

# **BOROUGH OF BARROW-IN-FURNESS**

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 17th May, 2017  
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 8th March, 2017 (Pages 1-18).
6. Apologies for Absence/Attendance of Substitute Members.

### **FOR DECISION**

- (D) 7. Appointments on Outside Bodies, Panels, Working Groups etc. (Pages 19-25).
- (D) 8. Pre-Submission Draft Local Plan (Pages 26-30).

- (D) 9. Expressions of Interest in Running Leisure Services (Pages 31-32).
- (D) 10. Risk Management (Pages 33-35).

**NOTE (D) - Delegated  
(R) - For Referral to Council**

**Membership of Committee  
Councillors**

Membership of the Committee to be appointed at the Annual Council meeting on 16th May, 2017.

**For queries regarding this agenda, please contact:**

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## EXECUTIVE COMMITTEE

Meeting: Wednesday 8th March, 2017  
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook, Hamilton, R. McClure (present for all items except Item No. 19), W. McClure (present for all items except Item No. 19), Pemberton, and Williams.

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).

### **96 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item**

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Increase in Planning Application Fees (Minute No. 114)	To enable the S151 Officer to submit the required information by the Government deadline of 13th March, 2017.

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute No. 113) of Part One of Schedule 12A of the said Act.

### **98 – Apologies for Absence**

Apologies for absence were received from Councillors Maddox and Roberts.

Councillor McClure substituted for Councillor Roberts for this meeting only.

### **99 – Minutes**

The Minutes of the meeting held on 1st February, 2017 were agreed as a correct record.

## **100 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 23rd February, 2017 were submitted for consideration.

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

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

### **Housing Maintenance Investment Programme 2017/18**

1. To note progress on achieving and maintaining the Decent Homes Standard;
2. To agree the annual investment profile shown at Appendix A of the report;
3. To agree continued delivery through CHP;
4. To note the intention to deliver external works during the spring, summer and autumn months whenever possible; and
5. To note the newly arising investment works identified in the report.

### **Tenancy Agreement Review**

1. To note the content of the report; and
2. To agree the Review of the Tenancy Agreement be progressed to a Consultation Process with all Barrow Borough Council housing tenants.

### **ASB Action Ltd Service Level Agreement 2017/2018**

1. To note information on the Service Level Agreement with ASB Action Ltd; and
2. To agree to renew the Service Level Agreement for a further 12 months with ASB Action Ltd. and that the requirement to obtain written quotations be suspended due to the specialised service provided by ASB Action Ltd.

## **101 – Borough Council Contribution to Economic Development Strategy for Morecambe Bay**

The Executive Director informed the Committee that the Council along with South Lakeland District Council and Lancaster City Council had agreed the remit of an economic study for the Morecambe Bay area. The purpose of the study was to:-

1. Analysis of the economies, infrastructure and housing markets of the three districts and identification of interdependencies, barriers to growth, including housing and skills retention and areas of common interest and how strong these were relative to linkages to other areas;

2. Broad areas where co-operation across the sub-region could enable greater growth in GVA, high value employment, housing and infrastructure delivery;
3. Identification of the collaborative interventions which offered the greatest benefits to the sub-regional economy in the short, medium and long term;
4. Advice on performance indicators to measure the success of interventions;
5. Advice on organisational structures and mechanisms for co-operation with and maximising the benefits of the two LEPs, the County Councils and Government in terms of support for business and infrastructure spending.

The study was an important contribution to understanding the economy of the Morecambe Bay area and how economic development opportunities could be realised. The proposed cost of the study was £30,000 with each Council contributing £10,000.

On 11th May, 2016 this Committee had agreed a contribution of £10,000 towards a governance review across all Local Authorities in Cumbria, linked to the proposals for devolution. There were no proposals to proceed at the current time which was to be funded from the Budget Contingency Revenue. It was recommended that the finance committed to that proposal was used to support the Morecambe Bay Economic Development Strategy.

**RESOLVED:-** To contribute £10,000 towards consultants' costs to prepare an Economic Development Strategy for Morecambe Bay utilising the funding set aside for the Cumbrian Local Authorities government review.

## **102 – Deaccessioning Nance**

The Committee was informed that the Museum had five boats in its collection, two of which were on display. The boats were mostly acquired by the Furness Maritime Trust, who wanted to build a Maritime Museum in Barrow. The boats were then acquired by the Council and the museum when the Furness Maritime Trust became insolvent in the early 1990s.

The proposal was to deaccession Nance. Nance was a skeleton of a prawner (boat) and had been built about 1914 by F.J. Crossfield of Arnside. She was designed to trawl under sail for shrimps and flatfish in the Bay and sail home quickly to sell her catch.

The boat was acquired by the Furness Maritime Trust in 1987 when it had been donated by Mrs Dowthwaite along with her husband's boatbuilding workshop. The boat and the workshop were on display the Dock Museum from 1994 until 2014 (when the bottom floor was leased to BAE Systems).

The boat Nance was in Council storage at Salthouse. The storage conditions were not as favourable as the Dock Museum.

It was not a complete boat but just the skeleton (i.e. the keel and frames of the boat). It was an attractive display at the Dock Museum but there was no space to display the object at present (Nance had a length of 39 feet). It was unlikely to be displayed again when the bottom floor returned to the Dock Museum when the BAE lease expired as the boat had no connection to Barrow-in-Furness. It served as an artistic reminder of Morecambe Bay and boatbuilding in general when it was on display.

Whilst objects were donated to the museum on the understanding that they would be looked after “forever”, it was an important requirement of a museum to carry out periodic reviews of collections. Some objects would have been accepted in error, some would be duplicates, some deteriorate over time so could no longer be displayed and some could no longer be stored nor displayed. Such reviews were encouraged by the Museums Association even if it led to the eventual destruction of an object. Many major museums, such as the National Maritime Museum, had carried out collections reviews and had deaccessioned objects (in their case many hundreds). Best practise was to offer the boat free of charge to a museum and if a museum isn’t interested to an individual or organisation. However, as the vessel was only a skeleton, it was likely that there would be no interest in the boat and that it would have to be broken up.

RESOLVED:- To agree that the boat, Nance, be deaccessioned i.e. is removed from the Dock Museum’s collection and either transferred to an interested individual or organisation or broken up.

## REFERRED ITEMS

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

#### 103 – Housing Management Forum: Recommendations

Consideration was given to the recommendations of the Housing Management Forum held on 23rd February, 2017.

