**EXECUTIVE COMMITTEE**

 Meeting: Wednesday 30th November, 2016

 at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook (Items 1 to 17 only), Hamilton, R. McClure, Maddox, Pemberton and Roberts.

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

**62 – Minutes**

The Minutes of the meetings held on 19th October, 2016 were agreed as a correct record.

**63 – Declaration of Interest**

Councillor Barlow declared an Other Registrable Interest in Agenda Item 14 - Budget Timetable and Assumptions (Minute No. 68). He was the Treasurer of the Barrow and District Disability Association.

**64 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 10th November, 2016 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:-

 **Community Alarm Services provided by the Housing Service**

To agree:-

1. That the Housing Service ends its provision of providing Community Alarm Services directly and serves three months notice on the remaining Tenants.

2. That the Housing Service meet the charges made to the Tenants until they move to an alternative provider or stop receiving the Service but not longer than the Notice period; and

3. That the Housing Service provide assistance if necessary to help Tenants move to another provider.

 **Grange and Cartmel Community Centre Consultation**

 To note for information the consultations results.

 **Future Use of Grange and Cartmel Crescent Community Room and Guest Bedroom**

 To agree the conversion of the Community Centre into a residential accommodation and for the resultant flat and guest bedroom to be incorporated into the housing stock and that the Assistant Director – Housing would look to fund the work from previously agreed Maintenance Budget.

 **Repair Finder: Change of Supplier**

To accept the recommendation to select M3 vendor with a direct award.

**65 – Annual Audit Letter**

The Director of Resources informed the Committee that the External Auditors had produced the Annual Audit Letter for the year ended 31st March, 2016, which had summarised the key findings from the financial year 2015-2016 audit work.

The Council had obtained an unqualified financial statements opinion and in terms of value for money, the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources during the year ended 31st March, 2016.

The Annual Audit Letter was presented to Members by Gareth Kelly and Neil Krajewski the External Auditors.

RESOLVED:- To note the External Auditor’s report.

**66 – Budget Strategy Delivery Plan**

The Executive Director reminded the Committee that the 2016-2020 Budget Strategy had been approved by Full Council on 6th September, 2016. The report sets out the delivery of the agreed proposals in terms of key tasks, lead officers and timeframes.

A copy of the Budget Strategy Delivery Plan was considered by the Committee.

RESOLVED:- To note the Budget Strategy Delivery Plan.

**67 – Council Finances and Performance Quarter 2**

The Director of Resources submitted a detailed report that set out the Council finances and performance for the period ended 30th September, 2016. The report had included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

RESOLVED:-

1. To approve the movements in earmarked reserves set out in the report;

2. To approve the transfer of the Minimum Revenue Provision re-profiling saving to the Transformation Reserve;

3. To note the financial information presented; and

4. To note the performance information presented.

**68 – Budget Timetable and Assumptions**

The Director of Resources report set out the 2017-2018 budget timetable and assumptions.

RESOLVED:- (1) To note the 2017-2018 budget timetable and assumptions as detailed in the report; and

(2) To request the Director of Resources to provide an alternative set of figures for grants to external bodies for the Citizens Advice Bureau and the Barrow and District Disability Association.

**69 – Sale of Land in Flass Lane, Barrow-in-Furness**

The Executive Director informed the Committee that the Council owned land in Flass Lane, Barrow-in-Furness.

The original approval to dispose of the sites for residential development had been agreed at this Committee on 14th November, 2014 and on 20th January, 2016.

The two sites had been formally marketed and the closing date for receipt of offer was 11th November, 2016.

The following offers had been received:

Developer A Sites A and B £3,680,000

Oakmere Homes Site A £1,046,000

 Site B £923,000

Developer C Site A £1,000,000

Developer D Site A and B £740,000

 Site A £450,000

 Site B £290,000

Following discussions with the Executive Officer, the Assistant Director of Regeneration and the Built Environment and the Development Services Manager it was proposed and agreed that:

* the Developer A bid be rejected on the grounds that the bid was subject to allowable (deductible) costs and conditional on unacceptable planning assumptions
* the Developer D bids be rejected as too low, being less than the other bids received
* the Developer C bid be rejected in favour of the Developer B bids
* the Oakmere Homes bids for Site A and Site B be accepted

Any offer made would be subject to contract and full planning approvals.

