

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

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 28th June, 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 17th May, 2017 (Pages 1-9).
6. Apologies for Absence/Attendance of Substitute Members.

### **FOR DECISION**

- (D/R) 7. Recommendations of the Housing Management Forum, 15th June, 2017 (Pages 10-17).
- (R) 8. Accountable Body (Pages 18-20).

- (R) 9. Contract Standing Orders (Pages 21-22).
- (D) 10. Irrecoverable Debt Write Off (Pages 23-24).
- (D) 11. Domestic Abuse Grant (Pages 25-26).
- (R) 12. Employer Discretions Policy (Pages 27-29).
- (R) 13. LGPS Admitted Body Status (Pages 30-32).
- (R) 14. Physical Activity and Leisure Priority Outcomes 2017/19 (Pages 33-34).
- (R) 15. Disciplinary and Grievance Policies (Pages 35-37).
- (R) 16. Private Sector Housing Enforcement Policy (Pages 38-46).
- (R) 17. Private Sector Housing Assistance Policy – Changes to supplement the provision of Disabled Facilities Grants (Pages 47-51).
- (R) 18. Council Plan (Pages 52-55).
- (D) 19. Catering Contract Extension (Pages 56-57).
- (D) 20. Salt Marsh Caravan Park, Barrow-in-Furness (Pages 58-59).
- (R) 21. Council Owned Land for Housing Development (Pages 60-65).
- (R) 22. Pre-application Planning Advice (Pages 66-70).
- (D) 23. Deaccessioning the figurehead of Emily Barratt (Pages 71-72).
- (R) 24. Recruitment Policy (Pages 73-74).
- (R) 25. Sale of 1-5 Lawson Street (with car park) (Pages 75-76).

## **PART TWO**

- (D) 26. Employment Matters (Pages 77-78 ).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART  
ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972  
AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (R) 27. Establishment Matters (Pages 79-80).

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 1 OF PART  
ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972  
AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

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

**Membership of Committee**  
**Councillors**

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

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

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## EXECUTIVE COMMITTEE

Meeting: Wednesday 17th May, 2017  
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Cassells (Items 1 to 8 only), Hamilton, R. McClure, McEwan, Maddox, Pemberton and D. Roberts.

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

### **1 – Declarations of Interest**

Councillor Maddox declared an Other Registrable Interest in Agenda Item No. 8 – Pre-Submission Draft Local Plan (Minute No. 5) as she is a Member of Dalton with Newton Town Council.

### **2 – Apologies for Absence**

An apology for absence was received from Councillor Williams.

Councillor McEwan substituted for Councillor Williams for this meeting only.

### **3 – Minutes**

The Minutes of the meeting held on 8th March, 2017 were agreed as a correct record.

### **4 – Appointments on Outside Bodies, Panels, Working Groups etc.**

The Executive Director reminded the Committee that at the Annual meeting on 16th May, 2017 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies had been considered by Council.

Council had been 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 had supplied details of the recommended appointments for confirmation by the Committee.

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

RESOLVED:- (i) To approve the under-mentioned Outside Bodies in accordance with Notional Seat Allocations; and



(ii) To agree the under-mentioned appointments to Outside Bodies, Forums, Panels and Working Groups:-

**REPRESENTATIVES ON OUTSIDE BODIES, ETC. 2017/2018**

- (1) AIR TRAINING CORPS (NO. 128 SQUADRON)  
The Mayor
- (2) ASKAM AND IRELETH COMMUNITY CENTRE MANAGEMENT COMMITTEE  
Councillors Blezard, 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 HEALTH AND WELLBEING FORUM  
Councillors Brook, W. McClure and Sweeney
- (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 Cassells
- (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) FURNESS ABBEY FELLOWSHIP  
Councillor Wall
- (21) FURNESS LINE COMMUNITY RAIL PARTNERSHIP  
Councillor Sweeney
- (22) FURNESS MARITIME TRUST  
Council of Trustees: - Councillors Cassidy, Murphy, C. Thomson and Wall  
plus the Executive Director and Director of Resources
- (23) HEALTH AND WELLBEING SCRUTINY COMMITTEE  
Councillor Cassells  
Substitute: Councillor Cassidy
- (24) INTERNATIONAL NUCLEAR SERVICES LIMITED: RAMSDEN  
DOCK TERMINAL STAKEHOLDER GROUP  
Councillors Biggins, Johnston, Pidduck and Proffitt
- (25) JOINT RURAL COMMITTEE  
Councillors Maddox and Thurlow
- (26) KEEPING OUR FUTURE AFLOAT  
Councillor Pidduck
- (27) LAKES WORLD HERITAGE SITE STEERING GROUP  
Councillor Murphy
- (28) LIBERATA PARTNERSHIP BOARD  
Councillors Barlow, Roberts and Sweeney
- (29) LOCAL GOVERNMENT ASSOCIATION: GENERAL ASSEMBLY  
Councillor Pidduck

- (30) LOCAL GOVERNMENT ASSOCIATION NUCLEAR ISSUES SPECIAL INTEREST GROUP  
Councillor Sweeney  
Substitute: Councillor Pidduck
- (31) NORTH WEST OF ENGLAND AND THE ISLE OF MAN RESERVE FORCES CADETS ASSOCIATION  
Councillor McEwan
- (32) NORTH WESTERN LOCAL AUTHORITIES' EMPLOYERS' ORGANISATION  
Councillor Brook
- (33) SOUTH CUMBRIA COMMUNITY SAFETY PARTNERSHIP  
Councillors Pidduck and Sweeney.

### **OUTSIDE BODIES AGREED BY COUNCIL**

#### Allotments Liaison Committee (9 seats - 7:2)

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

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

Councillors Barlow, Brook and D. Roberts

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

Councillors Barlow, Callister and Pemberton

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

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

### **MEMBERSHIP OF FORUMS, PANELS, WORKING GROUPS ETC. 2017/2018**

#### **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, D. 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 (4:2)

(Two Members Executive Committee and four Members Planning Committee)

Labour – Councillors Pidduck, Sweeney, C. Thomson and M. A. Thomson

Conservative – Councillor Gawne and McLeavy

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

**5 – Pre-Submission Draft Local Plan**

The Committee considered a detailed report regarding the Pre-Submission Draft Barrow Borough Local Plan.

The Committee was informed that the Pre-Submission Draft Barrow Borough Local Plan was now at a stage where the Council considered it was the final version of the Plan and was 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 was considered 'sound' in that it was positively prepared, justified, effective and consistent with national policy.

The Plan would now be subjected to a six week public consultation to invite comments from consultees on whether they agreed that the Plan was sound. Any comments received would then be sent on to the Planning Inspectorate along with the Draft Plan and Proposals Map, Sustainability Appraisal and other supporting evidence. An independent Inspector would 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.

The Committee was informed that the site boundary shown in Appendix H of Appendix 1 was incorrect and the Senior Planning Officer requested that the correct boundary be included in the Pre-Submission Draft Local Plan March 2017.

A copy of the Plan was considered and the Proposals Map and Sustainability Appraisal were available on the Councils website and in the Members Room.

Immediately after the vote was taken Councillor Maddox requested that it be recorded in the Minutes that she abstained from voting.

RESOLVED:-

1. To agree that the content of the Pre-submission Draft Local Plan as amended be approved for consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. To agree that delegated authority be 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;
3. To agree that delegated authority be 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 be appointed to examine the Draft Plan, and to agree any minor amendments as necessary to make the Plan sound; and
4. To agree that once published for consultation the Pre-submission Draft Local Plan could be given weight as a material consideration when undertaking decision making on planning applications in accordance with paragraph 216 of the NPPF.

## **6 – Expressions of Interest in Running Leisure Services**

Members were reminded that Council Policy, as part of the 2016-2020 Budget Strategy was to outsource The Forum and Park Leisure Centre and the background work required to implement that was well underway.

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

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

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

Council needed clarity on the lots that would be available to tenderers well in advance of the formal tendering process and that 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 be set.

RESOLVED:- To agree the 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.

## **7 – Risk Management**

The Executive Director informed the Committee that he had reviewed and had identified key corporate and operational risks for the Council and had circulated them to Management Board Members for approval. The updated risk registers had reflected Management Board's assessment of significant risks to the Council.

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

Corporate Risk 1 – 2017/1 (Impact of legislative changes on HRA income). The Potential Impact had been updated to reflect the increased number of "Right to Buy" applications.

Corporate Risk 2 – 2017/1 (Future stability and sustainability of the Council). Had been amended to reflect the increase in projected deficit due to the anticipated reduction in New Homes Bonus. The mitigating action had been revised to reflect alignment with the Council's plan.

Corporate Risk 4 – 2017/1 (Levels of sickness worsen). There had been an addition to the mitigating actions which recognised the contribution the measures introduced in 2016/17 had made to reducing sickness levels. That would be further monitored before reviewing the risk score.

Corporate Risk 5 – 2017/1 (Impact of welfare reform changes). The Potential Impact had been amended to reflect the increased impact on the Housing Revenue Account. The Mitigating action had 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 had been updated to reflect current progress.

Corporate Risk 7 – 2017/1 (Maintain H&S arrangements). The Mitigating Action had been updated to reflect the proposed, improved inspection regime for properties.

Corporate Risk 9 – 2017/1 (Information Technology security breach). The Potential impact had been amended to reflect the increased vulnerability from aggressive phishing and use of malware. The Mitigating Action had been amended to reflect actions taken by IT Services.

The Corporate and Operational Risk Registers for 2017/18 were considered by the Committee.

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

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

RESOLVED:- To approve the Corporate and Operational Risk Registers for 2017/18.

The meeting closed at 3.30 p.m.



**BOROUGH OF BARROW-IN-FURNESS**

**EXECUTIVE COMMITTEE**

**28th June, 2017**

**(D)/(R) AGENDA ITEM NO. 7**

**RECOMMENDATIONS  
OF THE  
HOUSING MANAGEMENT FORUM**

**15th June, 2017**

**\*Subject to the protocol agreed by Council**

The recommendations of the meeting of the Housing Management Forum held on 15th June, 2017 are attached.

**COPIES OF THE DETAILED REPORTS ON THESE ITEMS HAVE BEEN CIRCULATED PREVIOUSLY TO ALL MEMBERS OF THE COUNCIL.**

The Council has agreed that the following protocol should operate:-

- The Executive Committee shall automatically agree any such recommendation or refer it back for further consideration.
- If on re-submission the Executive Committee is still unwilling to approve the recommendation, it is automatically referred to full Council for decision.

<b>HOUSING MANAGEMENT FORUM</b>	<b>(R)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(i)</b>
<b>Reporting Officer: Colin Garnett, Assistant Director - Housing</b>	
<p><b>Title: Housing Revenue Account Finances</b></p> <p><b>Summary and Conclusions:</b></p> <p>The purpose of the Assistant Director – Housing's report was to update Members on the savings still required in the HRA to reflect the current reduction in rents and ensure financial stability and resilience in the medium term.</p> <p><b>Recommendations:</b></p> <p>Members are recommended:-</p> <ol style="list-style-type: none"> <li>1. To note progress on savings in the last financial year and the Director of Resources' projection of further savings required;</li> <li>2. To agree that the Council adopt a retention policy and not consider the option of transferring stock at this time.</li> <li>3. To agree the HSRWG continued the approach of "good housekeeping" to provide options for reducing expenditure;</li> <li>4. To agree the HSRWG be instructed to consider the model of service delivery provided by the Council to reflect current challenges, and to future-proof the service as far as is practical; and</li> <li>5. To agree that Members of the Housing Management Forum would meet together with the full Tenants Forum and with Tenants and Residents to discuss the HRA finances and the savings required.</li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(R)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(ii)</b>
<b>Reporting Officer: Colin Garnett, Assistant Director - Housing</b>	
<p><b>Title: Sale of Miscellaneous Land on Council Estates</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Assistant Director - Housing had delegated authority to agree the sale of "miscellaneous" land within Council estates. It had been sometime since this Policy had been agreed and therefore his report sought to recommend and confirm the Council's continued approach.</p> <p><b>Recommendations:</b></p> <p>Members are recommended:-</p> <ol style="list-style-type: none"> <li>1. To note the information contained in the report; and</li> <li>2. To agree the continued Policy for considering and agreeing requests to purchase miscellaneous pieces of land in accordance with the Policy and Procedure note which had been appended to the report.</li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(iii)</b>
<b>Reporting Officer: Executive Director</b>	
<p><b>Title: Appointment of Representatives to Working Groups etc.</b></p> <p><b>Summary and Conclusion:</b></p> <p>The report requested that Members make appointments to the following Outside bodies, Working Groups etc:-</p> <p>Housing Service Review Working Group:- four Members (3:1) and one Tenant Representative;</p> <p>Tenant Scrutiny Working Group:- three Members (2:1) and three Tenant Representatives; and</p> <p>Tenants' Complaints Panel:- one Member (1:0) and two Tenant Representatives.</p> <p>Note:- (Labour: Conservative).</p> <p><b>Recommendation:</b></p> <p>That the Membership for 2017/2018 be as follows:-</p> <p><u>Housing Service Review Working Group</u></p> <p>Council Representatives (3:1) – Councillors Brook, Hamilton, McEwan and Heath.  Tenant Representative – Mr A McIntosh.</p> <p><u>Tenant Scrutiny Working Group</u></p> <p>Council Representatives (2:1) – Councillors Barlow, McEwan and Heath.  Tenant Representatives – Mrs M Anderson, Mrs P Charnley and Mr A McIntosh.</p> <p><u>Tenants' Complaints Panel</u></p> <p>Council Representatives (1:0) – Councillor Hamilton.  Tenant Representatives – Mrs M Anderson and Mr A McIntosh.</p>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(iv)</b>
<b>Reporting Officer: Colin Garnett, Assistant Director - Housing</b>	
<p><b>Title: Update: Syrian Resettlement Programme</b></p> <p><b>Summary and Conclusions:</b></p> <p>The purpose of the Assistant Director - Housing's report was to update Members on the above programme and further consider the Council's approach.</p> <p><b>Recommendations:</b></p> <p>Members are requested:-</p> <ol style="list-style-type: none"> <li>1. To note the information contained in the report; and</li> <li>2. To agree Officers be authorised to make flat-type properties available from its own stock and suspend the requirements of Choice Based Lettings for achieving that purpose.</li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(v)</b>
<b>Reporting Officer: Colin Garnett, Assistant Director - Housing</b>	
<p><b>Title: Housing Management Performance Report 2016/17</b></p> <p><b>Summary and Conclusions:</b></p> <p>The end of year performance information had been included in an appendix to the Assistant Director - Housing's report. He provided a brief commentary to assist Members in their understanding of the key trends and the actions which followed.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To note the information contained in the report and appendix; and</li> <li>2. To note Actions 1-3 for 2017/18 as follows:- <ul style="list-style-type: none"> <li><b>Action 1</b> – Reduce risk to HRA income by continuing to improve rent collection taking account of the 1% reduction in rent income and the uncertainty around the sale of high value properties and the impact that might have on revenue;</li> <li><b>Action 2</b> – Improve monitoring of and management of void property; and</li> <li><b>Action 3</b> – Progress the introduction of the new CX Software.</li> </ul> </li> </ol>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 15th June, 2017</b>	<b>(vi)</b>
<b>Reporting Officer: Colin Garnett, Assistant Director - Housing</b>	
<p><b>Title: Housing Maintenance Investment Programme 2017/18</b></p> <p><b>Summary and Conclusions:</b></p> <p>The purpose of the Assistant Director - Housing's report was to provide Members with an update of the appointment of suitably qualified Contractors to carry out major void works, bathroom, kitchen and central heating installations following the recent closure of AB Mitchell Developments Ltd.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. Members are requested to agree to the following contractor appointments for the remaining period of the existing CHP/PPH framework (2017-2019):- <ul style="list-style-type: none"> <li>● Central Heating Installations – AFM Gas (Direct selection procedure); and</li> <li>● Bathroom Installations – Wright Build (Direct selection procedure).</li> </ul> </li> <li>2. Members are also requested to agree that the following works be incorporated into the existing responsive repairs and void contract with Hughes Brothers:- <ul style="list-style-type: none"> <li>● Major Void Improvements; and</li> <li>● Kitchen installations (to be completed when properties become vacant).</li> </ul> </li> </ol>	



