

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Special Meeting, Wednesday, 2nd October, 2013
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 4th September, 2013 (copy attached) (Pages 1-23).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (R) 7. Changes to the Delegations of the Environmental Health Manager (Pages 24-25).

- (R) 8. Scrap Metal Dealers Act 2013 (Pages 26-28).

PART TWO

- (R) 9. Pay and Grading Review Update (Pages 29-32).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART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

For queries regarding this agenda, please contact:

Jon Huck
Democratic Services Manager
Tel: 01229 876312
Email: jwhuck@barrowbc.gov.uk

Published: 24th September, 2013.

EXECUTIVE COMMITTEE

Meeting: Wednesday 4th September, 2013
at 2.00 p.m.

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

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute Nos. 52 and 55) of Part One of Schedule 12A of the said Act.

42 – Minutes

The Minutes of the meeting held on 31st July, 2013 were agreed as a correct record.

43 – Apologies for Absence

Apologies for absence were received from Councillors Richardson and Seward.

Councillors C. Thomson and Williams substituted for Councillors Seward and Richardson respectively.

44 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 29th August, 2013 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:-

Sense of Place

1. To agree to support applications from Four Groves and Griffin Community Centre;
2. To agree in principle to support the North Walney Scheme when alternative funding is available to contribute towards the actual cost of the scheme and

subject to the Council's Housing Service being able to demonstrate joint funding; and

3. To agree that the Housing Manager be directed in future when discussing possible schemes to adopt the principle of developing scheme which represent approximately one year of contributions from "Sense of Place".

Accommodation for 16/17 Year Old Applicants

To agree that the Housing Manager seek to identify a suitable two bedroom property in the Council's Housing Stock for the purpose of providing interim accommodation for 16/17 year olds subject to appropriate financial, management and support services being put in place.

Adelphi Court

1. To agree the suspension of lettings of the vacant flats in Adelphi Court; and
2. To agree that the Housing Manager consider options for the future use of the properties and report back to the Housing Management Forum as soon as practical to ensure a longer term decision was reached before the end of the financial year.

Void Properties

1. To note the contents of the report; and
2. To agree that the Housing Manager continues to deliver void repairs through the primary contractor, but progress the appointment of a secondary contractor to complete void repairs should and when the need arises.

Housing Maintenance Policy

To agree as follows:-

Garages

Work be completed on Griffin and Lord Street, Dalton and the principles of works in the future should be based on:

- Work to be progressed on a block-by-block basis;
- Priority should be afforded to blocks based on a combination of their condition and where any improvements will have the greatest impact on the "visual" appearance of surrounding areas;
- Work at each area will be based on "what is required" rather than a pre-determined work plan. For example, doors will only be replaced "if required" not as a matter of course; and
- No progress will be made on any blocks where their future "lettability" is in doubt.

Fencing

Work to be completed on the rear of Vulcan Road and commence on the Roosegate Estate and the principle of works in the future should be based on:

- Maintain fencing in areas subject to previous environmental scheme;
- Maintain boundary fences with public spaces, in particular along footpaths and flats with communal areas; and
- That the opportunity for fencing be offered to Owner/Occupiers to benefit from the works being carried out on the basis that they pay the actual amount for their property.

Public Realm

Work to be completed to reinstate drying areas on Ormsgill to help resolve problem with bin stores and works in the future should be based on:

- Flats with communal entrances and shared areas; and
- Work to focus on security and appearance of communal areas on a property-by-property basis.

Reconsideration of Request for Vehicle Crossing on Land in front of 6-24 Middleton Avenue, Barrow

1. To agree that the request for a vehicle crossing on land in front of 6-24 Middleton Avenue be deferred to enable the Housing Management Forum to carry out a site visit; and
2. To agree that a Special Housing Management Forum be arranged following the site visit to enable a decision to be made on this matter.

45 – Annual Treasury Management Review 2012-2013

The Committee considered a detailed report of the Borough Treasurer which provided a summary of the treasury activity for the year and set out the actual prudential and treasury indicators for 2012-2013.

RESOLVED:- To note the report of the Borough Treasurer.

46 – Council Finances Quarter 1 2013-2014

The Committee considered a detailed report of the Borough Treasurer regarding the Council's finances for the first quarter of 2013-2014. The report included all revenue, capital and treasury items.

RESOLVED:- To note the report of the Borough Treasurer.

47 – Barrow Borough Polling District Review

The Electoral Registration Officer informed the Committee that Section 17 of the Electoral Registration and Administration Act 2013 had introduced compulsory review periods for polling districts and polling places in its area as follows:-

- (a) the period of 16 months beginning with 1st October, 2013; and
- (b) the period of 16 months beginning with 1st October of every fifth year after that.

He reported that each Member would receive by 1st October, 2013, a schedule of the polling districts and polling places as they currently exist. A copy the ward map, showing the polling districts would be available on request. Responses from Members and any representations from Parish Councils and access groups were to be received by 4th November, 2013.

Final proposals would be submitted to Council on 21st January, 2014 and publication of the result of the review to be published on 22nd January, 2014.

RESOLVED:- To note the report of the Electoral Registration Officer.