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

#### **Cumbria Housing Partners**

RECOMMENDED:- To recommend the Council:-

1. That the Housing Investment Plan be delivered directly with Procure Plus;
2. That the Assistant Director - Housing be authorised to serve the required notice to end the Council’s membership of Cumbria Housing Partners at the appropriate time; and
3. That the Assistant Director - Housing ensures the appropriate legal framework is in place to deliver works directly through Procure Plus.

## **104 – Treasury Management Strategy**

The Director of Resources' report set out the Treasury Management Strategy for 2017-2018 to 2019-2020.

She informed the Committee that 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 Treasury Management Strategy Statement for 2017-2018 to 2019-2020 was considered by the Committee and included Capital Prudential Indicators and the Treasury Management Strategy.

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 had been included in the Medium Term Financial Plan projections.

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

1. The prudential indicators and limits for 2017-2018 to 2019-2020; and
2. The Minimum Revenue Provision statement which sets out the Council's policy for charging revenue.

## **105 – Council Finances and Performance Quarter 3**

The Committee considered a detailed report of the Director of Resources regarding the Council finances and performance for the period ended 31st December, 2016. The report included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

**RECOMMENDED:-** To recommend the Council:-

1. To approve the General Fund 2016-2017 revised budget as £10,695,050;
2. To approve the use of the Housing Revenue Account accumulated balance for 2016-2017 as £150,750; and
3. To note the financial and non-financial performance information.

## **106 – Overtime Payments**

The Director of Resources informed the Committee of the Council's Flexi-Time and Time Off in Lieu Policy.

The report sought to establish the remuneration for non-standard overtime; which excluded any working covered by a local agreement. The additional text was as follows:-

Remuneration for non-standard overtime covered situations where there was no local agreement in place. Overtime was paid for complete half hours worked.

The multipliers were:-

Monday to Saturday, 6pm to midnight, time and a half  
Monday to Saturday, midnight to 8am, double time  
Sundays, double time

Public and Extra Statutory holidays, double time, and

- If it was a normal working day and the time worked was less than half the normal working hours on that day, a half day (pro-rata) be awarded to be taken at a later date
- If it was a normal working day and the time worked was more than half the normal working hours on that day, a full day (pro-rata) be awarded to be taken at a later date

Part-time employees were entitled to these enhancements only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full-time employees shall be worked by a part-time employee before these enhancements applied. The exception was where a part-time employee attended an emergency planning incident on a public or extra statutory holiday, where the remuneration would apply as though full-time, but not the holiday.

Consultation with the union on the proposal would take place.

**RECOMMENDED:-** To recommend the Council agree the addition of non-standard overtime payment provisions which were outside local agreements to the Flexi-Time and Time Off in Lieu Policy.

## **107 – Social Media Policy**

The Council's Social Media Policy had been updated to expand on the reporting of policy breaches and the expectations of employees and Members, using social media in their personal life. The Social Media Policy was considered by the Committee.



The section for 'Responsibilities' (Section 3) had been split to add more detail on how to raise a breach/concern (section 4). The sections previously entitled 'Applying the policy for personal use outside of work' and 'Misuse of social media' had been amalgamated into a section called 'Social media in your personal life' (section 6).

The section concerning 'Social media in your personal life' did not contain an exclusive listing but did identify various categories, including imagery that was inappropriate to associate the Council with.

**RECOMMENDED:-** To recommend the Council to approve the Social Media Policy to be reviewed in March 2019.

### **108 – Pay Policy 2017/18**

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.

Minor amendments had been made to the policy to reflect salary changes and the resulting update to the pay multiple (see section on Lowest Paid Employees).

**RECOMMENDED:-** To recommend the Council to approve the Pay Policy for 2017/18.

### **109 – Barrow Borough Council Tablet Acceptable Usage Policy for Councillors**

The Committee considered a report on the Council's Tablet Acceptable Usage Policy for Councillors which sets out the Council's approach to use of tablet devices by Members. A copy of the Policy was considered by the Committee.

Use of Tablet devices and new technology would enable Council Members to access information on the move, take advantage of Wi-Fi access in the main council buildings and contribute to the reduction in paper and printing costs outlined in the council's digital strategy plans.

The policy would apply to Members who would be asked to sign acceptance of its principles on receipt of a tablet.

Following receipt of tablets, Members would no longer receive paper agenda or report for meetings or Council Committees.

RECOMMENDED:- To recommend the Council to approve the Barrow Borough Council Tablet Acceptance Usage Policy for Councillors incorporating any equality requirements.

### **110 – Waste Policies**

The Executive Director reported that the Overview and Scrutiny Committee had agreed that the waste policies should be reviewed in advance of the new contract commencing in April 2017.

A work group consisting of the Spokesperson for the Environment, the Streetcare Manager, the Corporate Support Assistant and the Corporate Support Manager had been established to review the policies. There weren't any significant changes to the policies and the Overview and Scrutiny Committee had recommended that they be endorsed by this Committee and submitted to Council for approval.

RECOMMENDED:- To recommend the Council:-

1. To endorse the Cleaner Neighbourhood Act Enforcement Policy and the Small Bin Exemption Policy; and
2. To request the Executive Director to investigate including restricted works in the Cleaner Neighbourhood Act Enforcement Policy.

### **111 – New Traffic Regulation Order (TRO) for Council Owned Car Parks**

The Executive Director reminded the Committee that Traffic Regulation Orders had allowed the Council to enforce parking restrictions on designated car parks.

The TRO 2013 had taken effect on 2nd December, 2013 and had recently been reviewed. It had been identified that there was a requirement to now include the Town Hall Courtyard and the designated parking area at McClean Close.

Currently there were no enforceable restrictions in place for these restrictions; the Council was therefore unable to control "unauthorised" parking.

Complaints had been received by the Housing Department from the residents of McClean Close who were unable to make use of their residents parking spaces.

In making a new Order the Council was required to publish a notice of proposal in the local newspaper, consult with the local Highway Authority and serve notice on all statutory consultees. A minimum of 21 days was required for consultation responses.

Any objections received must be given due consideration and modifications made if necessary prior to the Order being made and brought into force.

RECOMMENDED:- To recommend the Council to agree that approval be given to revise the current TRO 2013, carry out consultation as required by Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996 and give the Executive Director authorisation to make a new Order.

## **112 – Corporate Inspection Regime Policy**

The Executive Director informed the Committee that the Corporate Inspection Policy had been developed in order to standardise the inspection of assets across all services, with particular attention to the public facing or public use assets that the Council owned and operated.

The Council's Corporate Inspection Regime Policy was considered by the Committee.

