



BARROW BOROUGH COUNCIL

TOWN HALL
DUKE STREET
BARROW-IN-FURNESS

14th March, 2016

To: The Members of Barrow Borough Council

Madam Mayor, Ladies and Gentlemen

You are hereby summoned to attend a meeting of BARROW BOROUGH COUNCIL to be held in the COUNCIL CHAMBER at the TOWN HALL, BARROW on TUESDAY the 22nd day of MARCH, 2016 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Executive Director

Prior to the business of the meeting, Prayers will be offered.

Business

1. 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.

2. MINUTES. To confirm the Minutes of the Council's proceedings held on 1st March, 2016.

To expedite the business of the meeting, Members are requested to give the Executive Director adequate notice of any Amendment which they propose to raise.

3. TO RECEIVE APOLOGIES FOR ABSENCE.
4. ANNOUNCEMENTS – To receive any announcements from the Chairman, Leader or Head of Paid Service.
5. (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS:-
 - (1) Planning
 - (2) Licensing Regulatory
 - (3) Licensing
 - (4) Executive
 - (5) Audit

(B) QUESTIONS TO THE LEADER OF THE COUNCIL

Council has agreed that time be set aside for questions to the Leader of the Council.

Standing Order 10.2 and 10.4 set out the procedure for questions to the Leader and the notice period required.

The Leader will also take any questions without notice relevant to the reports and minutes detailed on the agenda.

6. TO PASS THE FOLLOWING RESOLUTION, THAT IS TO SAY:

That the Council authorises the fixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

To expedite the business of the meeting, Members are requested to give the Executive Director adequate notice of any Amendment which they propose to raise.

COUNCIL	Agenda Item 5(A)(1)
Date of Meeting: 22nd March, 2016	
Reporting Officer: Executive Director	
<p>REPORT OF THE PLANNING COMMITTEE (Report of the meetings held on 2nd February and 8th March, 2016)</p> <p>Recommendations:</p> <p>There were no recommendations referred to Council from the meetings held on 2nd February and 8th March, 2016.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Planning Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meetings noted above reproduced in Volume 4 2015/16 of the printed Minutes.</p>	

Background Papers

Nil

COUNCIL	Agenda Item 5(A)(2)
Date of Meeting: 22nd March, 2016	
Reporting Officer: Executive Director	

**REPORT OF THE LICENSING REGULATORY COMMITTEE
(Report of the meeting held on 4th February, the special meetings held on 23rd and 24th February and 2nd March, and the meeting held on 10th March, 2016)**

Recommendations:

There were no recommendations referred to Council from the meeting held on 4th February, the special meetings held on 23rd and 24th February and 2nd March, and the meeting held on 10th March, 2016.

Delegated Decisions

The matters determined by the Licensing Regulatory Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meetings noted above reproduced in Volume 4 2015/16 of the printed Minutes.

Background Papers

Nil

COUNCIL	Agenda Item 5(A)(3)
Date of Meeting: 22nd March, 2016	
Reporting Officer: Executive Director	
REPORT OF THE LICENSING COMMITTEE (Report of the meetings held on 4th February and 10th March, 2016)	
Recommendations:	
The meetings to be held on 4th February and 10th March, 2016 were cancelled.	

COUNCIL	Agenda Item 5(A)(4)
Date of Meeting: 22nd March, 2016	
Reporting Officer: Executive Director	
<p>REPORT OF THE EXECUTIVE COMMITTEE (Report of the meetings held on 2nd December, 2015, 20th January and 9th March, 2016)</p> <p>Recommendations:</p> <p>The following recommendations have been referred to Council.</p> <p><u>Executive Committee – 2nd December, 2015</u></p> <p>1.0 Letting Agents – Requirement to Belong to a Redress Scheme</p> <p>1.1 The Executive Directors report informed the Committee that from 1st October, 2014 it had been a requirement that letting agents must belong to one of three redress schemes that were approved by the government. That allowed tenants who were dissatisfied to complain to an independent person about the service they had received.</p> <p>1.2 Recommendation:-</p> <p>To recommend the Council:-</p> <p>(i) To authorise the Assistant Director of Regeneration and Built Environment to authorise notices of intent, and if no representations or objections were raised to authorise final notices; and</p> <p>(ii) To authorise the Executive Director and Director of Resources to consider any representations and objections received from persons on whom notices of intent were served, and in those cases to authorise final notices, either as set out in the Notice of Intent, in modified form or to withdraw notices.</p>	

