

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 21st October, 2015
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 9th September, 2015 (Pages 1-25).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D) 7. 2016-2017 Holiday Dates (Pages 27-28).
- (R) 8. Acting as Accountable Body (Pages 29-31).

- (R) 9. Establishment Change (Pages 32-33).
- (R) 10. Statement of Policy - Determination of Criminal Convictions in Relation to Animal Licences (Pages 34-39).
- (R) 11. Zoo Licensing Act 1981 (as amended) - Policy for Recharging Zoo Licensing Fees within Barrow Borough Council (Pages 40-42).
- (R) 12. St Francis Church (Pages 43-44).
- (R) 13. Reviewing the Member Development Strategy (Pages 45-46).
- (D/R) 14. Nomination for Inclusion on the List of Assets of Community Value: Cemetery Cottages Club (Pages 47-49).
- (R/D) 15. Re-submission of Nomination of MS Centre, Schneider Road, Barrow as An Asset of Community Value (Pages 50-52).

PART TWO

- (D) 16. Staffing Matter (Pages 53-54).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART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

Councillors Pidduck (Chairman)
Sweeney (Vice-Chairman)
Barlow
Biggins
Brook
Hamilton
R. McClure
Maddox
Pemberton
Roberts
Williams
One Vacancy

For queries regarding this agenda, please contact:

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EXECUTIVE COMMITTEE

Meeting: Wednesday 9th September, 2015
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook, Hamilton, R. McClure, McLeavy (Items 1 to 18 only), Maddox, Pemberton and Williams.

Also Present:- Phil Huck (Executive Director), Sue Roberts (Director of Resources) and Jon Huck (Democratic Services Manager and Monitoring Officer).

37 – Declarations of Interest

Councillor Hamilton declared an Other Registrable Interest in Agenda Item 15 – Craven House Roofing (Minute No. 53). He was a Member of Cumbria County Council.

38 – Minutes

The Minutes of the meeting held on 29th July, 2015 were agreed as a correct record.

39 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Graham and Roberts. Councillor McLeavy substituted for Councillor Roberts for this meeting only.

40 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 27th August, 2015 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:-

Asset Management Strategy 2015-2012

1. To note the contents of the AMS; and
2. To agree the Asset Management Strategy 2015-2020 and resultant Asset Management Plan.

United Utilities Reward Scheme Review

1. To note the information in the report; and
2. To continue to collect water rates with a view to reviewing the arrangement in two years.

Gas Maintenance Contract

To agree that Officers continue to mutually agree with the new Contractor that:-

1. The Contractor becomes the first point of call for tenants to report gas breakdowns or repair requests;
2. The Contractor take responsibility for scheduling, coordination and arranging appointments to complete annual gas servicing; and
3. The arrangement be reviewed after a period of twelve months to either confirm the new working arrangement or resort back to current practice.

Scrutiny of Void Standard Policy and Procedures

To note the content of the report and completion of the scrutiny into void standards.

Promotion of Properties to Let

1. To note the content of the report and comments concerning the demand for two bedroom properties predominantly on the Ormsgill estate;
2. The use of Facebook and alternative advertising mediums to promote the availability of property when conventional arrangements did not appear to do so; and
3. That such properties were re-let outside the CBL process when it was clear there was no demand from any registered applicants.

Provision of Temporary or Interim Accommodation for Homeless Families

1. To note the content of the report and the likely impact for rent recovery; and
2. To agree a review of arrangements for the provision of temporary or interim accommodation be carried out and to report further on future options.

41 – Council Finances Quarter 1 2015-2016

The Committee considered a detailed report of the Director of Resources regarding the Council finances for quarter 1 ended 30th June, 2015. The report included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

RESOLVED:- To approve the Council finances for quarter 1 of 2015-2016 including the Capital Programme variations.

42 – Performance Management

The Director of Resources reminded the Committee that the Council had a performance management framework to help deliver Council priorities.

The Council's Priorities for 2015 - 2019 were:

Housing – the Council was committed to continuing to provide a greater choice of good quality housing and regenerate the oldest and poorest housing in the Borough.

Regeneration and Public Realm – the Council was committed to working with partners and service providers to enhance the built environment and public realm.

Local Economy – the Council was committed to work on mitigating the effects of cuts in public spending, their impact on the local economy and working to secure a long term economic recovery for the community.

Service Delivery – the Council strived to provide good quality, efficient and effective services while reducing overall expenditure.

A number of performance indicators had been identified that would be monitored on a regular basis and reported quarterly to Management Board and to the Executive Committee.

Targets had been identified based on the data from 2014/15 and they may need to be adjusted as more data was collected.

The performance against the target was on track for most indicators at the end of the quarter.

The indicators showed that there was a significant increase in users at the Park Leisure Centre which was attributable to the introduction of the family membership and the introduction of the Pirate cove and splash zone.

There was a significant reduction in NNDR liability on void commercial properties which was mainly attributable to BAE systems occupying part of two floors in Craven House.

There were three indicators where the output was more than 5% below target:

Dock Museum visits -5.3%

Forum visits -5.3%

Minor planning applications completed on time -68%

RESOLVED:- To note the report of the Corporate Support Manager.

43 – 2016-2017 Budget Assumptions and Timetable

The Director of Resources informed the Committee that the anticipated settlements from the Spending Review 2015 were expected to require reductions in Council expenditure that were not within current projections. Reductions and savings were not going to be easy to find as the Council's General Fund revenue budget had been reduced by £5m during the last Spending Review period and had managed to maintain that position for two years; however, cost inflation outpaced the additional income that could be generated and a deficit position had been forecasted in the Medium Term Financial Plan.

It was expected that settlement information would be available for consultation or provided to Councils shortly after the spending review was published on 25th November, 2015. The provisional settlement was usually available around 21st December and the final settlement around 5th February 2016.

The unprotected Government departments, which included the Department for Local Government and Communities, had been asked to model two scenarios, of 25% and 40% savings in real terms, by 2019-2020. The impact on local authorities cannot be estimated at the present time.

Until settlement information was available, it would not be possible to make a robust projection of Council finances into the medium or longer term.

By the time the Spending Review 2015 was published, the 2016-2017 budget would have been prepared and would be awaiting the December settlement figure to allow the calculation of the Council Tax requirement. There would not be sufficient time to form whatever Budget Strategy was required to ensure the Councils' financial resilience into the medium term.

Once the next Budget Strategy was formulated any savings and reductions would be implemented as early as possible and the budget revised in-year accordingly; setting the budget did not preclude 2016-2017 from being the first year of the next Budget Strategy

The report set out the budget assumptions that would be applied in forecasting the 2016-2017 budgets and timetable.

RESOLVED:- To agree the assumptions and timetable for the 2016-2017 budgets as detailed in the report.

44 – Waste Collection, Recycling and Street Cleansing Services Contract: Option to Extend

The Executive Director reminded the Committee that the Council's Waste Collection, Recycling and Street Cleansing Contract would terminate in 2017. The current contract included an option to extend for a further term of seven years to 2024. That option could be exercised by the Council at its sole discretion. Legal advice received by the Council had indicated the contract cannot be substantially modified without the risk of legal challenge and given the cost savings that may be required by the Council the advantage lies in re-tendering rather than extending the contract.

RESOLVED:- To agree that the option to extend the Waste Collection, Recycling and Street Cleansing Contract from 1st April, 2017 to 31st March, 2024 be not exercised.

45 – 1-5 Lawson Street and 102 Abbey Road: Period of Exclusivity

The Executive Director informed the Committee that the Council had received expressions of interest in 1-5 Lawson Street and 102 Abbey Road from The Well Community Interest Company and Sonic Zoo Industries Community Interest Company. Both buildings were in poor condition requiring substantial investment to bring them to a lettable standard. Both organisations had yet to confirm funding and it was recommended that a six month period of exclusivity be offered on each property.

RESOLVED:- (i) To agree that the Council offered a six month period of exclusivity in relation to 1-5 Lawson Street, Barrow-in-Furness to the Well Communities CIC terminating on 29th February, 2016; and

(ii) To agree that the Council offered a six month period of exclusivity in relation to 102 Abbey Road, Barrow-in-Furness to Sonic Zoo CIC terminating on 29th February, 2016.

46 – Email and Internet Acceptable Use Policy

The Committee considered the Council's email and internet facility which was made available for the business purposes of the Council. The facility was made available to a significant number of Members, Staff and contractors.

The Council was a member of the Public Sector Network (PSN) which meant the Council could link directly to Government Information Technology systems for some services. The Government would only allow that if they were confident the Council's IT operating systems were secure. Membership of the PSN was critical to minimising the Council's operating costs and delivering services effectively.

To ensure robust systems and controls were in place all Information Technology Policies were being reviewed. The Email and internet Acceptable Use Policy had been reviewed in 2014 to make it more robust. A Programme of E learning modules had been delivered to all staff to raise awareness of the increased risk to IT security via emails and the internet. The policy had been reviewed again and did not require any changes. The policy applied to all employees and contractors of the Council who access the Council's email and internet facilities.

RESOLVED:- To agree to adopt the Email and Internet Acceptable Use Policy.

47 – Housing Market Renewal Programme – North Central Renewal Area Clearance site

The Committee were reminded that the site created by the demolition of properties on Sutherland Street, Arthur Street and Marsh Street had been cleared during 2012. The site had been created with the aim of facilitating new housing development on the site.

At a previous meeting, Members had agreed to grant Copperplane Ltd a period of three months exclusivity to work up a proposed housing development scheme for the site. That exclusivity period had been extended for a further six months.

That had taken place following a 12-month exclusivity arrangement with Leck Construction during 2013, at the end of which Leck decided not to proceed with a development.

The information had been made available to Copperplane to assist them in assessing the viability of developing the site. A number of subsequent discussions had been held with Copperplane and their legal representatives, and he was of the view that negotiations had reached the point of “best and final” offer. Copperplane remained interested in the development in principle. However, their viability assessment indicated that the site had only a nominal value.

Two options were considered by the Committee. The first option was to accept the offer from Copperplane on the Heads of Terms they proposed and the second option was to remarket the site. Since the Council’s overriding interest had to be ensuring that the site was developed without the risk of losing the site for a nominal sum he recommended that option.

RESOLVED:- To agree that negotiations with Copperplane were brought to an end and that efforts were made to remarket the site.

REFERRED ITEM

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

48 – Housing Management Forum: Recommendations

Consideration was given to the recommendations of the Housing Management Forum held on 27th August, 2015.

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

Gas Maintenance & Responsive Repairs Contract

RECOMMENDED:- To recommend the Council confirm the term of the Contracts as three years, plus one year with potentially a further six years with two yearly break clauses.

49 – Local Council Tax Reduction Scheme 2016-2017

The Director of Resources reminded the Committee that the Local Council Tax Reduction Scheme (‘Scheme’) for 2016-2017 must be adopted by 31st January, 2016. There were consultation requirements if changes were to be made to the existing scheme.

The total Council Tax Support awarded as at July 2015 was £5.8m. The Council’s share of the cost had been based on the precepts for the year and was £798k.

Applying the Revenue Spending Power reductions for 2014-2015 and 2015-2016, to the whole financial settlement, resulted in funding for the Local Council Tax Reduction Scheme of £633k. £94k was estimated to be generated from existing Council Tax reforms (also implemented from 1st April, 2013), leaving £71k from Council resources. That shortfall was included in the Council's current Medium Term Financial Plan.

For 2016-2017 the costs of maintaining the Scheme were similar to 2015-2016 year, with a potential increase in cost to the Council with any large reduction in Revenue Spending Power.

Using the current caseload information and 2015-2016 Council Tax figures, the Committee considered a cost neutral scheme would have an impact on working age cases.

The policies adopted in modelling a reduced Scheme would be consulted on and would form the local Scheme for the year as approved.

There were also a number of risks which were considered and identified in the report.

RECOMMENDED:- To recommend the Council to agree to continue with the current Local Council Tax Reduction Scheme for 2016-2017.

50 – Establishment Changes

The Director of Resources informed the Committee that three voluntary redundancy applications had been approved by the Early Retirement/Voluntary Redundancy Panel on 12th August, 2015. Following those approvals a number of establishment changes required Council approval.

The following posts required deletion from the establishment:-

Housing Revenue Account

OHS512 – deleted from 3rd October, 2015

OHS523 – deleted from 1st November, 2015

General Fund

CLA040 – deleted from 1st April, 2016

The need for the creation of the Property Information Team Trainee post within the Property Information Team had arisen due to two main factors. Firstly the successful application for voluntary redundancy within the department had created the opportunity to review the structure and succession planning, and secondly the need for resilience within the Property Information Team highlighted by the Manager through the IT Steering Group and a recent review of IT carried out by Internal Audit.

The new full time Property Information Team Trainee would be on a scale 2/5 (£15,207 to £22,212 per annum) and be required to undertake a GIS related qualification. The aim was to have a person appointed and started in post by 1st January, 2016. That would allow a three month handover before the voluntary redundancy came into effect on 31st March, 2016. The posts main focus would be within land charges and would assist and learn the other functions of the Property Information Team and provide assistance as required. The post would work closely alongside the Property Information Manager on the new Back Office System creating documentation and developing an understanding of the system to increase resilience as well as working with the corporate GIS systems and data transparency to improve resilience within these areas.

The creation of the post addressed resilience issues, succession planning, the resourcing of the Land Charges service and helped with service continuity issues already identified.

RECOMMENDED:- To recommend the Council:-

- (i) To approve the deletion of post OHS512 with effect from 3rd October, 2015;
- (ii) To approve the deletion of post OHS523 with effect from 1st November, 2015;
- (iii) To approve the deletion of post CLA040 with effect from 1st April, 2016;
- (iv) To approve the creation of a permanent full time Property Information Team trainee on Scale 2/5 (£15,207 to £22,212 per annum), with an agreed grading review following the completion of a GIS related qualification and appropriate experience. The post to be funded within the deletion of post CLA040; and
- (v) To approve the use of reserves to fund the Property Information Team trainee until 31st March, 2016.

51 – Social Media Policy

The Committee considered the Council's Social Media Policy. The document set out the purpose of the Policy and explained the responsibilities and application of social media in the workplace. The Policy also covered the use of social media outside the workplace in relation to Council business.

The Council had a number of active social media accounts and these were administered within specific services. Once the website redesign was completed, there would be a feed for all news to be broadcast on social media channels – that would also be linked to the department specific accounts.

The Council did not permit the personal use of any social media websites through its systems and networks in any circumstances.

RECOMMENDED:- To recommend the Council to approve the Social Media Policy.

52 – Customer Service Strategy

The Committee considered the Council's Customer Service Strategy. The document set out the purpose of the Strategy and explained the Council's aims in relation to customer service.

The Council provided services from its main operational premises together with telephone and online options.

The Customer Service Strategy had the overall aim of making sure that the provision of services matched, as far as possible, the customers' needs and expectations. The Strategy sets out the actions that would facilitate that as an on-going review; the cross-service Customer Strategy Group would deliver the Strategy.

The Strategy complimented the IT Services Strategic Plan in relation to the enhanced website and self-service functionality.

RECOMMENDED:- To recommend the Council to approve the Customer Service Strategy.

53 – Craven House Roofing

The Committee considered a detailed report of the Director of Resources regarding Craven House Roofing. She reminded the Committee that the project had been procured and managed by Cumbria County Council. The report set out a proposed alteration to the Contract Standing Orders to enable the smooth running of contracts of that nature.

RECOMMENDED:- To recommend the Council:-

- (i) To note the project review report;
- (ii) To authorise the Monitoring Officer to append the additional text to Contract Standing Order 16 as set out in the report; and
- (iii) To endorse the exemptions applied to the Craven House Roofing project in terms of the requirements of the Contract Standing Orders.

54 – Nomination of MS Centre, Schneider Road, Barrow as An Asset of Community Value

The Executive Director informed the Committee that a nomination to include the MS Centre, Schneider Road, Barrow-in-Furness on the List of Assets of Community Value had been received from Ormsgill Youth and Community Association. Local Authorities had been given powers under the Localism Act, 2011 and subsequent regulations and these had been summarised for Members. As that was the first request the Borough had received, the report also requested Members authorise the content of the list, the duration of entries, the form of publication and delegate consideration of future nominations to Executive Committee to meet deadlines set

out in the regulations. As the nomination met the tests set out in the legislation and regulations, Members were requested to recommend the Council to approve the MS Centre as an Asset of Community Value.

Additional information from the Multiple Sclerosis Society was considered by the Committee.

RECOMMENDED:- To recommend the Council:-

- (i) To agree that the information set out at (a) in the report be held on the List of Assets of Community Value for successful and unsuccessful nominations,
- (ii) To agree that successful and unsuccessful nominations would remain on the List of Assets of Community Value for five years;
- (iii) To agree that the List of Assets of Community Value for successful and unsuccessful nominations were published on the Council's website;
- (iv) To agree that authority to approve or reject nominations for inclusion on the List of Assets of Community Value under Section 88 of the Localism Act, 2011 be delegated to the Executive Committee and Part 3 of the Constitution regarding the terms of reference for the Executive Committee be amended accordingly;
- (v) To accept the nomination submitted by Ormsgill Youth and Community Association to place the MS Centre, Schneider Road, Barrow-in-Furness on the List of Assets of Community Value; and
- (vi) To request the Executive Director to arrange a meeting with the Multiple Sclerosis Society and the Schneider Road Pre School/Nursery.

55 – Appointment of Independent Persons

The Monitoring Officer reminded the Committee that Section 28(7) of the Localism Act 2011 placed an obligation on all authorities to appoint at least one Independent person:-

- (a) whose views were to be sought and taken into account by the Authority before it made the decision on an allegation that it had decided to investigate; and
- (b) whose views may be sought:-
 - (i) by the Authority in relation to an allegation in circumstances not within paragraph (a) above;
 - (ii) by a member or co-opted member of the Authority if that person's behaviour was the subject of an allegation; and
 - (iii) by a member or co-opted member of a parish council if that person's behaviour was the subject of an investigation and the Authority was the parish council's principal authority.