<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 8</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	
<b>Reporting Officer:</b>	<b>Director of Resources</b>	
<p><b>Title:     Accountable Body</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out a request for the Council to be the Accountable Body for Coastal Communities Fund grant for the Linking the Landscapes and Communities of Barrow project.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> <li>1. To agree in principle to be the Accountable Body for the Linking the Landscapes and Communities of Barrow project; and</li> <li>2. To delegate the final Accountable Body decision to the Executive Director.</li> </ol>		

### **Report**

The Council's policy regarding Accountable Body status was approved at Full Council on 19th January, 2016, as:

"The Council may act as Accountable Body without formal approval by Full Council where the project was no more than £50k and satisfied the requirements of the Financial Regulations; Management Board retained the option to request Full Council approval."

Officers have liaised with the Barrow-in-Furness Coastal Community Team to submit a bid to the Coastal Communities Fund, entitled; Linking the Landscapes and Communities of Barrow. The application was successful and offers a £444,159 contribution towards a £540,643 project aimed at raising the profile of internationally important conservation sites on Walney Island. This will involve improving visitor facilities, public realm works and converting a derelict building into a community run visitor hub. The project is scheduled to commence this year and run until 2019-2020.

The Council is now asked to formally agree to be the Accountable Body for the project, but until a full project initiation document and grant offer are agreed it is not possible to present all of the details to Members. Therefore, agreement in

principle is requested with delegation for the Executive Director to make the final decision, based on the agreed requirements.

The requirements that the Council has put in place for considering Accountable Body requests are:

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

Whilst the Council fully wishes to maximise the investment and funding brought into the Borough, it is important to note that the Accountable Body duties and responsibilities do incur officers' time and effort. The Council is currently acting as Accountable Body for a number of grant streams/projects; Management Board will keep resources under review.

Members are asked to recommend that Council agree in principle to be the Accountable Body for the Linking the Landscapes and Communities of Barrow project and to delegate the final decision to the Executive Director.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	
<b>Reporting Officer:</b>	<b>Director of Resources</b>	
<p><b>Title: Contract Standing Orders</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the proposed revisions to the Council’s Contract Standing Orders.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council to approve the revisions to the Contract Standing Orders.</p>		

**Report**

The Council’s Contract Standing Orders provide the structure within which purchasing decisions are made. The Council must ensure that its resources are used for purchases that are effective, economical and efficient. The control of purchasing decisions and processes is particularly important as the Council is spending public money.

Purchasing begins with planning or identifying the “need” through to its delivery and includes whole life costings, cost savings, sustainability and value for money. The Contract Standing Orders set out the minimum requirements for high value purchases and these may also be applied to lower values.

The following changes are proposed and have arisen since the Contract Standing Orders were last approved:

**Paragraph 10 - Acceptance of Tenders**

An additional paragraph is to be added as the number of tenders sought may not always result in the same number of valid tenders:

Where the tender exercise has resulted in less than the minimum number of valid tenders for evaluation, the process shall continue; providing the minimum number were formally invited. There may be circumstances where there is only a single valid tender and on the basis that the tender is evaluated and meets the requirements, then the tender shall be recommended to the Executive Committee for award.

## **Paragraph 13 – Extending Contracts**

An additional paragraph is to be added:

The extension of contracts is a formal process and may be exercised where it was included in the scope of the tender. For any further works, where there is a proprietary connection (such as maintenance or further service/training), it may be necessary for the successful contractor to undertake works additional to contract. This is only permitted where there is a demonstrable proprietary, data or security issue. It is not acceptable to award works outside those contracted that may be performed by other contractors in the market place.

### **Summary**

It is proposed that these revisions are also reflected in the Purchasing Procedure.

Members are asked to recommend that Council approve the revisions to the Contract Standing Orders; the Monitoring Officer will update the Constitution.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

### Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 10</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	
<b>Reporting Officer:</b>	<b>Director of Resources</b>	
<p><b>Title: Irrecoverable Debt Write Off</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out an unrecoverable debt for write off. The debtor, Cumbria Karting Limited, has gone into liquidation and the debt to the Council of £57,029.27 should now be written off.</p> <p><b>Recommendations:</b></p> <p>To approve the write off of Cumbria Karting Limited's irrecoverable debt.</p>		

### Report

Cumbria Karting Limited rented Unit 9 of James Freel Close, Barrow-in-Furness, from the Council from 1st August, 2010, to 27th January, 2016. The company ceased trading and resolved to voluntarily wind up on 27<sup>th</sup> January, 2016. Prior to this, Council officers had been actively pursuing property rent and property insurance owed, with arrangements in place following meetings with the company's financial advisors.

Once the resolution to wind up was made, payments ceased; the creditor position being established by an appointed liquidator. The liquidator's summary of liabilities showed an estimated total deficiency of £432,166. The liquidator's final meeting has been held, with no dividend payable to any unsecured creditors; this includes the Council.

The irrecoverable debt amounts to £57,029.27, excluding VAT; £11,368.34 insurance premium and £45,660.93 property rent (annual rent £62,500.00 plus VAT).

Unit 9 James Freel Close is a property established with Government funding and was part of the ring-fenced reserve that the Council operated until 2016-2017. Prior to removing that ring-fence, the debts associated with Unit 9 were set aside from the reserve so that there would be no impact on the General Fund. However, approval for the write off is above the delegation assigned to the Director of Resources and committee approval is requested. There is nothing further that can be done in terms of debt recovery.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial implications are set out in the body of the report.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	<b>(D) Agenda Item 11</b>
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Domestic Abuse Grant</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report informs Members of a recent funding success.</p> <p><b>Recommendations:</b></p> <p>The Committee are asked:-</p> <ol style="list-style-type: none"> <li>1. To note the successful bid; and</li> <li>2. To endorse the partnership approach with Womens Community Matters for delivering this project.</li> </ol>		

### **Report**

The local authorities in Cumbria partnered together to submit a bid to support victims of domestic abuse and help prevent domestic abuse from happening; Carlisle City Council is the lead authority. The bid was supported by the Cumbria Police and Crime Commissioner.

The bid was successful and the Department for Communities and Local Government have awarded £729,877 over the next two years.

The funding will be used to support the Domestic Abuse Prevention model approach across the county, reflecting urban and diversified needs; practical assistance focussing on stable housing, risk reduction and safety; enhancing the current Independent Domestic Violence Advisors service; and to deliver specialist preventative training programmes and interventions.

The Borough Council's allocation is £68,760 and is focussed on funding a specialist support worker for domestic abuse. This will be delivered through working in partnership with Womens Community Matters, basing this new role within their staffing and passing on the funding.

Members are asked to note the successful bid and to endorse the partnership approach with Womens Community Matters for delivering this project.



(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial implications are set out in the body of the report.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 12</b>
<b>Date of Meeting: 28th June, 2017</b>	
<b>Reporting Officer: Director of Resources</b>	
<p><b>Title: Employer Discretions Policy</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the Council's updated policy in relation to pension scheme discretions available to the employer.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council to approve the Employer Discretions Policy.</p>	

### Report

The Employer Discretions Policy is attached as **Appendix 1** and has been updated for 2017 figures (annual uplift). The following provisions have also been amended since the 2016 Employer Discretions Policy:

- Flexible retirement
- Early release of deferred benefits with employer consent
- Contributions payable by active members

#### Flexible retirement

The flexible retirement provision has been amended to clarify the internal processes of the Council:

##### *Deleted text:*

*All applications will be considered by the Management Board and approved by the Executive Committee or Council as required.*

##### Replacement text:

All applications will be considered by Management Board and where additional costs are involved, obtain approval from the Early Retirement and Voluntary Redundancy Panel, Executive Committee or Full Council as required.

Where an application is supported and there is no cost involved and no reduction in the establishment, Management Board will determine flexible retirements; flexible retirements are reductions in working hours for pension scheme members aged 55 or over that continue working.

### Early release of deferred benefits with employer consent

The provision for the early release of deferred benefits with employer consent has been amended to clarify the internal processes of the Council:

*Deleted text:*

*All applications will be considered by the Management Board and approved by the Executive Committee or Council as required.*

Replacement text:

All applications will be considered by Management Board and where additional costs are involved, obtain approval from the Early Retirement and Voluntary Redundancy Panel, Executive Committee or Full Council as required.

This provision relates to former pension scheme members (left between 1st April 2008 and 31st March 2014) that continue working and have deferred pension benefits that they now wish to release early; this is only available to members aged between 55 and 60. Where an application is supported and there is no cost involved the application will be dealt with by Management Board. If costs are involved, then any supported application would go through the relevant approval route.

### Contributions payable by active members

The provision for the contributions payable by active members has been amended to clarify the internal processes of the Council:

*Deleted text:*

*The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.*

Replacement text:

The Council will re-determine the contribution rate to be applied only where there is a material change to a member's pensionable pay in the course of a financial year.

This provision has been reworded as a positive statement to reflect the redetermination of pension contribution rates. The previous statement did permit the contribution rate redetermination, but related the trigger as an exceptional event. The redetermination will be triggered from changes in contracts (contracted hours and changes in the rates of pay) where they are material.

#### (i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

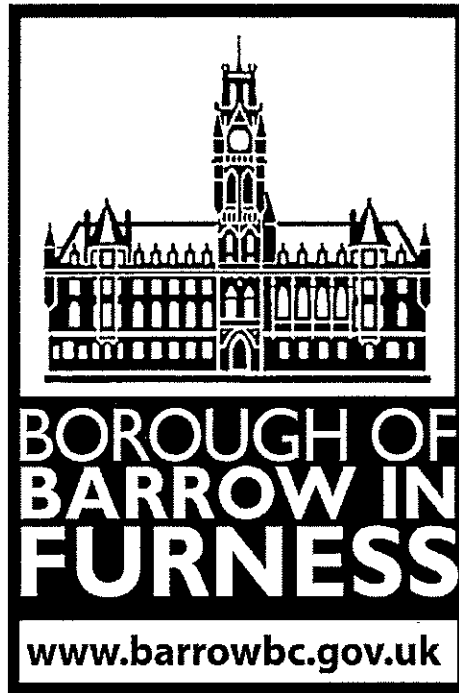
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

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

Background Papers

Nil



## Employer Discretions Policy

<b>Version Control:</b>	
<b>Document Name:</b>	Employer Discretions Policy
<b>Version:</b>	04052017.1
<b>Author:</b>	Director of Resources
<b>Approved by:</b>	Full Council
<b>Date Approved:</b>	July 2017
<b>Review Date:</b>	March 2018



## **EMPLOYER DISCRETIONS – STATEMENT OF POLICY**

**EMPLOYER NAME:** Barrow Borough Council

The employer stated above has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the above regulations.

### **PART A – Mandatory policy statements – Formulation of policy in accordance with:**

Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013

Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014

Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008

Regulation 106 of the Local Government Pension Scheme Regulations 1997

**PART A1 – Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)**

### **Power of Scheme employer to award additional pension**

(Regulation 31 of the LGPS Regulations 2013)

An employer can grant extra annual pension of up to a maximum £6, 755 (figure at 1 April 2017) to an active Scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. This maximum figure that can be initially awarded will be index linked and the level increased on the 1<sup>st</sup> April each year.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.



## **Power of Scheme employer to contribute towards the cost of a member purchasing additional pension**

(Regulation 16 (2) (e) and 16 (4) (e) of the LGPS Regulations 2013)

Where an active Scheme member wishes to purchase extra annual pension of up to £6,7755 (figure at 1 April 2017) by making Additional Pension Contributions (APCs), the employer may voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution. This maximum figure that can be initially purchased will be index linked and the level increased on the 1<sup>st</sup> April each year.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.