Executive Committee – 20th January, 2016

2.0 Parental Leave Policy

- 2.1 The Committee was informed that the Council's Parental Leave Policy had been implemented in 2001 and enhanced the basic rights of employees.

There was three ways in which parental leave could currently be taken under the policy.

1. As a single block of 18 weeks;
2. As a number of shorter periods of a minimum of a half day;
3. In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.

The Council recently introduced Flexible Working Policy now provided a route for employees to request a reduced working hour's arrangement on a temporary or permanent basis. That would remove the need for the third option under the parental leave scheme whilst still giving flexibility to take parental leave on an ad hoc or longer term basis.

A minor amendment to the notification required from employees was also proposed from the current 7 days' notice to 14 days. That was to ensure that the HR Department had sufficient time to process the request and ensure it meets with current policy, prior to the leaving taking place.

2.2 Recommendation:-

To recommend the Council to approve the amendments to the Council's Parental Leave Policy.

3.0 Licensing Regulatory Committee - Unmet Demand Survey. Hackney Carriage Vehicle Licences – Quantity Control Policy

- 3.1 The Executive Director reminded the Committee that historically, the number of Hackney Carriage Vehicle Licences had been capped at 120 by the Licensing Authority but there were 142 in existence within the Borough. Members last considered the issue in 2012 and it had been resolved to continue to impose a numerical limit or cap on the number of Hackney Carriage Vehicle Licences.

The survey had been intended to fulfil the requirements of Section 16 of the 1985 Transport Act and to address the questions raised in the Department for Transport (DfT) 2010 Best Practice Guidance.

The primary purpose of the study was to determine whether there was evidence of significant unmet demand. It concluded that there was no significant unmet demand, and there would be no need to increase the number of Hackney Carriage Vehicle Licences.

3.2 Recommendation:-

To recommend the Council:-

- 1. To accept the conclusion of the report, that there was no significant unmet demand; and**
- 2. To approve a Quality Control Policy that imposed a maximum limit of 120 Hackney Carriage Vehicle Licences.**

4.0 Drug and Alcohol Recovery Capital Grant – Accountable Body Status

- 4.1 The Executive Director informed the Committee that in December 2015 the Council had been requested to act as the Accountable Body for a bid submitted by The Well, a not-for-profit Community Interest Company for Public Health England Drug and Alcohol Recovery Capital Grant. The bid was considered by the Committee.

4.2 Recommendation:-

To recommend the Council to agree that the Council acted as an Accountable Body for the application by The Well for Public Health England Drug and Alcohol Recovery Capital Grant.

Executive Committee – 9th March, 2016

5.0 Council Finances Quarter 3 2015-2016

- 5.1 The Committee considered a detailed report of the Director of Resources regarding the Council Finances for the period ended 31st December, 2015. The report included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

5.2 Recommendation:-

To recommend the Council to revise the 2015-2016 General Fund revenue budget as £12,219,620.

6.0 Anti-Fraud and Corruption Strategy

- 6.1 The Committee considered the Council's updated Anti-Fraud, Theft, Bribery and Corruption Strategy and Response Plan.

The document was more comprehensive than previous versions, making clear reference to associated procedures and protocols already in existence.

The Council's zero tolerance to fraud and corruption had been maintained and the Response Plan mirrored current practice.

The Council also had a separate Whistleblowing Policy which did not require any amendments.

6.2 Recommendation:-

To recommend the Council to approve the Anti-Fraud, Theft, Bribery and Corruption Strategy and Response Plan.