48 – Cluster of Empty Homes Fund – Landscaping Project

The Executive Director reminded the Committee that in May 2012, a bid had been submitted to the Government's Clusters of Empty Homes Fund. That had resulted in £3.442m being allocated to the Council to tackle the problem of empty homes within Barrow Island Flats. Of that sum, £1.15m had been allocated to improve the public realm in the vicinity of the Flats.

The landscaping element of the project was intended to help to make the flats more desirable and more lettable by improving the physical environment around the flats. The area concerned consisted principally of the highway surrounding the flats, and three areas of open space which were either owned or leased by the Council.

At the suggestion of the Government's Empty Homes Advisor, a competition had been set up to allow suitably qualified landscape architects to be appointed to develop a design for the scheme. The Landscape Institute (the professional body for landscape architects) had been appointed to run the competition. They had administered the competition and established the format of the competition and the briefs for judging the entries.

Expressions of interest had been sought from chartered landscape architects, and four design teams had been shortlisted.

The shortlisted teams would submit design proposals by 13th September, and these would be judged on 27th September, 2013.

All four shortlisted teams had participated in community consultation events, and further consultation would follow once the winning team was selected.

RESOLVED:- (i) To note the progress of the project to date; and

(ii) To authorise the Executive Director, after consultation with the Chairman of the Executive Committee, to appoint the landscape architects who win the competition that was currently underway.

49 – Housing Market Renewal Programme – North Central Renewal Area: Disposal of Surplus Properties on Sutherland Street

The Executive Director reminded the Committee that 62 Sutherland Street was owned by the Council and was surplus to requirements. The Council had marketed the property for sale on the basis that it remained in owner occupation for a period of at least five years. To date it had not been possible to sell the property. A further three properties were also in Council ownership on Sutherland Street.

RESOLVED:- To defer the disposal of surplus properties on Sutherland Street 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.

50 – Joint Agency Protocol for Responding to Unauthorised Encampments

The Deputy Executive Director informed the Committee that unauthorised encampments of Gypsies and Travellers occurred from time to time both within the Borough and throughout Cumbria as a whole. These had implications for various agencies within the public sector; for example waste management, estates management, educational welfare and health provision. It had long been the practice of public authorities to work together to deal with these issues in the most appropriate way on a case by case basis.

Officers from the agencies involved had developed a protocol to agree a consistent approach for managing the issue, and a clear division of responsibilities between the different organisations. That protocol was considered by the Committee.

The operation of the protocol was based on an assessment of each encampment individually.

Once the assessment had been carried out, the need to take any action, including legal proceedings, and the lead agency for any such action could be determined.

When the Council was the lead agency, the initial contact and assessment would normally be made through the Streetcare or Environmental Protection Teams. Information from their assessment was disseminated to the other agencies signed up to the protocol, and the input of each organisation determined at that point.

Any decision for the Council to take legal action would be authorised by the Executive Director or Deputy Executive Director.

Any need to make provision for additional formal traveller pitches in the Borough would be considered through the planning policy process. Gypsy and Traveller Accommodation Assessments had been carried out in 2007 and 2013 (the latter was currently in draft form). Neither of these had established a need for the provision of a significant number of additional pitches.

RESOLVED:- To approve the protocol attached to the report as a procedural framework for action taken by the Council.

51 – Workforce Development Strategy 2013/2015

The Deputy Executive Director informed the Committee that the Council had undergone significant change over the last couple of years. The Council continued to operate in a volatile and uncertain environment and relied on the skills and knowledge of the workforce to deliver efficient and effective services to customers.

It was vital that the aims and objectives were clarified for staff and articulated clearly what the Council's expectations were with regard to the contribution from all members of the workforce.

The Committee considered a draft Workforce Development Strategy and Action Plan.

The strategy had been made up of six overarching objectives which would inform all of the workforce development initiatives.

Five priorities had been set for the period 2013-2015 and identified the key tasks and performance measures associated with each.

Annual progress would be monitored and reported back as part of the Performance Management Framework.

RESOLVED:- To agree to endorse the Workforce Development Strategy and the Action Plan covering the period 2013-2015.

52 – Pay and Grading Review Update

The Committee considered a Pay and Grading Review Update report of the Deputy Executive Director.

RESOLVED:- To agree to defer the report to a future meeting of the Committee.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

53 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 29th August, 2013 were submitted for consideration.

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

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

Furnished Tenancies

To agree a figure of £24k be made available from HRA reserves to increase the number of furnished tenancies available by 12.

54 – Capability Policy and Procedure

The Deputy Executive Director informed the Committee that a Capability Policy was necessary to provide managers with a formal process for handling any issues of underperformance and to support employees achieve the standards required for the job. Should an employee be ultimately dismissed for capability, the procedure would ensure that the dismissal was carried out fairly.

The policy would ensure consistent treatment for everyone and offer support when standards were not met.

Following consultation with Unison, a number of points raised had been addressed and the policy amended. However, the following points had been considered by Management Board and were not agreed:

1. *Any dismissal as a result of a capability process which does not have adequate performance management records, targets, reviews etc. (i.e. regular appraisals) might be submitted as a potential unfair dismissal claim.*

The procedure guides the manager through the necessary steps including record keeping and emphasises the importance of sufficient evidence to ultimately dismiss fairly. Evidence to support the capability process from the appraisal process may prove useful but lack of any appraisal should not prevent a manager taking action to remedy underperformance.

