



## BARROW BOROUGH COUNCIL

TOWN HALL  
DUKE STREET  
BARROW-IN-FURNESS

9th January, 2017

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 17th day of JANUARY, 2017 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 11th October, 2016.
3. TO RECEIVE APOLOGIES FOR ABSENCE.

**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.**

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. APPOINTMENT OF MEMBERS TO COMMITTEES

7. NOTICE OF MOTION UNDER RULE 11

To consider the following motion signed by Councillors Sweeney and McEwan:-

Council notes that Northern Rail:-

- Charges 20% more for a Barrow to Manchester return than it does for split tickets, Barrow-Lancaster and Lancaster-Manchester.
- Has an appalling record of cancellations and delays.
- Has failed to offer student discounts to 16-18 year old students coming to Barrow.
- Fails to offer discounts to students at FE colleges.
- Fails to run promotional schemes in Cumbria that runs elsewhere on its network.
- Has poor quality rolling stock and has now announced delays to upgrading this.
- Is using very elderly Class 37 diesel engines that are very noisy and completely fail modern exhaust emissions standards
- Runs these noisy engines late at night and through the early hours of the morning keeping residents awake with the noise and vibration and putting fumes into their homes.

Council regards Northern Rail's performance and attitude as completely unsatisfactory and instructs the Leader of the Council to:-

- Write to the Managing Director and Chairman of Northern Rail
- Write to Transport for the North
- Write to the Secretary of State for Transport

**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.**

- Write to the Office of Rail Regulation.
- Raise the problems with Northern Rail with the Cumbria Leaders group with a view to jointly lobbying.

Council instructs the Executive Director to contact the Furness Line Action Group on the issues raised above and authorises the Executive Director to offer support to the Furness Line Action Group, should they be prepared to campaign on the split ticket issue.

8. 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.**

<b>COUNCIL</b>	<b>Agenda Item 5(A)(1)</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>REPORT OF THE PLANNING COMMITTEE</b>  <b>(Report of the meetings held on 11th October, 8th November, 29th November and the special meeting held on 20th December, 2016</b></p> <p><b>Recommendations:</b></p> <p>There were no recommendations referred to Council from the above meetings.</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 3 2016/17 of the printed Minutes.</p>	

Background Papers

Nil

<b>COUNCIL</b>	<b>Agenda Item 5(A)(2)</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>REPORT OF THE LICENSING REGULATORY COMMITTEE</b>  <b>(Report of the meetings held on 13th October, the special meeting held on 10th November and the meetings held on 17th November and 15th December, 2016)</b></p> <p><b>Recommendations:</b></p> <p>There were no recommendations referred to Council from the above meetings.</p> <p><u>Delegated Decisions</u></p> <p>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 3 2016/17 of the printed Minutes.</p>	

Background Papers

Nil

<b>COUNCIL</b>	<b>Agenda Item 5(A)(3)</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>REPORT OF THE LICENSING COMMITTEE (Report of the meetings held on 13th October, 17th November and 15th December, 2016)</b></p> <p><b>Recommendations:</b></p> <p>The meetings to be held on 13th October, 17th November and 15th December, 2016 had been cancelled.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Licensing 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 3 2016/17 of the printed Minutes.</p>	

Background Papers

Nil

<b>COUNCIL</b>	<b>Agenda Item 5(A)(4)</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	

**REPORT OF THE EXECUTIVE COMMITTEE  
(Report of the meetings held on 19th October, 30th November, 2016 and the special meeting held on 4th January, 2017.)**

**Recommendations:**

There were no recommendations referred to Council from the meeting held on 4th January, 2017.

The following recommendations have been referred to Council.

**Executive Committee – 19th October, 2016**

**1.0 Council Tax Support**

1.1 The Director of Resources report reminded the Committee that the Local Council Tax Reduction Scheme ('Scheme') for 2017-2018 which must be adopted by 31st January, 2017. The report also included an amendment to backdating to mirror the Housing Benefit regulations as the Council's Scheme had been based on the previous Council Tax Benefit regulations; amendments had been applied to both benefits before Council Tax Support.