RESOLVED:-

1. To note the report; and

2. To instruct the Commercial Estate Manager to proceed with the sale of land in Flass Lane to Oakmere Homes on the terms and conditions as outlined in the report.

**70 – Contract Award: Refuse, Recycling and Street Cleansing Services 2017-2024**

The Committee considered a detailed report of the Assistant Director - Community Services.

The Committee were reminded that the current contractual arrangements with BIFFA Ltd for Refuse, Recycling and Street Cleansing Services in the Borough were due to conclude on 31st March 2017. BIFFA LTD had been advised in 2015 that the Council would not be exercising the option to extend the Contract for a further seven years, and that a procurement exercise would take place. That procurement exercise, which involved a pre-qualification exercise and a competitive tendering exercise under EU Procurement regulations had taken place.

A total of six tenders had been received against the specification, and these had been evaluated against quality and financial criteria. One tender had been declared invalid as the bidder had failed to comply with the Instructions to Tenderers, based on Council Standing Orders, around identification of unopened tenders.)

Evaluation of the tenders had showed that FCC Environment Services (UK) Ltd as the preferred bidder.

The tenders had been evaluated in accordance with the Tender Evaluation and Award Criteria as stated in the Instructions to Tenderers documentation sent to all bidders and the analysis of the bids against the published criteria gave the following scores / results. The scores had been marked from 100.

Tenderer 1 64.62

FCC 90.89

Tenderer 3 59.58

Tenderer 4 80.78

Tenderer 5 68.21 (Not considered – all packaging identified Tenderer by name)

Tenderer 6 70.20

It was noted that the submission from Tenderer 5 had been ruled invalid following a final compliance check against Council Standing Orders around Identification of Tender Packages.

All Bidders had been notified on 4th November of the results of the evaluation process, identifying the results. Procurement Regulations had allowed for a “standstill” period in which challenges could be to the process. That period had concluded on 18th November and no challenges had been received.

Members noted that that FCC Environmental Services (UK) Ltd had scored highest in both quality and financial terms. It was clear from their submission that they intended to add value to the service, over and above that which had been set out in the Council’s specification. FCC had advised that, since Council would no longer be providing a Fortnightly Garden Waste Collection Service, they wished to commence operating a Garden Waste Club for residents who wished to participate at a small annual cost. They had asked the Council to exclusively endorse the service in return for which they would provide the Council with a royalty payment which equated to an average yearly rebate through the life of the Contract of approx. £52K. Members were asked to note that in awarding the Contract to FCC, that additional financial benefit would arise for the Authority.

RESOLVED:- To approve the award of the Refuse, Recycling and Street Cleansing Contract 2017-2024 to FCC Environment Services (UK) Ltd.

**71 – Playgrounds Maintenance**

The Executive Director reminded the Committee that Council had agreed a new policy on playgrounds and Officers had costed bringing all playgrounds to a high standard. In addition Members were asked to support changes to the playground inspection regime to meet the needs of the Council’s insurers and introduce a planned maintenance regime. Inspection and maintenance was currently provided on the basis of an informal agreement and Members were asked to authorise Officers to formalise that through a variation to the Grounds Maintenance Contract.

RESOLVED:-

(i) To agree to allocate £77,500 for playground maintenance to ensure all playgrounds were brought to a common standard of maintenance;

(ii) To agree to introduce an inspection regime which meets the needs of the Council’s insurers to defend personal injury claims;

(iii) To agree to introduce a planned maintenance regime for playgrounds; and

(iv) To authorise Officers to negotiate a variation to the Council’s Grounds Maintenance Contract to include playground inspection and maintenance with a start date of 1st April, 2017.

NOTE - Immediately after the vote was taken Councillor Pemberton requested that it be recorded in the Minutes that he had voted against the motion.

**72 – Resettlement of Refugees**

The Committee were reminded that Local Authorities across Cumbria, led by Cumbria County Council had been working together to develop a co-ordinated response to Government on resettlement of refugees following the Governments policy to accept 20,000 refugees over a five year period. Cumbria’s response had been significantly delayed by the 2015/16 flood events across the County.