The Act stipulated that the vacancy for an independent person must be advertised in such manner as the authority considered was likely to bring it to the attention of the public. An advertisement had been placed in the Evening Mail in July 2015 and an advertisement had also been posted on the Council's website. No expressions of interest had been received.

An approach was made to Steve Murray who was the former Chairman of Furness Enterprise and also to Jeff Bright the former Deputy Executive and Monitoring Officer of Barrow Borough Council.

Both were keen to take on the voluntary unpaid role for the Council.

RECOMMENDED:- To recommend the Council that Steve Murray and Jeff Bright be appointed as the Council's Independent Persons for a period of four years with immediate effect.

56 – IT Services Strategic Plan

The Committee considered the IT Services Strategic Plan for 2015/16. The Plan covered key issues such as internal IT Service Provision, its fit within the corporate framework and the Council's IT development framework.

Five of the key areas of work planned for 2015/16 were:

Phone line replacement - Session Initiation Protocol (SIP) trunking replaces the standard phone lines and payment becomes based on the number of lines that are used rather than available.

Network refresh - network hardware replacement programme.

Paperless Committees - Member tablets project.

Park Leisure Centre - online booking project.

Housing Management System - system replacement project 2016-2017.

RECOMMENDED:- To recommend the Council to approve the IT Services Strategic Plan.

The meeting closed at 4.15 p.m.

HOUSING MANAGEMENT FORUM

Meeting: Thursday 27th August, 2015
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Bleasdale, Brook, McEwan and Thurlow.

Tenant Representatives:- Mrs L. Webb, Mrs M. Anderson, Mrs K. Warne and Mrs T. Metcalfe.

Officers Present:- Colin Garnett (Assistant Director - Housing), Janice Sharp (Operations Manager) and Keely Fisher (Democratic Services Officer).

13 – Minutes

The Minutes of the meeting held on 11th June, 2015 were taken as read and confirmed.

14 – Apologies for Absence/Changes in Membership

Apologies for absence were received from Councillors Barlow, Heath and Johnston and Tenant Representative, Mr A. McIntosh.

15 – Asset Management Strategy 2015-2020

The Assistant Director – Housing reported that the purpose of the purpose of the Asset Management Strategy was to provide direction for future investment in the housing stock and ensure such investment had regard to operational factors to manage it appropriately.

The Housing Service had recently completed a Stock Condition Survey in 2014. This data had now been analysed and albeit there remained some decent homes failures to be resolved, was complete.

The previous Asset Management Strategy 2010-2015 was now out of date. Officers had, therefore, updated the Asset Management Strategy. A draft was attached as an appendix to his report.

The Strategy sought to link the data collected through the Stock Condition Survey with other characteristics of the stock to ensure investment was only directed to property which was sustainable or more importantly, in this instance, to identify where additional management intervention may be required to maximise the value of the investment.

The Council had used its existing sustainability model to look at tenancy data; requisition data; stock condition data and location data. This information was used to calculate a sustainability score.

A summary of the sustainability results was shown in the Asset Management Strategy, the results of which, demonstrated that the stock was 'sustainable' but there were areas which may pose specific problems.

From the Asset Management Strategy, a series of five Asset Management Plans had been developed for the Central, Dalton, Ormsgill, Roosegate and Walney management areas.

The principles on which these plans had been developed had been taken from the draft Asset Management Strategy and were as follows:-

AMS Vision: "Provide well-maintained estates where people choose to live".

AMS Aims: To achieve our vision we will ensure:

- We deliver maintenance services to the standards agreed with our customers;
- Our stock and public spaces are maintained in good, safe and lettable condition;
- We meet our statutory, regulatory and contractual obligations;
- We use short-term and long-term assessments to plan and deliver our services;
- We engage and empower our customers to be involved in all decisions;
- We ensure equality and diversity is at the forefront of service delivery;
- We make the best use of the resources available; and
- We ensure effective performance through evaluation of best practice.

AMS Priorities:

- Ensure properties are safe, energy efficient and weatherproof; and
- Investments are prioritised on a just in time and worst-first basis.

The Strategy also identified key risks for the service over the length of the Strategy which had been agreed corporately.

The details contained in the AMP would be used to direct the Annual Investment Plan which was agreed through the annual budget process.

RECOMMENDED:- That Members agree to:-

1. Note the contents of the Asset Management Strategy; and
2. Agree the Asset Management Strategy 2015-2020 and resultant Asset Management Plan.

16 – United Utilities Reward Scheme Review

The Assistant Director – Housing reported that in 2012, when the scheme was proposed, two-thirds of the Council's tenants received full housing benefit which was paid directly to their rent account. They had no experience of paying rent or

service charges and the Council had limited knowledge of their financial circumstances, their attitude to debt and whether they had either the means or the inclination to pay.

The various welfare reforms had reduced benefit entitlements significantly since 2012-2013 from a high of 76% to around 70%.

When Universal Credit was fully introduced, experience suggested that tenants would find paying their rent in full and on time very challenging. The Council needed to create a 'payment culture' and to be ready so that rent collection was maximised and the losses to rental income were mitigated.

The United Utilities scheme offered the experience for Officers to collect payments from every tenant, understand and improve the tenants' ability to budget and make payments, the funding for a Money Management Advisor and the opportunity to help vulnerable tenants' reduce their charges with United Utilities to offset some of those benefit reductions.

Projected Benefits	Actual Benefits at 30 June 2015
£10 incentive discount per customer	£81k
£32 per property collection fee per annum	£263,888
Commission Income at 8%	£310,696 commission income at 12.5%
£5.00 discount to tenants to encourage Direct Debit payments (260)	Direct Debit now 768 discounted by £8,785 (1166 across all rent groups)
£30k funding for Money Management Advisor to help with water charge assessments and support tariff applications	<ul style="list-style-type: none"> • Post funded from commission monies • 19 successful applications received £6,000 to clear previous debts • 25 applications in progress • 509 tenants converted to lower Tariffs annual charge down by average £200 • £199k* since the scheme started
Opportunity for our Housing Officers to offer customers advice on the benefits of changing to meters	Not adopted -meters remain on the property for life and may penalise future tenants
Ability to pay more flexibly (weekly, fortnightly or monthly) together with their rent	Rent & water can be paid in a single transaction to a single account
Flexible payment methods and frequencies	Enabled DD to become 'paperless' with fortnightly, monthly & 4 weekly dates offered to all council tenants
Over 3 years gross £452,636	£574,579*

(*to year end March 2016)

- Tenants who received full Housing Benefit and who had not made any payment to their account from the scheme start date was 31 and there were 182 who had not made any payments to their account in the first quarter.
- Increase in arrears since April 2013 was estimated at £302k at 10th August, 2015 but it was not possible to pin down the actual amount of unpaid water charges because of the following notable changes:-
 - £81k was the theoretical debt carried from increased Direct Debit monthly/4weekly payers;
 - £116k was attributed to tenants under occupying;
 - £27,581 was attributed to the 31 tenants moved to Universal Credit – their accounts were all in arrears; and
 - £60,636 had been added to accounts for recharges and court costs.

There would be some crossover in these groups.

Housing Officers had found the work hard but had made good progress in reaching out to and engaging with all tenants and as result there were 2,466 tenants making payments to their accounts in the first quarter of the year.

IT Systems had been developed and processes had improved to monitor tenants' accounts. Those considered most at risk were prioritised.

In conclusion, the results indicated that the scheme was delivering the benefits it promised and overall the Assistant Director – Housing would recommend that the scheme continued because experience had demonstrated financial benefits to tenants and the Housing Revenue Account and would ensure the Council maintained a regular dialogue with all tenants.

Members of the Housing Management Forum requested that thanks be given to the Money Advice Worker, Jo Hughes for achieving a lot of the objectives with regards to this issue.

RECOMMENDED:- That Members agree to:-

1. Note the information in the report; and
2. To continue to collect water rates with a view to reviewing the arrangement in two years.

17 – Gas Maintenance Contract

The Assistant Director – Housing updated Members on discussions with the newly appointed Gas Maintenance Contractor and sought approval to introduce new arrangements for the reporting of gas breakdowns, repairs and the co-ordination of annual gas servicing.

At the meeting of the Housing Management Forum on 11th June, 2015, Members had recommended to the Council the appointment of Sure Group to deliver the Council's Gas Contract. The Contract covered the annual gas service, responding to breakdowns and all associated gas related repairs required in delivering the Housing Service.

Officers were currently in discussion with the Contractor to ensure a transition from the existing Contractor to Sure Group on 5th November, 2015.

During these discussions Sure Group had made suggestions on how they could improve the efficiency and the level of service provided to tenants.

In short this included:-

- They take responsibility for the co-ordination of gas servicing directly with tenants, including agreeing appointments;
- Offer the opportunity for tenants to report breakdowns or faults directly to them as the Contractor; and
- The Contractor, whilst establishing a base within the Borough, would look to co-ordinate the above activity from their call handling facility in Merseyside.

It had been the Council's practice historically to directly manage these aspects of the service. However, from a service delivery perspective the Assistant Director could see the above potentially leading to improved customer satisfaction by simplifying the process enabling the customer to talk directly with the Contractor to explain the defect and then agree a mutually convenient appointment.

He could also see the benefits to the Contractor in allowing them to directly receive and communicate with a tenant as this potentially reduced the amount of call handling in the process and enabled them to directly organise their resources and arrange access with the tenant.

It would require the Housing Service to set up a dedicated Gas breakdown and servicing hotline so in practice "two" reporting numbers would be published which would possibly take a little time to be promoted to all tenants. He proposed that this would include ensuring the agreed published number remained charged at a "local call rate" and could include labelling boilers during routine servicing to direct tenants to the Contractor for reporting faults or arranging access.

From a landlord perspective, gas in the home was a hazard. The Council were focused on ensuring it achieved a 100% compliance in annual services and that such servicing and any repairs were completed to the relevant standards. The Council had and continued to maintain a 100% record on annual services.

Should it be agreed to progress this opportunity it would remove some of the administration currently under taken within the Housing Service and it would look to develop its checks and balances to ensure it validated the delivery of gas services to the Council's agreed standards.

This would include continuing to deal with those tenants who were not co-operative in allowing access to the Contractor following agreed procedures to gain access and any resultant recourse to legal means to resolve. The Assistant Director – Housing was confident that the Council would be able to put in place the necessary checks and balances and subject to mutual agreement would aim to have the arrangements in place by the commencement of the Contract or as soon as possible afterwards.

The Assistant Director – Housing proposed the Council do so for an initial period of six months following which the success of the changes be reviewed.

It was moved by Councillor Hamilton and duly seconded that the initial period be for twelve months rather than six months. The amendment was voted upon and it was,

RECOMMENDED:- To agree that Officers continued to mutually agree with the new Contractor that:-

1. The Contractor becomes the first point of call for tenants to report gas breakdowns or repair requests;
2. The Contractor take responsibility for scheduling, co-ordination and arranging appointments to complete annual gas servicing; and
3. The arrangements be reviewed after a period of twelve months to either confirm the new working arrangement or resort back to current practice.

18 – Scrutiny of Void Standard Policy and Procedures

The Assistant Director – Housing reported that the Tenant Scrutiny Working Party reviewed the void standard as part of the scrutiny process last year. The final stage of the process was ‘Implementation and Review’.

Members of the Tenant Scrutiny Working Party had now had the opportunity to view properties which had been upgraded to the new ‘Void standard’. In general Members of the group were in agreement that the standard of properties had significantly improved which, in turn, had assisted in the letting of properties with fewer refusals. It was noted:-

- The re-decoration of properties left in poor condition had been a success;
- Prospective tenants were now given a copy of the Council’s booklet ‘*Moving in Standard*’ which had been well received and a good resource for staff and prospective tenants to measure all work had been completed;
- A few minor issues were picked up which the Maintenance and Asset Manager would follow through and discuss with colleagues the importance of ensuring the outside of the property was left to the same standard as the internal condition.

This review concluded the Scrutiny of the Voids Standard.

The next area which would be reviewed by the Tenant Scrutiny Working Party was the Tenancy Agreement. At present there was new information emerging around fixed- term tenancies, therefore, whilst the group would commence the review it would be led by information being available to feed into the scrutiny process. A further report would be brought to Housing Management Forum once the review had been completed.

RECOMMENDED:- To note the content of the report and completion of the scrutiny into void standards.

19 – Promotion of Properties to Let

The Assistant Director – Housing sought agreement to use “third party” arrangements to promote the availability of specific property to let where conventional means of doing so appeared to be ineffective. The report was not about changes to the Allocation Policy but rather the means by which new potential tenants were attracted.

The Council had an agreed Allocation Policy to determine the priority of applicants who applied for accommodation. The selection of a potential tenant was progressed through a Choice Based Lettings (CBL) process which involved vacancies being advertised on a weekly basis and any applicant who was interested in the property registering an interest. Determining priority between applicants was then made in accordance with the agreed Banding system.

The policy and use of a CBL was adopted by the majority of social landlords throughout Cumbria.

The CBL process generated sufficient numbers of tenants for the majority of vacancies that arose. However in the case of two bedroomed flats, predominantly on the Ormsgill estate, this had not been the case and the Council were more frequently experiencing no apparent demand through the agreed CBL process.

The problem was predominantly limited to the Ormsgill estate, and only two bedroom flats. The table below provides details of the number of two bedroom flats in the Borough and the number that became vacant in the last financial year.

AREA	Two-bedroomed flats	
	No. flats	Became vacant
Abbotsmead		
Central	7	1
Dalton	12	1
Farm Street		
Greengate	16	2

Griffin	31	3
Hindpool	45	5
Newbarns	35	4
Ormsgill	130	29
Roosegate		
Vulcan	11	2
Walney	16	3
Total	303	50

It could be seen the largest majority of two bedroom flats were located in Ormsgill, 42% of the total, and of two bedroom flats becoming vacant, 58% were on Ormsgill.

Subjectively, there may be a number of reasons for this problem including location and the type of property but it appeared to have become a more significant issue since the introduction of bedroom tax. Whilst it had been a long held practice to offer applicants property which reflected their family composition, it had also been the case that where such was not possible, the Council would adopt a flexible approach in the interest of ensuring properties were re-let. In short, it would not have been uncommon to offer a 2 bed flat on Ormsgill to an applicant who only required one bedroom. This option was still discussed with applicants who required one bedroom, but often they were unable to afford to pay the bedroom tax and as such the option was not financially viable for the applicant.

In terms of demand, generally this appeared buoyant with 430 applicants on CBL applying for two bedroom accommodation. In the longer-term, further work may be required to consider options open to the Council to increase the demand for two bedroom flats on Ormsgill but the Assistant Director - Housing suggested there were short term measures that could be progressed more quickly, at limited cost, which may help to improve the position.

For example:-

- More recently, the Council had looked to promote property through social media, in particular Facebook. This had led to some success in attracting applicants who had not previously applied for accommodation through the more conventional route. This was in it's infancy but he suggested was an appropriate way of attempting to attract potential new tenants.
- Considering the option of advertising property through other online agencies or service providers.

In considering the above, the Council's objective would be to identify an interest in property perhaps from residents who may not have previously considered Council accommodation as an option.

Should the above action achieve the objective, he would also propose the Council agree to such properties being re-let outside the CBL process should it be the case no potential residents were identified through the CBL process.

In considering the above, the Assistant Director - Housing suggested there needed to be a balance between achieving the objectives of the CBL process and recognition the delays in re-letting vacant property had a financial implication to the HRA, and "social" cost to a community and asked Members to agree these recommendations.

RECOMMENDED:- That the Members agree to:-

1. Note the content of the report and comments concerning the demand for two bedroom properties predominantly on the Ormsgill Estate;
2. The use of Facebook and alternative advertising mediums to promote the availability of property when conventional arrangements did not appear to do so; and
3. That such properties were re-let outside the CBL process when it was clear there was no demand from any registered applicants.

20 – Provision of Temporary or Interim Accommodation for Homeless Families

The Assistant Director – Housing reported that the Council had a responsibility through the Homeless Legislation to provide temporary or interim accommodation in certain circumstances. The Council sought to recover the cost of provision from the particular resident through rent charges. The purpose of his report was to highlight that Welfare Reform changes were likely to have a detrimental impact on the Council's ability to recover the rent charges and to prompt a review of the Council's temporary accommodation arrangements.

The Housing Service was responsible for providing the Council's statutory homeless service. Its approach over a number of years had been to focus on 'prevention' to avoid homelessness and resolve residents' housing predicaments before they lost their home.

However, in certain circumstances, it was necessary to provide what was referred to as 'temporary' or 'interim' accommodation. It was the Council's normal practice to meet this responsibility by either use of B&B's, predominantly for single people, or by making a furnished excluded licensed property available within the Council's normal housing stock.

The Housing Service maintained an average of 11 properties designated for this purpose. They were furnished to an acceptable standard to enable a resident to move in immediately.

Whether Bed and Breakfast or temporary accommodation was provided, the Council sought to recover the cost of provision. In the majority of instances, the people concerned were dependent on benefits which meant that the recovery costs were sought from Housing Benefit. In the case of Bed and Breakfast, the maximum charges were determined by guidance, which could often leave a small residual amount that was not covered. Should it be temporary accommodation in the Council's own stock, the Council would look to cover the rent, plus a management charge and furniture charge which amounted to:-

	One Bed	Two Bed	Three bed
Rent	£70.99	£79.73	£89.04
Furniture	£39.00	£44.00	£49.00
Water	£5.00	£5.00	£5.00
Energy (Gas & Elect.)	£6.24	£6.76	£7.00
STM	£2.95	N/A	N/A
Total weekly rent charges	£124.18	£135.49	£150.04

In the latter instance this could result in recovering the full cost of residence.

The cost of B&B was met by the Council's General Fund whilst the temporary accommodation was within the HRA. This model of provision had been in place for many years.

However, changes introduced by Welfare Reform would potentially impact on the Council's ability to recover charges or rent from individuals.