### **Flexible retirement**

(Regulation 30 (6) and (8) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements even though they have not retired providing that:

- the employer consents, and
- there has been a reduction in hours, or
- a reduction in grade.

Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.

However, benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the members normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75<sup>th</sup> birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.



### **Employer's policy:**

The Council will consider requests for flexible retirement on a case by case basis and only where it is in the best interests of the Council. The Council would normally expect the additional costs to be recovered within three years of the termination date.

All applications will be considered by Management Board and where additional costs are involved, obtain approval from the Early Retirement and Voluntary Redundancy Panel, Executive Committee or Full Council as required.

In such cases where the early release of pension benefits is approved, an actuarial reduction factor will be applied to the pension benefits unless the Member satisfies the "Rule of 85" or the Council decides to waive the reduction.

### **Early retirement and waiving actuarial reductions**

(Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3 (1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits, then if he is age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 01 April 2014) he may choose to receive payment of them immediately.

Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply and the employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.

Due to the complexity in the level of protected benefits that now apply to different members, establishing what level of benefits can be waived can be difficult. Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.





## **PART A2 – Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (excluding councillor members)**

### **Power of Scheme employer to award additional membership**

(Regulation 3 (10) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An employer can within 6 months of the date of termination grant extra membership in the pension scheme to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency. Note that this is a time limited discretion which expires on 30 September 2014 for those whose employment is terminated on 31 March 2014.

#### **Employer's policy:**

This discretionary power has now expired.

### **Early release of deferred benefits with employer consent**

(Regulations 30(2), (5), 30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

A policy decision concerning early release of benefits needs to be made in relation to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) who make an application to release benefits on or after age 55 and before age 60.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

#### **Employer's policy:**

Applications for early release of benefits from members aged between 55 and 60 will only be accepted in cases where it can be demonstrated as being in the Council's best interests.

All applications will be considered by Management Board and where additional costs are involved, obtain approval from the Early Retirement and Voluntary Redundancy Panel, Executive Committee or Full Council as required.



In such cases where the early release of pension benefits is approved, an actuarial reduction factor will be applied to the pension benefits unless the Member satisfies the "Rule of 85" or the Council decides to waive the reduction.

**PART A3 – Discretions in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 and active councillor members and councillor members who ceased active membership on or after 1 April 1998**

**Early release of deferred benefits with employer consent**

(Regulations 31(2) and (5) of the LGPS Regulations 1997)

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits and councillor members who left after 1 April 1998 who make an application to release benefits on or after age 50\* and before age 60.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

\*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

**Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.

**PART A4 – Discretions in relation to scheme members who ceased active membership before 1 April 1998**

(Regulation D11(2) (c) of the LGPS Regulations 1995)

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme before 1 April 1998 who make an application on compassionate grounds to release benefits on or after age 50\* and before age 60. Under these rules the sole discretion for an employing authority is



that they may determine on compassionate grounds that benefits are to become payable on an unreduced basis.

\*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, a Scheme sanction charge will not be payable.

**Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.



## **PART B – Formulation of policy in accordance with further discretions under the Local Government Pension Scheme Regulations 2013**

As highlighted in the employer bulletin, there are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. There is, however, no requirement to have a written policy in respect of these. However the following areas of discretion would be useful for scheme members, in order for them to establish the clear policy intention that the employers hold in these particular areas.

### **Shared Cost Additional Voluntary Contributions (SCAVCs)**

(Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 25(3) of the LGPS (Administration) Regulations 2008 and Regulation 15(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.

An employer can, at its discretion, contribute to the AVC scheme and where they do the AVC scheme is known as a shared cost additional voluntary contributions arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.

### **Late transfer requests**

(Regulation 100(6) and 22(7) and (8) of the LGPS Regulations 2013)

The Local Government Pension Scheme Regulations allow for the acceptance of transfer value payments into the fund (subject to the Pension Fund administering authorities approval) to enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should be made within 12 months of first joining the LGPS in the employment.



The discretion allowed under regulation 100(6) relates to the acceptance of transfers relating to non LGPS membership, where the member makes a request after the expiry of the first 12 months of joining the LGPS.

Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).

**Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.

**Contributions payable by active members**

(Regulation 9 and 10 of the LGPS Regulations 2013)

An active member shall make contributions to the Scheme at the relevant contribution rate, from his pensionable pay, in each employment in which he is an active member. The contribution rate to be applied to his pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations.

Where there is a material change to a member's pensionable pay in the course of a financial year, the employer may re-determine the contribution rate to be applied.

**Employer's policy:**

The Council will re-determine the contribution rate to be applied only where there is a material change to a member's pensionable pay in the course of a financial year.



## **Assumed Pensionable Pay**

(Regulation 21(4) and (5) of the LGPS Regulations 2013)

Whether or not, when calculating assumed pensionable pay when a member:

- is on reduced contractual pay or no pay on due to sickness or injury, or
- is absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or
- is absent on reserve forces service leave, or
- retires with a Tier 1 or Tier 2 ill health pension, or
- dies in service

to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.

## **Shared-cost APCs to buy back lost pension**

(Regulation 16(16) of the LGPS Regulations 2013)

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

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

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



**Employer's policy:**

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

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



## **PART C – Mandatory policy statement\* – Formulation of policy in accordance with:**

Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

\*The mandatory requirements for a written policy under these regulations do not extend to employers whose employees are members of the LGPS by virtue of an admission agreement however as the provisions still apply it would be deemed appropriate for a policy statement to be in place

## **PART C1 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006**

### **Redundancy and Compensation Payments**

(Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006)

These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member who terminates their employment on the grounds of redundancy, efficiency or in the case of a joint appointment (not job shares) where termination arises because the other holder of the joint appointment has left it.

The provisions apply to all employees who are eligible for participation in the LG Pension Scheme, whether or not they are current members of the scheme.

There is also a discretionary power to waive the weekly pay ceiling placed on statutory redundancy payments and to calculate, instead, on pay up to the actual week's pay.

### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.





## **PART C2 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000**

### **Redundancy and Compensatory Added Years payments**

(Regulation 17,19,21 and 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000)

Prior to the 2006 discretionary regulations employers could award employees additional service following a redundancy or efficiency retirement where that employee was over age 50. Although this facility is no longer available to current active employees, there are still discretionary decisions to be made in respect of employees who are already in receipt of additional service. These include:

- How to apportion any surviving spouse's or civil partners annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.
- How the annual added years will be apportioned amongst any eligible children.
- Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be ignored i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid or if the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.
- Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government and how to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.

#### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.



## **PART C3 – Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011**

### **Injury Allowance payments**

(Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011)

Under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Scheme employers must formulate, publish and keep under review a policy on:

a) whether or not to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:

- suffer a reduction remuneration, or
- cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or
- die leaving a surviving spouse, civil partner or dependant, and

b) if the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid

#### **Employer's policy:**

The Council has no intention of using this discretionary power but may consider its use in exceptional cases in the future.



## **Declaration**

It is understood that the above discretions are applicable to all eligible members of the Scheme. In respect of the mandatory policy requirements, a written statement should be published indicating the policy which is being applied by that employer in the exercise of its functions. A copy of the scheme employer's policy decisions should be sent to Your Pension Service within one month of the date the policy is revised.

Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change.

Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the Scheme employer publishes a statement of its amended policy.

### **The policies made above:**

- i. Must have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- ii. Will not be used for any ulterior motive;
- iii. Will be exercised reasonably;
- iv. Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- v. Will be duly recorded when applied.

### **Signed on behalf of the Employing Authority:**

**Name in Block Capitals: S M ROBERTS**

**Position: Director of Resources and Section 151 Officer**

**Employing Authority: Barrow Borough Council**

**Date: 18<sup>th</sup> July 2017**



**Appendix 1 – if voluntarily retiring**

**If there is an actuarial reduction regarding the particular tranche of membership, the employer has the right to -**

	Group 1	Group 2	Group 3	Group 4
<b>Part A</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.
<b>Part B1</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on this on compassionate grounds.
<b>Part B2</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
<b>Part C</b>	Waive all, some or none on any grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
<b>Part D1</b>	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.

Part A = membership to 31 March 2008

Part B1= membership 1 April 2008 to 31 March 2014

Part B2 = membership 1 April 2014 to 31 March 2016

Part C = membership 1 April 2016 to 31 March 2020

Part D1 = membership 1 April 2020 onwards

Group 1 member = a member who was an active member prior to 1 October 2006 and who was born on 31 March 1956 or earlier

Group 2 member = a member who was an active member prior to 1 October 2006, was born between 1 April 1956 and 31 March 1960 inclusive, and who would reach their CRA by 31 March 2020

Group 3 member = a member who was an active member prior to 1 October 2006 and who is not a Group 1 or Group 2 member

Group 4 member = a member who was not a member prior to 1 October 2006.

**If member retires on flexible retirement, the employer may waive all, some or none of any reduction on any grounds.**

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 13</b>
<b>Date of Meeting: 28th June, 2017</b>	
<b>Reporting Officer: Director of Resources</b>	
<p><b>Title: LGPS Admitted Body Status</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the proposed LGPS approach in relation to the current leisure outsourcing tender.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council to approve that an LGPS closed admission agreement is included in the leisure outsourcing tender.</p>	

### Report

The Council's employees are auto-enrolled into the Local Government Pension Scheme (LGPS); employees may choose to opt-out but this is exceptional and on the whole the Council's employees are scheme members. Both the employer and employee to contribute to the pension fund.

For the employee the benefits include, a secure pension worked out each year and added to their pension account; when drawn, the pension can be partly converted to a lump-sum; includes life cover and ill health benefits; can opt for flexible contributions; freedom to draw the pension between 55-75 years old (reduced before Normal Pension Age, or increased after).

The LGPS pension rights for any staff transferring under an outsourcing arrangement would need to be protected and in order to do this the successful bidder would need to apply to be an admitted body within the Cumbria fund.

It is proposed that the Council agree to specify LGPS admitted body status in the leisure tender, as a closed admission agreement. A closed admission agreement ensures the continued membership and benefits of the LGPS for the transferring employees (protection); there would be no new admissions.

As the Scheme Employer, the Council would need to act as guarantor against the default of the contractor and this should be reflected in the tender (and subsequent contract) as well as a cap and collar to deal with fluctuations in the employer pension costs.

The following section is extracted from the Cumbria LGPS, fund policy document:

### **Admission bodies**

Admission bodies are a specific type of employer under the Regulations that govern the Scheme. They do not automatically qualify for admission and must instead satisfy certain criteria as set out in the Regulations. They also need a written Admission Agreement to be admitted and participate in the Scheme.

Cumbria may enter into an Admission Agreement with any Admission Body that satisfies the criteria under the Regulations. An Admission Agreement will enable all (or any specified class) of the Admission Body's employees to be members of the Fund and participate in the Scheme.

Any application for admitted body status must be submitted to Cumbria in good time to enable actuarial information to be obtained and the legalities associated with admission to be dealt with. Applications should preferably be submitted at least six months before the proposed transfer or admission date.

Admission Bodies are divided into two basic types under the Regulations:-

- (a) community admission bodies; and
- (b) transferee admission bodies.

### **Community Admission Bodies**

These are the traditional type of admission bodies. They are bodies that usually operate in and/or are connected to local government.

### **Transferee Admission Bodies**

The Regulations also allow private contractors to be admitted into the Scheme subject to them meeting certain criteria. This type of Admission Body is known as a transferee admission body.

The following are transferee admission bodies:

(a) a body that is providing or will provide a service or assets in connection with the exercise of a function of a Fund employer as a result of:

- (a) the transfer of the service or assets by means of a contract or other arrangement;
- (b) a direction made under section 15 of the Local Government Act 1999 (20) (Secretary of State's powers); or
- (c) directions made under section 497A of the Education Act 1996 (21) (directions imposed on a failing LEA); and

(b) a body which provides a public service in the UK and which is approved in writing by the Secretary of State for the purpose of admission to the Scheme. Approval may be subject to such conditions as the Secretary of State thinks fit and he may withdraw approval at any time if such conditions are not met.

## Summary

The Council is required to provide an indication of the number of employees transferring in order for an employer contribution rate to be estimated by the Scheme Actuary – there would be a final rate determined with the finalised employee data. The employer contribution rate would not be the Council's current rate, as it would rely on the actual staffing profile of the transferring employees.

The LGPS arrangements discussed in this report exclude the deficit contributions made by the Council which will not be passed onto the contractor.

Should transferred employees take a contract of employment with the successful contractor, or leave the organisation, then their membership of the pension scheme would end.

Members are asked to recommend that Council approve closed admitted body status for the leisure outsourcing tender. There will be a fee for the Scheme Actuary to perform the valuations and this will be paid from reserves.

### (i) Legal Implications

The recommendation has no legal implications.

### (ii) Risk Assessment

The recommendation has no significant implications.

### (iii) Financial Implications

There will be a fee for the actuarial estimate and valuation; this will be paid from reserves.

### (iv) Health and Safety Implications

The recommendation has no significant implications.

### (v) Equality and Diversity

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

### (vi) Health and Well-being Implications

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

## Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 14</b>
Date of Meeting: 28th June, 2017	
Reporting Officer: Assistant Director – Community Services	
<p><b>Title: Physical Activity and Leisure Priority Outcomes 2017/19</b></p> <p><b>Summary and Conclusions:</b></p> <p>Outsourcing the management of The Forum and the Park Leisure Centre will require detailed specification and contractual documents for any successful contractor to perform against. A key aspect of this, and one which has been highlighted as a current gap, is the need to have Physical Activity and Leisure Priority Outcomes. Members are asked to consider and approve the adoption of the attached Priority Outcomes and associated performance measures. The delivery contract will be set against these priorities and they will assist in the monitoring of any successful contractor through updates against the performance measures which link back to them.</p> <p><b>Recommendation</b></p> <p>To approve the adoption of the attached Priority Outcomes for Physical Activity and Leisure within the Council's portfolio for inclusion in the outsourcing documentation.</p>	

### Report

The decision by the Council in 2016 to outsource the management of The Forum arts facility and the Park Leisure Centre has highlighted the need to have Physical Activity and Leisure Priority Outcomes in place. The delivery contract (likely to be 10-15 years from August 2018) will be set against the priorities, and that the performance of the external contractor will be monitored against performance indicators which link back to them.