2. *Point 8.2 states the employees Director will Chair the Hearing...this would not be seen as fair and could lead to unfair decisions being made.*

Good practice and Council policy was that the employees Director be responsible for making decisions regarding any punitive action including

dismissal. It would be inappropriate for an alternative Director to make that decision.

A Copy of the Capability Policy and Procedure was considered by the Committee.

RECOMMENDED:- To recommend the Council:-

- (i) To agree not to implement Unison's suggested amendments in line with the views of Management Board; and
- (ii) To approve the Capability Policy and Procedure.

55 – Housing Department – Establishment Changes

The Deputy Executive Director informed the Committee that the post of Recharge Officer had been agreed in March 2012 as a temporary contract. It was now proposed to make the post permanent.

He also reported that the impact of Welfare Reforms on the Housing service had increased turnover of tenancies and demand for advice and a need for additional resource in the Housing Options Team. It was proposed to create an additional full-time Customer Services Officer post.

The total cost of the additional post would be met by savings from Post OHS 310 and OHS 515.

It was also proposed to offer the role on a permanent basis to continue to provide a comprehensive housing option service.

RECOMMENDED:- To recommend the Council:-

- (i) To agree that the post of Recharge Officer be made permanent on grade 2-4; and
- (ii) To agree a post of Customer Services Officer to assist with the impact of the Welfare Reforms.

The meeting ended at 3.15 p.m.

HOUSING MANAGEMENT FORUM

Meeting: Thursday 29th August, 2013
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Barlow, Irwin, Johnston, Murray, Pointer and Williams.

Tenant Representatives:- Mr A. McIntosh, Mr W. McEwan and Mr W. Ward.

15 – Minutes

The Minutes of the meeting held on 13th June, 2013 were taken as read and confirmed.

16 – Apologies for Absence/Changes in Membership

An apology for absence was submitted from Councillor Richardson.

Mr W. McEwan had replaced Mrs K. Warne for this meeting only.

17 – Sense of Place

The purpose of the Housing Manager's report was to request Members to consider and agree support of potential schemes to bid for funding through Cumbria Housing Partners "Sense of Place" Fund (SofP).

The SofP fund was managed by Cumbria Housing Partners (CHP). Resources for the fund accrued from a small percentage of a landlord's fees for operating through the Cumbria Housing Partner arrangement.

The money that had now accrued and was applicable to this area was in the region of c£39K. The fund increases by in the region of £15/20K per year.

The Fund contributed to the refurbishment of the old Library building on Ormsgill which was now run successfully by a voluntary committee providing activities for young people.

All applications for SofP were considered on their individual merits by the Board of CHP. A key consideration was that any proposal had the potential to deliver a positive contribution to their locality and created a "legacy" for the area.

There were a number of other criteria to be demonstrated but included in summary, the project must be in a neighbourhood where landlord investment was already taking place, should be initiated by the community, should have a significant construction element and be able to demonstrate match funding.

Following discussion with a number of community groups the Housing Manager was aware of a number of potential schemes being developed where it may be appropriate to support a bid for SofP funding.

Details of the schemes were as follows:-

- **Four Groves Community Association**

The Association was based in offices and community rooms at Suffolk Street. The premises were owned and leased from the adjoining shop keeper. Through their centre they offered a range of activities for the local community.

The Association was currently considering taking over the adjoining shop and operating it as a “community shop”. It would be staffed by volunteers and would sell food produced on the Four Groves' community allotments, clothing and small furniture.

The aim was to provide funding to support the Association and its operations and provide the opportunity for skills training within the shop.

At present the Association had approximately eighteen months remaining on their lease of the premises they currently occupied, but the landlord had agreed to extend the existing lease for a further ten years should the shop project be successful.

The Association had made an application to the Scott Trust and had been successful in securing £15K of funding.

The potential bid to SofP would be up to the value of £15K.

- **Griffin Community Centre**

The Centre was owned by the Council but all activities were managed by a voluntary committee. For some time the Committee had been concerned about the running costs of the centre. Whilst the central heating had been checked and serviced it was old and not as efficient as more modern systems. In addition, any consideration of upgrading heating should be considered alongside improving the energy efficiency of the centre generally.

The Committee had started to raise funds to contribute towards the upgrade of the heating system. In discussion with Cumbria Housing Partners it may be appropriate to consider assisting the Management Committee to make a bid to the SofP fund to contribute to the necessary heating and energy efficiency works and to ensure the viability of the centre to continue to operate.

The potential bid to SofP would be to the value of £25K.

- **North Walney Residents' Association**

The Association was developing a proposal for a Children's Activity Park to be located next to the skate park on Mill Lane/West Shore Park.

Estimates had been obtained for the scheme which would be to the value of approximately £60K. The development of such a scheme in that particular location would reflect the Council's Strategy for Playgrounds and it may be appropriate for it to be maintained by the Council in the longer term.