For example, focusing on temporary accommodation, the current model of provision would not be defined as 'specified' under the new guidance and, as such, an occupier would not be able to claim Housing Benefit. Instead, their housing costs would be included in any claim for Universal Credit. This would also be the situation for residents in B&B's.

Considering the practical delivery of homeless accommodation generally, this had a number of implications. In the first, should an individual be a new claimant on Universal Credit, they may have moved on from such accommodation before the Universal Credit was determined, probably making it very unlikely in practice the Council would recover the cost of provision. This was particularly the case for residents in B&B's, but was not less a concern in temporary accommodation.

At the present time, it was difficult to predict the likely implication, but in either instances it would mean the differential between cost of provision and rent recovered increasing.

At the present time the Assistant Director – Housing was looking to discuss the implication with other Cumbrian authorities who used a similar model of provision also seeking advice from Homelesslink. However, there did not appear to be a straightforward means to avoid the issue.

It would be difficult to assess the likely loss of rental income at the present time, but the Assistant Director was concerned of the Council's ability to recover rent within the Universal Credit process which would be very challenging.

The table below shows the total cost of providing temporary accommodation of the service over the last five years. Row (1) was the total cost after income received had been credited. Row (2) was the total cost it would have been had the Council received no income which would be the worse-case scenario with the introduction of Universal Credit.

Dispersed & B&B Temporary Accommodation year on year review							
		2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
	Temporary Accommodation	£38,113	£19,421	£47,947	£30,736	£33,891	£170,109
	HB Recoverable Charges	£20,984	-£14,983	-£38,998	-£20,847	-£26,895	£122,706
	Net Cost to council	£17,129	£4,438	£8,949	£9,889	£6,997	£47,402
	Dispersed Accommodation						
	Debits	£39,556	£47,626	£45,649	£23,896	£31,312	£188,039
	Income	£25,191	-£28,000	-£34,609	-£15,209	-£24,990	£127,999
	loss	£14,365	£19,626	£11,040	£8,687	£6,322	£60,040
	void loss	£20,454	£13,857	£28,177	£31,566	£25,357	£119,411
	% void loss of debit	34.1%	22.5%	38.2%	56.9%	44.7%	38.8%
	Total debit	£60,010	£61,483	£73,826	£55,462	£56,669	£307,450
(1)	Total cost of providing temporary accommodation	£51,948	£37,921	£48,166	£50,142	£38,676	£226,853
(2)	Total cost of providing temporary accommodation with no income received	£98,123	£80,904	£86,673	£86,198	£90,561	£442,459

In the immediate future, the Assistant Director – Housing would look to review the number of properties currently designated for temporary accommodation. From an operational perspective, it was important to maintain a sufficient number of properties to reflect demand. To not have 'available' property at all times would impose additional pressures in providing the service. However, by monitoring usage against availability on a regular basis, it was hoped to achieve a reduction in numbers and cost of provision. This would, however, not resolve the fundamental

problem and it was important that the future options for how the Council fulfilled this responsibility and limits to the financial risk be considered.

RECOMMENDED:- That Members agree to:-

- 1. Note the content of the report and the likely impact for rent recovery; and
- 2. Agree a review of arrangements for the provision of temporary or interim accommodation be carried out and to report further on future options.

21 – Planned Investments and Planned Maintenance 2015/16

The Assistant Director – Housing reported information relating to the Planned Investment and Planned Maintenance Programme for 2015-16. The information is attached at **Appendix A** to these Minutes.

RESOLVED:- To note the information.

REFERRED ITEM

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

22 – Gas Maintenance and Responsive Repairs Contract

The Assistant Director – Housing reported that at the meeting on 11th June, 2015 Members had recommended the appointment of Sure Group to complete gas works and Hughes Brothers to complete fabric repairs.

On the drafting of the report he had recommended appointing for four years and a further six years with two-yearly break clauses.

However, on the advertising and selection of potential new contractors the Council had advertised the Contract on the basis of three years, plus one year with potentially a further six years with two yearly break clauses.

Unfortunately, it was a ‘drafting’ error which led to the wrong time period being included in the report of 11th June, 2015.

He therefore asked Members to confirm the original time frame of three years, plus one year with a potential of a further six years with two year break clauses be confirmed.

RECOMMENDED:- That the Executive Committee:-

Confirm the term of the Contracts as three years plus one year with potentially a further six years with two yearly break clauses.

The meeting closed at 2.41 p.m.

PLANNED INVESTMENTS 2015-16

APPENDIX A

SCHEME	PROCUREMENT TYPE	AVAILABLE BUDGET	EXPENDITURE TO DATE	ESTIMATED START DATE	ESTIMATED COMPLETION DATE	CONTRACTOR	COMMENTS	Leasholders affected?
RE-ROOFING AND POINTING WORKS ROOSEGATE ESTATE PHASE 2 (2-3 YEARS DELIVERY PLAN)	CUMBRIA HOUSING PARTNERS	£975,000	£ 48,751	26.5.2015	31.3.2016	DLP Roofing	30% COMPLETE	No
FLAT ROOF IMPROVEMENTS HINDPOOL AND EWAN CLOSE	ESTIMATES	£66,000	£ 1,422	01/07/2015	31.3.2016	CUMBRIA ROOFING	5% COMPLETE	Yes
RE-POINTING/RENDERING ORMSGILL ESTATE	CUMBRIA HOUSING PARTNERS	£538,000	£ 1,073	01/08/2015	31.3.2016	DLP Roofing	0% COMPLETE	No
EXTERNAL DOOR REPLACEMENTS DALTON	CUMBRIA HOUSING PARTNERS	£30,000	£ 9,146	02/08/2015	31.3.2016	TOP NOTCH	25% COMPLETE	No
WINDOW REPLACEMENTS VARIOUS HOUSING AREAS	CUMBRIA HOUSING PARTNERS	£304,000	£ 67,569	02/08/2015	31.3.2016	TOP NOTCH	35% COMPLETE	No
COMMUNAL ENTRANCE LIGHTING UPGRADES - CENTRAL	CUMBRIA HOUSING PARTNERS	£49,000	£ -	01/10/2015	31.3.2016	K WILSON	10% COMPLETE	Yes
COMMUNAL ENTRANCE PAINTING - CENTRAL	CUMBRIA HOUSING PARTNERS	£37,000	£ -	01/11/2015	31.3.2016	GEORGE JONES	5% COMPLETE	Yes
GARAGE IMPROVEMENTS	CUMBRIA ROOFING	£88,000	£ -	02/08/2015	31.3.2016	CUMBRIA ROOFING	5% COMPLETE	No
REWIRES	CUMBRIA HOUSING PARTNERS	£255,000	£ 129,582	01/04/2015	31.3.2016	K WILSON	50% COMPLETE	No
BATHROOMS	CUMBRIA HOUSING PARTNERS	£180,000	£ 76,294	01/04/2015	31.3.2016	AB MITCHELL	30% COMPLETE	No
KITCHENS	CUMBRIA HOUSING PARTNERS	£125,000	£ 22,266	01/04/2015	31.3.2016	AB MITCHELL	8% COMPLETE	No
HEATING	CUMBRIA HOUSING PARTNERS	£455,000	£ 182,952	01/04/2015	31.3.2016	AB MITCHELL	40% COMPLETE	No
PAINTING	CUMBRIA HOUSING PARTNERS	£250,000	£ 74,069	01/04/2015	31.3.2016	G JONES	40% COMPLETE	Yes

HOUSING MAINTENANCE COMMITMENTS 2015-16

	Funding Available 2015-16	EXPENDITURE TO DATE	Weekly Available	Gross Comm. as a % funds available
Tenant Demand Repairs	£ 1,070,200	£ 222,957	£ 20,581	21%
Voids	£ 503,044	£ 312,151	£ 9,674	62%
Gas Servicing	£ 195,392	£ 53,086	£ 3,758	27%
Decoration Vouchers	£ 30,000	£ 11,052	£ 577	37%
Environmental Impmts	£ 25,000	£ 4,089	£ 481	16%
Disabled Adaptations	£ 100,000	£ 63,073	£ 1,923	63%
Electrical Testing	£ 81,000	£ 32,313	£ 1,558	40%
Door Entry Maintenance	£ 20,000	£ 11,191	£ 385	56%

EXECUTIVE COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	21st October, 2015	
Reporting Officer:	Director of Resources	
<p>Title: 2016-2017 Holiday Dates</p> <p>Summary and Conclusions:</p> <p>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 (annual leave) or flexi-day over the Christmas and New Year period.</p> <p>Recommendations:</p> <p>To agree the 2016-2017 holiday dates as outlined in the report.</p>		

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 (annual leave) or flexi-day for 30th December, 2016:

Other bank holidays

Monday 2nd May, 2016, Early May bank holiday
Monday 30th May, 2016, Spring bank holiday
Monday 29th August, 2016, Summer bank holiday

Christmas and New Year

Monday 26th December, 2016, Boxing Day bank holiday
Tuesday 27th December, 2016, Christmas Day (substitute) bank holiday
Wednesday 28th December, 2016, Council Day
Thursday 29th December, 2016, Council Day
Friday 30th December, 2016, annual leave or flexi-day to be taken
Monday 2nd January, 2017, New Year's Day (substitute) bank holiday

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant 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	(R) Agenda Item 8
Date of Meeting: 21st October, 2015	
Reporting Officer: Director of Resources	
<p>Title: Acting as Accountable Body</p> <p>Summary and Conclusions:</p> <p>This report sets out proposed principles concerning the Council acting as Accountable Body. Accountable Body provisions already exist within the Financial Regulations and this report sets out the circumstances where Full Council approval of Accountable Body status should be requested.</p> <p>Recommendations:</p> <p>To recommend the Council to agree the following Accountable Body principles:</p> <p>The Council may act as Accountable Body without formal approval by Full Council where the project is no more than £50k, involves a single funding source and satisfies the requirements of the Financial Regulations; Management Board retain the option to request Full Council approval.</p>	

Report

This report sets out proposed principles concerning the Council acting as Accountable Body for grant funding.

Members will recall that at its meeting on 20th May, 2015 this Committee recommended that the Council act as the Accountable Body for the Coastal Communities Fund Supply Chain Strengthening Project. The report outlined the project, including responsibilities, potential risks and the project finances. A key item of consideration was the project value of £1.2m and the arrangements for the Council's ability to control costs and to generate the project's co-financing whilst eliminating any unknown financial liability to the Council.

Prior to the Supply Chain Project, the Farm Street Recreation Area funded by Big Local Trust (Lottery) was brought to Members for the Council to agree to act as the Accountable Body; this was a £0.2m project delivered on behalf of the Barrow Island Community Trust, with multiple funding sources.

More recently, the Council was approached by Art Gene to support a bid to form a Coastal Community Team with a grant of £10k awarded to help

establish the group and develop an Economic Plan for the area, which will be published by the end of January 2016. This was not brought to Members for approval as it falls within the budget supplement provisions within the Financial Regulations as matching income and expenditure with no net impact on the General Fund and carries low risk as it a clearly defined scope with no potential for overrun. The Team will be able to bid for the Coastal Communities Fund and also bid for up to a £50k share of a new £3 million Coastal Revival Fund to support or restore local heritage and facilities which benefit the wider community and the surrounding economy.

The Accountable Body provisions within the Financial Regulations are:

- Regulation 10 – External Funding and Partnership Arrangements;
- Regulation 7.5.b – Budgetary Control; and
- Regulation 9 – Work carried out for others.

In terms of acting as Accountable Body, these Regulations establish the following requirements prior to any decision:

- a. The project furthers the priorities and aims of the Council;
- b. Any financial commitment from the Council is secured/set-aside;
- c. Formal project appraisal is carried out, this includes a risk assessment;
- d. Council rules, regulations and procedures can be adhered to;
- e. Contract Standing Orders can be complied with;
- f. Compliance with the funders requirements can be achieved;
- g. There will be a net nil impact on the General Fund (aside from any secured commitment at b. above); and
- h. Approval of the Director of Resources is obtained (and Monitoring Officer where a formal partnership is to be formed).

This report seeks to establish the principle which will determine when requests for the Council to act as Accountable Body require Full Council approval. It is proposed that the following principles be agreed:

The Council may act as Accountable Body without formal approval by Full Council where the project is no more than £50k, involves a single funding source and satisfies the requirements of the Financial Regulations; Management Board retain the option to request Full Council approval.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant 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		Part One (R) Agenda Item 9
Date of Meeting:	21st October, 2015	
Reporting Officer:	Director of Resources	
<p>Title: Establishment Change</p> <p>Summary and Conclusions:</p> <p>This report sets out an establishment change at the Dock Museum. There are no budget implications; all establishment changes require approval by Council.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the creation of a permanent part time Maintenance Assistant on Scale 1.</p>		

Report

The Dock Museum staffing operates on a four week rota with a small bank of casual staff used for cover. Recent changes in personnel have prompted a review of the allocation of hours within the four week rota as a number of staff have a small number of core hours. The review was submitted by the Premises Manager to Management Board and alterations were agreed.

There is one item which requires a change to the establishment that is outside the scope of delegation to officers.

It is proposed that Council approve the creation of a permanent part time Maintenance Assistant on Scale 1 (£13,500 to £15,207 per annum); 2.5 average weekly hours. There are no budget implications as this post is created from other alterations within the overall Dock Museum staffing. The duties of this new post have been separated from an existing post and in order to offer a permanent contract to a separate individual, it is necessary to create the new post on the establishment of the Council.

(i) **Legal Implications**

The recommendation has no implications.

(ii) **Risk Assessment**

The recommendation has no significant 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	(R) Agenda Item 10
Date of Meeting: 21st October, 2015	
Reporting Officer: Assistant Director (Regeneration and Built Environment)	
Title: Statement of Policy Determination of Criminal Convictions in Relation to Animal Licences	
Summary and Conclusions: <p>Legislation is in place that requires licences to be held by those who own or look after animals for commercial gain and it is the duty of the Licensing Authority to manage such licences. The various pieces of enabling legislation detail the types of convictions or disqualifications that, if held and unspent, may, and in some cases shall, render a person unsuitable for holding such a licence.</p> <p>This policy brings all the relevant information together in one document and is intended to promote consistency, transparency and fairness for all stakeholders involved in the animal licensing process.</p>	
Recommendations: <p>To recommend the Council that the Statement of Policy Determination of Criminal Convictions in Relation to Animal Licences as amended be adopted.</p>	

Background

Legislation is in place that requires licences to be held by those who own or look after animals for commercial gain and it is the duty of the Licensing Authority to manage such licences. The enabling legislation details the types of convictions or disqualifications that, if held and unspent, would render a person unsuitable for holding such a licence.

Currently a person could hold a conviction for animal cruelty offences, or hold a court ordered disqualification from owning an animal, and yet there is no consistent guidance available to Members to assist in deciding on the suitability of that person to hold a licence despite the care of animals being one of the primary concerns of the legislation.

Officers prepared a policy document attached at **Appendix 1** that was subject to a 21 day public consultation carried out in the North West Evening Mail; the proposals were also available to view at the Town Hall and on the Council's website.

Responses were received from the RSPCA, the Dogs Trust, and South Lakes Safari Zoo and these have been included at **Appendix 2** for Members' information.

In response to the consultation exercise the Policy has been reviewed and amended and the final version is attached at **Appendix 3**.

Consultation Results

Following the consultation exercise the following changes are recommended to the policy.

1. Terminology

The draft "Statement of Policy Determination of Criminal Convictions Animal Licences" policy refers to bans, the correct definition is disqualification. Magistrates may issue a disqualification order on a particular species or all animals. The policy should be amended to ensure that the correct terminology is used.

Recommendation: In order that the policy is correct, including the use of the proper legal terms to avoid confusion, it is recommended that the wording in the policy be altered to contain the correct definitions.

2. Timescale to Report Convictions

Preamble Licence Holder Responsibilities: Paragraph 2 [Page 3 of Appendix 1]

It will become the responsibility of each licence holder to inform the Council of any conviction, caution or ban upon applying for a licence, or upon application for the renewal or transfer. For licences which are valid for a longer period than 12 months the licence holder must inform the Council of any relevant conviction, caution or ban arising during the term of the licence within 7 days of it being imposed.

Recommendation: There is no rationale for the requirement to report convictions to be limited to those licences that last more than 12 months only. Extending the time limit will allow for the licence holder to consider any grounds for appeal and make such an appeal to the Court. An extension of the time limit may also allow the licence holder to make plans for the licence to be transferred and hence allow the business to be maintained. It is recommended that the Council removes the stipulation that this paragraph relates only to licences which are valid for a longer period than 12 months and separately, that the time limit for informing the Council of any relevant conviction, caution or disqualification during the term of the licence be extended to 15 working days.

3. Deviation from the Policy

General Policy: Paragraph 5 [Page 4 of Appendix 1]

A decision may be made that departs from this policy, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision and those making the decision should be aware that departing without sufficient reason or failing to give consideration to such circumstances may give rise to an appeal to the Magistrates' Court or a judicial review of the decision.

The various enabling Acts contain offences that the Council "may" take into consideration and therefore the Committee needs to have an ability to deviate from the policy where circumstances are such and can be justified. In such circumstances the policy requires the Committee to detail the decision and the reasons for that decision. The Policy, as well as informing the Committee Members also allows the public to see how a licence application will be considered and therefore how a deviation from the policy will be handled.

This paragraph ensures that when the Committee takes such a decision that is fair and proportionate but it has been suggested that a second paragraph be added "*Where the Council derogates from this policy, the Council will nevertheless ensure that it acts fairly, transparently, proportionately and in accordance with the principles of natural justice*" which is thought to strengthen the policy.

Recommendation: In order to strengthen the policy, it is recommended that this second paragraph is added.