The Priority Outcomes identified in the attached paper (**Appendix 2**) have been developed from discussions held with those Members identified to assist with the outsourcing process and are a product of the workshops run in May by Sport, Leisure and Culture Consultancy Ltd, which were held with Senior Officers, Managers and Members.

The Barrow Borough Sport and Physical Activity Strategy 2011-2016 has expired. This strategy was produced by Barrow Borough Sports Council, and was developed at a time when local authorities had sports development staff



working in the locality. This is no longer the case, and whilst the Sports Council is still functioning, it has not had the resource to refresh the strategy. It is intended that these Priority Outcomes will be further developed into a Physical Activity and Leisure Strategy, once a partner organisation has been appointed, but it should be recognised that unlike the expired Sport and Physical Activity Strategy, it will be more focussed since it will include only elements that will be delivered by the Council rather than partner organisations. The benefit will be that the Council will have a much greater opportunity to influence strategic outcomes.

(i) Legal Implications

Recommendation has no legal implications.

(ii) Financial Implications

Recommendation has no financial implications.

(iii) Health and Safety Implications

Recommendation has no Health and Safety implications.

(iv) Key Priorities or Corporate Aims

Will contribute to Councils priority to improve public health in the Borough.

(v) Risk Assessment

No risks are attached to the recommendation.

(vi) Equality and Diversity

There are no detrimental implications in groups with protected characteristics.

(vii) Health and Well-being Implications

Will contribute to improvement of public health.

Background Papers

Nil.

## **Barrow in Furness Borough Council Physical Activity and Leisure Priority Outcomes 2017-19**

### **Background**

The Barrow Borough Sport and Physical Activity Strategy 2011-2016 has expired. This strategy was produced by Barrow Borough Sports Council, and was developed at a time when local authorities had sports development staff working in the locality. This is no longer the case, and whilst the Sports Council is still functioning, it has not had the resource to refresh the strategy.

The decision by Barrow Borough Council in 2016 to outsource the management of The Forum arts facility and the Park Leisure Centre has highlighted the need to have Physical Activity and Leisure Priority Outcomes in place. The delivery contracts (likely to be 10-15 years from August 2018) will be set against these priorities, and the performance of the external contractor will be monitored against the performance measures which link back to the them.

It is intended that these Priority Outcomes will be further developed into a Physical Activity and Leisure Strategy, once a partner organisation has been appointed, but it should be recognised that unlike the expired Sport and Physical Activity Strategy, it will be more focussed since it will include only elements that will be delivered by Barrow Borough Council rather than partner organisations. The benefit will be that Barrow Borough Council will have a much greater opportunity to influence strategic outcomes.

### **Introduction to the Physical Activity and Leisure Priority Outcomes 2017-19**

Public health and well being responsibilities passed from the NHS to local government in April 2013, and in Cumbria to Cumbria County Council. However, Barrow Borough Council continues to have a positive impact on well being through the delivery of front line services and through existing partnerships.

Physical activity, ranges from 'everyday' walking or cycling, activity at a gym, dance classes, gardening to organised and competitive sport.

Much of the analysis undertaken for the 2011-16 strategy is still relevant and physical activity makes a huge contribution to health, well-being and lifestyle as well as contributing towards wider government objectives of reduced social exclusion, regeneration, community safety, lifelong learning and health improvement, including halting the rise in obesity rates and reducing the negative impact of health inequalities.

### **Overarching policy**

To continue to provide leisure, recreational and green space facilities for the benefit of borough residents in order to increase well being and emotional and physical health.

### Priority Outcomes (May 2017)

1. Improving the health and wellbeing of the population through high levels of participation in sport and physical activity
2. Working in partnership to target, engage and improve physical activity participation by specific target groups across the Borough
3. Providing affordable entertainment and arts opportunities
4. Providing a diverse arts & entertainment offer
5. Developing wider community engagement and participation in quality arts & entertainment experiences
6. Optimising the utilisation of the Forum
7. To ensure Park Leisure Centre and The Forum offer a high-quality service.

### Performance measures

BBC Priority Outcome	Examples of Proposed Performance Measures
<p>1. Improving the health and wellbeing of the population through high levels of participation in sport and physical activity</p>	<p>Number of Barrow Borough residents participating in physical activity in the leisure centre as a percentage of the total Borough population on average:                      -30 minutes, 3 times per week (or 1.5 hours per week)                      -30 minutes, once per week                      As a percentage of the total Borough population broken down by:                      -All residents                      -Adults aged 18 to 64</p>
<p>2. Working in partnership to target, engage and improve physical activity participation by specific target groups across the Borough</p>	<p>Number of residents participating in physical activity in the leisure centre 1 per week or more for the following groups as a percentage of the Borough population:</p> <ul style="list-style-type: none"> <li>• Children and young people aged 5 – 17</li> <li>• Older people aged 65 and over</li> <li>• People with a registered disability</li> <li>• Residents in specified priority Wards/Parishes</li> </ul>
<p>3. Providing affordable entertainment and arts opportunities</p>	<ul style="list-style-type: none"> <li>• Number of Borough residents attending arts and entertainment events at the Forum per year as a percentage of the Borough population</li> <li>• Residents in specified priority wards engaging with an arts/entertainment activity each year provided by the Forum</li> <li>• External funding attracted to enable community programmes.</li> </ul>

4. Providing a diverse arts & entertainment offer	<ul style="list-style-type: none"> <li>• Qualitative assessment and feedback based upon ACE Quality and Evaluation Framework metrics</li> <li>• No. of professional live arts/entertainment events presented by genre</li> <li>• No. of local community events presented</li> </ul>
5. Developing wider community engagement and participation in quality arts & entertainment experiences	<ul style="list-style-type: none"> <li>• Number of local arts/entertainment groups using the Forum</li> <li>• Number of external partnerships developed or maintained to assist in shaping the programme.</li> </ul>
6. Improving the utilisation of The Forum	<ul style="list-style-type: none"> <li>• Total annual number of attendees to the Forum</li> <li>• Total annual number of tickets sold for activities at the Forum</li> <li>• Percentage occupancy levels for each performance/event within the programme</li> <li>• Total number of conference/other business events within the Forum</li> <li>• Percentage of usage of the Forum for conference/other business events against availability.</li> </ul>
7. To ensure Park Leisure Centre and The Forum offer a high-quality service.	<ul style="list-style-type: none"> <li>• Customer and partner satisfaction indicators captured through an on-going monthly rolling programme based on Net Promoter Score (NPS): <ul style="list-style-type: none"> <li>○ the overall service</li> <li>○ venue</li> <li>○ staff/coaches</li> <li>○ access and parking</li> <li>○ facilities</li> <li>○ catering</li> <li>○ cleanliness</li> <li>○ changing rooms</li> <li>○ value for money.</li> </ul> </li> </ul> <p>Quest™ Plus scores for Leisure Facilities and Sports Development</p> <p>Membership retention</p> <p>Customer services PIs</p>

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 15</b>
Date of Meeting: 28th June, 2017	
Reporting Officer: Director of Resources	
<p><b>Title: Disciplinary and Grievance Policies</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the Council's updated Disciplinary and Dismissal Policy and Procedure and Grievance Policy and Procedure. These set out the Council's policy for dealing with such matters. There are two other policies that require amending to reflect these updates.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> <li>1. To approve the Disciplinary and Dismissal Policy and Procedure;</li> <li>2. To approve the Grievance Policy and Procedure;</li> <li>3. To approve the amendment to the Absence Management Policy and Procedure; and</li> <li>4. To approve the amendment to the Capability Policy and Procedure.</li> </ol>	

### Report

The Council's Disciplinary and Dismissal Policy and Procedure and Grievance Policy and Procedure have been maintained for minor changes for a number of years now and a complete review was required. The Council's management structure from before any Budget Strategy is the current basis for the Procedures; the current structure is greatly reduced and does mean that cases are raised at the highest level of the organisation more often than is necessary.

The Council retained the services of an external HR consultant with broad public sector knowledge and experience, and is a fellow of the Chartered Institute of Personnel and Development (UK).

The Procedures have also been reviewed by a Senior Adviser from ACAS (Advisory, Conciliation, and Arbitration Service) and the proposed Procedures as presented reflect the advice that was received.

Both the Procedures comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and the review has resulted in the separate Appeals Procedure being removed and the appeals process contained within each Procedure.

The proposed Procedures reflect the Council's reduced structure and workforce, and incorporate informal feedback from the Union and Managers operating the current policies. The Procedures will be accompanied by guidance notes on the role of Disciplinary Manager, Investigating Officer, considering suspension, hearing Grievances and the role of Appeal Manager.

#### Disciplinary and Dismissal Policy and Procedure

The Council recognises the discipline is essential and has undertaken the review of the procedure in order to ensure that they are sound, easy to follow and legally compliant.

The Council's disciplinary procedure allows for an informal stage and then into a formal hearing stage with the right of appeal. The procedure includes the consideration of suspension and dismissal from gross misconduct.

The Disciplinary and Dismissal Policy and Procedure is attached at **Appendix 3**.

#### Grievance Policy and Procedure

The Council believes that all employees should be treated fairly and with respect. There may be occasions where employees wish to address issues relating to their work or working relationships that they want to address.

The Grievance Policy and Procedure provides an informal stage for resolution to be sought and a formal stage where matters are not brought to a satisfactory conclusion informally; there is also formal appeal stage.

The Grievance Policy and Procedure is attached at **Appendix 4**.

#### Other Policies

The Absence Management Policy and Procedure deals with employee's sick leave and includes a formal process when action becomes necessary. Within that Policy the sanction at Stage 1 (sickness review meeting) will need to be amended to reflect the Disciplinary and Dismissal Policy and Procedure as the option to give a verbal warning is removed. To mirror the new Policy, the Stage 1 sanction may be a written warning held on file for 6 months.

The Capability Policy and Procedure refers to the separate Appeals Policy which will no longer exist. It is proposed that the appeals lodged under the Capability Policy and Procedure, mirror the procedure set out in the Disciplinary and Dismissal Policy and Procedure.

## Summary

The Disciplinary and Dismissal Policy and Procedure and Grievance Policy and Procedure have been provided to the Union for consultation, together with a copy of this report.

Members are asked to recommend that Council approve the Disciplinary and Dismissal Policy and Procedure, the Grievance Policy and Procedure, and also the amendments to the Absence Management Policy and Procedure and Capability Policy and Procedure.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

## Background Papers

Nil



## Barrow Borough Council

### Disciplinary and Dismissal Policy and Procedure

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## **1 Introduction**

1.1 It is recognised by the Council that discipline is essential for the efficient operation of Council services and for the health and safety at work of all employees.

1.2 The Council will ensure that employees understand the standards of conduct and non-sickness attendance required of them through various methods including induction and training events, policies and procedures and management guidance.

1.3 Wherever possible, informal procedures will be used to reinforce the methods referred to above. For example, relatively minor acts of misconduct or poor performance are likely to be dealt with by an informal reprimand or counselling.

1.4 The purpose of the procedure is twofold - to provide clarity on the standards of conduct, attendance and job performance required of employees, and to provide a fair, consistent and effective procedure for dealing with more serious issues through a formal route.

1.5 This procedure complies with the ACAS Code of Practice on Disciplinary and Grievance Procedures of April 2009.

## **2 Scope**

2.1 The procedure applies to all employees of the Council except those employed under JNC conditions for Chief Officers and Chief Executives for whom separate procedures, as detailed in the relevant JNC handbooks, apply.

## **3 Principles**

3.1 No disciplinary action will be taken against an employee until the case has been investigated (see Section 4).

3.2 The employee will be advised in writing of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

3.3 The Council recognises the importance of dealing with disciplinary matters in a timely way and associated meetings will be arranged as soon as is reasonably practicable. Timescales specified in this procedure will be adhered to wherever possible, however there may be extenuating circumstances which mean that differing timescales need to be adopted.

3.4 If applying a disciplinary sanction, the Council reserves the right to enter into the process at any stage if the employee's alleged misconduct warrants such action.

3.5 The employee will have the right to be accompanied by a Trade Union representative or work colleague during any stage of the disciplinary process.

3.6 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when dismissal may be an appropriate outcome.

3.7 An employee will have the right to appeal against any disciplinary penalty imposed (see Section 13).

3.8 All parties involved in the disciplinary process are required to maintain confidentiality at all times, and to avoid disclosing information inappropriately. Failure to adhere to this principle will be considered as a serious breach of trust and could lead to disciplinary action.

3.9 At all times, the employer is working on the balance of probabilities.

## **4 Overview of the Process**

4.1 Appendix 1 contains a flow chart of the entire disciplinary process, from investigation to appeal.

## **5 Roles and Responsibilities**

5.1 Managers are required to deal with disciplinary issues. In some instances, the manager of the relevant department will deal with the issue. In other situations, it may be appropriate for an alternative manager to deal with the matter. The manager allocated to deal with the disciplinary allegation (referred to hereafter as the Disciplinary Manger) will be responsible for:

- Appointing an Investigating Officer;
- Arranging a disciplinary hearing, including the location, appointing a note-taker and liaising with HR to ensure an Adviser is able to attend;
- Correspondence with the employee – to invite them to a disciplinary hearing, to confirm the outcome of a disciplinary hearing etc;
- Providing the employee and the HR Department with copies of any evidence that will be presented at the disciplinary hearing;
- Chairing any disciplinary hearing and, having taken account of all the evidence presented, reaching a decision on the case;
- Seeking advice from the HR team as required.