At the present time the Association was considering their options in terms of other funding opportunities to contribute to the cost of the actual scheme and any potential funding that may be available from the SofP fund.

Without the availability of any alternative funding, to progress at the present time would require SofP to fund the full cost of the scheme of in the region of £60K.

In summary, the Housing Manager suggested that all three possible schemes had merit and would, should they satisfy all the criteria required, provide a legacy that would be a valued resource to their communities.

The Four Groves project had already received financial support and appeared to meet the criteria required to be a successful application.

The Griffin Community Centre scheme was in its infancy and discussions were arranged with SofP to discuss how this could be progressed to the point of being a successful application.

The North Walney scheme was also in its infancy. The total value of the scheme would represent a number of years' contributions to SofP by the Council in terms of landlord's contribution to the SofP fund. Whilst the Association intended to pursue further the options for funding to contribute towards the scheme, further work was required on the potential funding.

In considering the above proposals, the Housing Manager suggested that it was appropriate for the Council to endeavour to support schemes across the Borough as far as was practical. To agree to support a scheme that would take up a number of years' contributions would deter the opportunity to do so and he suggested although each scheme should be considered on its own merits, for future guidance, that schemes should only be supported where funding of SofP represented approximately one year of landlord's contribution.

With regards the above three schemes, the Housing Manager therefore suggested that the Council supported an application by the Four Groves and Griffin Community Centre to be progressed as soon as practical, and agree to support in principle the North Walney Scheme once alternative funding schemes could be identified to contribute towards or provide match funding, to the value of half the currently estimated cost.

RECOMMENDED:-

1. To agree to support applications from Four Groves and Griffin Community Centre;

2. To agree in principle to support the North Walney Scheme when alternative funding is available to contribute towards the actual cost of the scheme and subject to the Council's Housing Service being able to demonstrate joint funding; and
3. To agree that the Housing Manager be directed in future when discussing possible schemes to adopt the principle of developing scheme which represent approximately one year of contributions from "Sense of Place".

18 – Accommodation for 16/17 year old applicants

The purpose of the Housing Manager's report was to consider and seek approval to make a two bedroom property available for the purpose of providing interim accommodation for 16/17 year olds. The purpose would be to assist in the development of services for this age group in conjunction with on-going work involving a number of agencies to improve the housing options for this age group.

Under the Homelessness (Priority Need for Accommodation) Order 2002, this Council may have responsibility for homeless 16/17 year olds. It was also the case that some young people may be the responsibility of Children's Services. It was acknowledged that a homeless 16/17 year old was likely to have multiple issues that needed consideration and each young person needed to be assessed accordingly.

Over the last twelve months there has been an on-going dialogue between various agencies, including Children's Services, INSPIRA, other district councils, etc. regarding accommodation for 16/17 year old people.

The work had been progressed at two levels, at County level, with the objective of agreeing a Young Persons' Protocol for the County, to include the principles of how various agencies would work together, and to include an action plan for each local council area to reflect resources and facilities available in their area.

On a second level, a working group in Barrow had been considering a process for agencies to work together for the benefit of the young people having regard to the accommodation resources available in the Borough.

At both County and local level, the work focused on working towards a "pathways model" to ensure the response to young people was consistent and each agency understood their respective roles.

In Barrow the group had recognised the need for a wider range of housing options to respond appropriately to young people. Impact Housing association had secured funding to progress the opportunities for developing a Foyer in Barrow and had established a working group specifically for this purpose.

However, there was no one solution to the problem of ensuring the appropriate housing offer for all young people. A Protocol based on a pathways model would provide a framework to assist in the process but a range of housing solutions

would be required to reflect the range of requirements of young people. The County's Children's Services were leading on a range of possible solutions to this.

At the present time many young people were accommodated by agencies such as Project John and at Silverdale Street. Both agencies provided additional support and training opportunities and when they assessed the individual as having the skills to maintain a tenancy of their own, assisted them to find suitable accommodation that could quite often be a Council tenancy.

One of the options being considered was to supplement the Silverdale Street facility by providing a "shared tenancy" for residents to move on into where it was assessed as being a suitable option for the young person. It was envisaged the young person would at the appropriate time move on to their own permanent tenancy.

There were various models previously used by social landlords to facilitate shared tenancies.

At the present time an operational plan was under consideration as to how such a scheme could be operated that would ensure suitable support, supervision, management and financial arrangements could be established to operate a property on this basis.

In order to progress the matter further the Housing Manager asked Members to support this proposal and for a property to be made available for this purpose subject to the Housing Manager being satisfied the necessary arrangements were in place.

RECOMMENDED:- To agree that the Housing Manager seek to identify a suitable two bedroom property in the Council's Housing Stock for the purpose of providing interim accommodation for 16/17 year olds subject to appropriate financial, management and support services being put in place.

19 – Adelphi Court Flats

The Housing Manager reported that Adelphi Court was a three-storey block of deck access flats with a communal entrance. All flats had one bedroom. The property was situated on Storey Square and was a single building situated within an area of predominantly private accommodation.

For some time the flats had been the focus of anti-social behaviour and had posed significant management issues. More recently a number of occupiers had vacated the property and seven of the 12 flats were now vacant. A further flat would become vacant in the next few weeks.