4. Removal of Paragraphs 7 and 8

General Policy: Paragraphs 7 and 8 [Page 4 of Appendix 1]

7 *The Council may fail to be satisfied that a person is a suitable person to hold an animal licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application*

8 *An applicant who does not satisfy this policy will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.*

In reviewing the Policy in light of the consultation replies the above paragraphs are redundant. Earlier in the document paragraph 4 sets out that each case shall be dealt with on its merits and whilst a list of offences is provided the Committee have, under paragraph 5, the ability to deviate from that policy.

Recommendation: These paragraphs are redundant as the policy allows the Council to make enquiries and arrive at a fair decision, the decision for which

will be justifiable. It is recommended that paragraphs 7 and 8 of the Policy be removed.

5. Legislation Lists are Non-Exhaustive and May be Subject to Change

General Policy: Paragraph 13-15 [Page 5 of Appendix 1]

13 Annex 1 lists the principle offences relating to animal cruelty that will be considered in any application where such consideration is allowed within the relevant statute.

14 Annex 2 lists the principal offences regarding obstruction, failing to operate without the correct licence etc. that will be considered under any application where such consideration is allowed within the relevant statute.

15 Annex 3 lists the principal offences relating to conservation.

Following the consultation it was suggested that the header of each of the annexes to make it clear that the table may be subject to change from time to time and may not be exhaustive. In the event of any inconsistency, the enabling Act will take precedence with due respect to the prevailing rehabilitation of offenders provisions. It is further recommended that the paragraphs be combined for ease of reading;

13. Annexes 1-3 list the principle offences that will be considered in any application where such consideration is allowed within the relevant statute. The lists are not intended to be exhaustive and any offences will be reviewed having regard to the Council's general obligations to act fairly, proportionately, transparently, and in accordance with the principles of natural justice.

Annex 1 lists the principle offences relating to animal cruelty

Annex 2 lists the principle offences regarding obstruction, failing to operate without a licence, etc.

Annex 3 lists the principle offences relating to conservation

Recommendation: This amendment will make the policy easier to read, whilst also expanding the range of offences that the Council are able to take into account. At the same time ensuring that the principles of fairness, proportionality, and transparency are reiterated. It is recommended that paragraphs 13-15 are replaced with the new paragraph 13.

6. Introduction of “Establishment Legislation”

General Policy: Paragraph 16 [Page 5 of Appendix 1]

16. The following examples give a general policy as to the action that might be taken where convictions or cautions are recorded against an applicant.

There are 7 Acts that are drafted as the enabling Acts for the licence process. It is suggested that these Acts be termed the “Establishment Acts” and that in any licence application an unspent conviction, or other action, under any of the Acts becomes a relevant issue. This amendment would make the policy easier to read. Appendix 3 shows the changes to the page 6-9 of the policy.

Recommendation: To ensure that the policy is easy to read and understand whilst still maintaining its integrity, it is recommended that paragraph 16 is amended as follows:

- 16 The following licence types give a general policy as to the action that might be taken where convictions or cautions are recorded against an applicant. Under the following the Establishment Legislation refers to any of the 7 Acts referred to in paragraph 2 above.

Considerations

(i) Legal Implications

Each of the enabling Acts empowers the Local Authority to issue the relevant licences with or without conditions. For each of the amendments the two options to consider are to accept or to reject the officers’ recommendation.

There is a right to a fair trial and by publishing this policy the Public will be aware of how any relevant convictions will be considered whilst allowing the Council to deviate from the policy in the interests of natural justice.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The Council may be subject to appeal in the Magistrates’ Court if the decision is taken not to grant a licence.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

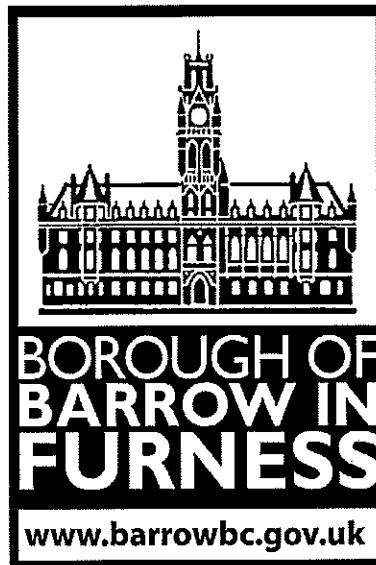
The recommendation has no detrimental impact on service users showing any of the protected characteristics under Equalities legislation.

(vi) Health and Wellbeing Implications

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

Background Papers

Nil



**Statement of Policy
Determination of Criminal Convictions
Animal Licences**

CONSULTATION

Version Control:	
Document Name:	Statement of Policy – Determination of Criminal Convictions – Animal Licences
Version:	22072015.1
Author:	Principal Environmental Health Officer (Commercial)
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STATEMENT OF POLICY CONCERNING THE RELEVANCE OF CRIMINAL CONVICTIONS RELATING TO THE DETERMINATION OF APPLICATION, RENEWAL, OR TRANSFER OF AN ANIMAL LICENCE

Introduction

Legislation is in place that requires licences to be held by those who own or look after animals for commercial gain and it is a duty of the Local Authority to manage such licences. The various pieces of enabling legislation detail the types of convictions that, if held and unspent, would render a person unsuitable for the holding of such a licence.

Purpose

The Environmental Health Department are reviewing each type of licence that is issued with a view to codifying those situations where an applicant is deemed to be unsuitable.

The aim of this policy is to:-

- provide the decision making body, the Licensing Regulatory Committee, with a reference document that allows for consistency to be demonstrated in how applications, etc. are processed; and
- ensure applicants understand how their convictions may affect their applications; and
- give the applicants confidence that his/her application is being dealt with effectively and fairly even if the outcome is not to his/her satisfaction.

Summary background

The Council recognises that employment plays an important part in preventing ex-offenders from re-offending. Therefore due attention is given to the principles of rehabilitation, so there are no unnecessary barriers for the employment of ex-offenders. However, the Council's role as a licensing authority is to protect the welfare of the animals. The Acts considered in this report are not granted an exemption from the Rehabilitation of Offenders Act 1974 therefore, only unspent convictions can be taken into consideration when assessing the application for a licence under any of the Acts covered by this Policy.

Annex 4 contains a table describing the time periods after which a conviction may be considered as spent.

When submitting a relevant application there will be a requirement upon the applicant to declare all relevant unspent convictions and cautions. In certain cases the legislation extends that requirement to those who hold positions of management or other responsibility.

Other relevant considerations

In addition to cautions and convictions the Courts are able to impose bans on the owning or keeping of animals, disqualify a person from holding a relevant licence, or cancel any licence held. In such circumstances the Council will not issue any relevant licence during the period of any ban.

Licence holder responsibilities

It will become the responsibility of each licence holder to inform the Council of any conviction, caution or ban upon applying for a licence, or upon application for the renewal or transfer. For licences which are valid for a longer period than 12 months the licence holder must inform the Council of any relevant conviction, caution or ban arising during the term of the licence within 7 days of it being imposed.

Right of Appeal

Any applicant who is refused a licence on the grounds that the Council do not consider them to be suitable to hold such a licence has the right of appeal to the Magistrates' Court.

Policy Relating to the Relevance of Convictions for Applicants for the Grant, Renewal or Transfer of Animal Licences

General Policy

- 1 This document sets out the policy adopted by Barrow Borough Council in respect of the consideration of whether an applicant is a "suitable person" to hold one of the following licences:-
 - Cattery or Kennel
 - Dangerous Wild Animal
 - Dog Breeding
 - Pet Shop
 - Stables or Riding School
 - Zoo

- 2 The Council has a statutory responsibility to administer animal licences under the following pieces of legislation:-
 - a. Pet Animals Act 1951 (Pet Shop)
 - b. Animal Boarding Establishments Act 1963 (Cattery or Kennel)
 - c. Riding Establishments Act 1964 and 1970 – (Stables or Riding School)
 - d. Breeding of Dogs Act 1973 (Dog Breeding operation)
 - e. Dangerous Wild Animal Act 1976 (Dangerous Wild Animals)

f. Zoo Licensing Act 1981 (Zoo)

- 3 When considering applications under the above mentioned legislative frameworks the Council must be satisfied that the applicant is a "suitable person" to hold such a licence.
- 4 This document contains a policy for Officers and members of the Licensing Regulatory Committee outlining how an applicant's fitness should be considered. However it is important to note that every application , including renewal, or transfer of any relevant licence, **MUST** be treated on its own merits and the contents of this document do not bind the Council, its Officers or the Committee
- 5 A decision may be made that departs from this policy, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision and those making the decision should be aware that departing without sufficient reason or failing to give consideration to such circumstances may give rise to an appeal to the Magistrates' Court or a judicial review of the decision.
- 6 It should be noted that no attempt is made within the legislation to define the term "suitable person" and this policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determinations on this point and this policy and associated annexes should be regarded as examples of issues that may lead to the Council not being satisfied than an applicant is a "suitable person", rather than an exhaustive list of the issues that may be taken into consideration.
- 7 The Council may fail to be satisfied that a person is a suitable person to hold an animal licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application
- 8 An applicant who does not satisfy this policy will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 9 In addition to criminal convictions the Council will also take notice of any court ordered disqualifications from holding any relevant licence, bans from holding a relevant licence, or a ban issued under the Animal Welfare Act 2006 for the owning or keeping of an animal.
- 10 The overriding consideration in compiling and interpreting this policy is the protection of animal welfare The Council has a duty to ensure that those licensed are suitable persons.
- 11 A person with a relevant conviction need not be permanently barred from obtaining a licence but may not be considered as suitable until all relevant convictions are considered spent.

- 12 In certain circumstances a Court may issue a ban on a person keeping animals. Where the Court has taken such action the Council will not issue that person with a relevant licence during the period of the ban.
- 13 Annex 1 lists the principle offences relating to animal cruelty that will be considered in any application where such consideration is allowed within the relevant statute.
- 14 Annex 2 lists the principal offences regarding obstruction, failing to operate without the correct licence etc. that will be considered under any application where such consideration is allowed within the relevant statute.
- 15 Annex 3 lists the principal offences relating to conservation.
- 16 The following examples give a general policy as to the action that might be taken where convictions or cautions are recorded against an applicant.

Licence to Run a Pet Shop Pet Animals Act 1951

Owners of pet shops are expected to know about the welfare standards required for the animals that they sell in order that they can advise the public. They must also provide a suitable environment for the animals under their care.

Under the Pet Animals Act 1961 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused

- An unspent conviction under the Pet Animals Act 1951,
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2
- A Court ordered disqualification from holding such a licence during the period of any disqualification.
- A Court ordered ban of animal ownership during period of any ban.

Licence to Run an Animal Boarding Establishment Animal Boarding Establishments Act 1963

A business that is established for the purpose of caring for other's animals would be expected to be run to a high standard of animal care. It will be expected by the general public that those running, and working, within such an establishment will have a very high regard for the animal's welfare.

Under the Animal Boarding Establishments Act 1963 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Animal Boarding Establishments Act 1963.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2
- A Court ordered disqualification from holding such a licence during the period of any disqualification.
- A Court ordered disqualification from holding a licence under the Pet Animals Act 1951 during the period of any disqualification.
- A Court ordered ban of animal ownership during the period of any ban.
- A Court ordered disqualification under the Protection of Animals (Amendment) Act 1954, from having the custody of animals during the period of any disqualification.

Licence to Run a Riding Stables Riding Establishments Acts 1964 and 1970

A business that is established for the purpose of hiring out horses for hacks or for riding schools will be expected to provide the highest standard of welfare for the animals under their care. As riding schools incorporate animal care into any syllabus then it is essential that the school is managed by those who place such matters in high regard.

Under the Riding Establishment Acts a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Riding Establishments Acts 1964 and 1970
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2
- A Court ordered disqualification from holding such a licence during the period of any disqualification.
- A Court ordered disqualification from holding a licence under the Pet Animals Act 1951 during the period of any disqualification.
- A Court ordered ban of animal ownership during the period of any ban.
- A Court ordered disqualification under the Protection of Animals (Amendment) Act 1954, from having the custody of animals during the period of any disqualification.

Licence to Breed Dogs Breeding of Dogs Act 1973

Owners of dogs who go into the business of breeding and selling puppies will be expected to demonstrate a high level of care for the animals owned. The public would expect that breeders are knowledgeable about their chosen breed in order to look after their own dogs and be able to advise the public. They must also provide a suitable environment for the animals under their care.

Under the Breeding of Dogs Act 1973 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Breeding of Dogs Act 1973.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2.
- A Court ordered disqualification from holding such a licence during the period of any disqualification.
- A Court ordered disqualification from holding a licence under the Pet Animals Act 1951 during the period of any disqualification.
- A Court ordered ban of animal ownership during the period of any ban.

- A Court ordered disqualification under the Protection of Animals (Amendment) Act 1954, from having the custody of animals
- A Court ordered disqualification from having custody of any dog during the period of any disqualification.

Licence to Keep a Dangerous Wild Animal Dangerous Wild Animals Act 1976

Animals included under the Dangerous Wild Animals Act can either be considered as exotic pets or may, as in the case of wild boar, be farmed. The public would therefore have an expectation that those who choose to own such animals are demonstrably capable of looking after their welfare.

Under the Dangerous Wild Animals Act 1976 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Dangerous Wild Animals Act 1976.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2.
- A Court ordered cancellation for a period of 1 year
- A Court ordered disqualification from holding such a licence during the period of any disqualification.
- A Court ordered ban of animal ownership during the period of any ban.

Licence to Operate a Zoo Zoo Licensing Act 1981

The public will expect that those who choose to own and operate a zoo will have the highest regard for the welfare of the animals within their care. As there is a mandatory licence condition regarding conservation there will be a wider expectation that they will look to minimise the impact of the zoo on the local environment.

The Act also allows for the same considerations to be placed on those who work in the zoo as well as those who own and manage it, at whatever level.

Therefore in terms of any Owner, Manager, Director, Share Holder, or similar Officer any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Zoo Licensing Act 1981.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence listed in Annex 2
- An unspent conviction for any offence relating to conservation listed in Annex 3
- An unspent conviction for any offence under Endangered Species (Import and Export) Act 1976
- A Court ordered ban on animal ownership during period of any ban

- A Court ordered disqualification from having custody of any animal during the period of any disqualification.
- A Court ordered disqualification from holding a licence listed under any other Act included within this policy during the period of any disqualification.
- A Council issued Direction to close a zoo within the last 5 years

In relation to any Keeper working at a zoo, any of the following may result in an application being refused:-

- An unspent conviction for any offence under the Zoo Licensing Act 1981.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- An unspent conviction for any offence under Endangered Species (Import and Export) Act 1976
- A Court ordered ban of animal ownership during period of any ban
- A Court ordered disqualification from having custody of any animal during the period of any disqualification
- A Council issued Direction to close a zoo within the last 5 years

Annex 1 Offences of Animal Cruelty

Year	Act	Section	Short Section Descriptor
1911	Protection of Animals	1	Offences of Cruelty
		5A	Attendance at animal fights
		5B	Advertising of animal fights
		7	Animals in Pounds
		8	Selling or Exposing Poisoned Grain or Flesh
		9	Using Dogs to Pull Carts etc. on Public Highway
		10	Inspection of traps set for catching rabbits etc.
1964	Riding Establishments	3	Hiring out a horse suffering pain or being otherwise unsuitable
2006	Animal Welfare	4	Unnecessary suffering
		5	Mutilation
		6	Docking of dogs' tails
		7	Administration of poisons etc.
		8	Fighting etc.

Annex 2 Obstruction and License Offences

Year	Act	Section	Short Section Descriptor
1934	Protection of Animals	1	Prohibition of certain public performances
1951	Pet Animals	1	Operating a Pet Shop Without a Licence
		1	Non-compliance with a licence condition
		2	Animals Being Sold in the Street
		3	Animals being sold to persons under 12
		4	Obstruction
1963	Animal Boarding Establishments	1	Operating a boarding establishment without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1964	Riding Establishments	1	Operating without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1973	Breeding of Dogs	1	Operating without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1976	Dangerous Wild Animals	1	Keeping without a licence
		2	Non-compliance with a licence condition
		3	Obstruction

1976	Endangered Species (Import and Export)	1	Obstruction
1981	Zoo Licensing Act	19(1)	Operating without a licence
		19(2)	Failure to comply with a licence condition
		19(3)	Obstruction
		19(3B&C)	Failure to comply with a direction to close the whole, or part of, the zoo
		19(3D)	Failure to comply with a request for information
		19(3E)	Disposal of any animal without approval
		19(3F)	Failure to comply with a Direction Order
		193(G)	Failure to display the zoo licence

Annex 3 Offences Relating to Conservation

1981	Wildlife and Countryside	1	Protection of wild birds, their nests and eggs
		3	Taking, Killing, disturbing a bird in an Area of Special Protection
		5	Prohibition of certain methods of killing or taking wild birds
		6	Sale etc. of live or dead wild birds, eggs etc.
		7	Registration etc. of certain captive birds
		8	Care of Captive Birds
		9	Protection of certain wild animals
		11	Prohibition of certain methods of killing or taking wild animals
		13	Protection of wild plants
		14	Introduction of new species etc.
		14ZA	Sale etc. of invasive non-native species
		14A	Prohibition on sale etc. of certain animals or plants
		15A	Possession of banned pesticides
		17	False statements made for obtaining registration or licence
		19XB	Obstruction

Annex 4

The following table is taken from the Ministry of Justice guidance on the Rehabilitation of Offenders Act 1974 referring to the length of time before convictions are considered as spent.