5.2 Where an officer has been appointed to act as Investigating Officer, their role is to:

- Undertake a thorough investigation into the allegations, interviewing relevant witnesses and gathering any relevant evidence;
- Consider the evidence gathered in order to recommend to the Disciplinary Manager whether there is sufficient evidence to support the allegations;
- Seek advice from the HR team as required.

It is not the role of the Investigating Officer to determine whether a disciplinary sanction should be applied; this is a role for the Disciplinary Manager once a hearing has taken place and all evidence has been fully considered.

5.3 The role of the HR team in relation to this procedure is to:

- Offer advice to Investigating Officers, Disciplinary Managers and Appeal Mangers/Panels on the Council's procedure and relevant legislation;
- Attend hearings in an advisory capacity – assisting the manager by providing advice and guidance on procedure, law and in order to aid consistency of disciplinary decisions.

## **6 Examples Gross Misconduct**

6.1 It is not possible to define all acts of unacceptable behaviour that could lead to disciplinary action. However, Appendix 2 provides some examples of acts that may be deemed to be gross misconduct. The list is not exhaustive.

## **7 Suspension**

7.1 Should a formal investigation into an allegation be required, the matter of suspension will be considered. Whilst suspension is not always necessary, a very serious allegation, particularly one that might lead to dismissal, may warrant a brief period of suspension with pay whilst an investigation is undertaken.

7.2 It would be usual for the matter of suspension to be considered once a disciplinary allegation has been identified. However, it may also be appropriate to consider the matter of suspension again in light of any investigation findings.

7.3 The act of suspension is not a disciplinary sanction and it does not imply that a decision has already been made about the allegations.

7.4 In consultation with Management Board, the Disciplinary Manager or the Investigating Officer will have the power to suspend before or at any stage during the investigation.

7.5 If suspension is used, the employee will be issued with a letter detailing the conditions of the suspension within one working day of it taking place.

7.6 Any suspensions will be on full pay and will be as brief as is reasonably practicable.

7.7 Any suspensions should be reviewed on a regular basis to ensure it is not unnecessarily protracted.

## **8 The Investigation**

8.1 The aim of any investigation is to establish a fair and balanced view of the facts in relation to disciplinary allegations, before deciding whether a disciplinary hearing is required.

8.2 It is important that disciplinary action is not taken until the case has been investigated. However, the nature and depth of the investigation will be tailored to reflect the seriousness and complexity of the allegation.

8.3 Where an employee admits to an allegation, further investigation may not be necessary and it may be possible to move straight to a disciplinary hearing.

8.4 An Investigating Officer will be appointed by the Disciplinary Manager. As part of the investigation, the Investigating Officer will collect any evidence that is relevant to the case, which may include interviewing witnesses and the employee who is the subject of the allegation.

8.5 Employees who are required to attend an investigatory meeting will be able to be accompanied to the meeting by a work colleague or a Trade Union representative. If an employee chooses to be accompanied, their companion can make representations to the Investigating Officer and ask questions, request adjournments and confer with the employee, however they will not be permitted to answer questions on behalf of the employee.

8.6 Following completion of the investigation, the Investigating Officer will report back to the Disciplinary Manager to provide a summary of their findings together with a recommendation as to whether there is a disciplinary case to answer. There are two possible outcomes at this stage:

- That there is insufficient evidence to support the allegation and therefore no further action is required. This could also include cases where very minor disciplinary issues have been identified and an informal approach of counselling, support and guidance has been recommended;
- That the investigation has uncovered evidence which supports the allegation of poor conduct or performance, and the matter needs to be considered by a formal disciplinary hearing.

## **9 Criminal Charges and Convictions**

9.1 If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do their job and their relationship with their employer, work colleagues and customers.

9.2 Where the conduct of an employee is subject to a criminal investigation, charge or conviction, the Council will investigate the facts before deciding whether disciplinary action is appropriate.

9.3 Where an employee is unable to attend work due to being remanded in custody, this is likely to be considered to be unauthorised absence.

9.4 The Council will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Council may have to take a decision based on the available evidence.

9.5 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Council considers that it relevant to an individual's employment.

## **10 Notification of a Disciplinary Hearing and Rescheduling of Hearings**

10.1 If, following the investigation, it is decided that there is a disciplinary case to answer; the employee will be notified of this in writing by the manager with responsibility for dealing with the matter. The letter will contain sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at a disciplinary hearing.

10.2 The employee will be entitled to receive copies of any evidence that is to be used in the case, for example, policy statements, minutes of any investigatory meetings, a copy of any investigatory report/summary, written/photographic, or witness statements, with the notification letter. Where evidence needs to be redacted to protect the anonymity of witnesses, the Council will ensure that this does not undermine the principle of ensuring the employee is provided with sufficient information to allow them to prepare their response to the allegation.

10.3 The notification letter will also outline the date, time and location of the disciplinary hearing, the name of the Manager who will hear the case, the employee's right to be accompanied by a Trade Union representative or work colleague and the fact that witnesses could be called by either the employee or the Council.

10.4 The employee will be provided with at least 5 working days' notice of the disciplinary meeting. In circumstances where the potential outcome of a case could be gross misconduct, it is possible for the relevant parties to agree to extend the minimum notice to 10 working days.

10.5 If the employee would like a witness/witnesses to attend the meeting in response to their case it is their responsibility to contact the individual(s) and to inform them of the date, time and venue of the disciplinary meeting. The Council may also ask witnesses to attend the hearing. An employee who has been called to a meeting as a witness will be given paid time off to attend the disciplinary hearing, but should approach his/her manager at the earliest opportunity to notify them of the date and time, and to discuss any arrangements to cover their work duties. Witnesses will be called into the hearing at the appropriate time. Witnesses are not obliged to attend disciplinary hearings.

10.6 Employees should make every effort to attend a disciplinary hearing if required. If an employee and/or their chosen work colleague or Trade Union representative is unable to attend an arranged hearing they should inform the Disciplinary Manager in advance as soon as possible.

10.7 If failure to attend is due to circumstances outside the employee's control and unforeseeable at the time the hearing was arranged, it will be re-arranged.

10.8 If the employee and/or their chosen work colleague or Trade Union representative is unable to attend the rescheduled hearing, the Council reserves the right to hold the hearing in the absence of the employee, or look for alternative ways to ensure the process does not experience further delays.

10.9 If the employee fails to attend the re-arranged meeting without good reason, a decision may be taken in their absence on the basis of the evidence that is available. The employee will be informed in writing of the outcome of the meeting within 5 working days of the meeting.

10.10 Failure to attend a disciplinary hearing without good reason, or persistently being unable to attend (e.g. for health reasons) may result in the Council taking a decision based on the available evidence.

## **11 The Disciplinary Hearing**

11.1 The hearing will be conducted by a Disciplinary Manager. An HR Adviser will also attend the hearing, as may an independent note-taker.

11.2 The Investigating Officer may attend the hearing to present the findings of his/her investigation. The employee, or his/her representative will be provided with an opportunity to ask questions of the Investigating Officer if present, or if not, the Disciplinary Manager.

11.3 Where witnesses are required to attend the hearing, the employee will be given the opportunity to respond to any information given by a witness, and will be able to ask questions of the witness. This process will be managed by the Disciplinary Manager to ensure it is respectful and not intimidating. The Disciplinary Manager will also be given the opportunity to ask questions of the witnesses.

11.4 The employee will be invited to give any explanation he or she wishes and may subsequently be questioned by the Disciplinary Manager.

11.5 The Disciplinary Manager may adjourn proceedings at any stage if this appears necessary or desirable. Similarly, the employee and/or their colleague or Trade Union representative can request an adjournment at any time. Any adjournment should be for a stated period.

11.6 After the case has been heard, the Disciplinary Manager will adjourn to decide whether or not disciplinary or any other action is justified. This decision will usually be reached immediately following the meeting or within two working days of the meeting. In normal circumstances, the hearing will be reconvened so that the Manager can inform the employee of the decision in person. If this is not practicable, the employee will be notified of the decision in writing. In all cases, the employee will receive written confirmation of the decision, usually within 5 working days of the hearing.

## 12 Management Authority for Levels of Disciplinary Sanction

12.1 The following table aims to provide guidance on the level of manager that will be appointed to chair disciplinary hearings and appeal hearings. Whilst this approach will be adhered to wherever possible, the Council reserves the right to adopt a different approach where necessary, without undermining the principle of ensuring that each stage is dealt with by a different manager.

<b>Employee Subject to Disciplinary Process</b>	<b>Disciplinary Hearing</b>	<b>Appeal of sanction less than dismissal*</b>	<b>or</b>	<b>Appeal against dismissal</b>
Officers	Line Manager & HR Adviser 1	Manager at the next level of the organisation & HR Adviser 2		Executive Director as Chairman, Management Board Officer** & HR Adviser 2
Managers*** other than Management Board	Line Manager & HR Adviser 1	Manager at the next level of the organisation & HR Adviser 2		Executive Director as Chairman, Management Board Officer & HR Adviser 2
Management Board	Management Board Officer & HR Adviser 1	Executive Director & HR Adviser 2		Executive Director as Chairman, Director of Resources & HR Adviser 2

\* If dismissal is a possible outcome from the investigation, then the disciplinary hearing would be chaired by a Management Board Officer; these officers have the authority to dismiss.

\*\* Management Board Officers exclude the Executive Director.

\*\*\* For the purposes of this procedure, Managers are deemed to be those officers with day-to-day responsibility for staff/officers, i.e. carrying out appraisals, return to work interviews or authorising time off work for example.

## 13 Disciplinary Outcomes

13.1 The range of disciplinary outcomes is set out below. No penalty will be imposed without a hearing. The Council aims to treat employees fairly and consistently, and a penalty issued to another employee for similar misconduct will usually have been taken into account but should not be taken as a precedent. Each case will be assessed on its own merits.

- Allegation is Not Upheld

The Disciplinary Manager may conclude that the employee has provided an adequate explanation, or there is insufficient evidence to support the allegation that has been made and therefore no disciplinary action will be taken.

- Written Warning

Where misconduct is confirmed and there are no active disciplinary warnings on the employee's file, a written warning will usually be issued. The warning will set out the nature of the misconduct or poor performance and the improvement required, along with associated timescales.

The written warning will remain current and on file for the purposes of disciplinary for 12 months.

A further act of misconduct or poor performance within the next 12 months would normally result in a final written warning.

- Final Written Warning

A final written warning may be issued where misconduct or poor performance has been confirmed and there is already an active warning on the employee's file. Alternatively, if an employee's first misconduct or poor performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur if the employee's actions have had, or are liable to have, a serious or harmful impact on the Council.

The final written warning will set out the nature of the misconduct or poor performance and the improvement required along with associated timescales. The final written warning will remain current and on file for disciplinary purposes for 18 months and the employee will be informed that should there be no improvement or change of behaviour in the required timescale they may be subject to a further hearing which may result in dismissal.

- Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach a reasonable standard, or in the case of gross misconduct, dismissal will normally result. The employee will be provided with written reasons for the dismissal, the date on which employment will terminate, the appropriate period of notice and the right of appeal. A finding of gross misconduct will usually result in summary dismissal i.e. dismissal without notice or pay in lieu of notice.

Only a Management Board Officer can take the decision to dismiss.

## ○ Alternatives to Dismissal

In some cases, the Disciplinary Manager may use his/her discretion to consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include, but are not limited to:

- demotion;
- a period of suspension without pay;
- loss of seniority;
- pay reduction;
- loss of future pay increment;
- loss of overtime;
- transfer to another department or job.

13.2 As detailed above, warnings will cease to be "live" following the specified period of satisfactory conduct or performance, however there may be occasions where an employee's conduct or performance is satisfactory throughout the period the warning is in force only to lapse very soon thereafter. Where such a pattern emerges and/or there is evidence of abuse of the process, the employee's disciplinary record will be taken into account when determining an appropriate outcome of future disciplinary hearings.

13.3 Any disciplinary action taken must be confirmed in writing within 5 working days of the hearing. This confirmation should include:

- Date, time and location of the hearing;
- Those present at the hearing;
- The precise nature of the complaint;
- Confirmation of the penalty to be applied;
- The duration of the disciplinary warning, beyond which it will be disregarded;
- Consequences of failure to improve performance or change behaviour in cases of a written warning or final written warning and the possibility of further penalties and ultimately dismissal;
- Confirmation of when and how performance or change of behaviour will be reviewed;
- Any support which has been agreed to assist the employee in improving performance or changing behaviour;
- Confirmation of the employee's right to appeal and details of whom any appeal should be sent to. A copy of the Disciplinary Procedure, which includes the Appeals Process, should be attached to the letter to provide further guidance.

## **14 Appeals**

14.1 Where an employee feels that the disciplinary action taken against them is wrong or unjust they have the right to appeal against the decision in writing within 5 working days of receiving the written notification of the outcome of the disciplinary meeting.

14.2 The written notice of appeal should be submitted to the relevant Appeal Manager, as detailed in the disciplinary outcome letter and/or section 12 of this procedure.

14.3 The written notice of appeal must clearly state the grounds on which the appeal is being lodged, and this will form the sole basis for the appeal. This may include the availability of new evidence that was not available at the time of the disciplinary hearing, a belief that the penalty imposed was unduly severe or a belief that there has been inconsistency of the penalty applied.



14.4 Appeals will usually be heard within 10 working days of the receipt of the appeal being received.

14.5 The employee will be given notice in writing at least 5 working days in advance of the time and place of the hearing.

14.6 The principles relating to non-attendance and rescheduling of hearings, as detailed in Section 10 of this procedure, will also apply to appeal hearings.