The Council had commissioned an inspections regimes review from Zurich Municipal. That review had informed the Policy now presented and also had identified service specific areas to focus upon; that work was currently ongoing. There would be a further workshop session with Zurich Municipal in order to evaluate the updated inspection regime for those particular assets.

As set out in the Policy, adequate inspection systems, combined with suitable response, records and action, remained a key risk management tool in terms of identifying and reducing the number of potential risks. They were also of great importance in the prevention of accidents in the first instance and the defence of public or employer's liability claims as well as potential criminal cases.

**RECOMMENDED:-** To recommend the Council to approve the Corporate Inspection Regime Policy to be reviewed in March 2019.

## **113 – Employment Matters**

The Director of Resources' report requested an extension to the enhanced voluntary redundancy payments for the posts previously identified in the Budget Strategy.

**RECOMMENDED:-** To recommend the Council to agree to extend the voluntary redundancy payment weeks being doubled, to a maximum of 52 weeks, for the applicants identified in the Budget Strategy; until 30th June, 2017.

## **114 – Increase in Planning Application Fees**

The Executive Director informed the Committee that Government had published a Housing White Paper 'Fixing our Broken Housing Market' on 7th February, 2017. One of its proposals was to allow local authorities to increase planning application fees by up to 20% from July, 2017 provided that the additional income raised was spent to provide additional capacity in planning departments. The additional increase could be spent on either development control or planning policy.

In order to ensure the additional fees were spent on planning services, Government required S151 Officers to provide financial information and an undertaking to ensure that would be carried out. That information needed to be submitted to Government by 13th March, 2017. The increase was set for the duration of the current parliament.

It was estimated that it would result in an additional £60,000 of fee income per annum. The Planning Department was facing significant capacity challenges and proposals would be brought forward on how the additional income should be spent.

As an optional price increase, the decision required Council approval, but that could not be achieved by the Government's deadline of 13th March. Should Council decide not to proceed with the increases the scheme would be withdrawn.

RECOMMENDED:- To recommend the Council:-

1. To agree to increase planning application fees by 20% from July 2017; and
2. To authorise the S151 Officer to submit the required information by the Government deadline of 13th March, 2017.

The meeting ended at 3.22 p.m.

**HOUSING MANAGEMENT FORUM**

Meeting: Thursday 23rd February, 2017  
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Barlow, Blezard, Heath and McEwan.

Tenant Representatives:- Mrs M. Anderson and Mr E. Lynch.

Officers Present:- Colin Garnett (Assistant Director - Housing), Keely Fisher (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Apprentice).

**78 – Minutes**

The Minutes of the meeting held on 12th January, 2017 were taken as read and confirmed.

**79 – Apologies for Absence**

Apologies for absence were received from Councillor Brook and Tenant Representative, Mr M. Gray.

**80 – Housing Maintenance Investment Programme 2017/18**

The Assistant Director - Housing sought approval for the expenditure profile for 2017/18. The proposed profile and priorities were based on the agreed Five-year Asset Management Strategy 2015 and made reference to the findings of the 2014 Stock Condition Survey.

The principles adopted in the 2017/18 proposed programme continued with the previously agreed targets set out in the 2015 Asset Management Plan (AMP) and sought to ensure:-

- The Council maintains the Decent Homes Standards;
- The aspirations of tenants were considered and incorporated within the Programme;
- To work collaboratively with other housing providers and contractors to improve delivery of planned and responsive repair services;
- To ensure properties were safe, energy efficient and weatherproof; and
- Investments were prioritised on a just in time and worst-first basis.

The Assistant Director provided a progress summary for the current year 2016/17 which included the Decent Homes Standard (DHS) and Planned Maintenance.

The proposed investment profile for 2017/18 was attached as an appendix to the Assistant Director's report.

The profile followed the “sustainable” investment model shown in the 2015 AMP and built on existing priorities to upgrade external components such as roofs and external wall finishes. Heating and electrical circuits continued to receive significant investment whilst the trend to spend less on kitchen and bathroom improvements would continue for the foreseeable future.

The HRA baseline model allocation for 2016/17 was based on an asset portfolio containing 2636 (Forecast at 1/4/2016) properties:

Maintenance Allowance (per property £1,274.33)	£3,359,141
Major Repairs (per property £696.89)	£1,837,000
<b>Total</b>	<b>£5,196,141</b>

Over the next two years, major investment works would continue to be delivered through the existing arrangement with Cumbria Housing Partners (CHP).

Whilst this years planned investment works were progressing satisfactorily Officers were concerned that focus of future investments on external works, such as roofing and rendering, provided a significant risk from disruption by adverse weather conditions.

In order to ensure all proposed investments for next year (2017/18) were delivered within the financial year, Members were asked to agree that Officers continue with the previously agreed methodology to deliver the external works, programs during the spring, summer and autumn months wherever possible.

The program included some newly arising investment needs that were not identified in the 2014 Stock Condition Survey. The newly arising improvements included:-

- Yew Tree Estate – 40 flats on this estate required roof replacements. This work had arisen as a result of component failure and the unavailability and discontinuation of replacement tiles from the tile manufacturer;
- Tummerhill Estate – 36 flats on this estate required remedial damp works and re-rendering. This work had arisen due to last years unprecedented levels of rainfall and the inability of the external brickwork to deflect water on such an exposed location. Officers wished to make Members aware that there were an additional 41 properties with similar but less urgent damp problems that may require improvement in 2018/19;
- Lower Hindpool – 20 flats on this estate required remedial roof repairs. This work had arisen due to problems with the existing lap and porosity of the existing mono pitch roof tiles; and
- Storey Square, Dalton – 30 properties required remedial wall tie replacement and pointing improvements. This work had arisen due to previously unidentified corrosion of the wall ties within the cavity wall construction.

## RECOMMENDED:-

1. To note progress on achieving and maintaining the Decent Homes Standard;
2. To agree the annual investment profile shown at Appendix A of the report;
3. To agree continued delivery through CHP;
4. To note the intention to deliver external works during the spring, summer and autumn months whenever possible; and
5. To note the newly arising investment works identified in the report.

## **81 – Tenancy Agreement Review**

The Assistant Director - Housing provided Members with an update on the progress of the Review of the Tenancy Agreement.

The Housing Service operated two types of tenancy - an Introductory Tenancy and a Secure Tenancy. The current Tenancy Agreement was due for review due to operational changes and also changes in legislation with the Localism Act and Housing and Planning Act 2016 which impacted on clauses within the Tenancy Agreement.