Sentence/disposal	Rehabilitation period for young people (under 18 at time of conviction or the time the disposal is administered)	Rehabilitation period for adults (18 or over at the time of conviction or the time the disposal is administered)
Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)	Never spent	Never spent
Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years)	10 years	5 years
Imprisonment up to 6 months	7 years	3 ½ years
Fine	5 years	2 ½ years
Community Sentence	5 years	2 ½ years
Conditional discharge	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Absolute Discharge	6 months	6 months
Conditional Caution	3 months	3 months
Simple Caution, Reprimand Final Warning	Spent immediately	Spent immediately
<i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i>		
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Supervision Order	N/A	The period of the order, or a minimum of 12 months (whichever is longer)
Bind Over	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Attendance Centre Order	A period ending one year after the order expires	A period ending one year after the order expires
Hospital Order	Five years, or a period ending two years after the order expires (whichever is longer)	Five years, or a period ending two years after the order expires (whichever is longer)

Appendix 2

Consultation Replies

1. Dogs Trust
2. RSPCA
3. South Lakes Safari Zoo

From Margaret Donnellan
Public Affairs Manager
Dogs Trust

Dear Richard,

Thank you very much for giving us the opportunity to respond to this consultation. Our response is short and sweet! Please see below:

Dogs Trust welcomes this consultation and is pleased to see Barrow Borough Council give such careful consideration to the granting of animal licences. We agree with the principle of this policy document, but would like to see Barrow Borough Council go further and enshrine a presumption that a licence be refused for any applicant who has been convicted of an animal cruelty offence. Such a conviction is a clear indication that a person should not be in charge of animals, and we would fear for the welfare of the animals involved if a blanket ban on licence-granting was not imposed on such applicants.

Borough of Barrow in Furness consultation RSPCA Response

Response to proposed determination of criminal convictions relating to Animal Licences

Overall comments

The RSPCA welcomes the opportunity to respond to the consultation on the proposed determination of criminal convictions when considering applications for an animal licence. It is encouraging that the Borough of Barrow-in-Furness is developing guidance for the Licensing Regulatory Committee so that the decisions on applications are consistent.

The draft "Statement of Policy Determination of Criminal Convictions Animal Licences" policy (the policy) refers to bans, the correct definition is disqualification. Magistrates may issue a disqualification order on a particular species or all animals. The Society would encourage the council to consider including in the policy that when considering whether the applicant is a "suitable person" that any unspent disqualification for any species is likely to deem an applicant unfit from holding an animal establishment license.

Specific comments

1. Page 2 of the policy refers to "unspent cautions". This should be unspent conditional cautions as simple cautions are spent immediately.
2. Page 4 paras 1 and 2 list the type of establishments and the relevant legislation relating to each it may be helpful if these were in the same order.
3. Page 6 typo second para "1961" should be "1951".
4. There seems to be some inconsistency between the bullet pointed lists from here on. For example under Animal Boarding Establishments Act 1963 a disqualification under Pet Animals Act 1951 is referred to. It would be more appropriate and consistent to say that a disqualification under any of the "establishments" legislation may result in a refusal. Also, in some sections here a disqualification under the Protection of Animals (Amendment) Act 1954 is specifically referred to, but not others.
5. The policy does not make reference to offences under section 9 of the Animal Welfare Act 2006 (AWA) in Annex A. In addition, might be worth adding section 11 AWA - this is specifically referred to in some of the animal establishments legislation. Additionally the policy does not consider convictions under the Performing Animals (Regulation) Act 1925 - section 4(1) - or when people have had their name removed/disqualified from the performing animals register (as ordered by the courts) - section 4(2) and (2)A.

6. If the council in Annex A of the policy are considering offences under the largely repealed 1911 Protection of Animals Act, the policy should also refer to offences under the Abandonment of Animals Act 1960 which could have resulted in disqualification.
7. There is other legislation which carries a power of disqualification, notably, Protection of Badgers Act 1992 and Dangerous Dogs Act 1991 (both in respect of dogs). Will be relevant to some, if not all, licences and should be included.
8. Annex 3 only refers to offences under the Wildlife and Countryside Act 1981 (WCA). Other conservation offences that should be considered include under Protection of badgers Act 1992, Deer Act 1991, Hunting Act 2004 and Wild Mammals (Protection) Act 1996. The RSPCA accepts that not all of these carry a power of disqualification but they should be taken into account when considering an application. The list of offences under the WCA should include section 18 - attempts to commit offences.

Karen Brewer
On Behalf of Safari Zoo Ltd

Consultation on Statement of Policy (Determination of Criminal Convictions – Animal Licences)

We write further to the consultation in respect of this matter which we note expires on 20th August 2015.

We are disappointed that this matter was not drawn to our attention, but luckily we noticed the consultation was open in the North West Evening Mail and on the Council's website.

You should by now have received our responses to last week's consultation exercise on Zoo Licencing. As you will no doubt have noticed from our comments, our concern is that as the only zoo business under the authority of the Council, the policy was, in many ways, specifically designed with us in mind. Because relations between us have not always been harmonious, our concern is that the Council will use these various policies as a means of trying to strengthen its position in any further discussions or even disputes with the Zoo.

Whilst we accept that the Council has a legal responsibility for licensing and animal welfare and whilst we have absolutely no issue with that and will always work with the Council to achieve the best for any animals in our care, we do wish to flag up openly that we would not consider it appropriate for the Council to draft its policies in such a way as to go beyond its legal responsibilities/requirements or to impose anything which is excessive, disproportionate or which is specifically targeted against any individual business or business owner.

With this in mind, we would propose the following amendments to the Statement of Policy in respect of the determination of criminal convictions for animal licences:-

1. The policy should not have retrospective effect. As such, the obligation to disclose convictions and the rights of the Council to take action under the policy should only apply to any convictions which arise *after* the date on which the policy is formally adopted.
2. Under "*licence holder responsibilities*", we would propose that the time line for the licence holder to notify the Council of any relevant conviction, caution or ban arising during the term of the licence should be twenty eight, rather than seven, days
3. We are concerned by paragraph 5 of the general policy, which seems to give the Council a blanket right to derogate from its own policy whenever it chooses to do so. We would suggest that this clause be removed in its entirety. Alternatively, we would suggest the addition of the following second sentence – "*Where the Council derogates from this policy, the Council will nevertheless ensure that it acts fairly, transparently, proportionately and in accordance with the principles of natural justice*".
4. At clause 6 of the general policy, we would suggest the addition of a final sentence to read "*Simply having a conviction will not in of itself render someone not a "suitable person". The existence of a conviction shall entitle the Council to make further enquiry, but each case will be taken on its own merits and due regard will be given to the circumstances of a*

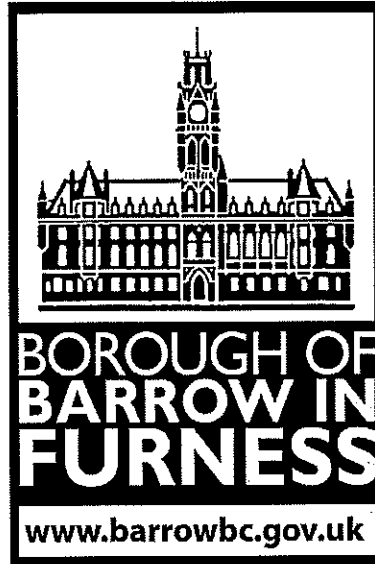
particular case and the impact on animal welfare and the steps taken by the applicant in relation to that case”.

5. The first sentence of clause 7 does not read at all well. If this is simply saying that the Council may refuse to grant a licence for a good reason, then subject to that good reason complying with the principles set out above, we feel that this is reasonable.
6. Under the sub-section “*licence to operate a zoo*”, we suggest that the first sentence of paragraph 3 be amended to read “*therefore in terms of any owner, manager, director, shareholder, or similar officer any of the following may result in an application being refused, having regard to the Council’s general obligations to act fairly, proportionately, transparently and in accordance with the principles of natural justice and otherwise as set out in this policy*”.
7. At the end of that same section, we think it is important that due regard is given for the fact that keepers or employees of a zoo business may act without any sort of authority and/or maliciously/capriciously. Where it is clear that a conviction has arising as a result of an individual going beyond their reasonable job responsibilities, we feel that the business itself should not be penalised. A business should only be penalised where the Council is, after full and proper investigation, reasonably satisfied that the individual in question was acting with the knowledge and/or authority of the business, or that the business deliberately turned a blind eye to whatever was going on.
8. We would suggest an amendment to the header of appendix 1 to make it clear that the table may be subject to change from time to time and may not be exhaustive at this stage and that in the event of any inconsistency, the prevailing rehabilitation of offenders provisions will always apply.

We look forwards to hearing from you in due course and confirm our willingness to engage in further consultation should the Council accept that our proposed changes are reasonable and should there be further iterations of the policy requiring consultation/comment.

Yours sincerely,

Karen Brewer
On Behalf of Safari Zoo Ltd



**Statement of Policy
Determination of Criminal Convictions
Animal Licences**

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STATEMENT OF POLICY CONCERNING THE RELEVANCE OF CRIMINAL CONVICTIONS RELATING TO THE DETERMINATION OF APPLICATION, RENEWAL, OR TRANSFER OF AN ANIMAL LICENCE

Introduction

Legislation is in place that requires licences to be held by those who own or look after animals for commercial gain and it is a duty of the Local Authority to manage such licences. The various pieces of enabling legislation detail the types of convictions that, if held and unspent, would render a person unsuitable for the holding of such a licence.

Purpose

The Environmental Health Department are reviewing each type of licence that is issued with a view to codifying those situations where an applicant is deemed to be unsuitable.

The aim of this policy is to:-

- provide the decision making body, the Licensing Regulatory Committee, with a reference document that allows for consistency to be demonstrated in how applications, etc. are processed; and
- ensure applicants understand how their convictions may affect their applications; and
- give the applicants confidence that his/her application is being dealt with effectively and fairly even if the outcome is not to his/her satisfaction.

Summary background

The Council recognises that employment plays an important part in preventing ex-offenders from re-offending. Therefore due attention is given to the principles of rehabilitation, so there are no unnecessary barriers for the employment of ex-offenders. However, the Council's role as a licensing authority is to protect the welfare of the animals. The Acts considered in this report are not granted an exemption from the Rehabilitation of Offenders Act 1974 therefore, only unspent convictions can be taken into consideration when assessing the application for a licence under any of the Acts covered by this Policy.

Annex 4 contains a table describing the time periods after which a conviction may be considered as spent.

When submitting a relevant application there will be a requirement upon the applicant to declare all relevant unspent convictions and cautions. In certain cases the legislation extends that requirement to those who hold positions of management or other responsibility.

Other relevant considerations

In addition to cautions and convictions the Courts are able to impose a disqualification on the owning or keeping of animals, impose a disqualification on a person from holding a relevant licence, or cancel any licence held. In such circumstances the Council will not issue any relevant licence during the period of any disqualification.

Licence holder responsibilities

It will become the responsibility of each licence holder to inform the Council of any conviction, caution or disqualification. The licence holder must inform the Council of any relevant conviction, caution or disqualification arising during the term of the licence within 15 working days of it being imposed.

Right of Appeal

Any applicant who is refused a licence on the grounds that the Council do not consider them to be suitable to hold such a licence has the right of appeal to the Magistrates' Court.

Policy Relating to the Relevance of Convictions for Applicants for the Grant, Renewal or Transfer of Animal Licences

General Policy

- 1 This document sets out the policy adopted by Barrow Borough Council in respect of the consideration of whether an applicant is a "suitable person" to hold one of the following licences:-
 - Cattery or Kennel
 - Dangerous Wild Animal
 - Dog Breeding
 - Pet Shop
 - Stables or Riding School
 - Zoo

- 2 The Council has a statutory responsibility to administer animal licences under the following pieces of legislation:-
 - a. Animal Boarding Establishments Act 1963 (Cattery or Kennel)
 - b. Dangerous Wild Animal Act 1976 (Dangerous Wild Animals)
 - c. Breeding of Dogs Act 1973 (Dog Breeding operation)
 - d. Pet Animals Act 1951 (Pet Shop)
 - e. Riding Establishments Act 1964 and 1970 – (Stables or Riding School)

f. Zoo Licensing Act 1981 (Zoo)

- 3 When considering applications under the above mentioned legislative frameworks the Council must be satisfied that the applicant is a "suitable person" to hold such a licence.
- 4 This document contains a policy for Officers and members of the Licensing Regulatory Committee outlining how an applicant's fitness should be considered. However it is important to note that every application, including renewal, or transfer of any relevant licence, **MUST** be treated on its own merits and the contents of this document do not bind the Council, its Officers or the Committee.
- 5 A decision may be made that departs from this policy, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision and those making the decision should be aware that departing without sufficient reason or failing to give consideration to such circumstances may give rise to an appeal to the Magistrates' Court or a judicial review of the decision.

When the Council derogates from this policy, the Council will nevertheless ensure that it acts fairly, transparently, proportionately and in accordance with the principles of natural justice.

- 6 It should be noted that no attempt is made within the legislation to define the term "suitable person" and this policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determinations on this point and this policy and associated annexes should be regarded as examples of issues that may lead to the Council not being satisfied that an applicant is a "suitable person", rather than an exhaustive list of the issues that may be taken into consideration.
- 7 In addition to criminal convictions the Council will also take notice of any court ordered disqualifications from holding any relevant licence, bans from holding a relevant licence, or a ban issued under the Animal Welfare Act 2006 for the owning or keeping of an animal.
- 8 The overriding consideration in compiling and interpreting this policy is the protection of animal welfare. The Council has a duty to ensure that those licensed are suitable persons.
- 9 A person with a relevant conviction need not be permanently barred from obtaining a licence but may not be considered as suitable until all relevant convictions are considered spent.
- 10 In certain circumstances a Court may issue a disqualification on a person keeping animals. Where the Court has taken such action the Council will not issue that person with a relevant licence during the period of the ban.
- 11 Annexes 1-3 lists the principle offences relating to animal cruelty that will be considered in any application where such consideration is allowed within the relevant statute. The lists are not intended to be exhaustive and any offences will be reviewed

having regard to the Council's general obligations to act fairly, proportionately, transparently, and in accordance with the principles of natural justice.

Annex 1 lists the principle offences relating to animal cruelty

Annex 2 lists the principal offences regarding obstruction, failing to operate without the correct licence etc.

Annex 3 lists the principal offences relating to conservation.

- 12 The following licence types give a general policy as to the action that might be taken were convictions, cautions, or disqualifications, are recorded against an applicant. Under the following the "Establishment Legislation" refers to any of the 7 Acts referred to in paragraph 2 above.

Licence to Run a Pet Shop Pet Animals Act 1951

Owners of pet shops are expected to know about the welfare standards required for the animals that they sell in order that they can advise the public. They must also provide a suitable environment for the animals under their care.

Under the Pet Animals Act 1961 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.

Licence to Run an Animal Boarding Establishment Animal Boarding Establishments Act 1963

A business that is established for the purpose of caring for other's animals would be expected to be run to a high standard of animal care. It will be expected by the general public that those running, and working, within such an establishment will have a very high regard for the animal's welfare.

Under the Animal Boarding Establishments Act 1963 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.

Licence to Run a Riding Stables Riding Establishments Acts 1964 and 1970

A business that is established for the purpose of hiring out horses for hacks or for riding schools will be expected to provide the highest standard of welfare for the animals under their care. As riding schools incorporate animal care into any syllabus then it is essential that the school is managed by those who place such matters in high regard.

Under the Riding Establishment Acts a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.

Licence to Breed Dogs Breeding of Dogs Act 1973

Owners of dogs who go into the business of breeding and selling puppies will be expected to demonstrate a high level of care for the animals owned. The public would expect that breeders are knowledgeable about their chosen breed in order to look after their own dogs and be able to advise the public. They must also provide a suitable environment for the animals under their care.

Under the Breeding of Dogs Act 1973 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.

Licence to Keep a Dangerous Wild Animal Dangerous Wild Animals Act 1976

Animals included under the Dangerous Wild Animals Act can either be considered as exotic pets or may, as in the case of wild boar, be farmed. The public would therefore

have an expectation that those who choose to own such animals are demonstrably capable of looking after their welfare.

Under the Dangerous Wild Animals Act 1976 a Court may cancel any licence and/or disqualify a person from holding such a licence.

Therefore any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.

Licence to Operate a Zoo Zoo Licensing Act 1981

The public will expect that those who choose to own and operate a zoo will have the highest regard for the welfare of the animals within their care. As there is a mandatory licence condition regarding conservation there will be a wider expectation that they will look to minimise the impact of the zoo on the local environment.

The Act also allows for the same considerations to be placed on those who work in the zoo as well as those who own and manage it, at whatever level.

Therefore in terms of any Owner, Manager, Director, Share Holder, or similar Officer any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.
- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.
- An unspent conviction for any offence relating to conservation listed in Annex 3
- An unspent conviction for any offence under Endangered Species (Import and Export) Act 1976.
- A Council issued Direction to close a zoo within the last 5 years.

In relation to any Keeper working at a zoo, any of the following may result in an application being refused:-

- An unspent conviction, caution, or disqualification under any of the Establishment Acts.

- An unspent conviction for any offence of animal cruelty listed in Annex 1.
- A Court ordered disqualification from holding any licence under any of the Establishment Acts during the period of such a disqualification.
- A Court ordered disqualification regarding animal ownership or custody during the period of such a disqualification.
- An unspent conviction for any offence under Endangered Species (Import and Export) Act 1976.
- A Council issued Direction to close a zoo within the last 5 years.

In the following Annexes the tables list the principle Acts under consideration. These may be subject to change from time to time and may not be exhaustive. In the event of any inconsistency, the enabling Act will take precedence with due respect paid to the prevailing provisions regarding the rehabilitation of offenders.

Annex 1 Offences of Animal Cruelty

Year	Act	Section	Short Section Descriptor
1911	Protection of Animals	1	Offences of Cruelty
		5A	Attendance at animal fights
		5B	Advertising of animal fights
		7	Animals in Pounds
		8	Selling or Exposing Poisoned Grain or Flesh
		9	Using Dogs to Pull Carts etc. on Public Highway
		10	Inspection of traps set for catching rabbits etc.
1964	Riding Establishments	3	Hiring out a horse suffering pain or being otherwise unsuitable
2006	Animal Welfare	4	Unnecessary suffering
		5	Mutilation
		6	Docking of dogs' tails
		7	Administration of poisons etc.
		8	Fighting etc.