Over the last few years the turnover of flats had been high with the length of tenancies being relatively short. For example, excluding one tenancy of seven years, the average length of tenancy was seven months. Seven vacancies represented a turnover of 65% against a norm of 10% in all stock.

Identifying potential new tenants for the flats which were available has been progressed through the Choice Based Lettings process but it had been the case that no bids had been received.

Officers could consider making offers to applicants by using the option of “direct lets” and approach applicants on the waiting list without the normal advertising process. It was clear, however, these flats were not popular and to make direct lets may result in them not being an applicant’s preferred choice and perhaps add to the problems that had developed in this particular block.

The Housing Service’s agreed vision was “to provide well maintained homes and estates where people choose to live”. Whilst Adelphi Court had received various upgrading over the recent past unfortunately the popularity of the flats in their current format had declined.

He therefore, suggested in view of the number of vacancies it would be appropriate to consider the future use of these properties and not to take further action to let the vacancies until the Council had had the opportunity to consider the matter further.

RECOMMENDED:-

1. To agree the suspension of lettings of the vacant flats in Adelphi Court; and
2. To agree that the Housing Manager consider options for the future use of the properties and report back to the Housing Management Forum as soon as practical to ensure a longer term decision was reached before the end of the financial year.

20 – Void Properties

The purpose of the Housing Manager’s report was to bring to Members’ attention the level of voids that had arisen since the start of this financial year and to propose additional action to manage them to ensure they were available for letting as soon as it was practical to do so.

Since April an increase in the number of vacant properties arising had been seen.

From the Performance report, the number of voids during April and June this year was 94, compared with the same period last year of 76. The rate of voids on a weekly basis could fluctuate throughout the financial year.

However since June, the experience for July and August had been similar with a higher than normal level of properties becoming vacant. Based on the first three months of the financial year, should the trend continue at the same rate this could result in a total void figure of 376, against a total of 277 in 2012/13.

Whilst his report was about seeking agreement to ensure vacant properties were managed effectively, it was worth considering why the rate of vacancies had

increased and whether it was a short term situation or may become the norm. For Members' information, a table providing details of why vacancies had arisen since the start of the year was attached as an appendix to his report.

The Housing Service had assisted a number of tenants to downsize within the housing stock to reflect the changes in Housing Benefit. This accounted for 9 of the properties becoming vacant. There were a significant number who had also moved to private rented and a number who had moved in with family. It may be the case a number of these could be as a result of the Housing Benefit changes.

At the present time, the Housing Manager suggested that the increase in the rate of vacancies may be in part be attributable to the Housing Benefit changes since April. The trend may be for a "short time" until tenants had relocated to smaller properties where it was possible to do so. Of course the properties they leave tend to be larger properties and potentially more expensive to repair. Officers would continue to monitor the trend.

On a practical level, however, the increased number of voids had an impact on resources, both financial and from a practical management approach for both the Housing Service and its principal contractor, Vinci.

Internally, over the last few months, Officers had reviewed and amended where necessary the Housing Services void management in conjunction with its principal Contractor to ensure the process was appropriate and met the Housing Services purposes.

Whilst the conclusion was that the internal management arrangements were appropriate, this did deal with the matter of the increased number of voids.

At the present time, the principal Contractor was resorting to sub-contractors to deliver the void repairs required. It had been the case that the Maintenance Team had also resorted to using a third party Contractor on an odd occasion over the last few months with particularly problematic void property. This could, in turn, be time consuming to appoint a Contractor on a job-by-job basis.

In view of the current situation, the Housing Manager suggested it appropriate for a secondary Contractor to be appointed to complete voids on an "as and when necessary basis". Not to do so would continue to place greater than expected work levels on the principal contractor and the Housing Services efforts to improve delivery of all repair services generally.

From a financial perspective, the greater the number of voids, and the longer they were vacant, would impact on the income of the Service. In the current HRA budget a figure of c£200K was agreed for such properties. Also an additional c£190K was made available to progress upgrading of properties where appropriate whilst a property was vacant.

Since April the committed expenditure was £78,204.22. It would appear the monies allocated would be appropriate to meet the likely cost of voids and, again, Officers would continue to closely monitor expenditure. It would be the case

however, proposals to upgrade property whilst vacant would have to be delayed until the longer term position became clear.

RECOMMENDED:-

1. To note the contents of the report; and
2. To agree that the Housing Manager continues to deliver void repairs through the primary contractor, but progress the appointment of a secondary contractor to complete void repairs should and when the need arises.

21 – Housing Maintenance Policy

The Housing Manager reported that the Council had recently agreed additional resources be made available for Garages, Fencing and public realm improvements. The purpose of his report was to agree the Council's Policy in these areas of investment to assist Officers target the resources appropriately and include proposals within the annual Investment Plan and agree a number of schemes to be progressed this year.

The Housing Service had a previously agreed policy and practice to direct Investment in the housing stock based on a number of principles, for example worst first in terms of component replacement.

It would be appropriate to agree a Policy for these areas of work to enable Officers to identify future investment proposals for agreement in the annual Investment Plan.