In order to move the review forward there had been several meetings with Scrutiny Group to look at the existing Tenancy Agreement but also to discuss drafts of the revised agreement. Scrutiny Group agreed for the Housing Service to engage the advice of specialist Housing Solicitors to ensure all areas affected by changes in legislation were incorporated into the review. The following areas had been considered and, where necessary, updated as part of this process:-

- Strengthening powers available to Housing Service for tackling Anti-Social Behaviour in line with the Crime and Policing Act 2014;
- Incorporating the collection of Water Charges;
- Consideration given to flexible tenancies/fixed term tenancies in line with Housing and Planning Act 2016;
- Photographs of tenants to deter tenancy fraud and assist with tenancy audits;
- Data Protection and Data Sharing provision;
- Flexibility with Tenancy Start dates to maximise collection of Housing Benefit; and
- Right of succession in line with Localism Act and Housing and Planning Act 2016.

A draft of the new Tenancy Agreement had now been created which would need to be put out to a four-week consultation period. All current housing tenants would be sent a copy of the draft tenancy agreement to give tenants the opportunity to provide feedback. The Housing Service website would also have a section entitled

'Tenancy Agreement Review' which would include a copy of the draft review policy and information regarding the consultation process. A copy of the current draft was attached as an appendix to the report for Members' information.

Following the consultation process and any subsequent changes made, a report would be brought back to Housing Management Forum with a draft of the final Tenancy Agreement for approval.

#### RECOMMENDED:-

1. To note the content of the report; and
2. To agree the Review of the Tenancy Agreement be progressed to a Consultation Process with all Barrow Borough Council housing tenants.

### **82 – ASB Action Ltd Service Level Agreement 2017/2018**

The Assistant Director - Housing reported that Barrow Borough Council had an obligation to the residents in the local areas they managed to do all they reasonably can to prevent crime and disorder in these areas. The Anti-Social Behaviour, Crime and Policing Act 2014 powers came into effect on 20th October, 2014. The purpose of the Act was to provide more effective powers to tackle Anti-Social Behaviour (ASB) and offered greater protection to victims and communities, whilst paying regard to the treatment of the underlying behavior issues of ASB perpetrators.

The Act replaced the 19 previous ASB powers with six broader powers and a New Absolute Ground for Possession, streamlining procedures and focusing on the behaviour of people. The Act also imposed a requirement to implement the 'Community Trigger'. This was a mechanism which allowed victims of ASB to request a review of the management of their case if they perceived there had been no action taken or the action taken was not appropriate. The Community Trigger was enacted early in 2014.

It was widely accepted that failing to tackle ASB and nuisance promptly could undermine not just physical regeneration of areas but community cohesion. Residents did not wish to live in an area of crime, graffiti, environmental damage (fly-tipping) or noise nuisance. It was therefore in both parties' interest that complaints were dealt with speedily and that a seamless service was presented to residents who had historically complained about their case being referred to a variety of agencies with no real ownership of the case.

The core service provided by ASB Action Ltd was the provision of ASB and neighbour nuisance services. This assisted the Housing Service to deal effectively with ASB and neighbour nuisance, using tried and tested methods developed by three of the country's leading practitioners in this field.

The services provided by ASB Action Ltd included:-

- Review cases referred and provide action points to Officer's dealing with ASB within specified timescales to ensure prompt service to our customers;



- Where appropriate, collect evidence and construct witness statements to a standard required for Civil Court proceedings;
- Act as professional witness in court where required;
- Carry out audits/case reviews;
- Provide the Estates Team with the range of appropriate legislation which can be used to resolve specific cases and support strategic initiatives;
- Review the Housing Service's existing ASB Policies and Procedures and, where necessary, make recommendations to ensure service improvement;
- Provide Barrow Housing Service with a witness support service, including an out-of-hours telephone service to support the most vulnerable witnesses;
- Provide a coaching, training and mentoring service with the new 'Powers' for the front line officers and managers of the Housing Service on the best practice for tackling and preventing ASB; and
- ASB Action Ltd, in supporting Barrow Housing Service, would seek to provide a service which appeared seamless to the complainant/witness.

ASB Action Ltd offered a Service Level Agreement in which Barrow Borough Council Housing Service could undertake to purchase 10 days to be used over a 12 month period. The 10 days could be used however the organisation felt would best suit the needs of the Service i.e. training, mentoring, critical friend, case work reviews, etc. Within the 10 days staff were not deducted any time for telephone or e-mail advice. Staff could ring through with problems and they would be advised of the course of action to take. The Housing Service would be invoiced monthly with itemised work/cases giving hours used as an audit trail.

During the last 12 months the Service Level Agreement with ASB Action had assisted the Housing Service to successfully obtain five Injunctions for ASB; they also assisted in seven cases where legal intervention was used to prevent ASB.

The cost of a 10-day Service Level Agreement including training was £4,785 plus VAT.

Effective management of Anti-Social Behaviour was a key component of the Housing Service achieving its aim to provide well-maintained homes and estates where people chose to live.

ASB Action Ltd offered a specialised service which focused on assisting Social Housing providers deal with such issues.

#### RECOMMENDED:-

1. To note information on the Service Level Agreement with ASB Action Ltd; and
2. To agree to renew the Service Level Agreement for a further 12 months with ASB Action Ltd. and that the requirement to obtain written quotations be suspended due to the specialised service provided by ASB Action Ltd.

## REFERRED ITEMS

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

#### 83 – Cumbria Housing Partners

The Assistant Director - Housing's report was to propose improved arrangements for delivering the Investment Plans for Council owned properties.

The Council had delivered its Housing Investment Plans through Cumbria Housing Partners (CHP), acting as an access point to Procure Plus (PP) frameworks, since 2008. Initially the Council were a "customer" of CHP but more latterly becoming formal Members with a place on the Board.

CHP had created the opportunity to access PP frameworks to deliver works collaboratively with a number of Social Housing Landlords in Cumbria and the wider North West. This had provided added value in the delivery of such work through economies of scale and enabled the Council to draw on the experience and knowledge base of all partners across the North West Region which would not be possible to replicate internally, or in the Cumbrian sub region. The experience had been positive and resulted in significant savings.

CHP had also, through the fees charged, provided the opportunity to deliver social investment into the areas in which the Borough Council operated. This had previously included projects such as "sense of place" and employment that offered direct benefits to residents on Council estates.

As the income of the Housing Service continued to reduce, this business principle of working collaboratively provided a key opportunity to protect the delivery of the Council's maintenance services, mitigate risks and achieve efficiencies unlikely to be achieved by working independently or sub regionally.