Annex 2 Obstruction and License Offences

Year	Act	Section	Short Section Descriptor
1934	Protection of Animals	1	Prohibition of certain public performances
1951	Pet Animals	1	Operating a Pet Shop Without a Licence
		1	Non-compliance with a licence condition
		2	Animals Being Sold in the Street
		3	Animals being sold to persons under 12
		4	Obstruction
1963	Animal Boarding Establishments	1	Operating a boarding establishment without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1964	Riding Establishments	1	Operating without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1973	Breeding of Dogs	1	Operating without a licence
		1	Non-compliance with a licence condition
		2	Obstruction
1976	Dangerous Wild Animals	1	Keeping without a licence
		2	Non-compliance with a licence condition
		3	Obstruction

1976	Endangered Species (Import and Export)	1	Obstruction
1981	Zoo Licensing Act	19(1)	Operating without a licence
		19(2)	Failure to comply with a licence condition
		19(3)	Obstruction
		19(3B&C)	Failure to comply with a direction to close the whole, or part of, the zoo
		19(3D)	Failure to comply with a request for information
		19(3E)	Disposal of any animal without approval
		19(3F)	Failure to comply with a Direction Order
		19(3G)	Failure to display the zoo licence

Annex 3 Offences Relating to Conservation

1981	Wildlife and Countryside	1	Protection of wild birds, their nests and eggs
		3	Taking, Killing, disturbing a bird in an Area of Special Protection
		5	Prohibition of certain methods of killing or taking wild birds
		6	Sale etc. of live or dead wild birds, eggs etc.
		7	Registration etc. of certain captive birds
		8	Care of Captive Birds
		9	Protection of certain wild animals
		11	Prohibition of certain methods of killing or taking wild animals
		13	Protection of wild plants
		14	Introduction of new species etc.
		14ZA	Sale etc. of invasive non-native species
		14A	Prohibition on sale etc. of certain animals or plants
		15A	Possession of banned pesticides
		17	False statements made for obtaining registration or licence
		19XB	Obstruction

Annex 4

The following table is taken from the Ministry of Justice guidance on the Rehabilitation of Offenders Act 1974 referring to the length of time before convictions are considered as spent.

Sentence/disposal	Rehabilitation period for young people (under 18 at time of conviction or the time the disposal is administered)	Rehabilitation period for adults (18 or over at the time of conviction or the time the disposal is administered)
Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)	Never spent	Never spent
Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years)	10 years	5 years
Imprisonment up to 6 months	7 years	3 ½ years
Fine	5 years	2 ½ years
Community Sentence	5 years	2 ½ years
Conditional discharge	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Absolute Discharge	6 months	6 months
Conditional Caution	3 months	3 months
Simple Caution, Reprimand Final Warning	Spent immediately	Spent immediately
<i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i>		
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Supervision Order	N/A	The period of the order, or a minimum of 12 months (whichever is longer)
Bind Over	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Attendance Centre Order	A period ending one year after the order expires	A period ending one year after the order expires
Hospital Order	Five years, or a period ending two years after the order expires (whichever is longer)	Five years, or a period ending two years after the order expires (whichever is longer)

EXECUTIVE COMMITTEE	(R) Agenda Item 11
Date of Meeting: 21st October, 2015	
Reporting Officer: Assistant Director (Regeneration and Built Environment)	
<p>Title: Zoo Licensing Act 1981 (as amended) Policy for Recharging Zoo Licensing Fees within Barrow Borough Council</p> <p>Summary and Conclusions:</p> <p>Following a 14 day consultation period the Licensing Regulatory Committee on 3rd September 2015 took account of comments received on the above policy and approved changes in line with Officer Recommendations for Cost Setting (6) and Variation in Maintenance Costs (7). Members agreed to refer the Zoo Recharging Policy to the Executive Committee to adopt the policy (Appendix 4 Version 150730.2).</p> <p>Recommendations:</p> <p>To recommend the Council:-</p> <p>To approve the Policy for Recharging Zoo Licensing Fees within Barrow Borough Council (Appendix 4 Version 150730.2).</p>	

Report

At a meeting of the Licensing Regulatory Committee held on 3rd September 2015, Members took account of comments received during a consultation for the above policy and approved changes in line with Officer recommendations for points 6 (Cost Setting) and 7 (Variation in Maintenance Costs). The amended policy is attached at **Appendix 4**.

Members also agreed to recommend the policy only to the Executive Committee to recommend that the Council adopt the policy.

For Member's information, it is not the purpose of this report to set the actual fees, but to approve the policy only, and recommend to Council that it be adopted.

The Minute of the Licensing Regulatory Committee of 3rd September 2015 is attached at **Appendix 5**.

Considerations

(i) Legal Implications

Zoo Licensing Act 1981

Section 15 Fees and other charges.

- (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—
 - (a) applications for the grant, renewal or transfer of licences;
 - (b) the grant, renewal, alteration or transfer of licences;
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Tourism activities are covered by the European Services Directive and The Provisions of Services Regulations 2009 transpose the EU Services Directive into UK legislation.

The Council have also taken into account guidance issued by the Local Government Association [LGA] entitled “Open for business – LGA guidance on locally set fees” [LGA, 2014]

(ii) Risk Assessment

The Council may face review if a complaint is received that the Council is not passing on the full cost of a licence where the legislation allows resulting in the Council effectively subsidising businesses.

Whilst there is no direct appeal against a fee being set under the Zoo Licensing Act 1981, the Council could be held to account through Judicial Review, if the charges are unlawful. A complaint could also be made through the Council’s Audit process.

(iii) Financial Implications

The Council costs regarding the current enforcement of the Zoo licence are not recoverable under any other mechanism. Therefore money that cannot be recovered will have an effect on the General Fund.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Equality and Diversity

Not Applicable

(vi) Health and Well-being Implications

None identified

Background Papers

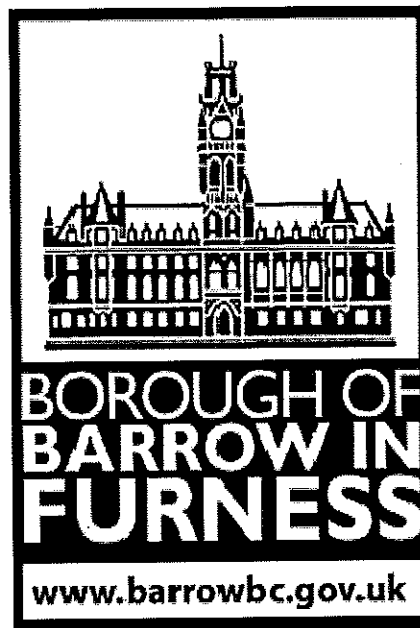
Nil

Please Note:-

Executive Committee Report Appendices

Appendix 4 Policy for Fee Setting Applicable to all Zoo Licences (Version 150730.2)

Appendix 5 Minute of the Licensing Regulatory Committee 3rd September, 2015



**POLICY FOR RECHARGING ZOO LICENSING
FEES WITHIN BARROW BOROUGH COUNCIL**

Version Control:	
Document Name:	Zoo Recharging Policy
Version:	150730.2
Author:	Principal Environmental Health Officer (Commercial)
Review Date:	July 2016

Preamble

Barrow Borough Council is responsible for administering a range of licences and approvals resulting from both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. Locally set fees are a vital means of ensuring that costs can be recovered by each and every council, rather than relying on subsidy from local tax payers

The intention of this policy is to set out how the Council will recover the cost of enforcing the Zoo Licensing Act 1981 from those premises that are required to hold a licence. The presence of this policy is in order to promote transparency, fairness and consistency.

The owner of a Zoo will be charged:

- An Application Fee which is payable when an application is lodged with the Council. This will be the administrative costs of processing an application for an initial licence renewal, alteration or transfer.
- A Maintenance Fee which will become payable before the grant of the licence and will then be charged annually on the anniversary of the grant. The Maintenance Fee will be kept under review and set annually based on the work undertaken in the previous year to ensure that fees set remain reasonable and proportionate.

Charges must be reasonable and proportionate to the cost of the processes associated with the licensing scheme. This policy will set out the process adopted by Barrow Borough Council to ensure will achieve this.

1 Introduction

This 'Statement of Policy' sets out Barrow Borough Council's (hereafter referred to as the "Council") position in regards to the setting of the licence fee, both in terms of application and maintenance elements. The policy is based on the relevant sections of the primary legislation which is the Zoo Licensing Act 1981 (as amended) ("the Act"), in particular Section 15 and The European Services Directive.

The policy will also consider any associated statutory guidance.

2 Purpose

The purpose of this policy is to clearly set out how the Council will set fees it may charge in relation to any application, renewal, alteration or transfer under the Act.

It is intended to provide a proportionate, fair and transparent approach to the recovery of costs from those persons or companies who are required to hold a licence under the Act, and remove the burden from Council's finances and ultimately local taxpayers.

3 Scope

Section 1 of the Zoo Licensing Act 1981 defines those premises that are required to hold a licence.

Section 1(2) In this Act "zoo" means an establishment where wild animals ... are kept for exhibition to the public otherwise than for purposes of a circus (as so defined) and otherwise than in a pet shop (as so defined); and this Act applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months

Section 1(2B) This Act also applies in accordance with its terms to any zoo to which members of the public do not have such access if a licence is in force in respect of it or as otherwise provided (in particular, in sections 13 and 16C to 16G).

This policy will be applied to any premises that are required to hold a licence under this Act.

4 Legislative Background

The Council is enabled by the Zoo Licensing Act 1981 to charge fees in respect of a zoo licence. The relevant section is Section 15 and this is reproduced in Annex 1. This policy establishes two charges:

- An **Application Fee** will be charged upon the initial application for a zoo licence, an application for the renewal of an existing licence, or the transfer of a zoo licence.
- A **Maintenance Fee** will be charged on the application being successful and will be payable before the grant of the licence. Whilst the zoo licence runs for a 6 year period the Maintenance Fee will be calculated annually and charged on the anniversary of the licence being issued.

The Government have published statutory guidance entitled "Zoo Licensing Act 1981, Guide to the Act's Provisions" [DEFRA 2012]. Section 19 of this guidance requires the Council to limit the cost burden to the Zoo and to ensure that the costs are reasonable.

The Council have also taken into account guidance issued by the Local Government Association [LGA] entitled "Open for business - LGA guidance on locally set fees" [LGA, 2014] and The European Services Directive.

5 The Policy

As with other licences the Council incurs expense through the application process and subsequently monitoring for compliance.

The Zoo Licensing Act allows the Council to recoup the expenses of inspections but costs of preparing for Committee hearings, seeking legal advice on compliance issues, and training staff to administer the various aspects of the licence, etc. creates an expense that is currently born by general funds.

In the case *R (on the application of Hemmings and Others) v Westminster City Council* [2015] UKSC 25 the judgement made it clear that local authorities should not be subsidising licensed trades and should be attempting to recover costs of management and enforcement. Put simply, the Council has a duty to its' citizens not to be using general funds to subsidise the business activities of a licensed business.

The recovery of the costs incurred by the Council for the administration of zoo licensing works shall:

- (a) Where possible, be sought from the applicant or licence holder.
- (b) Be recovered in full where reasonable.
- (c) Be as fair and equitable as possible to all who may otherwise have to meet the costs of including national and local taxpayers.

6 Cost Setting

Initial application costs will include: -

- Basic office administration to process the licence application, including specialist software.
- Initial visit(s) – Officer time
- Third party costs, for example veterinary attendance during licensing inspections
- Liaison with interested parties – engaging with responsible authorities
- Management costs
- Local democracy costs – committee hearings
- On costs
- Development, determination and production of licensing policies
- Web material
- Advice and guidance
- Setting and reviewing fees

The Maintenance Fee will include:-

- Third party costs, for example seeking expert veterinary attendance other than during formal, informal, or special inspections
- Liaison with interested parties
- Liaison with Central Government
- Management costs
- Local democracy costs – committee hearings
- On costs
- Advice and guidance relating to those matters which may properly be charged to Zoo businesses pursuant to legislation
- Relevant training of staff and members

7 Variation in Maintenance Costs

The Zoo Licence runs for a 6 year period. The Council has considered the fairness and reasonableness of setting a fee which covers the 6 year period.

Fees must not exceed the cost of administering the licensing regime and should be cost neutral so that over the lifespan of the licence the budget should balance.

Reviewing the on-going running and compliance costs annually allows the Council to avoid a surplus or deficit in future years. If a licence fee was payable for the licence period of 6 years, current licence holders would not benefit from a review showing a surplus. Similarly a review highlighting a deficit could financially harm an otherwise viable business if on renewal the fee increased significantly.

An annual review would allow the fee to be adjusted more appropriately and fairly throughout the duration of the licence.

On this basis it is not considered reasonable to charge a full 6 year maintenance fee at the start of the licence period. It has been decided that the maintenance fee will be calculated on an annual basis and charged on the anniversary of the licence being granted.

The annual maintenance fee will be based on cost recovery for the time spent in the previous 12 months if those figures are available. Therefore, if the level of compliance of a zoo is high then the corresponding reduction in the maintenance fee will reflect this.

Both the application and the maintenance fee will be set only after consultation with Zoo businesses.

8 Review of Licencing Costs

Both the application fee and the maintenance fee will be reviewed on an annual basis.

Annex 1

Zoo Licensing Act 1981

Section 15 Fees and other charges.

- (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—
 - (a) applications for the grant, renewal or transfer of licences;
 - (b) the grant, renewal, alteration or transfer of licences;
- (2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.
- (2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—
 - (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
 - (b) in connection with the exercise of their powers to make directions under this Act;
 - (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
 - (d) in connection with the exercise of their function under section 16E(7) or (8).
- (3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by installments.
- (4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

LICENSING REGULATORY COMMITTEE Thursday 3rd September, 2015

REFERRED ITEM

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

22 – Zoo Licensing Act 1981 (as amended) – Policy for Fee Setting Applicable to all Zoo Licences

The Principal Environmental Health Officer reported that Barrow Borough Council was responsible for administering a range of licences, permits and registrations resulting from both national legislation and discretionary functions that were agreed locally. In most cases the costs incurred by Councils in administering and sometimes enforcing these regimes could be recovered through fees set by each council. Locally set fees were a vital means of ensuring that costs could be recovered by Councils, rather than relying on local tax payers subsidising licence holders.

The basis in setting such fees was generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years had confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed regularly (generally annually) to ensure that neither a significant surplus nor deficit was created. Surpluses or deficits were to be carried forward to future years to be redistributed or recouped, as applicable.

Many Licensing schemes fell within the definition of 'services', under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must "be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities". The recent case of R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council had examined this issue, and confirmed that fees must reflect administrative and compliance costs, but could not include the costs of enforcement action against unlicensed operators.

The Council was enabled by Section 15 Zoo Licensing Act 1981 to charge fees and other charges in respect of a Zoo Licence. In addition to regular inspections there were a number of other cost implications, such as administering the licence, enforcing licence conditions, preparing Committee reports, and considering emerging issues, which were currently unrecovered.

A document which demonstrated the methodology behind the setting of the Zoo Licence fee was attached as an appendix to the report.

The Owner of a Zoo would be charged:-

- An application fee which was payable when an application was lodged with the Council. This would be the administrative costs of processing an application for an initial licence renewal, alteration or transfer.
- A Maintenance fee which would become payable before the grant of the licence and would then be charged annually on the anniversary of the grant. The Maintenance fee would be kept under review and set annually based on the work

undertaken in the previous year to ensure that fees set remained reasonable and proportionate.

Members noted that it was not the purpose of this report to set the actual fees. The Application Fee was being set in an additional report before the Committee. However it had been necessary to include the application fee in this policy because it needed to include all aspects of the application and renewal of a Zoo Licence. If the policy was accepted then a Maintenance Fee would be brought back to this Committee for approval at a later date.

The Policy had been subject to a 14 day consultation period. An advert had also placed in the North West Evening Mail and full consultation details made available on the Council's website inviting representations.

All responses received had been included as an appendix to the report. South Lakes Safari Zoo Ltd was the only consultee to comment on the policy.

South Lakes Safari Zoo's points (in bold) were as follows:-

1. Preamble, Paragraph 2, Page 2 of the policy document

The intention of this policy is to set out how the Council will recover the cost of enforcing the Zoo Licensing Act 1981 from those premises that are required to hold a licence. The presence of this policy is in order to promote transparency, fairness and consistency. **It is acknowledged that there is only one Zoo business operating in the Council's area of authority and it is further recognised that relations between the owner of that business and the Council have not always been harmonious. The Council is committed to ensuring that its application of this policy is fair and proportionate and free of any taint of bias and that the Council acts in a manner consistent with other local authorities who administer licences and approvals for Zoo businesses.**

2. Preamble, Paragraph 3, Page 2 of the policy document

The Zoo Owner shall be charged.

A reasonable and proportionate application fee ...

A reasonable and proportionate maintenance fee ...

The insertion of the words **reasonable and proportionate** has also been made at Section 4 Page 3 under Legislative Background within the consultation reply.

3. Preamble, Paragraph 4, Page 2 of the policy document

Charges must be reasonable and proportionate to the cost of the processes associated with the licensing scheme **and having regard to the provisions of the second paragraph above.**

4. Purpose, Section 2, Page 3 of the policy document

It is intended to provide a proportionate, fair and transparent approach to the recovery of costs from those persons or companies who are required to hold a licence under the Act, and remove the burden from Council's finances and ultimately local taxpayers **whilst not penalising Zoo businesses.**

5. The Policy, Section 5, Page 4 of the policy document

The recovery of the costs incurred by the Council for the administration of zoo licensing works shall:

- (a) Where possible, be sought from the applicant or licence holder.
- (b) Be recovered in full where reasonable.
- (c) Be as fair and equitable as possible to all who may otherwise have to meet the costs of including national and local taxpayers **but also the Zoo business, which the Council recognises provide a very significant source of tourist and other income for the Furness area.**

6. Cost Setting, Section 6, Page 4 of the policy document

The Maintenance Fee will include:-

- Third party costs,
- Liaison with interested parties
- Liaison with Central Government
- Management Costs
- Local democracy costs – committee hearings
- On costs
- Advice and guidance **relating to those matters which may properly be charged to the Zoo business pursuant to legislation**
- **Relevant training** of staff and members.