**1.2 Recommendation:-**

**To recommend the Council:-**

- (i) To agree to backdate claims for working age claimants for one month in line with the Housing Benefit regulations;**
- (ii) To agree the continuation of the current Local Council Tax Reduction Scheme for 2017-2018, in all other aspects; and**
- (iii) To delegate authority to the Director of Resources to mirror applicable or relevant changes in Housing Benefit regulations to the Local Council Tax Reduction Scheme.**

## **2.0 Business Rates Write Off**

- 2.1 The Director of Resources report reminded the Committee that the Council's Financial Regulations delegated the writing off of sums due to the Director of Resources where an individual debtor owed no more than £25,000.

For business rates, the total value was considered and in that instance there was an account in the name of Fab Art Ltd, where the company had been dissolved due to bankruptcy and no further recovery action could take place. The liability had ended in September 2015 and the amount owed was £28,547.01 which was above the current delegation and Members were asked to approve the write off.

The proportion of the liability for the Borough was 40%, £11,418.80, which was provided for in the bad debt provision held on the Balance Sheet.

It was proposed that in relation to Business Rates, the £25,000 delegated limit for writing off sums due was applied to the Borough share. The maximum Business Rate write off that the Director of Resources would be delegated to approve would be £62,500. All write offs were reported annually to the Committee.

## **2.2 Recommendation:-**

**To recommend the Council:-**

- (i) To approve the business rate write off; and**
- (ii) To amend the delegated authority of the Director of Resources to specify that the limit applied to the Borough share for business rates accounts.**

## **3.0 Employer Supported Volunteering Policy**

- 3.1 The Director of Resources report reminded the Committee that one of the Council's objectives within the Workforce Strategy was to develop the Employers Supported Volunteering Policy which was considered by the Committee.

The policy had been developed to reflect the Council's commitment to an active role in helping the community and the development of employees within the Council. The offer to employees was one day's volunteering leave (pro rata) per year to take part in a voluntary activity that would benefit the local community, subject to manager's approval. A letter of recognition would be sent to the employee following the event and an annual report would be made to Management Board detailing take up.



If the recommendation was accepted, the policy would be submitted to the union for a consultation period.

### **3.2 Recommendation:-**

**To recommend the Council to approve the Employee Supported Volunteering Policy.**

## **4.0 Loyalty and Retirement Awards Policy**

4.1 The Director of Resources report reminded the Committee that the Council's long service and retirement award policies had been reviewed by an external equality and diversity consultant in conjunction with the Director of Resources and the HR Manager. As a result, all the long service and retirement award policies had been combined to become the Loyalty and Retirement Awards Policy which was considered by the Committee.

The main suggested changes were as follows:

- To remove the 20 year service award of one scale for employees at Scale 5 and under for all eligible new employees effective from approval at Council;
- To remove the age requirement to be at least 60 years of age to qualify for the retirement award of £10 per year of service for all retiring employees having served at least 10 years with the Council;
- To increase the value of the long service gift at 25 years to £300 and to clarify the nature of the gift as an item of jewellery or art work from a specified supplier;
- To send letters to employees recognising five, ten, twenty and twenty five years' service.

The most significant change was the removal of the 20 year award of an additional grade. Current employees would be protected and there were a total of 50 who at present would qualify for an additional increment on their 20th anniversary. Inevitably the number of employees actually qualifying would reduce due to either leaving the Council or progressing to a higher grade.

### **4.2 Recommendation:-**

**To recommend the Council to approve the Loyalty and Retirement Awards Policy.**

## **5.0 Holiday Purchase Scheme**

- 5.1 The Committee considered a revised Holiday Scheme. The Scheme had been revised addressed an anomaly whereby the only employees currently excluded from applying for purchased leave were the Executive Director and the Director of Resources.

The reasons for extending the scheme had included: It's a flexible benefit; These Officers had no access to the flexi and lieu time policy; Work/life balance; Morale; Additional time off with children and other family members; More/longer holidays; Pursuit of personal hobbies and interests and Cost savings.

The reason for excluding these Officers was not known and the differential award of three days annual leave with no access to the flexi and lieu time policy, no longer served its purpose.

With 10 years' service employees (excluding Chief Officers) had 29 days annual leave, could purchase an additional 10 days, take 26 days of flexi leave and any time owed (in lieu); these were all proportionate to the full time hours worked.