The matter was discussed and considered at a recent Tenants' Forum meeting. The outcome of the discussion was as follows:

Garages (£75k available this year)

The Housing Service managed 486 garages throughout the Borough.

It had been many years since any form of planned investment had been carried out. It was the practice to respond to requests for repairs as they arose from residents.

Generally, demand for garages remained buoyant with few vacancies and they represented an important income stream to the HRA.

The construction of garages throughout the Borough was generally uniform with some variation of roof and door types.

The Housing Manager provided Members with a list of common problems with garages and therefore suggested essential repairs and upgrading required would vary from block to block and, in some cases, garages to garages because of the

nature of the issue and the manner in which repairs had been completed over an extended period.

Whilst a basic principle of any maintenance programme was to protect the fabric of a building, the 'appearance' and 'visual' impact should also be considered in any planning process. This had been highlighted in the STAR Survey.

In considering how resources should be targeted the Housing Manager proposed that two areas in particular be targeted:-

1. Griffin estate

There were 51 garages on Griffin with no vacancies and demand was buoyant for the garages.

A feature of the estate was that the garages were very 'visible' and their condition could impact on the overall appearance of the estate.

The Housing Service were in the process of replacing roof coverings on the estate which would have a significant impact. A number of garages suffered with water ingress due to the land banking, but the adjoining land was in the Council's ownership.

The Housing Manager suggested the completion of essential repairs would help complement the roof replacement in terms of improving the appearance of the estate.

2. Dalton: Lord Street Area

There were 21 garages in the area and none were vacant.

Appearance and general condition of these garages was poor and required attention.

The Housing Manager stated that these garages were not in the most poor condition throughout the Borough, but in terms of commencing a programme which would be on-going, they were particularly poor compared to many.

With regard to developing an on-going plan for garages, he proposed the following principles be agreed:-

- Work to be progressed on a block-by-block basis.
- Priority should be afforded to blocks based on a combination of their condition and where any improvements will have the greatest impact on the 'visual' appearance of surrounding area.
- Work at each area will be based on 'what is required' rather than a pre-determined work plan. For example, doors will only be replaced 'if required' not as a matter of course.

- No progress will be made on any blocks where their future 'lettability' is in doubt.

Fencing: £60K

The Housing Manager stated that there was no current planned replacement programme for fencing. Such work was generally carried out as follows:-

- Through a Community Payback arrangement with Cumbria Probation;
- Through the Environmental Enhancement Budget managed by the Tenants' Forum; and
- Ad hoc repairs deemed to be a Health and Safety risk.

Fencing was a topic raised on a regular basis at various forums and by tenants individually and he suggested there could be many calls on this funding throughout the Borough.

In order to start an on-going programme, the Housing Manager suggested that the following principle be adopted:-

1. Maintain and replace fencing in areas subject to previous environmental schemes. e.g. Many years ago the Council received area based grant to carry out environmental enhancements at Roosegate, Vulcan, Ormsgill and part of North Walney.

This work included providing brick walls, fencing and off-street car parking facilities. With the passage of time the timber fencing had in some cases reached the end of its life and needed replacing.

2. Maintain boundary fences with public spaces, e.g.

Footpaths: The Housing Manager suggested it was important to "ensure fencing on footpaths was secure and safe". This had a particular impact on the appearance of estates.

Flats: Many flats had communal areas and the condition of fencing could help residents feel more secure and improve appearance of the blocks.

3. Individual Gardens

Generally, the only work completed at present was through Community Payback. To commence an on-going programme required further consideration, as due to the mixed nature of the estates it would require time-consuming consultation with owners. The Housing Manager therefore suggested that these be left until 1. and 2. above were established.

Based on the above principles, he proposed the following starting point.

1. Provide fencing to the rear of properties on Vulcan Road that back on to the cleared allotment site and future dock development.

2. Start a programme of upgrading fencing on Roosegate estate.

Public Realm (Communal Doors, Security, Access, Paths on Estates): £80K

The Housing Manager reported that the Housing Management Forum had already agreed resources to replace door entry systems at Raglan Court which was being progressed.

In considering use of these resources he would, as a one-off, focus on an on-going issue on the Ormsgill estate.

Officers in the Housing Service and Streetcare Team spend a disproportionate amount of time dealing with and resolving problems of fly-tipping. He suggested in the first year of these resources, a proportion be used to try and stop these problems.

Following discussions with Officers, the Housing Manager thought this would go some way to do this by removing some of the bin stores by re-instating 'drying areas' closer to the flats they served, providing individual bins and then removing the communal bin stores.

Discussion was on-going with the relevant stakeholders but he suggested this should be the 'first call' on this money this year.

The Housing Manager suggested the term 'public realm' as it could be interpreted flexibly, but in essence was about improving the appearance and public spaces on estates, where the issue was the responsibility of the Housing Service. The importance of this was highlighted in the STAR Survey.

In many areas of the Borough the mixed nature of the tenure made environmental schemes problematic. To assist Officers to develop further proposals, he suggested the following principles be agreed:-

1. To focus on flats and, in particular, those with communal entrances and shared areas.
2. Proposed work to be developed to protect the security and appearance of communal areas on a property-by-property basis.