7.0 Contract Standing Orders

- 7.1 The Committee considered the latest Contract Standing Orders.

The document was reviewed annually and there were a number of changes triggered by the Public Contracts Regulations 2015.

The Public Contracts Regulations 2015 had abolished the pre-qualification stage for procurements below the EU thresholds, and had introduced a requirement to have regard to guidance on qualitative selection issued by the Cabinet Office for above EU threshold procurements: <https://www.gov.uk/guidance/transposing-eu-procurement-directives>.

All procurement opportunities covered by the Contract Standing Orders must be advertised on the national Contracts Finder portal: <https://www.gov.uk/contracts-finder>. That was in addition to any other portals in use. Contract award information must subsequently be placed on Contracts Finder once the contract was awarded.

Public contracts must include a provision to ensure prompt payment through the supply chain.

The EU thresholds had also been included in addition to the links to the Official Journal of the European Union:

The thresholds could be found on the website of the Official Journal of the European Union: <http://www.ojec.com/thresholds.aspx/> and were currently:

- £164,176 for Supply, Services and Design Contracts;
- £4,104,394 for Works Contracts.

7.2 Recommendation:-

To recommend the Council to approve the updated Contract Standing Orders.

8.0 Homeworking Policy Statement

8.1 The Director of Resources informed the Committee that Homeworking was where an employee's contractual place of work was in the home. It was the Council's policy not to offer homeworking as the workforce was small with low headcounts within services. The Council aimed to maintain service delivery and availability without the pressure of reduced on-site resources.

Homeworking could bring benefits for some organisations, but there were many factors to consider when making the decision whether or not to have an employee working from home, either much or some of the time. Homeworking worked best where the needs of the employer and the employee balance out.

The Committee considered an assessment that identified that homeworking was not a suitable option for the Council.

8.2 Recommendation:-

To recommend the Council to approve the Homeworking Policy Statement.

9.0 Employer Discretions Policy

9.1 The Committee considered an Employer Discretions Policy that had been updated for annual figures and also to note an expired discretion on 30th September 2014; Power of Scheme employer to award additional membership.

A new discretion had been added.

Members on the under-mentioned types of leave which were not covered by APP were able to enter into an APC contract to buy back the lost CARE pension. If they make the election within 30 days of return, the employer must fund two-thirds of the cost. The employer had discretion to extend the 30 day deadline.

- Additional maternity leave during which no pensionable pay was received
- Additional adoption leave during which no pensionable pay was received
- Shared parental leave during which no pensionable pay was received
- Authorised unpaid leave (excluding strike leave)

If the individual leave period lasted longer than 36 months, the employer was only required to share the cost in relation to the first 36 months of the leave.

The Council's policy was:-

The 30 days would commence from the date set out in the SCAPC notification letter which would be issued to the employee by the HR Department.

The Council had no intention of extending the 30 day deadline but may consider its use in exceptional cases in the future.

The HR Department would check that notices had been issued for all unpaid leave since 1st April, 2014, and would pick the days of unpaid leave going forward from the Managers' notifications.

9.2 Recommendation:-

To recommend the Council to approve the Employer Discretions Policy.

10.0 Establishment Changes

- 10.1 The Director of Resources reminded the Committee that the Early Retirement/Voluntary Redundancy Panel had met on 22nd February, 2016, and had approved an application from post holder DES015. Members were asked to recommend that Council delete post DES015 with effect from 1st April, 2016.

In supporting the application, Management Board had assessed the work performed by the post holder and concluded that a part time Market Supervisor would be required to deal with the day-to-day running of Barrow Market. Also event management services would be required from time to time and that other duties could be reallocated with no impact on the establishment of the Council.

Members were asked to recommend that Council created a Market Supervisor post on Scale 5, part time on 22.5 hours per week (3 days). The post holder would primarily deal with lettings, tenants and generating income, as well as ensuring that adequate staffing was in place at all times.

The changes would generate a revenue budget saving of £24,420.