Cumbria Leaders Board had been co-ordinating offers from different districts and had made an offer to resettle 75 individual refugees per year for the next three years, a total of 225 across the county. Of that total 50 were planned to come from the Vulnerable Child Resettlement Programme for accompanied children with family members.

The Cumbria offer to Government was a single figure rather being agreed in phases or locations and would give partners flexibility over the pace and location of re-settlement. Four District Councils had agreed allocations with Allerdale and Barrow consulting Members before doing so.

Details of the package of financial and social support available for the resettlement programme remained unclear. The Council had also resolved, given the length of the current waiting list, not to use Council stock for resettlement but to make arrangements with private sector landlords. Social support would be provided by Cumbria County Council though there were few details available currently.

The Committee considered two issues:-

1. Does the Council wish to participate in the Cumbria Refugee Resettlement Programme?

2. Does the Council wish to offer a specific number of places to refugees under the programme?

The Committee were informed that the Council Leader had offered strong support to the resettlement programme at Cumbria Leaders Board. Barrow had a long history of integrating minority groups based upon previous refugee programmes and accommodation of foreign nationals based around submarine programmes. The Executive Director believed that the Council could make a strong contribution to the programme and he recommended participation in the programme.

He also stated that there was a lack of clarity about the ‘offer’ which was currently available to the Council to support resettlement, and he did not think that the Council was in a position to agree a phased plan until that was available. However, an overall number could be agreed. Applying the percentage of Cumbria’s population that lived in the Borough to the total of 225 refugees gave an indicative figure of 30 refugees places over the three years of the programme.

RESOLVED:- (1) To agree that the Council participate in the Cumbria Refugee Resettlement Programme; and

(2) To agree to offer 30 refugees places over the three years of the programme.

**73 – Appointment on Outside Bodies, Panels, Working Groups etc.**

The Executive Director reminded the Committee that at the Annual meeting on 10th May, 2016 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies had been considered by the Council.

The Labour Group had notified the Council on a change in appointment to the Barrow Community Safety Partnership and the Wildlife and Heritage Advisory Committee. Currently, Councillors Hamilton and Pidduck were the appointed Members. Agreement was sought for Councillor Sweeney to replace Councillor Pidduck on the above-named group and a Labour Member be appointed to replace Councillor Harkin on the Wildlife and Heritage Advisory Committee.

RESOLVED:-

1. To agree that Councillor Sweeney replaced Councillor Pidduck on the Barrow Community Safety Partnership; and
2. To agree to appoint a Labour Councillor on the Wildlife and Heritage Advisory Committee.

**REFERRED ITEMS**

**THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION**

**74 – Housing Management Forum: Recommendations**

Consideration was given to the recommendations of the Housing Management Forum held on 10th November, 2016.

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

 **Cumbria Housing Partners – Enhancing Social Value**

RECOMMENDED:- To recommend the Council:-

1. To agree the proposal for the future delivery of social investment proposed by CHP;

2. To agree that all monies derived from the delivery of the Housing Maintenance Programme be only used for the benefit of the Tenants of Barrow; and

3. To delegate the Assistant Director - Housing to approve the detailed process for allocating funds and sign the Fund Agreement when he was satisfied that the appropriate arrangements were in place.

**75 – Equality and Diversity Strategy**

The Director of Resources informed the Committee that the Council’s Equality and Diversity Strategy had been prepared with assistance from external specialist support, the HR Department and Corporate Support Manager. The Strategy was considered by the Committee.

The Strategy represented the Council’s commitment to workforce equality and diversity as well as highlighting the equality and diversity sought through the service delivery to customers. The Strategy addressed the requirements of the Council under the Equality Act 2010 (Specific Duties) Regulations 2011; the Council must have due regard for advancing equality.

Census 2011 data was set out in tables to show the local and national context of the Borough’s population characteristics.

The Strategy was designed to eliminate any equality weaknesses and build on and celebrate the Council’s equality successes. The Council was required to set specific, measurable equality objectives at intervals of not less than four years and these were considered by the Committee.

The Strategy broke down those objectives into action areas that were specific and measurable.