7. Variation in Maintenance Costs, Section 7, Page 5 of the policy document

The annual maintenance fee will be based on cost recovery for the time spent in the previous 12 months if those figures are available. Therefore, if the level of compliance of a zoo is high then the corresponding reduction in the maintenance fee will reflect this.

- (1) **Both the application and the maintenance fee will be set only after consultation with Zoo businesses.**
- (2) **The Council will give due regard to any representations made by Zoo businesses and shall afford Zoo businesses a means of appeal or redress if there are any disputes over the level of fees charged.**

8. Method of Fee Calculation

In the consultation a Maintenance Fee together with the calculation method was produced. The calculation method and final fee is not part of the policy. The Zoo, have stated that **making the zoo pay for the cost of legal advice relating to issues with the zoo is outwith the permitted framework.**

The Environmental Health Manager, the Principal Environmental Health Officer, the Senior Environmental Health Officer along with Mr Gill and Mr Walker withdrew from the meeting whilst the Committee conducted their decision making discussions.

RECOMMENDED:- (i) That the Policy be adopted with the amendments suggested by South Lakes Safari Zoo Ltd as follows:-

- Cost Setting, Section 6, Page 4 of the Policy Document **(Point 6 above)**; and
- Variation in Maintenance Costs, Section 7, Page of the Policy Document **(Point 7.1 above)**;

(ii) That the amendments suggested by South Lakes Safari Zoo Ltd are not included in the Policy as follows:-

- Preamble, Paragraph 2, Page 2 the Policy Document **(Point 1 above)**;
- Preamble, Paragraph 3, Page 2 of the Policy Document **(Point 2 above)**;
- Preamble, Paragraph 4, Page 2 of the Policy Document **(Point 3 above)**;
- Purpose, Section 2, Page 3 of the Policy Document **(Point 4 above)**;
- The Policy, Section 5, Page 4 of the Policy Document **(Point 5 above)**;
- Variation in Maintenance Costs Section 7 Page 5 of the Policy Document **(Point 7.2 above)**; and

(iii) That the Zoo's comments regarding the method of fee calculation **(Point 8 above)** be noted at this time.

EXECUTIVE COMMITTEE	(R) Agenda Item 12
Date of Meeting: 21st October, 2015	
Reporting Officer: Electoral Registration Officer	
Title: St Francis Church	
Summary and Conclusions:	
To designate St Francis Church as the Polling Station for Polling District FB instead of the Richard Cave MS Centre for the Ormsgill Ward.	
Recommendations:	
To recommend the Council to designate St Francis Church as the Polling Station for Polling District/Polling Place FB instead of the Richard Cave MS Centre for the Ormsgill Ward.	

Report

Members will recall that at its last meeting a nomination had been received from Ormsgill Youth and Community Association to include the MS Centre, Schneider Road on the List of Assets of Community Value.

If a polling station becomes unavailable outside of the compulsory review period and carrying out interim reviews, the (Acting) Returning Officer should consider whether another polling station could be designated within the polling place. Changing the polling station within the polling place would not require a review.

As the situation with Richard Cave MS Centre is uncertain it has been necessary to find an alternative polling station for Polling District/Polling Place FB in Ormsgill ward.

I along with the Deputy Electoral Registration Officer have inspected St Francis Church, Schneider Road. The main access to the church is stepped however, a temporary ramp will be installed. The polling station would be located in a room at the rear of the church.

The Parochial Church Council are happy with the church building being used as a polling station.

(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	(R) Agenda Item 13
Date of Meeting: 21st October, 2015	
Reporting Officer: Democratic Services Manager	
<p>Title: Reviewing the Member Development Strategy</p> <p>Summary and Conclusions:</p> <p>The Member Training Working Group has revised the Member Development Strategy to ensure continuation of effective Member Development. The Strategy is reviewed on a biennial basis in conjunction with the Democratic Services Manager, the Democratic Services Officer (Member Support) and the Member Training Working Group. The responsibility for agreeing the overall Strategy lies in the hands of the Full Council.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the revised Member Development Strategy.</p>	

Report

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

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

The Member Training Working Group have revised the Strategy document and referred it to this Committee for approval. A copy of the revised Strategy is attached at **Appendix 6**.

(i) **Legal Implications**

The recommendation has no legal implications.

(ii) **Risk Assessment**

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) 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 Well-being of users of this service.

Background Papers

Nil.



Barrow Borough Council

Member Development Strategy 2015/2017

Date: September 2015

Author: Paula Westwood



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Introduction

Local Government has undergone a massive period of change. Councillors need to take on a broad range of new skills, networks and knowledge; often in a short space of time to embrace increasingly complex roles. Some of these skills are inherent in a politician, some may need to be learned, and others just developed. Adding this new range of skills to existing competence will not be possible without a structured approach and a serious commitment made to Member development with the active inclusion of Members.

In November 2003, the Council declared its commitment to achieve the North West Charter for Elected Member Development which involved exploring new roles for Members, considered how to identify and address the development needs of Members and introduced a practical methodology for assessing key service priorities for the Council.

In September 2006, less than three years on, the Council were awarded with the North West Charter Award for Elected Member Development. This achievement would not have been possible without the Council's commitment and the commitment of its Elected Members to training and development.

The Council had a successful Level 1 review in September 2009 and again in July 2012.

Vision

The Member Development Strategy provides a long-term direction for Member training and development. The vision behind the strategy is;

“To ensure that all Members have access to adequate training and development opportunities to enable them to fulfill their responsibilities”

Objectives

The Member Development Strategy has the following underlying aims:

- ❖ To encourage involvement of Members in their own development and learning – where they identify their own particular development needs and the means of satisfying those needs to meet the Corporate Strategy of the Council.
- ❖ To focus on Members being learners rather than recipients of training.
- ❖ To ensure that all newly Elected Members are properly inducted into the Council and their role.
- ❖ To see the use of Information Technology as the norm and to ensure that all Members have the opportunity to benefit from Information Technology to assist them in their role and their development.
- ❖ To enable the sharing of good practice.

Who is Involved

The responsibility for the delivery of the Member Development Strategy involves a range of people, led by the Democratic Services Manager, Democratic Services Officers and the Member Training Working Group. A Learning Programme will be agreed on a biennial basis by the Member Training Working Group based on recommendations from the Democratic Services Officer (Member Support) based on the most commonly identified development needs derived from Personal Development Plan discussions with Members.

Planning & Timing of Member Development

To ensure effective planning and co-ordination of Member Development, it is imperative that the people involved in the cycle of identifying needs through to delivering and evaluating training keep each other informed.

To ensure that all Members can participate in Member Development, the Council will endeavour to arrange training events around Committee meetings and ensure that wherever possible, all events organised are accessible in terms of location.

Learning Styles

It is recognised that people have different preferences for the way in which they learn new skills. There are a wide range of methods for learning including:

- E-Learning;
- Networking;
- Observation;
- Presentations;
- Quiet Reading;
- Action Learning;
- Internet Research;
- Councillor Mentoring;
- Local College courses;
- Information Technology;
- CD ROMs /DVD's and Videos;
- Visits to other Local Authorities;
- Local, Regional and National Conferences; and
- Corporate Training and Development Courses.

Member Induction

As part of the Council's Induction Programme, Members are invited to attend a half-day briefing at the Town Hall hosted by the Democratic Services Manager, and the Council's Management Board.

The induction programme briefly comprises of:-

- An introduction to the political management structure, Member/Officer Protocol, role of Councillors and explanation of the Constitution;
- The Ethical Framework: the Council's Code of Conduct, Registering and declaring interests;
- Members allowances, claiming expenses, car mileage and tax returns;
- Introduction to Democratic Services section and their role;
- What happens next? – Including Personal Development Plans and Member Training; and
- Tour of the Town Hall.

The Induction in May 2015 saw the introduction of Information Stalls which Members could, at their leisure, visit stalls to obtain information from various Council departments and gain an insight into the services that each of the departments provide to the public.

Member Training Working Group

The Council has set up a Member Training Working Group who have the responsibility of meeting on a quarterly basis to review and monitor performance progress of Member Development.

The Member Training Working Group is a cross-party group consisting of the following Members and Officers;

- Derek Brook – Labour (Nominated Official Spokesperson for Member Development) – Chairman
- Marie Derbyshire – Labour
- Levi Gill – Conservative
- David Pidduck – Labour
- Paula Westwood – Democratic Services Officer (Member Support)
- Jon Huck – Democratic Services Manager

Personal Development Plans (PDP's)

It is believed that people are more effective in learning if they take some time to think about what they need to learn before launching straight into it. PDP's are an ideal opportunity to do this thinking. That is why, on a biennial basis, the Democratic Services Officer (Member Support) invites Members along to attend 'one-to-one' discussions to review and update their PDP's.

Following Induction, all newly Elected Members are given the opportunity to attend a one-to-one discussion with the Democratic Services Officer (Member Support) in order to identify their individual training and development needs and draw up a PDP.

As the Council has now changed to 'all-out' elections every four years, as opposed to a third of the Council being elected every year, the Member Training Working Group at their meeting in March 2012 agreed to undertake PDP reviews every two years, rather than on an annual basis.

The findings from these interviews are then presented to the Member Training Working Group who agree and formulate the Learning Programme based on the most commonly identified development needs.

PDP's are important to ensure that training events are Member-led.

Information Services

An abundance of useful information is made available for Members to assist them in their role. Information can be obtained from the Members' Room, The Members' Private Web Area and the Council's Website. The Democratic Services Officers can also assist in undertaking searches for information.

IT Accessibility

Today more and more information is transmitted and stored electronically than ever before; Members without IT skills may find themselves at a significant disadvantage. Members are encouraged to use IT and take up opportunities for developing their IT skills.

Evaluation & Monitoring of the Strategy

It is vital that Members are well equipped to undertake their work and be effective as local representatives.

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

The Democratic Services Manager, Democratic Services Officer (Member Support) and the Member Training Working Group have the joint responsibility for the development of the Learning Programme and for monitoring outcomes and improved effectiveness of the Members.

Evaluation & Monitoring of What Members Learn

In order to get the best out of training and development opportunities it is important to evaluate the impact of any organised training event and ensure that any learning has been put into practice.

After attending any training event or conference, Members will be requested to complete a feedback form. If we don't do this, we may be wasting our time and money. These forms should be completed as honestly as possible to help ensure that future Members are receiving high quality training with positive outcomes. The Member Training Working Group review the attendance and feedback from events on a quarterly basis.

Continuous Improvement

In September 2006, the Council were awarded with the North West Charter Award for Elected Member Development, which has a lifespan of three years. The Council is required to be re-assessed every three years to ensure continuous improvement and improved effectiveness of the Member development process. The Council had a successful Level 1 review in 2009 and again in July 2012.

Member Training Budget

Each year a budget is set aside for Member training and development. In 2013/2014 and 2014/2015 the budget allocation was £5,000 and the expenditure was £3,706.48 in 2013/2014 and £297.60 in 2014/2015. The budget allocation for 2015/2016 is £5,000.

Progress on Member Training & Development in 2015/2017

Between May 2013 and April 2015 various training and development opportunities had been made available to Members. The events included:-

- ❑ Licensing Act 2003 – Committee Member Training;
- ❑ Licensing Fee Setting Training;
- ❑ Mayor and Deputy Mayor Briefing re Council Procedure Rules;
- ❑ Code of Conduct Refresher Training;
- ❑ Night Time Police Inspections;
- ❑ Member Briefing on the Statement of Accounts;
- ❑ Joint County/District Briefing on Housing and Social Services;
- ❑ DONG Energy Walney Wind Farm Extension – Presentation to Members;
- ❑ Joint Presentation – Highways (Cumbria CC), Planning & Streetcare (Barrow BC);
- ❑ Welfare Reform Training by Liberata;
- ❑ Environment Agency Briefing – Flood Risk and Bathing Waters;
- ❑ Planning Training – The Role of Councillors in Planning: Propriety and Good Practice;
- ❑ Planning Policy Briefing;
- ❑ Bailiff Presentation;
- ❑ IER (Individual Electoral Registration) Briefing;
- ❑ LGA Development Sessions;
- ❑ Licensing Training (Hackney Carriage & Private Hire Vehicles);
- ❑ Treasury Management Training;
- ❑ North West Coast Connections (NWCC) Briefing re Replacement Power Lines;
- ❑ National Grid Workshop;
- ❑ Walney Island Coastal Management Strategy Presentation;
- ❑ Licensing Regulatory Committee Training Specific Training to Zoo Application; and
- ❑ IOSH Safety Training.

Further Information

If you would like any further information on Member training and development, or would like to arrange for training on a specific issue, please contact Paula Westwood, Democratic Services Officer (Member Support) on: 876322 or e-mail: pwestwood@barrowbc.gov.uk

EXECUTIVE COMMITTEE		Part One (D/R) Agenda Item 14
Date of Meeting:	21st October, 2015	
Reporting Officer:	Executive Director	
<p>Title: Nomination for Inclusion on the List of Assets of Community Value: Cemetery Cottages Club</p> <p>Summary and Conclusions:</p> <p>A valid nomination for the inclusion of the Cemetery Cottages Club has been received. The nomination clearly meets the first test that it is an asset providing social interest or social well-being. The second test, that it must be realistically capable of continuing to provide this is more difficult to assess, but on balance, it may be possible to achieve this so the nomination must be accepted.</p> <p>Recommendations:</p> <p>To agree that the Cemetery Cottages Club is included in the Borough List of Assets of Community Value under Section 87 of the Localism Act 2011.</p>		

Report

I have received a nomination valid from 28th September 2015 to include the Cemetery Cottages Club, Schneider Road, Barrow, on the Borough's List of Assets of Community Value. The request is from an unincorporated body which is acceptable in the regulations provided the nomination is accompanied by a list of 21 local people who appear on the Borough Electoral Roll. I can confirm that the nomination has been checked and this test has been met. The application form submitted is attached at **Appendix 7**.

Members will recall this is the second application under S87 of the Localism Act 2011 and its accompanying 2012 Regulations in recent months. I reported to your last meeting on an application in Ormsgill where members agreed to recommend several procedural matters on future application to Council. These procedures, if approved by Council on 13th October, will result in the decision on this nomination being delegated to the Executive Committee. Members will be notified of this decision at your meeting.

As a valid community nomination for land within its administrative area, the Council is required to consider the nomination and accept it if the asset is of community value. For circumstances where the asset to be protected is still operating S88 of Localism Act sets out two tests a) that the actual current use of the land furthers the social interest or social well-being of the local

community and b) it is realistic to think that there can continue to be a non-ancillary use of the land which will further the social well-being or social interest of the local community.

Having met the signatory to the nomination, I am in no doubt that it meets test a) as it offers a place to meet and socialise for a wide range of ages and interest groups. A definitive view on whether the nomination meets test b) is however more difficult. The premises are currently tenanted and are trading though, as members will be aware, outline planning consent for demolition and erection of eight properties on the site was recently approved by Planning Committee. This would suggest the current owner believes viability of the club is at best in doubt. However, whether the premises could realistically be operated by another organisation (the signatory to the nomination has confirmed they would form a Community Interest Company if the nomination is successful) so as to continue the social well-being or social interest is also a relevant consideration. The nomination is not required to be accompanied by a business plan or any information that would allow a more informed judgement. On balance I am of the view that, although there are significant challenges, it may be possible to continue to operate it as a viable community asset.

It is important that members note that inclusion on the List of Community Assets does not revoke or invalidate planning consent. The value of the land as a residential site with outline planning consent would be reflected in its valuation if the premises are placed on the market.

I have written to the freehold owner of the premises to notify them of the nomination and request details of the current tenant, however, to date I have not received a response.

(i) Legal Implications

The List of Assets of Community Value is prepared under the Localism Act, 2011 and Assets of Community Value (England) Regulations, 2012. The Executive Committee's decision may be subject to internal review, and ultimately for review by the Lands Tribunal.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

Compensation provisions are included in the 2011 Act, but it is subject to the applicant demonstrating loss of value.

(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

Nomination form for Assets of Community Value

SECTION 1 – ABOUT YOU

Name of Lead Nominator	DOUGLAS WYN THOMAS
Address	24 PINE ROAD BARROW IN FURNESS
Postcode	LA 14 5EK
Telephone number	01229 829804 Mob: 07840563005
Email address	wynthompine@sky.com
Your relationship to the nominating organisation	CHAIRMAN

SECTION 2 – ABOUT THE ORGANISATION MAKING THE NOMINATION

Please tick any that apply)

Unincorporated body (see next section)	<input checked="" type="checkbox"/>
Neighbourhood forum	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Charity	<input type="checkbox"/>
Community Interest Company	<input type="checkbox"/>
Company limited by guarantee	<input type="checkbox"/>
Industrial and provident society	<input type="checkbox"/>

Number of members registered to vote locally (unincorporated bodies only)
 In the case of an unincorporated body, at least 21 of its members must be registered to vote locally. Please use CAMRA's Unincorporated Body Nomination Form to demonstrate support from local people.