10.2 Recommendation:-

To recommend the Council:-

- 1. To approve the deletion of post DES015 from 1st April, 2016;**
- 2. To approve the creation of a Market Supervisor post on Scale 5, part time on 22.5 hours per week; and**
- 3. To place on record the appreciation of the Council to the Town Centre and Festivals Manager.**

11.0 Election Volunteers

- 11.1 The Director of Resources informed the Committee that the Council had recognised that there were a number of employees who volunteered for election duty and that was much appreciated. The number of volunteers had been slightly down, initially, for recent elections leading to further requests being issued by the Executive Director.

Given the importance of the election responsibilities placed on the Council and the Returning Officer, Management Board proposed that where a direct employee volunteered as a Presiding Officer; a Poll Clerk; a Polling Station Inspector; or an Officer of the Electoral Staff working on polling day that a pro-rata day of annual leave be awarded in recognition of their contribution in allowing the Council to meet its responsibilities.

It was hoped that the additional benefit available for election duties would retain the current pool of volunteers and would hopefully encourage repeated and new applications in the future.

The pro-rata day of annual leave would be based on each employees working hours, for example (Thursday was normally a 7 ½ hour day):
a full time employee would be awarded a full day
 $7\frac{1}{2}\text{ hours}/37\text{ hours} \times 37\text{ hours} = 7\frac{1}{2}\text{ hours}$
a part time employee working 18 ½ hours would be awarded 3 ¾ hours
 $7\frac{1}{2}\text{ hours}/37\text{ hours} \times 18\frac{1}{2}\text{ hours} = 3\frac{3}{4}\text{ hours}$
a part time employee working 20 hours would be awarded 4 hours
 $7\frac{1}{2}\text{ hours}/37\text{ hours} \times 20\text{ hours} = 4\text{ hours}$
a part time employee working 10 hours would be awarded 2 hours
 $7\frac{1}{2}\text{ hours}/37\text{ hours} \times 10\text{ hours} = 2\text{ hours}$

The HR Department would calculate the pro-rata holiday entitlements and provide those to the Democratic Service Manager.

11.2 Recommendation:-

To recommend the Council to approve the award of a pro-rata day of annual leave for direct employees who volunteered for election duty as a Presiding Officer; a Poll Clerk; a Polling Station Inspector; or an Officer of the Electoral Staff working on polling day.

12.0 Medium Term Financial Plan 2016-2020

12.1 The Committee considered a detailed report of the Director of Resources that set out the updated projections of the Medium Term Financial Plan 2016-2020. The Medium Term Financial Strategy was to eliminate the budget deficit through the Budget Strategy 2016-2020 currently being developed.

12.2 Recommendation:-

To recommend the Council:-

- 1. To approve the Medium Term Financial Plan 2016-2020 financial projections and assumptions; and**
- 2. To approve the updated Reserves and Balances policy.**

13.0 Treasury Management Strategy Statement

13.1 The Director of Resources report set out the Treasury Management Strategy for 2016-2017 to 2019-2020.

The Local Government Act 2003 required the Council to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out capital and treasury management activities.

The objectives of the CIPFA Prudential Code were to ensure that capital investment plans were affordable, prudent and sustainable and that treasury management decisions were taken in accordance with the treasury management strategy.

The Committee considered a copy of the Treasury Management Strategy Statement for 2016-2017 to 2019-2020.

The capital prudential indicators and treasury management strategy gave both a position statement and details of the future position of the Council's capital and treasury plans.

The revenue implications of the Treasury Management Strategy Statement were included in the Medium Term Financial Plan projections.

13.2 Recommendation:-

To recommend the Council to approve the Treasury Management Strategy Statement, including:-

- 1. The prudential indicators and limits for 2016-2017 to 2019-2020; and**
- 2. The Minimum Revenue Provision statement which sets out the Council' policy for charging revenue.**

14.0 Parental Leave Policy

- 14.1 The Director of Resources informed the Committee that the Council's Parental Leave Policy had been implemented in 2001 and the Council had adopted the NJC Parental Leave model scheme which enhanced the basic rights of employees under that legislation.