The Directors currently had access to 32 days of annual leave; accepting the policy revision would allow Directors to potentially access 42 days in total. If the recommendation was accepted, the policy would be submitted to the union for a consultation period.

### **5.2 Recommendation:-**

**To recommend the Council to approve the revised Holiday Purchase Scheme.**

## **6.0 Licensing Regulatory Committee – Policy relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences**

- 6.1 The Executive Director's report reminded the Committee that the following recommendation had been referred to the Executive Committee from the meeting of the Licensing Regulatory Committee held on 1st September, 2016. On 6th September 2016 the Council had been notified by the DVSA (Driver and Vehicle Standards Agency) that they would be withdrawing the provision of taxi assessments with effect from 31st December 2016. The matter was removed from the agenda of the Executive Committee on 7th September, 2016. Officers had subsequently found an alternative provider and amended the Policy as necessary.

The Council had a duty under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, to ensure that those licensed to drive hackney carriages and private hire vehicles were suitable persons to do so, and would wish to satisfy itself that applicants and licensed drivers were fit and proper persons to hold a licence. No definition of 'fit and proper' had been offered and the Council's discretion was wide-ranging and the Council had guidelines in place to aid the decision making process.

Following a review of the Council's current guidelines on the fitness of applicants for a drivers licence, Officers had developed a new draft Policy which was considered by the Committee. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils could impose for the licensing of private hire and hackney carriage drivers. The new draft Policy which had been presented to Members of the Licensing Regulatory Committee on 30th June 2016. At that meeting Members approved a public consultation of the new draft Policy. The results of the consultation were considered by the Committee.

## **6.2 Recommendation:-**

**To recommend the Council to approve the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and adopt as Borough Council effective from 1st April, 2017.**

## **Executive Committee – 30th November, 2016**

### **7.0 Housing Management Forum: Recommendations**

#### **7.1 Cumbria Housing Partners – Enhancing Social Values**

The purpose of the Assistant Director – Housing's report was to consider a proposal from Cumbria Housing Partners to introduce new arrangements to support social value activities, such as apprenticeships and Sense of Place projects.

#### **Recommendation:-**

#### **To recommend the Council:-**

- (i) To agree the proposal for the future delivery of social investment proposed by CHP;**

- (ii) **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**
- (iii) **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.**

## **8.0 Equality and Diversity Strategy**

8.1 The Director of Resources report 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.

### **8.2 Recommendation:-**

**To recommend the Council approves the Equality and Diversity Strategy.**

## **9.0 Essential User Lump Sum**

9.1 The Director of Resources report 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.

## **9.2 Recommendation:**

**To recommend the Council approves the amendment to the Essential User Lump sum with effect from 1st April, 2017.**

## **10.0 Auditor Appointment**

10.1 The Director of Resources report 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.

## **10.2 Recommendation:-**

**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) Regulation 2015.**

## **11.0 The Forum**

11.1 The Electoral Registration Officer's report 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.

#### **11.2 Recommendation:-**

**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.**

#### 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 3 (2016/17) of the printed Minutes.

#### Background Papers

Nil

<b>COUNCIL</b>	<b>Agenda Item 5(A)(5)</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>REPORT OF THE AUDIT COMMITTEE (Report of the meeting held on 22nd December, 2016)</b></p> <p><b>Recommendations:</b></p> <p>There were no recommendations referred to Council from the above meeting.</p> <p><u>Delegated Decisions</u></p> <p>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 3 (2016/17) of the printed Minutes.</p>	

Background Papers

Nil



<b>COUNCIL</b>	<b>Agenda Item 6</b>
<b>Date of Meeting: 17th January, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>Title: Appointment of Members to Committees</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with changes in the appointment of Members to Committees.</p> <p><b>Recommendations:</b></p> <p>Council's instructions will be requested.</p>	

### **Report**

Due to Councillor Harkin becoming an Independent Councillor the proportionality of Committees had been amended at Council on 11th October, 2016.

Councillor Harkin is still named as a substitute on the Licensing Committee and Licensing Regulatory Committee and requires replacing with a Labour member.

On Planning Committee the Labour party are required to lose a named substitute due to the reduction of members of the committee from 12 to 11.

### **Background Papers**

Nil