More recently the Assistant Director had been reviewing the existing Business Plan for CHP and he was concerned about a number of operational matters. This included the following:-

1. It was a requirement all partners should deliver 75% of their investment spend through CHP. With the exception of Barrow, this was not now happening.
2. The forecasted proportion of total spend by other landlords through CHP had declined significantly in recent years. The Borough Council's spend had remained consistent and now represented a significantly larger proportion, approaching 50%, of the total.
3. The Assistant Director suggested the above appeared to challenge the original concept of working collaboratively and secondly meant that income derived from fees by implication would pay a greater proportion of the partnerships costs
4. Two of the members had recently formed a Cost Sharing Vehicle (CSV) to deliver their planned and responsive repairs services. There was motivation to build that business with the intention of using it to deliver planned and responsive repairs to CHP members. This would further reduce the CHP spend and result in the Council assuming a greater proportion of the running

costs of CHP, whilst the new primary services provided by CHP were not enjoyed by the Council.

5. CHP was currently investigating alternative ranges of services it could provide to increase income, including new work streams currently available through Procure Plus. There was also an intention to directly procure a new independent CHP labour framework outside the existing arrangements with Procure Plus and employ additional resources to establish and run that framework. However, the income of CHP had been reduced directly as a result of other members choosing to deliver a proportion of their investment through other means and therefore these alternative investments would be at the expense of the Council although not for the benefit of the Council.
6. Ironically it was the case, however, the cost of developing potential new income streams may fall disproportionately on those landlords, particularly ourselves who deliver the most work through the current framework and have no intention of using the new services.

In any partnership, there would always be a need to compromise to cater for the differing business requirements of its partners. It was inevitable that CHP would look to develop at some point.

The current arrangements had worked well, because they were straightforward, had narrower focus and essentially were linked to a larger Procurement arrangement which was better placed and resourced to provide the frameworks on which the process operated.

The principles behind CHP were to provide the opportunity for procuring maintenance services in a collaborative manner leading to increased efficiency. Landlords of CHP could access a range of “frameworks” for different work streams that could be drawn on as and when required. Additional benefits for landlords included re-investment of fees to allow social investment. This could be delivered in a variety of ways and included employment/apprenticeship opportunities for tenants and residents on Council estates.

CHP had a business model that replicated an existing agreement with Procure Plus and Re-allies.

Procure Plus and Re-allies licensed their frameworks along with their IT facilities to CHP who in turn provided sub-licences to members. There was a transactional fee that members were required to pay CHP and Procure Plus that was based on a percentage of the value of work delivered.

The objectives of Barrow remained unchanged, creating efficiency of delivery, mitigating the risk of procurement, and re-investing savings back through social improvements and employment opportunities.

The Assistant Director had raised several concerns within his report but felt that Items 4 and 5 involving the direction and priorities of the new CSV and the proposed new independent CHP labour framework fell outside the scope of existing arrangements with Procure Plus and hence posed the greatest concern moving forward.

On the basis of the existing underspend and forecasted reduced spend by other member landlords, the Assistant Director had been in discussions with Procure Plus to evaluate a continuation of the Borough Council's existing model of delivery going forward. It was clear this would be relatively straightforward, including changes in the "licence" arrangements being direct to Procure Plus and could be achieved without delay.

In considering this option, the Assistant Director had assurance that Procure Plus would significantly improve the delivery of the Council's social investment in terms of local employment with immediate effect and this would include encouraging and assisting local Contractors and other local employers to employ Barrow residents. That model supported local social enterprises that were engaged with finding work for people distant from the labour market and building their capacity to do so. There was no additional cost for this service and it was anticipated that at least 10 jobs over and above the framework requirement would be secured in each financial year.

The option remained that the Borough Council did "nothing" and remain a member of CHP and in time hope that other members increased their spend, or accept the current practice of CHP as it had evolved and no doubt would continue to do so did not reflect the Borough Council's requirements.

Arrangements with CHP were by way of a "sub-licence" and it would be necessary to serve Notice on CHP (3 Months) and enter a new "sub-licence" with Procure Plus directly for future call offs for works and materials. Underlying Contracts were direct with appointed Contractors completing works and would be on going

The joint procurement model had provided financial benefits. Overall research previously reported by Ark Consultancy in their report dated 21st January, 2015 for CHP Board Members showed that CHP offered savings of around 17% to members. By comparison, Procure Plus offered savings of around 32% to its members.

The overall fees paid moving forward would be reduced for delivery. The current fee levels were 5.5%, of which 2.5% funded CHP running costs and social enterprise and 3.0% went to Procure Plus. The new fee proposal with Procure Plus would see fees reduce to 4%. 1% of these fees would be set aside for social enterprise initiatives.

The proportionality of Barrow's spend with CHP was assessed annually and if that share was disproportionate, an internal financial review was triggered which may lead to problematic consequences for the Borough Council's accounting and closedown processes.

**RECOMMENDED:-** That Council agree:-

1. The Housing Investment Plan be delivered directly with Procure Plus;
2. The Assistant Director - Housing be authorised to serve the required notice to end the Council's membership of Cumbria Housing Partners at the appropriate time; and
3. The Assistant Director - Housing ensures the appropriate legal framework is in place to deliver works directly through Procure Plus.

The meeting closed at 2.30 p.m.

<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 7</b>
<b>Date of Meeting: 17th May, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<b>Title: Appointments on Outside Bodies, Panels, Working Groups etc.</b>	
<b>Summary and Conclusions:</b>	
The Council has given delegated authority to Committees to make appointments to Outside Bodies, Forums (except Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Annual meeting.	
Details of nominations made by the political groups will be reported in appendices at a later date.	
<b>Recommendation:</b>	
To consider the appointments recommended by the political groups and determine the appointments to be made where nominations exceed the available places.	

**Report**

At the Annual meeting on 16th May, 2017 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies will be considered by Council.

Council will be asked to recommend with the exception of the Housing Management Forum the allocation of seats on Outside Bodies, Forums, Panels, Working Groups etc. be delegated to the appropriate Committees to make the necessary appointments.

Group Leaders will supply details of the recommended appointments for confirmation by the Committee and these will be forwarded to you as soon as they are available.

For information last year's membership is listed below each Outside Body, Panel or Working Group.

Referring to the Appointment to the Billincoat Charity Trust, Members have been appointed for a period of four years (until May 2019), and therefore, no nominations are requested.

(i) Legal Implications

When Councillors are acting as representatives on another authority they must comply with their Code of Conduct.

(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

Not Applicable.