14.7 As detailed in section 12 of this procedure, appeals will usually be heard by the following levels of management:

- Appeal against written or final written warning – a more senior manager than the Disciplinary Manager, accompanied by an HR Adviser;
- Appeal against dismissal – a panel consisting of the Executive Director and a Management Board Officer, accompanied by an HR Adviser.

14.8 The employee may be accompanied to the appeal hearing by a work colleague or a Trade Union representative. If an employee chooses to be accompanied to the appeal hearing, their companion can make representations to the hearing and ask questions, request adjournments and confer with the employee, however they will not be permitted to answer questions on behalf of the employee.

14.9 The Disciplinary Manager may attend the appeal hearing.

14.10 At the appeal hearing all parties (i.e. the individual who is appealing against the action taken against them and the Disciplinary Manager if present) have the opportunity to state their case, call witnesses and to ask questions of each other and his/her witnesses. The Appeal Manager/Panel may also ask questions to anyone involved in the hearing.

14.11 The appeal hearing will usually only hear evidence relating to the employee's grounds of appeal, as stated in their appeal letter. Where an employee is seeking to put forward new evidence, it is important to note that this will only be accepted if it was not available at the time of the original hearing. Evidence that was available to the employee at the time of the original hearing, and simply not put forward at that time, is unlikely to be accepted as part of the appeal.

14.12 Once the case has been heard, the Appeal Manager/Panel will adjourn to reach a decision. This decision will usually be reached immediately following the meeting or within two working days of the meeting. In normal circumstances, the hearing will be reconvened so that the Appeal Manager/Panel can inform the employee of the decision in person. If this is not practicable, the employee will be notified of the decision in writing. In all cases, the employee will receive written confirmation of the decision, usually within 5 working days of the hearing.

14.13 The Appeal Manager/Panel may make the following range of decisions:

- to dismiss the appeal; or
- to allow the appeal; or
- to allow the appeal and substitute a lesser warning.

14.14 There is no further right of appeal against the decision of the appeals panel.

14.15 The outcome of the appeal hearing will be confirmed in writing and should include:

- Date, time and location of the hearing;
- Those present at the hearing;
- The grounds on which the appeal was based;
- Confirmation of the decision reached in relation to the appeal and the impact, if any, on the original disciplinary decision;
- Confirmation that the decision of the appeal is final and there is no further right of appeal.

## **15 Right to be Accompanied**

15.1 All employees have a right to be accompanied at any stage of the dismissal and disciplinary process and a companion may be either a work colleague or a Trade Union official certified as having experience of or training in, acting as a worker's companion at a disciplinary hearing. Certification may take the form of a card or letter. Proof of certification will only be checked if an employee chooses a union representative from a union not recognised by the Council.

15.2 An employee will be asked to inform the Investigating Officer, Disciplinary Manager or Appeal Manager, as appropriate, of the name of their requested companion prior to the meeting. If the companion is unable to attend the meeting on the proposed date, the employee may suggest an alternative time and date, within reason, and not more than five working days after the original date. For further guidance on rescheduling of disciplinary hearings, please refer to section 10 of this procedure.

15.3 The companion will be allowed to address the meeting in order to put forward and sum up the employee's case, and to question any witnesses. The companion will not be able to answer questions on the employee's behalf.

## **16 Record Keeping**

16.1 In the interests of both the Council and the employee, the following written records will be maintained during the process:

- The nature of the complaint/allegation against the employee;
- The employee's response to the allegation;
- Copies of meeting records;
- Details of the investigation findings;
- Reasons for actions taken;
- Whether an appeal was lodged and, if so, the outcome;
- Any grievances raised during the disciplinary procedure;
- Any subsequent developments.

16.2 Records will be treated as confidential and kept in accordance with the Data Protection Act 1998.

16.3 Copies of meeting records will be issued to the employee. Information may be withheld to protect witnesses.

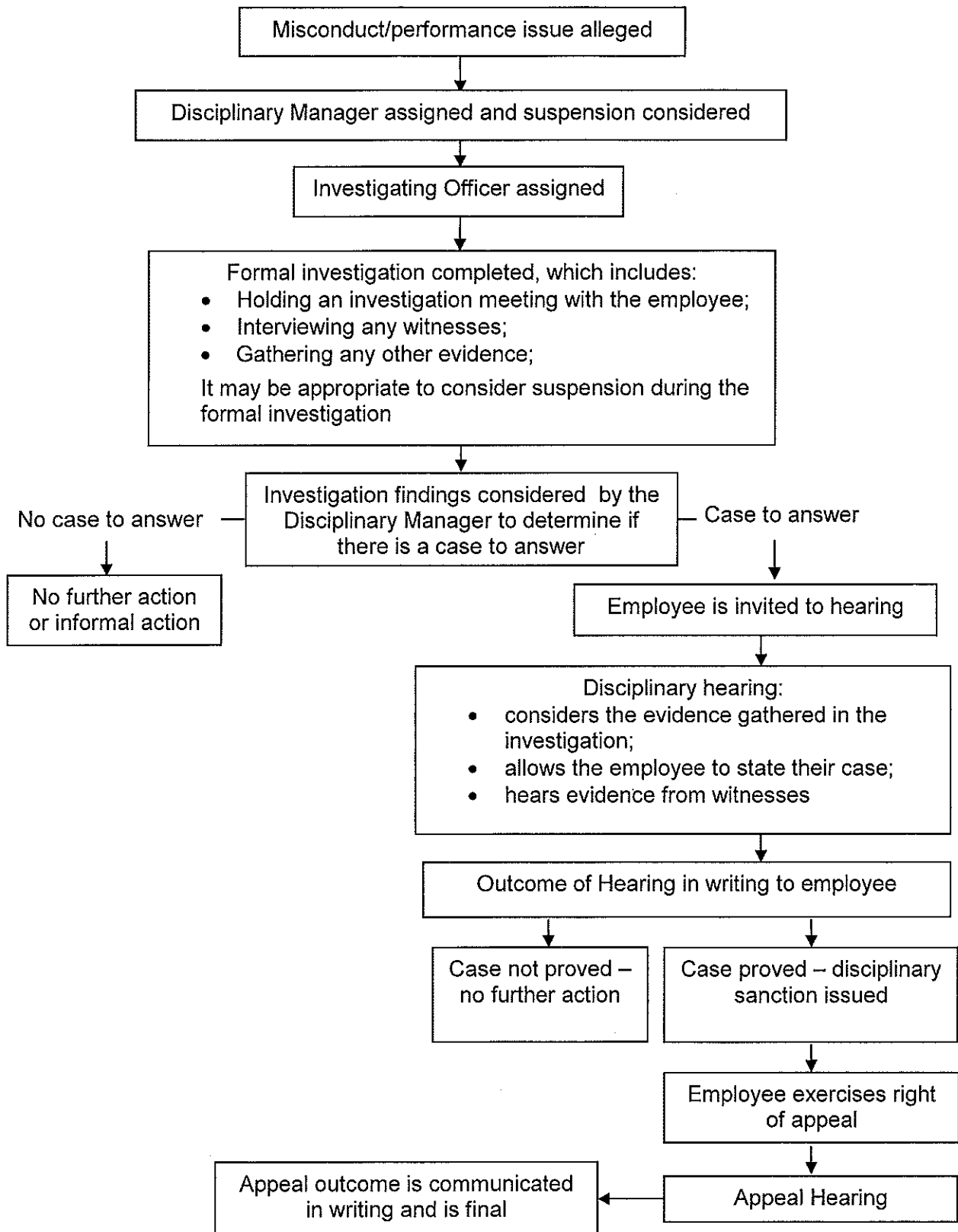
## **17 Grievances During the Disciplinary Process**

17.1 Due to the fact that the disciplinary procedure has its own appeal process, where an employee feels aggrieved about action that has been taken as part of the disciplinary process, the disciplinary appeals procedure should be used.

17.2 Where an employee believes their grievance has a bearing on the disciplinary proceedings, they will have the opportunity to raise this as a relevant issue in the course of those proceedings i.e. during the disciplinary hearing.

***May 2017***

**Disciplinary Process – Flowchart**



**Examples of Gross Misconduct:**

- any breach of the criminal law, such as theft;
- any unauthorised possession or removal of the Council's property, or property belonging to another employee, client, customer or visitor;
- fraud (including making fraudulent or false expense claims), deliberate falsification of records, false declarations in connection with employment or applications for employment or any other form of dishonesty;
- using the Council's property, materials or equipment to carry out work for third parties on a personal basis without permission;
- offering, promising or giving a bribe or requesting, agreeing to receive or accepting a bribe in connection with employment contrary to the Bribery Act 2010;
- wilfully or negligently causing harm or injury to another employee, client, customer or visitor, physical violence, assault, fighting, bullying or grossly offensive, abusive or aggressive behaviour or language;
- deliberately or negligently causing damage to the Council's property, or to property belonging to another employee, client, customer or visitor;
- vandalism of, or otherwise intentionally interfering with, the Council's computers or computer or telephone network;
- causing loss, damage or injury through serious carelessness or gross negligence.
- dereliction of duty, including sleeping whilst at work and undertaking unauthorised activities during normal working hours;
- wilful refusal to obey a reasonable management instruction or insubordination;
- incapacity at work through an excess of alcohol or illegal drugs, whether consumed on or off the Council's premises but which affects the employee's ability to carry out their job duties whilst at work;
- bringing illegal drugs or other illegal substances or items or weapons on to the Council's premises;
- smoking on the Council's premises within designated no smoking areas, including property, premises, or vehicles owned by the Council;
- logging on to sexually explicit websites, downloading or circulating pornographic or other offensive, illegal or obscene material or using the Internet or e-mail for gambling, illegal activities or the sending of offensive e-mails (e.g. jokes) to work colleagues (in the latter case, including from the employee's home computer in their own time);
- engaging in sexual activity on the Council's premises at any time;
- posting derogatory, offensive, discriminatory or defamatory comments online (for example, on social media websites) about the Council, its employees, clients or customers or otherwise conducting themselves online in a way that is detrimental to the Council or brings it into serious disrepute;

- a breach of health and safety rules, including acts or omissions which endanger the safety of another employee, client, customer or visitor;
- a breach of security rules;
- behaviour outside working hours or work location, which either results in or has the potential to result in criminal charges or convictions, which affect the employee's ability to perform their job duties;
- discriminating against, harassing, bullying or victimising another employee, client, customer or visitor because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation;
- a breach of confidentiality, including unauthorised access of computer and personnel records, communicating or leaking confidential information about the Council or its employees, clients or customers to third parties;
- engaging in an unauthorised work activity (e.g. secondary employment) which conflicts with the interests of the Council or its clients or customers;
- breaching copyright or any other proprietary interest belonging to the Council;
- knowingly breaking a legal requirement in connection with employment;
- bringing the Council into serious disrepute, even if done in the employee's own time;
- unauthorised absence, including failure to return from a period of annual leave or other approved leave of absence.

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

If, on completion of an investigation and the full disciplinary procedure, the Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, i.e. dismissal without notice or pay in lieu of notice.



# Barrow Borough Council

## Grievance Policy and Procedure

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## **1 Introduction**

1.1 Barrow Borough Council believes that all employees should be treated fairly and with respect. It is recognised that employees may, on occasion, have issues relating to their work or working relationships which they will want to address.

1.2 It is important that grievances are dealt with in a timely and fair way, and that they are resolved at the earliest possible stage.

1.3 Many potential grievance issues can be resolved informally and this document sets out the procedure to be followed both at the informal and formal stages.

## **2 Scope**

2.1 The Grievance Procedure applies to all employees of Barrow Borough Council.

2.2 Grievances may be concerned with a wide range of issues, including the allocation of work, an employee's working environment or conditions, the opportunities that an employee has been given for career development or the way in which they have been managed.

2.3 There are a number of instances where it would not be appropriate to use the Grievance Procedure:

- In relation to issues that are the subject of collective negotiation through the National Joint Council for Local Government Services (NJC);
- For complaints that amount to an allegation of misconduct on the part of another employee. These will be investigated and dealt with under the Disciplinary Procedure;
- For grievances relating to a Council procedure which has its own appeals procedure. These include, but are not limited to, the Disciplinary Procedure and Grading Appeals Procedure;
- Where an employee wishes to make a protected disclosure, in which case he/she should follow the Council's Whistleblowing Policy.

## **3 Principles**

3.1 The aim of the procedure is to promote effective employee relations by trying to resolve individual grievances as promptly and amicably as possible ensuring fairness and transparency is applied at all times.

3.2 In order to ensure that workplace issues are identified and dealt with promptly, it is important that an employee with a grievance raises the matter as it occurs, and does not build up a portfolio of grievances over time. Allowing a significant time period to elapse between an issue occurring and a grievance being raised may constrain the Council's ability to resolve the issue.



3.3 Many potential grievance issues can be resolved informally without the need to progress to the formal stage. Both managers and employees are expected to approach the procedure with the commitment to engage in constructive discussion and to adopt a positive approach in order to resolve the grievance wherever possible, at the Informal Stage.

3.4 It is possible to go straight to the formal stage if the employee or line manager considers it is not possible to resolve the matter informally. Guidance should be sought from the HR Department, before bypassing the informal stage.

3.5 In some cases, the manager hearing the grievance or appeal may not have the authority to approve the actions that they believe will resolve a grievance. Examples of this include matters relating to the place/location of work or changes in responsibility, which may require authorisation from a more senior manager or Management Board. In such instances, the manager hearing the grievance or appeal will submit their recommendations to the relevant authorising manager as part of the outcome to the grievance. Further advice on this matter can be obtained from the HR Department.

3.6 The Council recognises the importance of dealing with grievances in a timely way and associated meetings will be arranged as soon as is reasonably practicable. Timescales specified in this procedure will be adhered to wherever possible, however there may be extenuating circumstances which mean that differing timescales need to be adopted.

3.7 Any grievance hearing or appeal hearing should be conducted by a manager who is not involved in the matter giving rise to the grievance.