With regards to fencing it was moved by the Chairman and duly seconded that the opportunity for fencing be offered to owners/occupiers to benefit from the works being carried out on the basis that they can pay the actual amount for their property.

This was voted upon and,

RECOMMENDED:- To agree as follows:-

Garages

Work to be completed on Griffin and Lord Street, Dalton and the principles of works in the future should be based on:

- Work to be progressed on a block-by-block basis;
- Priority should be afforded to blocks based on a combination of their condition and where any improvements will have the greatest impact on the “visual” appearance of surrounding areas;
- Work at each area will be based on “what is required” rather than a pre-determined work plan. For example, doors will only be replaced “if required” not as a matter of course; and
- No progress will be made on any blocks where their future “lettability” is in doubt.

Fencing

Work to be completed on the rear of Vulcan Road and commence on the Roosegate Estate and the principle of works in the future should be based on:

- Maintain fencing in areas subject to previous environmental scheme;
- Maintain boundary fences with public spaces, in particular along footpaths and flats with communal areas; and
- That the opportunity for fencing be offered to Owner/Occupiers to benefit from the works being carried out on the basis that they pay the actual amount for their property.

Public Realm

Work to be completed to reinstate drying areas on Ormsgill to help resolve problem with bin stores and works in the future should be based on:

- Flats with communal entrances and shared areas; and
- Work to focus on security and appearance of communal areas on a property-by-property basis.

22 – Reconsideration of Request for Vehicle Crossing on Land in front of 6-24 Middleton Avenue, Barrow-in-Furness

The Housing Manager reported that he had received a request to reconsider the application for a resident to create a vehicle crossing to allow parking of vehicles within the curtilage of his property.

This matter had been considered by the Housing Management Forum on 13th June, 2013 when the request was turned down. Through a local Elected Representative, the applicant had asked the matter be reconsidered.

The Housing Manager had attached as an appendix a plan showing the layout of properties. The plan showed that between 6 -24 Middleton Avenue there was a

'green area' between the frontage of the properties, the pavement and road. The green area was in the ownership of the Council.

The Housing Manager had advised the resident that he would not agree the request on the basis he made reference to parking commercial vehicles, loss of green area, it would change the street scene of the area and there were no existing crossings.

The resident did not accept the Housing Manager's refusal and asked for it to be reconsidered. The applicant was advised it would be brought to the attention of the Housing Management Forum.

It was not uncommon that residents applied for vehicle access to allow in-curtilage parking. In most instances, such accesses involved 'pavement' crossings and were dealt with by the Highways Authority, the County Council. Many properties in Middleton Avenue did have such crossings. There was no doubt this helped ease the congestion where it was possible. In view of the impact on the appearance of the area and loss of green area, the Housing Manager had written to residents who either faced the green area or whose properties adjoined it to obtain their views – 19 in total.

The responses received were:-

- 3 - In favour
- 6 - Against
- 2 - Did not agree one way or the other but one wanted various assurances before commenting, which the Housing Manager was unable to provide.
- 1 - Suggested alternative arrangements

12

In considering the responses, a resident had raised the question of providing additional parking facilities for general use by residents. Whilst a reasonable suggestion, the problem of congestion was common throughout Council estates and it would make it impractical to respond in a way that would be replicated elsewhere.

In summary, whilst recognising the benefit of enabling off-street parking, in this instance the benefits would have to be considered alongside the loss of green area on the avenue.

It was moved by Councillor Pointer that consideration of this request be deferred to enable the Housing Management Forum to carry out a site visit and that a special meeting be arranged following the site visit to enable a decision to be made on this matter. This was duly seconded and voted upon and,

RECOMMENDED:-

1. To agree that the request for a vehicle crossing on land in front of 6-24 Middleton Avenue be deferred to enable the Housing Management Forum to carry out a site visit; and

2. To agree that a Special Housing Management Forum be arranged following the site visit to enable a decision to be made on this matter.

23 – Housing Management Performance 2013/14

The Housing Manager submitted information relating to the Housing Management Performance 2013/14 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 Performance Information reports.

24 – Planned Investments and Planned Maintenance 2013/14 Year End Expenditure

The Housing Manager reported information relating to the Planned Investment and Planned Maintenance Programme for 2013/14 Year End Expenditure. The information is attached at **Appendix B** to these Minutes.

RESOLVED:- To note the information.

<p style="text-align: center;">REFERRED ITEMS</p>
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<p style="text-align: center;">THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION</p>
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25 – Furnished Tenancies

The Housing Manager requested Members to consider making additional resources available from HRA reserves to increase the number of “furnished tenancies” available within the Housing Stock.

The Housing Service offered potential tenants property on the basis they were unfurnished. However, for some years a small number of furnished tenancies had been provided. They were typically one or two bedroomed flats. At the present time there were 24 such properties.

The process of offering a potential tenant a furnished tenancy was made on a case by case basis. The option was often most appropriate when the applicant was being rehoused from interim accommodation or had particular additional support needs and the provision of a “basic” furniture pack helped ensure the tenancy was set up appropriately. The pack included floor coverings.