(vi) Health and Well-being Implications

Not Applicable.

Background Papers

Nil

## **REPRESENTATIVES ON OUTSIDE BODIES, ETC. 2016/2017**

- (1) AIR TRAINING CORPS (NO. 128 SQUADRON)  
The Mayor
- (2) ASKAM AND IRELETH COMMUNITY CENTRE MANAGEMENT COMMITTEE  
Councillors Harkin, Heath, Murray and Thurlow
- (3) BAE SYSTEMS MARINE LTD LOCAL LIAISON COMMITTEE  
Councillors Cassidy, Johnston and Sweeney
- (4) BARROW AND DISTRICT COMMUNITY ACTION SAFETY GROUP  
Councillors Biggins and Proffitt
- (5) BARROW CHILDREN'S CENTRES ADVISORY GROUP  
Councillor Brook
- (6) BARROW COMMUNITY SAFETY PARTNERSHIP  
Councillors Hamilton and Pidduck
- (7) BARROW-IN-FURNESS SEA CADET CORPS COMMITTEE  
The Mayor  
Substitute:- Deputy Mayor
- (8) BARROW WASTEWATER TREATMENT WORKS LOCAL FORUM  
Councillors Cassells, R. McClure and Wall
- (9) BILLINCOAT CHARITY TRUST (4 year appointment until May 2019)  
Councillors Blezard, Harkin, Heath, Maddox, Murray and Thurlow
- (10) BUCCLEUCH HALL MANAGEMENT COMMITTEE  
Councillor Heath
- (11) CENTRICA LIAISON COMMITTEE  
Councillors Johnston, Murphy and Proffitt
- (12) CHILDREN'S AND YOUNG PEOPLE'S WORKING GROUP  
Councillors Brook and Proffitt
- (13) CITIZENS' ADVICE BUREAU TRUSTEE BOARD  
Councillor Barlow and Murray
- (14) CUMBRIA ALCOHOL AND DRUG ADVISORY SERVICE BOARD  
The Mayor
- (15) CUMBRIA HOUSING EXECUTIVE GROUP  
Councillor Hamilton
- (16) CUMBRIA PENSIONS FORUM  
Councillor Proffitt

- (17) CUMBRIA STRATEGIC WASTE PARTNERSHIP  
Councillor M. A. Thomson
- (18) DALTON COMMUNITY ASSOCIATION  
Councillor Thurlow
- (19) DUDDON ESTUARY PARTNERSHIP  
Councillor Biggins and Murphy
- (20) FRIENDS OF WALNEY  
Councillor Callister
- (21) FURNESS ABBEY FELLOWSHIP  
Councillor Wall
- (22) FURNESS LINE COMMUNITY RAIL PARTNERSHIP  
Councillor Sweeney
- (23) FURNESS HEALTH AND WELLBEING FORUM  
Councillors Brook, W. McClure and Sweeney
- (24) FURNESS MARITIME TRUST  
Council of Trustees: - Councillors Cassidy, Murphy, C. Thomson and  
Wall plus the Executive Director and Director of Resources
- (25) HEALTH AND WELLBEING SCRUTINY COMMITTEE  
Councillor Cassells  
Substitute: Councillor Cassidy
- (26) INTERNATIONAL NUCLEAR SERVICES LIMITED: RAMSDEN  
DOCK TERMINAL STAKEHOLDER GROUP  
Councillors Biggins, Johnston, Pidduck and Proffitt
- (27) JOINT RURAL COMMITTEE  
Councillors Murray and Thurlow
- (28) KEEPING OUR FUTURE AFLOAT  
Councillor Pidduck
- (29) LAKES WORLD HERITAGE SITE STEERING GROUP  
Councillor Murphy
- (30) LIBERATA PARTNERSHIP BOARD  
Councillors Barlow, Roberts and Sweeney
- (31) LOCAL GOVERNMENT ASSOCIATION: GENERAL ASSEMBLY  
Councillor Pidduck
- (32) LOCAL GOVERNMENT ASSOCIATION NUCLEAR ISSUES  
SPECIAL INTEREST GROUP



Councillor Sweeney  
Substitute: Councillor Pidduck

(33) NORTH WEST OF ENGLAND AND THE ISLE OF MAN RESERVE  
FORCES CADETS ASSOCIATION  
Councillor McEwan

(34) NORTH WESTERN LOCAL AUTHORITIES' EMPLOYERS'  
ORGANISATION  
Councillor Brook

**OUTSIDE BODIES AGREED BY COUNCIL**

Allotments Liaison Committee (9 seats – 7:2)

Councillors Barlow, Gawne, Heath, Husband, Johnston, Murphy, C. Thomson  
and Thurlow.

Barrow Local Committee – Highways Advisory Group (3 seats – 2:1)

Councillors Barlow, Brook and Gawne

Barrow Borough Sports Council (3 seats – 2:1)

Councillors Callister, Murray and Pemberton

Wildlife and Heritage Advisory Committee (9 seats – 7:2)

Councillors Barlow, Gawne, Gill, Harkin, Johnston, Murphy, M. A. Thomson,  
Thurlow and Wall.

**MEMBERSHIP OF FORUMS, PANELS, WORKING GROUPS ETC.  
2016/2017**

**EXECUTIVE COMMITTEE**

**Appeals Panel**

4 Members selected by Executive Director in accordance with proportionality rules

**Barrow Market Liaison Committee (3:1)**

Councillors Barlow, Burns, Gawne and Pidduck

**Constitution Working Group (3:1)**

Councillors Brook, Pidduck, Roberts and Sweeney

**Cumbria Local Nature Partnership Board (1:0)**

Councillor Wall

**Cumbria Police and Crime Panel (1:0)**

Councillor Hamilton

**Early Retirement/Voluntary Redundancy Panel (3:1)**

Councillors McLeavy, Pidduck, Sweeney and M. A. Thomson

**Grading Appeals Panel (3:1)**

Selection of four Councillors from the following:-

Councillors Barlow, R. McClure, Pemberton, Pidduck, Sweeney and M. A. Thomson

**Health and Safety Management Board (4:1)**

Councillors Barlow, Pidduck, Proffitt, Roberts and C. Thomson

**Medical Assessment/Housing Applications Appeals Panel**

3 Members selected by Executive Director in accordance with proportionality rules

**Member Training Working Group (3:1)**

Councillors Brook, Derbyshire, Gill and Pidduck

**Planning Policy Working Group (5:1)**

(Two Members Executive Committee and four Members Planning Committee)