3.8 The HR Department can provide advice and guidance on all stages of the Grievance Procedure as required.

## **4 Informal Stage**

4.1 If an employee has a grievance they should discuss the matter initially with their immediate line manager, having made it clear that it is a grievance. If the grievance is submitted verbally the employee may be asked to follow it up in writing, to assist the line manager in fully understanding the nature of the grievance. In most cases the line manager can best deal with the grievance on an informal basis. Raising a concern at an early stage may also assist in reaching a prompt and satisfactory outcome. There is no automatic right to representation of a work colleague or Trade Union representative at the informal stage however where an employee indicates that s/he wishes to be accompanied this would normally be permitted. The line manager should ensure that the employee has a copy of the Grievance Procedure and understands the process that will be followed.

4.2 If the grievance is against their line manager, the employee should raise the grievance with their line manager's manager.

4.3 The manager dealing with the grievance will consider the issue. This may involve meetings with the employee who has raised the grievance and other relevant parties. The manager should then inform the employee of their decision. If this is done verbally, it would be usual practice to follow up with written confirmation.

4.4 If the employee is dissatisfied with the response given they can pursue the matter to the Formal Stage of the procedure.

## **5 Formal Stage**

5.1. In order to start the formal stage, the grievance must be submitted by the employee in writing to his/her manager (if the grievance is against their manager, then the employee should raise the grievance with their manager's manager) providing sufficient detail to establish the basis of the grievance. This must include the outcome that the employee wishes to see along with relevant evidence where available.

5.2. Once an employee has submitted a written grievance, the manager should respond as soon as possible by inviting the employee to a grievance hearing. This hearing should take place within 5 working days of receipt of the written grievance. The employee should be advised that they can be accompanied by a work colleague or Trade Union representative. If the employee and/or companion cannot attend on the proposed date they can offer a further date as long as it is reasonable and usually not more than 5 working days after the originally proposed date. The employee must take all reasonable steps to attend the grievance hearing.

5.3. It may be necessary for the manager to undertake an investigation into the facts relating to the case. It may be appropriate for this to happen before the grievance hearing, and in this situation, the manager will ensure that the employee is kept informed, in writing, of any delay in hearing the grievance and the progress of the investigation. In some cases, it may be more appropriate for the manager to meet with the aggrieved employee in order to clarify their grievance prior to conducting any investigation.

5.4 Where a grievance has been lodged against another employee of the Council, the manager will need to advise the latter employee that they are the subject of a grievance, and ask questions of them to clarify the facts of the matter. Depending on the case, this may be done prior to the grievance hearing, or following it. When dealing with the subject of the grievance, the manager should provide sufficient detail relating to the nature of the grievance, but should not share the grievance letter or notes of any meetings with the aggrieved employee.

5.5 At the grievance hearing the employee will be given the opportunity to explain the grievance and say how they think it should be resolved. The manager will normally be advised by an HR representative.

5.6 The employee's companion may address the grievance hearing, put or sum up the case and respond on behalf of the employee to any view expressed at the hearing if the employee wishes but is not able to answer questions put to the employee.

5.7 After the grievance hearing the manager will give a written response with their decision within 5 working days of the date of the hearing. This should contain the following information:

- Date, time and location of the hearing;
- Those present at the hearing;
- The nature of the grievance;
- Confirmation of the decision taken in relation to the grievance;
- Where relevant, details of any actions that will be taken to resolve the grievance (note: the decision must be within the remit of the manager's authority. Please refer to the Principles section for more information);
- Confirmation of the employee's right to appeal and details of whom any appeal should be sent to. A copy of the Grievance Procedure, which includes the Appeals Process, should be attached to the letter to provide further guidance.

## **6 Appeals**

6.1 If the employee is unhappy with the grievance hearing decision, they have the right to appeal against the decision in writing within 5 working days of receiving the written notification of the outcome of the grievance hearing.

6.2 The written notice of appeal should be submitted to the relevant Appeal Manager, as detailed in the grievance outcome letter and/or Appendix 1 of this procedure.

6.3 The written notice of appeal must clearly state the grounds on which the appeal is being lodged, and this will form the sole basis for the appeal. This may include the availability of new evidence that was not available at the time of the grievance hearing.

6.4 Appeals will usually be heard within 10 working days of the receipt of the appeal being received.

6.5 The employee will be given notice in writing at least 5 working days in advance of the time and place of the hearing.

6.6 The employee may be accompanied to the appeal hearing by a work colleague or a Trade Union representative. If an employee chooses to be accompanied to the appeal hearing, their companion can make representations to the hearing and ask questions, request adjournments and confer with the employee, however they will not be permitted to answer questions on behalf of the employee.

6.7 Once the case has been heard, the Appeal Manager will adjourn to reach a decision. This decision will usually be reached immediately following the meeting or within two working days of the meeting. In normal circumstances, the hearing will be reconvened so that the Appeal Manager can inform the employee of the decision in person. If this is not practicable, the employee will be notified of the decision in writing. In all cases, the employee will receive written confirmation of the decision, usually within 5 working days of the hearing.

6.8 The Appeal Manager may choose to dismiss the appeal, or to uphold it and offer some form of resolution to the grievance.

6.9 There is no further right of appeal against the decision of the Appeal Manager.

6.10 The outcome of the appeal hearing will be confirmed in writing and should include:

- Date, time and location of the hearing;
- Those present at the hearing;
- The grounds on which the appeal was based;
- Confirmation of the decision reached in relation to the appeal and, where relevant, the resolution being offered;
- Confirmation that the decision of the appeal is final and there is no further right of appeal.

## **7 Right to be Accompanied**

7.1 All workers have a right to be accompanied at a formal grievance hearing and a grievance appeal hearing. A companion may be either a work colleague or a Trade Union official certified as having experience of, or training in, acting as a worker's companion at a grievance meeting. Certification may take the form of a card or letter. Proof of certification will only be checked if an employee chooses a union representative from a union not recognised by the Council.

7.2 An employee must inform their manager or the Appeal Manager of the name of their chosen companion prior to the grievance meeting. If the companion is unable to attend the meeting on the proposed date, the employee may suggest an alternative time and date, within reason, and not more than five working days after the original date.

7.3 The companion will be allowed to address the meeting in order to put forward and sum up the employee's case, and to question any witnesses. The companion will not be able to answer questions on the employee's behalf.

## **8 Record Keeping**

8.1 In the interests of both the Council and the employee, the following written records will be maintained during the grievance process:

- Nature of grievance raised
- Copies of written records
- Manager's response
- Action taken
- Reasons for action taken
- Whether an appeal was made and if so, the outcome
- Any subsequent developments

8.2 Records will be treated as confidential and kept in accordance with the Data Protection Act 1998.

8.3 Copies of meeting records will be issued to the employee.

*May 2017*

## Management Authority for Dealing with Grievances

The following table aims to provide guidance on the level of manager that will be appointed to chair grievance hearings and appeal hearings. Whilst this approach will be adhered to wherever possible, the Council reserves the right to adopt a different approach where necessary, without undermining the principle of ensuring that grievances are not heard by managers who have been involved in the issue giving rise to the grievance.

Level of Employee with Grievance	Stage of Process	
	Informal & Formal	Appeal
Officers	Line Manager & HR Adviser 1	Manager at the next level of the organisation & HR Adviser 2
Managers other than Management Board	Line Manager & HR Adviser 1	Manager at the next level of the organisation & HR Adviser 2
Management Board	Management Board Officer & HR Adviser 1	Executive Director & HR Adviser 2

Exceptions to the above:

- Where the grievance is against a Management Board Officer – the informal and formal stages will be dealt with by another Management Board Officer, and any appeal will be heard by the Executive Director.
- Where the grievance is against the Executive Director – this will be heard by a panel of Members. Any appeal will be heard by another panel of Members, comprising of individuals who were not involved in the earlier stage of the process.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 16</b>
<b>Date of Meeting: 28th June, 2017</b>		
<b>Reporting Officer: Executive Director</b>		
<p><b>Title: Private Sector Housing Enforcement Policy</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council has a range of duties and powers in respect of the enforcement of standards in the private housing sector. The Council's policy in dealing with these matters has been set out in a number of previous resolutions. New powers are or soon will be available arising from the enactment of the Housing and Planning Act 2016. It is considered opportune to review the whole enforcement policy and combine this into a single document. This will enable the Council's policies in this area to be more presented in a way that is both more coherent and accountable to the public.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To note the duties and powers available to the Council for enforcement of standards in the private housing sector;</li> <li>2. To note the additional powers arising from the Housing and Planning Act 2016;</li> <li>3. To adopt the policy principles set out in Section 4 of the report, and the policy statement set out in <b>Appendix 5</b>;</li> <li>4. To approve the fees and charges set out in Section 5 of the report; and</li> <li>5. To approve the Officer delegations set out in Section 6 of the report.</li> </ol>		

## Report

### Policy Background

#### **1. Legislative Background**

- 1.1. The Housing Act 2004 came into force in 2006 and imposed a number of obligations on the Council.
- 1.2. **Part 1** introduced a new system for the enforcement of housing standards. A new assessment framework, the Housing Health and Safety Rating System (HHSRS) was put in place. This is a hazard-based assessment tool, which allows 29 different categories of

hazard to be evaluated, and allocated a score. A hazard score will place that hazard in a band between Band A and Band J. Hazards scored in Band A-C are known as Category 1 hazards, and those scored in Band D-J are known as Category 2 hazards.

- 1.3. Where the Council, for any reason, considers it to be appropriate to inspect any residential premises to determine whether or not Category 1 or Category 2 hazards exist, then it must arrange for such an inspection to be carried out. Where Category 1 hazards are found, then the Council **must** take action. This would most commonly take the form of a Hazard Awareness Notice (HAN), an Improvement Notice (IN) or a Prohibition Order (PO). Where Category 2 hazards are found, then the Council has a power, but not an obligation, to act.
- 1.4. A HAN is an advisory notice, outlining the works required to remove the hazard. An IN compels the person on whom the notice is served to take remedial action specified in the notice. A PO prohibits the use of part or all of the premises for occupation or other purposes specified in the notice.
- 1.5. If a person on whom an IN or PO fails to comply with the notice, this is an offence that can be prosecuted through the Magistrates' Court.
- 1.6. The Council has the ability to make charges for enforcement action that it takes under this part.
- 1.7. Part 1 also allows the Council to make Demolition Orders and to declare Clearance areas.
- 1.8. **Part 2** provides for the licensing of Houses in Multiple Occupation (HMOs). HMOs consist of accommodation that is not self-contained and is occupied by persons who do not form a single household. Certain HMOs (those of three storeys or over that are occupied by five or more people in two or more households) require a licence from the Council. A licence will be granted subject to adequate management arrangements being in place and the applicant and/or manager being a fit and proper person to hold a licence. Licences can be granted for a maximum of five years. Operating a licensable HMO without a licence is an offence with a maximum fine of £20,000.
- 1.9. The Council is entitled to charge a fee to HMO licence applicants.
- 1.10. The Council also has the power under this part to designate areas where HMOs that fall outside the mandatory licensing arrangements must be licensed.
- 1.11. It should be noted that the provisions of Part 1 also apply to HMOs, whether licensable or not.

- 1.12. If a property which requires a licence is operated without a licence, and housing benefit has been paid in respect of the property, the Council may apply to the First Tier Tribunal for a Rent Repayment Order
- 1.13. **Part 3** contains provisions for the Council to designate areas where all privately rented property must be licensed under similar conditions to those required by Part 2.
- 1.14. **Part 4** allows the Council to make Management Orders in respect of certain residential accommodation. Most commonly, this relates to accommodation which requires a licence under Part 2 or Part 3, where there is no reasonable prospect of it being licenced in the near future, and where making the order is required to secure the health and safety of the occupiers. The effect of the order is to allow the Council to secure the effective management of the accommodation.
- 1.15. This part also provides for the Council to make Empty Dwelling Management Orders (EDMOs). These are orders to secure that a dwelling is occupied. These orders effectively take management into the hands of the Council in the same way as the orders described in the previous paragraph.
- 1.16. Part 4 of the Act also allows the Council to make interim and final management orders, and interim and final Empty Dwelling Management Orders (EDMOs).

## **2. Recent Changes**

- 2.1. The Housing and Planning Act 2016 has subsequently introduced two significant changes to the housing enforcement regime.
- 2.2. Firstly, Part 2 of the Housing and Planning Act provides for the establishment of a database of rogue landlords and property agents. The Secretary of State must establish such a database.
- 2.3. The Secretary of State may also make regulations defining “banning order offences”. If a landlord is convicted of a banning order offence, then the local authority may apply to the First Tier Tribunal for a banning order to be granted. If a banning order is granted, the person against whom the order is granted is prohibited from letting property or engaging in letting agency or property management work. The order must last for at least 12 months. Breach of a banning order is an imprisonable offence.
- 2.4. The local authority must make an entry on the database of rogue landlords when a person is subject to a banning order. It also has the power to make an entry on the database when a person is convicted of a banning order offence.



