a World Heritage Site under the cultural landscape category. This should be considered at the next stage.
All	Historic Landscape Characterisation data has not been considered within the study and this should be considered at the next stage. Historic landscape, as either an asset in its own right, or as a contributory factor to the historic environment or setting of heritage assets has not been considered within the Archaeology and Heritage section of this study. This should be clearly addressed within either the Landscape or Heritage section of the report at the next stage.
All	No distinction is made on the constraints maps (e.g. ON2.1) between the monuments comprising the World Heritage Site and the World Heritage Site buffer zone. Whilst it is recognised the Scheduled Monuments associated with the Frontiers form the World Heritage Site this does not allow for the distinction of Scheduled Monuments within the World Heritage Site buffer zone that are not related to the World Heritage Site, or World Heritage Site properties without an

	additional buffer.
E	<p>Paragraph 12.1.64 indicates that the effects upon the setting of Duddon Bridge within the wider Study Area have been considered relevant to the assessment of Section E, but have not been subsequently discussed. It is unclear whether the identification of Route Corridors or the appraisal of options has taken potential effects upon these assets into account.</p> <p>Historic Landscape Characterisation data has not been considered within the study and this should be considered at the next stage. Historic landscape, as either an asset in its own right, or as a contributory factor to the historic environment or setting of heritage assets has not been considered within the Archaeology and Heritage section of this study. This should be clearly addressed within either the Landscape or Heritage section of the report at the next stage.</p> <p>Not all constraints identified in 13.3.89 are identified on Figures OST3.1 e.g. Scheduled Hodbarrow beacon or the stone circle, avenue and stone alignment at Great Knott. The rationale for which assets are labelled is not readily understandable from the figures or text.</p> <p>12.3.105 to 12.3.106 notes there are no key designated assets of post-medieval date within the E1 area. The Scheduled Monument of Hodbarrow Beacon should be included in the consideration of key designated assets.</p>
E	<p>Not all constraints identified in 12.3.91 are identified on Figures OST3.1 and OST4.1 e.g. Broughton tower special school, Ashlack Hall, Marsh Grange, Bow Bridge, Furness Abbey and Piel Castle. The rationale for which assets are labelled is not readily understandable from the figures or text.</p> <p>Figure OST3.1 does not show the extent of Scheduled Monument associated with Duddon Iron Furnace in the Study Area, just a point.</p> <p>Figure OST3.1 does not show the Conservation Area at Ireleth.</p> <p>12.3.91 It should be noted that Piel Castle and Dalton Castle are Grade I Listed Buildings as well as Scheduled Monuments. It is unclear where the Grade II* obelisk and stocks are located from the description in 12.3.91.</p> <p>Paragraph 12.9.21.16 notes a Grade II* Listed Church of St Mary as being important in Route Corridor identification but this is not discussed in the baseline section or shown on Figures OST3.1 or 4.1.</p> <p>12.3.103 does not address the key designated assets of medieval date within Area E2 including Furness Abbey Scheduled Monument and Listed Buildings, Piel Castle Scheduled Monument and Listed Building, Dalton Castle Scheduled Monument.</p> <p>12.3.103 and 12.3.104 do not draw out the medieval importance of Area E2. Furness Abbey was an important site, not just in the immediate locality, but across the area as evidenced by the Abbey's control of Piel Castle and Dalton Castle. The relationships between these monuments across the peninsular are important factors in their significance.</p> <p>12.3.107 should address other key designated assets within the area such as other Grade I and Grade II* Listed buildings in Dalton in Furness, Tytup Hall etc.</p> <p>12.3.108 should note there are also Conservation Areas in Barrow in Furness.</p>