An additional charge of £21.70 per week (average - slightly different rates between one and two bedroomed property) was collected in the rent towards the cost of the furniture pack and was eligible charge for Housing Benefit purposes. On this basis, the additional cost to the Housing Service was recovered in approximately two years.

In discussion with colleagues, the provision of furnished tenancies had been a positive option in considering what help the Housing Service could offer new tenants and it had appropriate arrangements for managing such tenancies.

The majority of new tenants benefiting from the service were in receipt of benefits. As Welfare Reform was progressed and Housing Benefit arrangements would change and to operate this scheme may not be appropriate in the longer term.

However, on the basis that the Housing Service would normally recover the cost of the furniture provided within two years, the Housing Manager suggested consideration be given to recommending a figure of £25K be made available from HRA reserves to establish up to 12 further furnished tenancies.

RECOMMENDED:- To agree a figure of £24k be made available from HRA reserves to increase the number of furnished tenancies available by 12.

The meeting closed at 3.04 p.m.

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 7
Date of Meeting:	2nd October, 2013	
Reporting Officer:	Environmental Health Manager	
<p>Title: Changes to the Delegations of the Environmental Health Manager</p> <p>Summary and Conclusions:</p> <p>Changes in legislation require that the Environmental Health Manager's delegations in the Constitution relating to scrap metal dealing/motor salvage operations and private water supplies are amended.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the under mentioned changes to the delegations of the Environmental Health Manager as follows:-</p> <ol style="list-style-type: none"> 1. To delete Scrap Metal Dealers Act 1964 and Motor Salvage Operators Regulations from Section F of the Environmental Health Manager's delegation in the Constitution; and 2. To add Scrap Metal Dealers Act 2013 and Water Industry Act 1991, Section 80 to Section F of the Environmental Health Manager's delegation in the Constitution. 		

Report

The Council's Constitution states that the Environmental Health Manager has delegated authority to determine applications for various licences, renewals, variations and the transfer of licences, subject to no adverse comments from consultees and all relevant criteria being met.

As a result of recent changes in legislation it is recommended that the following additional delegations to be added to those already included:-

- 1) Scrap Metal Dealers Act 2013

Consequently, there is also a need to delete the following redundant legislation:-

- 1) Scrap Metal Dealers Act 1964
- 2) Motor Salvage Operators Regulations.

In addition, the Environmental Health Manager has delegated authority to serve various statutory notices and it is recommended that the following piece of legislation be added to the list outlined in the Constitution:-

1) Water Industry Act 1991, Section 80.

This will allow notices to be served in respect of private water supplies, when required.

(i) Legal Implications

The recommendation will allow Officers to act legally whilst carrying out the statutory duties of the Council.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

Delegating the above functions down to Officers will ensure a more smooth and efficient implementation of the Council's statutory duties and reduce costs accordingly.

(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

Nil

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 8
Date of Meeting:	2nd October, 2013	
Reporting Officer:	Environmental Health Manager	
<p>Title: Scrap Metal Dealers Act 2013</p> <p>Summary and Conclusions:</p> <p>The Scrap Metal Dealers Act 2013 places a new duty on Local Authorities to licence scrap metal dealers and collectors and creates new regulatory powers which can be used to achieve compliance. To enable implementation of the new legislation it is necessary for the Council to adopt the necessary fees and also approve a scheme of delegations.</p> <p>Recommendations:</p> <p>To recommend the Council to adopt the proposed fees as shown at Appendix 1.</p>		

Report

The new Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and will be phased in between 1st September and 1st December 2013. The new Act replaces the Scrap Metal Dealers Act 1964 and introduces a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries.

The Act has been introduced because the increased cost of metal world-wide has resulted in an increase of metal theft across the UK. A wide range of sectors have been hit including national transport, electricity and telephone links, street furniture, memorials and commercial and residential buildings including churches and schools.

Local Authorities (LAs) will continue to act as the principal regulator but the new Act will give Authorities more powers including the power to refuse a licence and powers to revoke a licence if the dealer is considered unsuitable. In addition LAs and the Police will have powers to enter and inspect premises.

Fees

The new Act creates a fee raising power to allow LAs to recover the costs arising from administering and seeking compliance with the regime. The Home Office has issued statutory guidance on fee setting and as a result the fees stated in **Appendix 1** have been calculated.

(i) Legal Implications

It is necessary to adopt the fees and the scheme of delegations if the LA is to carry out its functions legally.

(ii) Risk Assessment

The LA could be challenged on the fees which have been set therefore guidance produced by the Home Office has been followed.

(iii) Financial Implications

The Act provides that an application must be accompanied by a fee set by the Authority. The fee levels in **Appendix 1** have been set for cost recovery in relation to processing applications and monitoring compliance with licences issued but not for enforcement against unlicensed operators.

(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

Nil

Scrap Metal Licence Fees

Scrap Metal Licences will be issued for a maximum period of 3 years following payment of the full fee. These fees will be applicable from 15th October 2013 and will be subject to revision.

	Scrap Metal Site Licence	Scrap Metal Collectors Licence
Application	£306	£225
Variation	£46	£46
Replacement	£10	£10