Labour – Councillors Murray, Pidduck, Sweeney, C. Thomson and M. A. Thomson  
Conservative – Councillor Gawne

Private Rented Accommodation Group (Accredited Letting Scheme and Proposed Licensing)

3 Members selected by Executive Director in accordance with proportionality rules

Renovation Grants Panel (3:1)

To be appointed for 2017/18 in accordance with proportionality rules

Review Board – Housing Register/Homeless Applicants

3 Members selected by Executive Director in accordance with proportionality rules

<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 8</b>
<b>Date of Meeting:</b> 17th May, 2017	
<b>Reporting Officer:</b> Executive Director	
<p><b>Title: Pre-Submission Draft Local Plan</b></p> <p><b>Summary and Conclusions:</b></p> <p>Agreement of the Pre-Submission Draft Local Plan will enable the Council to carry out consultation in May/July 2017. The Pre-Submission Draft Local Plan will then be submitted to the Secretary of State for independent examination, leading to an adopted Plan in late 2017/early 2018.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To agree that the content of the Pre-submission Draft Local Plan is approved for consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;</li> <li>2. To agree that delegated authority is granted to the Executive Director to make any minor editorial and technical amendments to the Plan prior to submission, where they do not materially affect its content;</li> <li>3. To agree that delegated authority is granted to the Executive Director to then proceed with submitting the Draft Local Plan to the Secretary of State for independent examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to request that an Inspector is appointed to examine the Draft Plan, and to agree any minor amendments as necessary to make the Plan sound; and</li> <li>4. To agree that once published for consultation the Pre-submission Draft Local Plan can be given weight as a material consideration when undertaking decision making on planning applications in accordance with paragraph 216 of the NPPF.</li> </ol>	

### **Report**

The Pre Submission Draft Barrow Borough Local Plan is now at a stage where the Council considers it is the final version of the Plan and is ready for submission to the Secretary of State for independent examination. In line with the guidance set out in the National Planning Policy Framework the Plan is considered 'sound' in that it is positively prepared, justified, effective and consistent with national policy.

The Plan will now be subjected to a 6 week public consultation to invite comments from consultees on whether they agree that the Plan is sound. Any comments received are then sent on to the Planning Inspectorate along with the Draft Plan and Proposals Map, Sustainability Appraisal and other supporting evidence. An independent Inspector will then be appointed to hold an examination in public to examine the document and to make any minor amendments in order that it be found sound and adopted by the Council.

We are therefore asking members to agree the content of the Draft Plan and Proposals Map along with the Sustainability Appraisal. A copy of the Plan is attached at **Appendix 1** and the Proposals Map and Sustainability Appraisal are available on the Councils website and in the Members Room.

In addition members are asked that the Executive Director be given delegated authority to proceed with the submission of the Plan after the consultation period closes. This is common practice with other authorities at this stage of Plan preparation to remove the need to come back to committee after consultation which may result in a delay to the Plan being submitted and an Inspector being appointed and the examination held.

It is requested that the Executive Director be given authority to:

- i. Formally submit the Plan to Government after the consultation has closed. At this stage the Local Plan document is taken as the Councils final word and cannot be changed prior to submission. Should the consultation reveal any issues that may threaten the adoption of the Plan and requiring major amendments to be made the Plan would have to be brought back to Executive Committee.
- ii. Formally request an Inspector is appointed to examine the Plan and recommend any changes necessary for it to be found sound, and that during the examination minor and technical amendments can be made at the request of the Inspector in negotiation with other parties by officers. The final version of the Plan will be brought to Council to agree its adoption.

Finally members are requested to resolve that it go on record that the Pre-submission Draft Plan is to be given a degree of weight as a material consideration when determining planning applications. Officers and Planning Committee members have begun to assess applications against both saved and emerging policies.

## **Background**

The Borough's existing Local Plan was adopted in 2001 and therefore some of the policies are out of date and need updating or replacing. The Planning Policy Team is responsible for preparing the new Local Plan which sets the broad framework for acceptable development in the Borough for the next 15 years up to 2031.

The production of the new Local Plan is set out in the Council Priorities 2013-16, where objective 1.3 is 'to ensure the timely progression of the Local Plan'.

This objective is linked to the Housing priority but also supports the Regeneration and Public Realm and Local Economy Priorities.

### **Previous Stages**

In November 2012, consultation took place under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 regarding what should be contained in the new Local Plan. The comments we received and development sites put forward informed the production of the Issues and Options Draft Local Plan in September 2014.

In October/November 2014, informal consultation took place on the Issues and Options Draft Local Plan, and the comments we received and development sites put forward informed the production of the Preferred Options Draft Local Plan.

The Preferred Options Draft Local Plan was consulted upon in July/August 2015. The Draft contained the Council's preferred options for a suite of policies and included the Council's preferred development sites. Comments received during this consultation informed the Publication Draft.

The Publication Draft Local Plan was consulted upon in September/October 2016. The Plan was at an advanced stage and contained policies and site allocations. Comments received during this consultation along with updated evidence on population projections have been used to update the Plan.

Officers have worked with members of Planning Policy Working Group (comprising 3 members of Executive and 3 members of Planning Committee) throughout the process of preparing the Local Plan. This will be an ongoing dialogue allowing members to engage with the process and strengthen the Plan as it progresses to adoption.

### **Modifications to Plan**

Since the Publication Draft in July 2016 a number of amendments have been made in light of the consultation responses received and changes in the evidence used to support the Plan most notably updated household population estimates produced by the Government, which has had an effect on the housing and employment figures included within the Plan. This has resulted in a review of the objectively assessed need figure and a housing trajectory covering the period 2014 to 2031 being produced to determine the annual housing target. The annual requirement set out in the Publication Draft is 105 dwellings per year, this has been amended to 133 dwellings per year.

Minor amendments have been made which include the updating of dates and other factual information, minor wording changes for clarification and to address comments made by consultees.

Major amendments to the wording Policy C3a Water Management and the addition of two new policies, Policy C3b Groundwater Protection and H26 Large Houses in Multiple Occupation and the Sub-division of Dwellings.

Despite the annual housing requirement increasing, the additional dwellings can be accommodated on existing housing allocations and therefore no new sites are proposed. The majority of allocated sites remain the same however the boundaries of a small number of housing sites; REC25a REC43 and SHL70a have been amended and the indicative yield increased or decreased for a number of sites as a result of the consultation responses, the Government White Paper 'Fixing our Broken Housing Market' produced in February 2017 and to enable more sustainable development. In addition sites SHL071 and SHL103 have been removed as they have successfully received planning permission since the last Draft Plan was published, and SHL061 has been changed to an opportunity area as it is being marketed for commercial use.