E	<p>Paragraph 12.9.22 states that “The identified route corridors all avoid direct effects on the above heritage assets. However it has not be possible to avoid routeing in close proximity to” It is not the route corridors themselves that avoid direct effects on the assets – at this stage it can only be stated that the intention is to avoid direct effects on assets within the route corridors through micro-siting of the pylons. The Grade II* Listed Tytup Hall is located within the Route Option Corridors of both B2.1 and B2.2.</p> <p>Within the Option Appraisal Summary Tables the assessment for both Routes B2.1 and B2.2 omits to identify the presence of the Grade II* Listed Building of Tytup Hall and four associated Listed Buildings in the south of E2 as being within the corridor for both routes, identifying them incorrectly as being within 1km of the Route Corridor Option.</p> <p>The Option Appraisal Summary Table for Option B2.1 omits to identify the presence of the Grade II Listed Sand Gap Farmhouse within the Route Corridor identifying it incorrectly as being within 1km of the Route Corridor Option.</p> <p>The comments in the above two paragraphs are carried through to the summary assessment in the Option Appraisal Summary Table.</p> <p>The Option Appraisal Summary bullet points for designated assets within 1km do not identify potential effects on one Conservation Area for Option B2.1 (Ireleth) and two Conservation Areas for Option B2.2 (Broughton in Furness and Ireleth) although these are discussed in the text of the tables.</p> <p>Paragraph 12.11.60 of the report does not consistently compare the potential effects on the Conservation Areas and Grade II Listed Buildings. The potential effects on Ireleth Conservation Area and Sand Gap Farmhouse should be addressed for both Options.</p>
H	<p>Not all constraints identified in 13.3.39 are identified on Figure OST4.1 e.g. Scheduled Monuments on Birkrigg common, pallsided hilltop enclosure, hut circle at Holme Bank Scheduled Moat Farm and motte and bailey, Grade I listed church at Great Urswick etc. The rationale for which assets are labelled is not readily understandable from the figures or text. Additionally assets of less significance such as the Grade II Listed Building at Moss Side Farmhouse are shown on Figure OST4.1.</p> <p>Paragraph 13.3.47 notes 54 Grade II post-medieval buildings within the H1 Search Area. It is unclear if this count is correct as the text describes particular clusters at Dalton in Furness and Barrow in Furness which are located in Area E2.</p>
H	<p>In summary the omission of a limited number of features from the Option Appraisal Summary Tables and report text are not considered to affect the overall assessment or interpretation of constraints with regard to identifying a preferred route option. The following omissions or clarifications are identified below.</p> <p>Within the Option Appraisal Summary Tables H1.1 omits to discuss the presence of four Grade II Listed Buildings within the H1.1 Route Corridor option at Roosecote. These are also not discussed in the main report text. These are located particularly close to the existing opportunity corridor.</p> <p>The presence of two Romano-British farmstead Scheduled Monuments on and</p>

	<p>near Little Urswick Crags within 1km of Route Corridor Options H1.1, H1.2 and H1.3 are not discussed within the Option Appraisal Summary tables or the main report text.</p> <p>The Option Appraisal Summary Table discusses Listed Buildings within 1km of H1.1 including buildings west of Barrow in Furness. This should read to the east of Barrow in Furness. The Listed Buildings at Barrow in Furness are located outside of the 1km study area of Option H1.2.</p> <p>Paragraph 13.7.44 has typographic errors such that two sentences appear to be conflated. It is anticipated this is intended to read there are designated assets within Option H1.1 (five Grade II Listed Buildings), but none in the remaining corridors.</p> <p>Paragraph 13.7.46 notes the tunnel siting head lies o the north of Listed Buildings at Moor Head when it lies to the south of these buildings.</p> <p>The first sentence of 13.7.50 is anticipated to belong to the paragraph and list of undesigned assets in 13.7.49.</p>
H	<p>No heritage constraints have been labelled on Figure OST5.1 and the Search Area and proposed tunnel entrance are not clearly labelled on the Figure. The presence of additional Grade II Listed Buildings and Conservation Area in Heysham should be noted in paragraph 13.10.19, as should the presence of isolated Listed Buildings across the Search Area. Paragraph 13.11.9 describes “local listed buildings of Grade II* or higher” located in Heysham. It is unclear if these means a local list maintained by the Local Planning Authority, or whether these are referring to designated Listed Buildings which should be attributed a national significance.</p> <p>The consideration of archaeology and heritage baseline for the offshore tunnel options identifies there are no designated wreck sites within the Search Area. The baseline also identifies other potential assets of heritage interest but the assessment has not been sufficiently developed to allow these to be mapped or their significance identified.</p> <p>It is considered the conclusion in paragraph 13.13.20 that heritage and archaeological residual effects will be neutral is considered to be too robust a statement at this stage prior to confirmation of detailed siting or assessment of the potential for previously unrecorded archaeological remains.</p>

Socio-economic

Section	Comment
All Sections	The baseline section does not provide a review the broad economic strategy of the area, and makes no mention of the Cumbria Strategic Economic Plan (Cumbria Local Enterprise Partnership). The section could benefit from detailing the future strategy (and spatial implications); however, it is considered that as it stands the baseline provides a good overview.
E	There is discussion of several key tourism drivers the section, however, the Lake District National Park is not mentioned.
E	The RCS highlights the potential to interact with land allocations; however, it does not highlight specific allocated sites with South Lakeland LPA that are within the route corridor. These are as follows;

	<ul style="list-style-type: none"> • Employment allocation in Broughton in Furness LA1.8 Land West of Foxfield Road • Residential allocation Kirkby in Furness LA1.3 Land Adjacent to Burlington C of E School
F, H	The RCS does not review the recent Barrow Borough Local Plan: Issues and Options – Consultation Document (2014) that outlines future economic and spatial strategy for Barrow, including potential land allocations.
G	The baseline does not provide an overview of the South Lakeland Allocations DPD despite the route corridors interacting with several settlements with allocations such as Endmoor, Holme, Burton-in-Kendal and Milnthorpe. This is considered to be an omission.
G	The RCS could have made reference to Carnforth and Warton given their relative size and location in relation to the route corridors.

Traffic and Transport

Section	Comment
All	Paths and cycleways have been identified but not considered. Any disruption to the availability of public rights of way will require detailed identification and consideration of the impacts on travel and mitigation measures. Some cycleways are owned and maintained by other organisations (eg Sustrans) and therefore they must be directly consulted.