RECOMMENDED:- To recommend the Council approves the Equality and Diversity Strategy.

**76 – Essential User Lump Sum**

The Director of Resources informed the Committee that where an essential car user allowance was attached to a post, the post-holder was required to use their car for official business. The conditions of the allowance were that Officers shall have their vehicle available for use, maintain business use on their insurance policy, have a valid MOT certificate and hold a valid driving licence (with no restrictions on driving).

The Council currently had three lump sums for essential users based on the engine size of their vehicle: 451cc to 999cc £846 per annum; 1,000cc to 1,199cc £963 per annum; and 1,200cc and over £1,239 per annum.

Officers provided their vehicle details to the HR Department at the outset and update those details for any changes. Over 90% of essential users were in the higher band, with four Officers in the lower bands. When mileage claims were submitted by essential users, the vehicle driven was checked to make sure that it matched the vehicle registered by the Officer for their lump sum. The Officer could use an alternative car, but the vehicle used may have a smaller engine size and required the lump sum to be adjusted.

For efficiency, it was proposed that the Council adopted a single essential user lump sum, the 1,200cc and over band of £1,239 per annum. The cost was in payments to Officers £1,221; the budget was generally for £1,239 in case Officers changed their vehicle during the year. The saving was non-financial; time saved on current manual processes which would soon be replaced by the essential user and their Manager on the self-service HR system.

RECOMMENDED:- To recommend the Council approve the amendment to the Essential User Lump sum with effect from 1st April, 2017.

**77 – Auditor Appointment**

The Director of Resources reminded the Committee that upon the ending of the Audit Commission, the Secretary of State for Communities and Local Government had delegated statutory functions (from the Audit Commission Act 1998) to Public Sector Audit Appointments Limited (PSAA) on a transitional basis by way of a letter of delegation issued under powers contained in the Local Audit and Accountability Act 2014.

Under those transitional arrangements, the PSAA was currently responsible for appointing auditors to local government, police and local NHS bodies, for setting audit fees and for making arrangements for the certification of housing benefit subsidy claims.

The transitional arrangements had been extended by one year for local government and police bodies, so PSAA would continue to be responsible for appointing the auditors for the audit of the accounts for 2017-2018.

In July 2016, the Secretary of State for Communities and Local Government had specified PSAA as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. That meant that PSAA could make auditor appointments for audits of the accounts from 2018-2019 of principal authorities that choose to opt into its arrangements.

PSAA had invited the Council (the authority) to become an opted in authority in accordance with the Regulations.

PSAA had supplied information on their national scheme and that was considered by the Committee. The length of the compulsory appointing period was the five consecutive financial years commencing 1st April, 2018.

A decision to become an opted-in authority must be taken in accordance with the Regulations, which was by the Members of an authority meeting as a whole.

The benefits of opting-in included: No need for an audit panel with independent members for auditor selection; No need for individual procurement exercise; No need for individual monitoring of auditor independence; No need to deal with replacing any auditor (if required); and No need to manage individual auditor contract.

Upon Council approval, the form of notice of acceptance would be completed by the Director of Resources and sent to the PSAA by email which must be received before 5pm on Thursday 9th March, 2017.

RECOMMENDED:- To recommend the Council accepts the invitation to become an opted-in authority for the purposes of the appointment of the auditor under the provisions of the Local Audit and Accountability Act 2014 and the requirements of the Local Audit (Appointing Person) Regulations 2015.

**78 – The Forum**

The Electoral Registration Officer reminded the Committee that Grange and Cartmel Crescent Community Centre had been designated as a polling station for Polling District DC for the Hindpool Ward.

The Housing Management Forum at its meeting on 10th November, 2016 had agreed the conversion of the Grange and Cartmel Crescent Community Centre into residential accommodation and for the resultant flat to be incorporated into the housing stock.

The Council currently used the Forum as a polling station which was within the Hindpool Ward.

He, along with the Deputy Electoral Registration Officer had inspected The Forum and considered that the room used as a polling station could comfortably accommodate a second polling station.

RECOMMENDED:- To recommend the Council to designate The Forum as the Polling Station for Polling District DC instead of Grange and Cartmel Crescent for the Hindpool Ward.

The meeting closed at 4.10 p.m.