In addition in order to address the ministerial statement suitable areas for wind energy have been identified on the proposals map inside which wind energy development may be acceptable.

All the above amendments are scheduled in the appended Table of Modifications to be read in conjunction with the Plan (**Appendix 2**).

### **Next Steps**

Upon agreement, the Pre-submission Draft Local Plan will be available for consultation for a minimum 6 week period during May/June 2017. During this time we will invite comments from Statutory bodies, organisations, individuals, groups, developers/landowners and other interested parties on the soundness of the Plan. We also intend to hold a number of exhibitions throughout the Borough.

After the consultation period any editorial and technical amendments to the Plan will be made prior to submission, where they do not materially affect its content.

The Draft Local Plan will then be submitted to the Secretary of State for independent examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, an Inspector will be appointed and a public examination will be held, it is hoped that the Plan will be examined in Autumn 2017 and then adopted.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no, minor or significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no, minor or 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

Correspondence held by the Executive Director, a copy of the Pre-submission Draft Local Plan, Table of Modifications, Sustainability Appraisal and other supporting documents are available to view in the Members Room.

**Copies of the report and appendices have been emailed to all Councillors and copies will be provided to Members of the Executive Committee.**



<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 9</b>
<b>Date of Meeting: 17th May, 2017</b>	
<b>Reporting Officer: Executive Director</b>	
<b>Title: Expressions of Interest in Running Leisure Services</b>	
<b>Summary and Conclusions:</b>	
The Localism Act, 2011 allows groups, including local authority employees to bid to run services. In order to ensure an orderly procurement process, Council are recommended to set a deadline for receipt for Expressions of Interest in running The Forum and Park Leisure Centre of 16th June, 2017.	
<b>Recommendations:</b>	
To agree that a deadline of Friday, 16th June, 2017 be set for receipt of Expressions of Interest under Sections 81-86 of the Localism Act, 2011 in respect of services provided by The Forum and Park Leisure Centre.	

**Report**

As Members will be aware Council Policy, as part of the 2016-2020 Budget Strategy is to outsource The Forum and Park Leisure Centre and the background work required to implement this is well underway.

Sections 81-86 inclusive of the Localism Act, 2011 – ‘The Community Right to Challenge’ gives groups, including local authority employees the right to express an interest in taking over the running of a local authority service. Where this right is exercised the local authority must consider and respond to the expression of interest and where it is accepted, run a procurement exercise for the service in which the challenging organisation can bid.

The Borough Council position in relation to S81-86 is somewhat unusual in that the consequence of the Community Right to Challenge is to require that a procurement exercise is undertaken when the Borough Council has already agreed this will be the case. To date, no Expressions of Interest in running either the Park Leisure Centre or The Forum (or both) have been received.

In order to conduct an orderly procurement process, the Localism Act, 2011 and its accompanying regulations, gives Councils the opportunity to set deadlines for receipt of Expressions of Interest beyond which they will not be accepted. This allows Councils and others to be clear about the specification of services.

Council needs clarity on the lots that will be available to tenderers well in advance of the formal tendering process. I am, therefore, proposing that you set a deadline for receipt of Expressions of Interest for both the Park Leisure Centre and The Forum under Sections 81-86 of the Localism Act. If Expressions of Interest are received after the deadline, they would not be accepted.

(i) Legal Implications

Local groups and local authority employees would be prevented from submitting Expressions of Interest after the deadline.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The resolution is required to conduct an orderly procurement process.

(iv) Health and Safety Implications

The recommendation has no implications.

The recommendation has no detrimental impact the built environment or public realm.

(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

<b>EXECUTIVE COMMITTEE</b>		<b>Part One</b> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>10</b>
<b>Date of Meeting:</b>	<b>17th May, 2017</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Risk Management</b></p> <p><b>Summary and Conclusions:</b></p> <p>Provide Members with the Council's Risk Registers for 2017/18.</p> <p><b>Recommendations:</b></p> <p>To approve the Corporate and Operational Risk Registers for 2017/18.</p>		

### **Report**

The Executive Director has reviewed and identified key corporate and operational risks for the Council and has circulated them to Management Board Members for approval. The updated risk registers, reflects the Management Board's assessment of significant risks to the Council.

The Corporate Risk Management Register has been reviewed and the following changes have been made:

- Corporate Risk 1 – 2017/1 (Impact of legislative changes on HRA income). The Potential Impact has been updated to reflect the increased number of “Right to Buy” applications.
- Corporate Risk 2 – 2017/1 (Future stability and sustainability of the Council). Has been amended to reflect this increase in projected deficit due to the anticipated reduction in New Homes Bonus. The mitigating action has been revised to reflect alignment with the Council's plan.
- Corporate Risk 4 – 2017/1 (Levels of sickness worsen) There has been an addition to the mitigating actions which recognises the contribution the measures introduced in 2016/17 has made to reducing sickness levels. This will be further monitored before reviewing the risk score.
- Corporate Risk 5 – 2017/1 (Impact of welfare reform changes) The Potential Impact has been amended to reflect the increased impact on the Housing Revenue Account. The Mitigating action has been amended to recognise the on-going financial contribution to external bodies to help support residents.

- Corporate Risk 6 – 2017/1 (Delivery of the water front regeneration programme). The Mitigating Action has been updated to reflect current progress.
- Corporate Risk 7 – 2017/1 (Maintain H&S arrangements). The Mitigating Action has been updated to reflect the proposed, improved inspection regime for properties.
- Corporate Risk 9 – 2017/1 (Information Technology security breach). The Potential impact has been amended to reflect the increased vulnerability from aggressive phishing and use of malware. The Mitigating Action has been amended to reflect actions taken by IT Services.

The Corporate Risk Register for 2017/18 is attached as **Appendix 3** and the changes are highlighted.

The Operational Risk Register has been reviewed and one amendment has been made.

Operational Risk 1 2017/1 (Not having adequate staffing to deliver key services) has been amended to reflect agreed changes to leisure services.

The Operational Risk Register for 2017/18 is attached as **Appendix 4** and the changes are highlighted.

(i) Legal Implications

There are no legal implications directly associated with the risk registers.

(ii) Risk Assessment

The risk register will enable the Council to manage risks appropriately

(iii) Financial Implications

There are financial risks identified in the risk register. The cost of implementing mitigating actions is incorporated in the Council's budget.

(iv) Health and Safety Implications

The risk registers do not include health safety risks.

(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