We are enclosing evidence that at least 21 locally registered voters support the registration of this pub as an asset of community value (please tick box)	<input checked="" type="checkbox"/>
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SECTION 3 – MORE ABOUT YOUR ORGANISATION AND DEMONSTRATION OF LOCAL CONNECTION

<p>Please explain a bit more about the organisation (such as how and why it was formed – perhaps that was purely to list this pub which is fine).</p> <p>Please also demonstrate that your organisation has a local connection (i.e. that everybody concerned lives locally)</p>	<p>TO OBJECT TO DEMOLISHING THE CEMETERY COTTAGES CLUB AS IT IS AN ASSET TO THE COMMUNITY TO THE ORMSGILL WARD AND THE BARROW IN FURNESS AREA AS A WHOLE.</p> <p>THEY ARE MEMBERS OF THE OVER 60'S CLUB AND ALSO USE THE FACILITIES OF THE CLUB, AND ALSO YOUNGER MEMBERS WHO USE THE CLUB FOR SOCIALISING BY SNOOKER DARTS etc.</p>
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<p>If the Group is constituted, its surplus must be wholly or partly applied for the benefit of the Borough's area or a neighbouring authority's area. Please provide evidence of this if you can.</p>	<p>UN CONSTITUTED.</p>
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<p>If the Group is constituted, please provide evidence here.</p>	<p>N/A</p>
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SECTION 4: ABOUT THE ASSET YOU WANT TO LIST

<p>Name of asset</p>	<p>CEMETERY COTTAGES CLUB</p>
<p>Address and postcode of the asset</p>	<p>SCHNEIDER ROAD BARROW IN FURNES CUMBRIA</p>
<p>Description of what exactly should be listed (try to be specific about the boundaries of the land you're nominating, the approximate size and position of any buildings on the land and remember to include anything in addition to the building itself which you believe should be listed such as the car park, beer garden or any integral residential quarters such as accommodation above the pub)</p>	<p>CLUB PREMESIS, HOUSE, FRONT GARDEN, CAR PARK, AND PATIO AT BACK.</p> <p>CLUB PREMESIS CONSIST OF BAR, LOUNGE AND LARGE CONCERT ROOM, DRESSING ROOM, 2 STORAGE ROOMS, STOCK ROOM AND BEER CELLAR, COMMITTEE MEETING ROOM DOORMANS ROOM.</p> <p>3 BEDROOM DETACHED HOUSE.</p>
<p>Land registry title number</p>	<p>100047474</p>
<p>Link to any photos or building plans of the property (if you're attaching these to the application please confirm that here)</p>	<p>YES.</p>
<p>Any information you have about the freeholders, leaseholders and current occupants of the site (if known)</p>	<p>SIMPLE LEISURE.</p> <p>HOUSE OCCUPIED BY CLUB MANAGERS AND FAMILY. IN THE PROCESS OF ACQUIRING A LEASE OFF SIMPLE LEISURE.</p>

Reasons for nomination: why do you believe the asset is of community value (including all relevant information from CAMRA's "Why Councils should list pubs as assets of community value" document, in particular:

- Evidence that the pub can remain viable
- Evidence of interest in keeping the pub open
- Evidence that the asset furthers the social wellbeing or social interests of the local community, or has done so in the recent past)

OVER 60^S CLUB FORMED IN LATE MAY 2014

- ① HAS GROWN IN MEMBERSHIP SINCE IT WAS FORMED ONLY OPERATES FORTNIGHTLY
- ② CAN BE OPERATED WEEKLY.
- ② DISCOUNTS ON BEER AND OTHER DRINKS COULD BE DISCONTINUED.
- ③ ENTERTAINMENT HAS ONLY JUST BEEN REINTRODUCED MORE CUSTOMERS ARE COMING BACK.
- ④ EXAMPLE: PINE OF COKE DROPPED TO £1.75. COMPARABLE PRICE EXAMPLE BAR CONTINENTAL £2.30.
- ⑤ THIS SHOWS THAT THE OWNERS HAVE NOT ATTEMPTED TO CORRECT THE IMPROVE THE PROFIT OF THE CLUB, MAYBE THEY DO NOT WANT TO.
- ⑥ THE CLUB HAS CONCERT ROOM BOOKINGS FOR 2015 AND 2016. FOR WEDDINGS, PRESENTATIONS, BIRTHDAY AND OTHER EVENTS.
- ⑦ THE GAMES LEAGUES MONDAY AND FRIDAYS START SOON. THIS INCLUDES SNOOKER, DARTS, POOL ETC.
- ⑧ THE FISHING ASSOCIATION, PIGEON CLUB AND GAMES LEAGUES USE THE CLUB FOR MEETINGS AND ALSO THE ROTARY CLUB HAS USED THE CLUB FOR CHARITY GIGS AS WELL AS OTHER LOCAL CHARITIES.
- ⑨ THE MANAGERESS IS ALSO IN THE PROCESS OF ACCOMODATING THE LOCAL PLAYERS IN THE CONCERT ROOM IN THE MORNING WHO WILL HAVE TO MOVE FROM THEIR PRESENT PREMESIS IN THE M.S. WHICH IS GETTING SOLD.
- ⑩ THE INITIAL ITEM IN THE BARROW EVENING MAIL HEADLINE "COTTAGES CLUB TO BE DEMOLISHED" DID THE CLUB A LOT OF HARM. IT LOST A LOT OF BOOKINGS THE CLUB HAD FOR -

Reasons for nomination
continued

~ PRESENTATIONS etc. Now THAT THE COMMUNITY CAN SEE THAT WE ARE OPPOSING THE DEMOLITION WE ARE GETTING THE BOOKINGS BACK AGAIN.

(11) I MYSELF HAVE HELD MY CHILDREN 18th AND WEDDING RECEPTIONS IN THE CLUB CONCERT ROOM AS HAVE MANY OTHERS IN THE COMMUNITY AND WIDER COMMUNITY OF BARROW IN FURNESS. MY CHILDREN ARE NOW IN THEIR 40S, ALSO WE HAVE HELD HALLOWEEN AND XMAS PARTIES IN THE CLUB AND STILL DO. THE OVER 60S HAD THEIR XMAS DINNER IN THE CLUB IN 2014 - THE FIRST TIME FOR MANY YEARS THE CLUB HAVE BE CATERED FOR.

(12) FINALLY, THIS CLUB HAS BEEN IN EXISTENCE FOR OVER 80 PLUS YEARS AND CATERED FOR THIS COMMUNITY IN MANY WAYS. NOT JUST PUTTING A BEER PUMP ON THE BAR. THE OWNERS SEEM OBLIVIOUS OF THIS. IT DOES LOOK, IT WAS THEIR INTENTION FROM THE START WAS TO DEMOLISH THE CLUB. SO I FORWARD THIS NOMINATION FORM TO YOU ON BEHALF OF THE COMMUNITY OF DRMSGILL AND BARROW IN FURNESS AS AN ASSET OF COMMUNITY VALUE AND LONG MAY IT CONTINUE.

SECTION 5: CONFIRMATION

I confirm that all information provided is accurate and complete.

Name (please print clearly:	DOUGLAS WYN THOMAS
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Signature:	D.W. Thomas
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Date:	28 - 8 - 2015
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Remember to include any attachments such as building plans, photos and evidence that you are supported by 21 local people.

EXECUTIVE COMMITTEE		Part One (R/D) Agenda Item 15
Date of Meeting:	21st October, 2015	
Reporting Officer:	Executive Director	
<p>Title: Re-submission of Nomination of MS Centre, Schneider Road, Barrow as An Asset of Community Value</p> <p>Summary and Conclusions:</p> <p>Ormsgill Youth and Community Association have re-submitted their nomination to include the MS Centre, Schneider Road as an Asset of Community Value. The building meets the criteria set out in the Localism Act, 2011 and subsequent regulations and should be accepted.</p> <p>Recommendations:</p> <p>To accept the nomination submitted by Ormsgill Youth and Community Association to place the MS Centre, Schneider Road, Barrow-in-Furness on the list of Assets of Community Value.</p>		

Report

This matter was reported to your last meeting, but the application submitted by Ormsgill Youth and Community Association was withdrawn prior to its ratification by Council and re-submitted as a fresh nomination. Ormsgill Youth and Community Association (OYCA) were concerned that expiry of the eight week deadline set out in the 2012 Regulations may have exposed the nomination to legal challenge. The re-submission is identical to the earlier application and forms **Appendix 8**.

My report to Executive Committee on 9th September also included procedural matters for future nominations and these are being considered by Council on 13th October and are not repeated here.

Since the earlier application, a meeting with the MS Society with Local and National representation has taken place, notwithstanding this meeting OYCA wish the nomination to stand.

I repeat below the advice offered to Members on 9th September, 2015 regarding the MS Centre nomination.

I have included the information submitted by the MS Society in response to the original nomination as **Appendix 9**.

Turning to the nomination from Ormsill Youth and Community Association (OYCA), there is no doubt that the building is in the Borough Council area and that OYCA are a registered charity operating in the Borough and eligible to nominate. The land nominated does not fall into either residential or operational land exemptions set out in the Assets of Community Value (England) Regulations, 2012 and the application contains all the information necessary. The only outstanding issue, therefore, is does the MS Centre constitute a community asset?

In this context there is relatively little guidance on what constitutes a community asset for inclusion on the list other than: it must be in the local authorities area; that the actual use of the building furthers the social wellbeing or social interests of the local community; and it is realistic to think the social wellbeing or social interest could continue from the site. If a community nomination is made the local authority is obliged to include it on the list if it meets these tests.

Social wellbeing is not defined in the Act or Regulations, but Social Interests include particularly, cultural, recreational or sporting interests.

The submitted information states that Dial-a-Ride have given notice to cease operations and the Schneider Road Pre-school/Nursery – a regulated nursery who use the building mornings in term-time have been the main users of the building since 1979.

The information also states that the service is particularly valued by the local community due to the distance and less frequent services provided by alternative sites.

Although this is a somewhat unusual case in that the owner of the building is not the primary user, I believe it does meet the criteria of social wellbeing and there is no reason to think it would not be capable of continuing into the future.

Therefore, for the above reasons, the Borough Council are obliged to place it on the List of Assets of Community Value.

(i) Legal Implications

Completion of a List of Assets of Community Value is a legal requirement under the Localism Act, 2011 and subsequent Regulations.

(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

Localism Act, 2011 and the Assets of Community Value (England) Regulations, 2012.

Community Right to Bid – MS Centre, Schneider Road, Barrow-in-Furness, Cumbria

As a Registered Charity based in the Ormsgill ward of Barrow in Furness, Ormsgill Youth and Community Association requests that the MS Centre, Schneider Road be placed on the Council's lists of assets of community value.

The Association believes the MS Centre meets the conditions required under Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012.

Description of land

The land is the MS Centre on Schneider Road, Barrow-in-Furness LA14 5ER. It is located between 96 and 98 Schneider Road. The land includes a community building with a car park located between the Schneider Road entrance and the building. The land is surrounded on three sides by residential properties and gardens. The boundary on three sides is clearly marked by walls and fencing adjacent to residential properties. The boundary on the Schneider Road side is a wall adjacent to the public pavement.

Owners and current users

The current owners are the Multiple Sclerosis Society (MS Society). This is a national Registered Charity (1139257) based in London 372 Edgware Road London NW2 6ND. There is a local branch of the Charity but property is owned by the national charity.

There are two main users of the site.

Dial a Ride currently use the car park for secure parking of accessible mini buses and office space. Dial a Ride have given notice that they will cease to operate in the near future.

The primary user of the building is the Schneider Road Pre school/Nursery (previously known as Schneider Rd playgroup.). This is a nursery registered with Cumbria County Council and Ofsted. The nursery operates on Monday to Friday morning during term time. It is registered by the County Council for 24 places and in the summer 2015 term the 24 places were full.

The nursery is regularly check by the County Council and in its most recent Ofsted inspection (Ofsted No 317587 Inspection 877007) it was given a rating of 2 (Good).

Reasons for nominating

The building has been a focal point for community activity since it was established in 1911. Initially the building was a church hall providing a base for youth and children's organisations such as guides, brownies, cubs and scouts. The hall was declared surplus to the church's needs and was sold to the MS Society in 1966. Since then it has been used by the MS Society and various other community and charitable organisations including Leonard Cheshire Disability Group, Dial a Ride, Furness Drug and Alcohol Concern, Lakeland Carers and a toddler group. It has been used for local children's parties, hosted various community meetings and been a Polling Station.

The current Nursery began as a playgroup and has used the building in mornings in term time since 1979.

In 2009 the MS Society obtained grants from Barrow Community Trust, Waste Recycling Group, Sir John Fisher Foundation, Hadfield Trust, Francis Scott Trust, Barrow Borough Council and Cumbria County Council to upgrade the building. This included new lighting, new toilets, a new kitchen, platerboarding of internal walls, new flooring including under floor heating, new doors and a complete internal redecoration.

The improvements were particularly useful to the nursery and this provided an enhanced environment for the children along with other users.

The nursery is particularly valued by the local community due to the distance to other similar services. None of the nearest nurseries are within pram pushing distance (the nearest is over ¾ a mile) and they do not all offer a five day service.

The value to the community was shown when the MS Centre gave the nursery notice to leave. The local community responded by quickly organising a petition which received over 600 signatures in a few days.

Borough and County Councillors and MP John Woodcock have supported the community in seeking a way to continue the nursery.

We understand the MS Society no longer uses Centre and the closure of Dial a ride reduces their income from the building.

Unfortunately the nursery was given only three months notice. There is no suitable venue nearby which could host the nursery at such short notice. St Pius, St Francis, Cemetery, Cottages, Tally Ho and Jordan's Antiques have been approached but all are unavailable or unsuitable. There a great danger the nursery will close, never to be replaced.

The nursery is willing to consider opening longer hours and increase rental payments and to seek additional tenants to increase income. The MS Society has not responded to this and have taken a decision to close the Centre and sell the site.

The short notice has not given the nursery and the local community an opportunity to raise funds to purchase the site.

Eligibility of nominating organisation

Ormsgill Youth and Community Association is a Registered Charity (1151965) based within the Borough of Barrow in Furness and is therefore an eligible organisation under the Act.

12 October 2015

Ms G Newton
Schneider Road Playgroup
M S Hall Schneider Road
Barrow-in-Furness, LA14 5DP

23 June 2015

Our Ref: ns/BMAC

Dear Ms Newton

Richard Cave Centre, Scheider Road, Barrow in Furness LA14 5DP
(MS Property Ref: MSNL 003)

I understand you have already spoken with Sheila Crawford and are aware of the fact that the Furness Branch of the Society have decided to sell the Branch premises.

Accordingly I enclose a notice to terminate the Agreement between us.

Sheila has informed me that you have expressed an interest in purchasing the premises from the Society. You will know that the sale must be through a competitive process to meet the Society's obligations under Charity Commission regulations. You will be able to put in an offer during this process.

Although the notice expires in 3 months' time, we are happy to treat the Agreement as terminated early i.e. at the commencement of the summer school holidays. Please let us know if this helps you.

Yours sincerely

Neil Spence
THE MULTIPLE SCLEROSIS SOCIETY

POINTS TO BE MADE TO
THE EXECUTIVE COMMITTEE OF
BARROW IN FURNESS BOROUGH COUNCIL

RE ITEM 18 AGENDA 9 SEPTEMBER 2015
THE RICHARD CAVE CENTRE, SCHNEIDER ROAD, BARROW-IN-FURNESS

1. The Listing of the Centre as an Asset of Community Value will severely and adversely affect the interests of the Multiple Sclerosis Society (the MS Society) insofar as it will prejudice the marketing and sale of the property.
2. The trustees of the MS Society are required by the Charities Act 2011 must sell on the best terms that can reasonably be obtained in the circumstances of the disposal. This will include any person who may wish to nominate the property as an Asset of Community Value (i.e. Ormsgill Youth and Community Association). Listing will not achieve any added advantage to Ormsgill Youth and Community Association.
3. The Furness branch has maintained the Richard Cave Centre, Schneider Road, Barrow-in-Furness since the 1960s. Increasingly over the past few years they have used other more suitable venues to carry out their many different activities.
4. The Hall has been used by external companies and has leased space to two organisations. Monies raised by leasing and renting the hall have contributed to the running costs of the building.
5. In general, the MS Society is not a "landlord" and now requests branches to sell properties which are surplus to requirements. In this case, with changes resulting in loss of revenue, the branch has taken the opportunity to review its priorities. After lengthy consideration, the branch volunteers decided to cease use of the hall in line with the Society policy. The cost to the Furness Branch of running the Richard Cave Centre for the period Jan - June 2015. If we include the costs of the safety checks it works out at £489.62 per month. The present Licence Agreement with the Schneider Road Play Group is for £10.00/day during term time. The Branch cannot subsidise the Playgroup.
6. The Playgroup were informed of this decision and in line with the licence agreement the 3 months' notice period given. We have been open with the Playgroup and they are welcome to put in an offer to purchase during this process (as indeed would the Ormsgill Youth and Community Association with which we have had no previous dealings).
7. Reference in the paper prepared by the Chief Executive indicated that there were no inequalities/diversity issues and no health and well-being issues. We do not know exactly what is meant by the comments but we would point out quite clearly that the health and well-being services which are offered to MS sufferers in the area would be prejudiced if no funds are available to support the services offered by the volunteers.
8. The selling of the asset will release funds for the benefit of the work of the MS Society. People affected by MS can be assured that the Society is committed to maintaining and improving services in Furness. The sale of the property will be prejudiced by the listing and the branch volunteers will not be able to focus their energies on maintaining and developing their activities for people affected by MS across their area. Current activities

include: Physiotherapy and gym, Gentle exercise class, Hydrotherapy pool, Reflexology, coffee meet-up and chats, trips out, individual support grants, listening ear support. These will be prejudiced without the funds.

9. All local activities/support - including the raising of funds to assist with the running costs of the hall as well as its actual activities to support all those affected by MS in the Barrow area - are organised entirely by volunteers, many of whom have MS or are affected by MS. Stress can have a detrimental effect on the condition and we think the Council should have serious concerns over the welfare of our volunteers/supporters.

MS Society

7 September 2015



Multiple Sclerosis Society

Richard Cave Centre running costs Jan - June 2015

Electricity	£	448.67
Gas	£	850.00
Water	£	281.40
Rates	£	73.57
Lakeland leisure - toilet supplies	£	54.34
Insurance	£	474.72
Cleaning	£	<u>325.00</u>
TOTAL	£	2,507.70

Other expenditure

Electricity safety checks	£	360.00
Boiler service & gas safety check	£	<u>70.00</u>
TOTAL	£	430.00