Changes to both Council policy and to legislation had enhanced the options of employees with regard to taking leave. The Council offered up to two weeks additional annual leave, the flexi scheme allowed a potential of 13 days leave per year, and the flexible working policy provided a route for employees to request a reduced working hour's arrangement on a temporary or permanent basis.

As the current policy stands, managers did not have the discretion to reject applications under the enhanced Parental Leave policy, only to defer for up to three months.

Under the current enhanced policy there were three ways in which parental leave could currently be taken, all with 7 days' notice:

As a single block of 18 weeks;

As a number of shorter periods of a minimum of a half day; and

In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.

The Committee on 20th January, 2016 had agreed to remove the third option and also to extend the notice period to 14 days.

The current policy gave Managers no discretion of approval and the Council already offered a generous package of leave options. The majority of authorities within Cumbria did not enhance Parental Leave options and provided only the default scheme. A copy of the Policy was considered by the Committee.

The 'default' Parental Leave legislation allowed up to four weeks leave per year in one week blocks with 21 days notification required. Managers would not have discretion to reject applications under that legislation but could defer for 6 months for justifiable business reasons

14.2 Recommendation:-

To recommend the Council to agree to adopt the 'default' Parental Leave scheme limiting parental leave to a maximum of four weeks per year, in one week blocks which overrides the decision to amend the policy at the Executive Committee on 20th January, 2016.

15.0 Pay Policy

15.1 The Director of Resources reminded the Committee that the Council's Pay Policy was subject to review on an annual basis being approved at Council by 31st March each year.

The Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement was to provide transparency with regard to the Council's approach to setting the pay of its employees.

15.2 Recommendation:-

To recommend the Council to agree to the minor changes to the Pay Policy for 2016/17.

16.0 Voting in the Barrow Business Improvement District Ballot

16.1 The Committee were reminded of the proposal to designate a Business Improvement District (BID) in the Town Centre of Barrow. The Council had supported the BID Steering Group since its inception and had offered financial support in the feasibility phases, supporting the costs of their retained consultant and other measures.

BID's operated by raising a levy of between 1-2% on the NDR payments on rateable hereditaments within a defined area for a five year period. In Barrow the Steering Group had proposed a 1.5% levy on all properties within the area. Any properties with an RV of £4,000 or less were excluded from the ballot and levy.

The BID Steering Group were currently finalising the BID prospectus – a summary of the proposals that would be put to a ballot of all qualifying properties within the area. The programme for the ballot was considered by the Committee.

In order to proceed the BID must secure a majority of the votes cast and a majority of the RV of the votes cast.

As a significant property holder within the defined area, the Council owned 20 hereditaments with an RV in excess of £4,000 and would have 20 votes in the ballot. The total RV of all these properties was £541,050.

There was no delegation within the Council's constitution for the BID ballot and the timing, set out above, would prevent Council taking a decision on the ballot. He sought authority to delegate the ballot decision for all properties in the Council's ownership to himself after consultation with the Council's Leader and Deputy Leader. In arriving at the decision the Council would take into account the prospectus issued by the BID Steering Group.

16.2 Recommendation:-

To recommend the Council that the Executive Director be authorised to complete the Business Improvement District Ballot for all eligible Council owned properties after consultation with the Leader and Deputy Leader of the Council.

Delegated Decisions

The matters determined by the Executive Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meetings noted above reproduced in Volume 4 (2015/16) of the printed Minutes.

COUNCIL	Agenda Item 5(A)(5)
Date of Meeting: 22nd March, 2016	
Reporting Officer: Executive Director	

**REPORT OF THE AUDIT COMMITTEE
(Report of the meeting held on 3rd March, 2016)**

Recommendations:

There were no recommendations referred to Council from the above meeting.

Delegated Decisions

The matters determined by the Audit Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meeting noted above reproduced in Volume 4 (2015/16) of the printed Minutes.

Background Papers

Nil