- 2.5. Secondly, s126 of the Housing and Planning Act amends the Housing Act 2004 to allow civil penalties to be imposed as an alternative to prosecution for certain offences. These offences include:
  - 2.5.1. Section 30 (failure to comply with Improvement Notice)
  - 2.5.2. Section 72 (licensing of HMOs)
  - 2.5.3. Section 95 (licensing of houses under Part 3)
  - 2.5.4. Section 139(7) (failure to comply with overcrowding notice)
  - 2.5.5. Section 234 (management regulations in respect of HMOs)
- 2.6. If the Council wishes to impose a civil penalty as an alternative to prosecution, it must first issue a notice of intent. This must set out the reasons for the proposed penalty and the amount of the proposed penalty
- 2.7. The person who has been given the notice then has 28 days to make representations.
- 2.8. At the end of this 28 day period, the Council must decide if it wishes to impose a penalty, and if it does, it must issue a final notice. Any penalty must be paid within 28 days. The final notice must set out the amount of the penalty, the reasons for imposing the penalty, the period for paying the penalty, information on how to pay, information on rights of appeal, and the consequences of failure to comply.
- 2.9. A person on whom a final notice is served has a right of appeal to the First Tier Tribunal. If an appeal is made, the notice is suspended until the outcome of the appeal is determined.
- 2.10. The penalty may be recovered through the county court as if it were payable under an order of that court.
- 2.11. The financial penalties may be retained by the local authority and may be used to meet the costs of enforcement action associated with the private rented sector.
- 2.12. The Council will need to revise its enforcement policy to take account of these changes.
- 2.13. The Council has also recently adopted policies in respect of the Smoke and Carbon Monoxide Alarm Regulations 2015 (Exec Minute 88 02/12/15 and Council Minute 66 19/01/16 refer), and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (Exec Minute 87 02/12/15 and Council Minute 66 19/01/16 refer)
- 2.14. These policies are incorporated into the overall policy statement.

### **3. Policy Statement**

- 3.1. This report is principally concerned with the local implementation of Parts 1 and 2 of the Act. The Council's policy in these matters will be set out in a single policy document that will be published on the Council's web site. Council has recently agreed a specific scheme under Part 3 (Council Minute 28 19/07/16 and Exec Minute 16 11/05/16 refers), and it is envisaged that any future schemes would be sufficiently significant that they would require specific approval from Members. Provisions of Part 4 are not expected to be used other than in exceptional circumstances, and these also would require approval from Members.
- 3.2. The policy document will follow the principles set out in section 4 of this report.

### **4. Policy Principles**

- 4.1. The policy will be clear, transparent and expressed in plain English.
- 4.2. The Council will aim to respond to complaints as quickly as reasonably possible.
- 4.3. The Council will aim to act in a proportionate manner, protecting the welfare of tenants and other occupiers, but not placing unreasonable burdens on landlords and property owners.
- 4.4. The Council will recover costs where it is entitled to do so, but it will do this fairly, and not where landlords and property owners have taken all reasonable steps to comply with enforcement action.
- 4.5. The Council will reserve the right to prosecute landlords and property owners who commit serious breaches of the legislation.

### **5. Fees and Charges**

- 5.1. The Council is entitled under s49 Housing Act 2004 to charge for certain enforcement action (for example the service of an Improvement Notice).
- 5.2. At present, the charges are made according to an estimate of officer time spent on taking the action. The charges are: Administration £13.86 per hour, Trainee EHO £11.97 per hour, Senior EHO £18.38 per hour, Overheads £73.50 per hour. The overheads are applied to every hour spent on chargeable enforcement work, and are intended to reflect all of the running costs that the Council incurs.
- 5.3. It is considered that this element of the cost is lacking in transparency and is confusing to people receiving the demand for payment, and it is therefore proposed to change the system. There are two possible ways that this can be done.

- 5.4. Firstly, a standard charge could be applied to all properties where chargeable enforcement action has been taken. This was considered when the current policy was adopted. This approach was rejected as the length of time spent on enforcement action in different properties can vary considerably, and it was therefore felt to be unfair to apply the same charge in circumstances where the amount of officer time taken up was very different.
- 5.5. Secondly, the charge could be based on the amount of officer time spent on taking the action, but with a standard hourly rate. It is recommended to adopt this approach, and to charge a rate of £45.00 per hour for all officer time spent on eligible enforcement action.
- 5.6. The licence fees charged for HMOs that require a mandatory licence have not been revised since they were introduced in 2006. They currently stand at £340.00 for a property requiring a licence for the first time, or for a new owner, and £280.00 for a subsequent licence for the same person for a property that is already licensed. The licence fee is the same irrespective of the size of the property. It is recommended that the fee structure should be changed so that larger properties with a greater number of occupants pay more. The following revised charges are proposed:
  - 5.7. For HMOs up to six persons; £500.00. For each additional person; £25.00 up to a maximum of £750.00.
  - 5.8. Licences will be granted for five years, other than in exceptional circumstances, and upon expiry, renewals to the same applicant will be charged at a 20% discount (i.e. £400.00 plus £20.00 for each person over six, up to a maximum of £600).
  - 5.9. When an application is made to the British High Commission for Entry Clearance into the United Kingdom, they may request the applicant to: *"Obtain an independent assessment of the number of rooms and occupants of the proposed accommodation. A report from a suitably qualified body certifying that a personal inspection has been carried out and giving details of accommodation inspected is usually acceptable for this purpose. Above all, the Entry Clearance officer must be satisfied that the accommodation will not become overcrowded within the definition of the Housing Act 1985 or that it will not contravene public health regulations."*
  - 5.10. Requests to carry out inspections in support of these applications are infrequent, and since there has been no policy on this in the past, have been carried out free of charge. Most other local authorities do charge for this service, and a fee of £110.00 is considered reasonable and in line with charges made by other local authorities.

## **6. Delegations**

- 6.1. The following delegations are proposed. These are transferred from the existing scheme of delegation with two exceptions.
- 6.2. Firstly, new delegations are proposed for the new powers arising from the Housing and Planning Act 2016.
- 6.3. Secondly, it is proposed to transfer existing delegation held by the Assistant Director for Regeneration and the Built Environment to the Property Services Group Manager. This is proposed for administrative convenience and is considered appropriate given the level of responsibility of the Property Services Group Manager post.

### **6.4. Executive Committee:**

- 6.4.1. Making interim and final Management Orders under Part 4 Housing Act 2004
- 6.4.2. Making interim and final EDMOs under Part 4 Housing Act 2004
- 6.4.3. Making Demolition Orders under Part 1 Housing Act 2004
- 6.4.4. Declaring Clearance Areas under Part 1 Housing Act 2004

### **6.5. Executive Director**

- 6.5.1. Consideration of representations and objections received from persons on whom notices of intent are served under the The Redress Schemes for Lettings Agency Work etc. Regulations 2014, and in those cases to authorise final notices, either as set out in the notice of intent, in modified form or to withdraw notices

### **6.6. Director of Resources:**

- 6.6.1. Authorisations for prosecutions under the terms of the Housing Act 2004
- 6.6.2. Imposition of civil penalties under s126 and Schedule 9 Housing and Planning Act 2016
- 6.6.3. Applications for Banning Orders under Part 2 Housing and Planning Act 2016
- 6.6.4. Applications for Rent Repayment Orders.
- 6.6.5. Reviews of penalty charge notices under the Smoke and CO Alarms Regulations 2015
- 6.6.6. Consideration of representations and objections received from persons on whom notices of intent are served under the The

Redress Schemes for Lettings Agency Work etc. Regulations 2014, and in those cases to authorise final notices, either as set out in the notice of intent, in modified form or to withdraw notices

6.6.7. To approve increases to the Fees and Charges in future years

## **6.7. Property Services Group Manager**

6.7.1. Making, serving, varying and revoking of Prohibition Orders, Improvement Notices and Hazard Awareness Notices.

6.7.2. Powers to take emergency remedial action and to make emergency prohibition orders.

6.7.3. Power to make requisitions for information.

6.7.4. Powers of entry and seeking warrants to enter.

6.7.5. Making charges under s49 Housing Act 2004

6.7.6. Recovery of s49 charges under s50 Housing Act 2004

6.7.7. Granting varying and revoking of HMO licenses

6.7.8. Approval of remedial notices and penalty charge notices, and other notices as required by the Smoke and CO Alarm Regulations 2015, and to approve in writing officers to act as "authorised persons" who can take remedial action

6.7.9. Authorisation of notices of intent under the Redress Schemes for Letting Agency Work etc. Regulations 2014, and if no representations or objections are raised to authorise final notices

### **(i) Legal Implications**

The recommendation allows the Council to carry out its statutory duties in a proportionate and effective manner.

### **(ii) Risk Assessment**

The recommendation has no implications.

### **(iii) Financial Implications**

The recommendation proposes adopting powers that allow revenue to be raised to assist with the cost of providing the service.

### **(iv) Health and Safety Implications**

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

The recommendation has a positive impact on the Health and Wellbeing of users of this service.

Background Papers

Housing Act 2004

Housing Health and Safety Rating System Operating Guidance

Housing Health and Safety Rating System Enforcement Guidance

Civil Penalties: s126 and Schedule 9 Housing and Planning Act 2016

The Management of Houses in Multiple Occupation (England) Regulations 2006

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

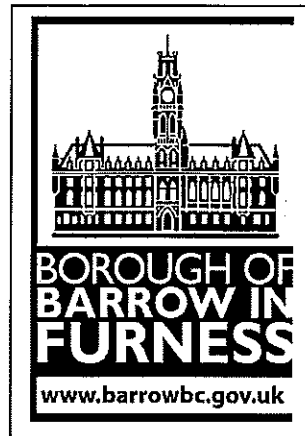
Housing and Planning Act 2016

The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

DCLG guidance booklet: Lettings Agents and Property Managers – Which Government approved redress scheme do you belong to?

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015



## Private Sector Housing Enforcement Policy

### Principles

The Council's Housing Enforcement Policy is based on the following principles:

- **Openness:**  
We will provide clear information in plain English about the rules and regulations we have a duty to enforce. We will discuss these and aim to explain straightforwardly how legislation can be complied with.
- **Transparency:**  
We will be transparent about how we make decisions. We will provide clear information on how formal enforcement can be avoided or complied with. Information will be presented simply and in writing wherever practical.
- **Accountability:**  
We will provide you with information on how you can make complaints or appeal against enforcement action that we take.
- **Proportionality:**  
We will aim to take action that is proportional with the risk identified; protecting the health and safety of tenants and visitors without placing an unreasonable burden on the landlord.
- **Consistency:**  
Whilst we will apply judgment and discretion to individual circumstances, we will apply the legislation in a way that is consistent with the Council's policy and with the spirit of the legislation and any formal guidance issued.
- **Fairness:**  
We will aim to be fair to all parties, with no predisposition to favour either party in a dispute.

### What to expect from the Council, and what the Council will expect from you

#### *Landlords and Agents*

- We will advise you of the legislation and help you understand how you can comply with it.

- We will expect you to take reasonable care to ensure that you are familiar with your legal obligations and that you comply with them.
- We will advise you what action you need to take to comply with the legislation and ask you to take the necessary action within a reasonable timescale.
- Our aim is to work with your reasonable proposals to allow you to comply.
- We will expect you to keep us informed of what action has been taken.
- If your proposals are not acceptable, or you do not comply with them, we will commence formal action by service of an enforcement notice or carrying out works in default.
- If you have a history of non-compliance, or the breach is serious, we will commence formal action immediately.
- In cases of non-compliance we will impose a civil penalty or prosecute in more serious cases if we believe this to be in the public interest.
- The Council will charge for the reasonable costs of formal enforcement action.

### ***Tenants***

- We will respond to complaints as quickly as possible and in all cases within 48 hours.
- If an inspection is required we will aim to carry this out within one week, or within a timescale agreed with you.
- We will expect you to advise your landlord of the issues affecting the property before you contact the Council.
- We will advise you of the possible courses of action we may take, and of the likely timescales involved in taking action.
- We will expect you to co-operate with your landlord to allow any necessary work to be done, and to keep us informed of what action has been taken.
- If we believe that you are preventing the landlord from carrying out works, we will suspend any enforcement action.

### ***Owner Occupiers***

- We will expect owners to maintain their homes.
- Enforcement action will only be considered if there is a serious and imminent risk to health and safety, or if there is a risk or nuisance caused to neighbours.

### ***Owners of Empty Homes***

- We will work with owners of empty homes to bring empty homes back into use.
- Enforcement action (Compulsory Purchase Order, Empty Dwelling Management Order, and Enforced Sale) will be considered if an owner does not cooperate and the empty property has an impact on the neighbourhood.

The Council will not normally respond to anonymous complaints, unless these have additional support from other sources.

The Council may decide that it is appropriate to carry out inspections in properties where no complaints have been made. This will normally be because of a property owner's record of non-compliance with the requirements of The Act, or because of



the general condition of property in a particular area. Inspections of individual properties, or a programmes of inspections carried out on this basis will be authorised in writing at Property Services Group Manager level or above.

Where it is considered necessary to carry out an inspection, either following a complaint or for any other reason, the Council will give 24 hours notice as required under s239 of The Act. This notice may be in writing, by electronic means, or verbally, either by telephone or in person.

### **Housing Health and Safety Rating System (HHSRS)**

The Housing Act 2004 (“the Act”) and relevant Regulations made under the Act prescribe the Housing Health and Safety Rating System (HHSRS) as the means by which local authorities assess housing conditions and decide on action to deal with poor housing. The HHSRS identifies 29 classes of hazard that can potentially affect the health of occupiers. Any defects in a property may give rise to one or more of these hazards. Any hazards identified by an inspection are assessed and scored for the severity of their effect on health.

The score resulting from an assessment will place the hazard in a hazard banding between A and J. Hazards in bands A to C are classed as Category 1 hazards, and those in bands D to J are classed as Category 2 hazards. The Council **must** take one of a number of specified courses of action if it finds Category 1 hazards; it **may** take action in relation to Category 2 hazards.

The HHSRS score is based on the risk that a hazard presents to the class of occupier who is most vulnerable to hazards of that type (for example people over the age of 65 are most vulnerable to “excess cold” and children under the age of 5 are most vulnerable to “falls between levels”). However, in determining what action to take, the Council will take account of not only the hazard score, but the risk to the current and likely future occupiers and visitors, the views of the occupiers and whether more than one significant hazard is present.

### **Statutory Action**

It is for the Council to determine what the most appropriate course of action in relation to a hazard is. The relevant courses of action are:

#### **Hazard Awareness Notice (HAN): s28 and 29**

- Hazard Awareness Notice relating to Category 1 Hazards; s28
- Hazard Awareness Notice relating to Category 2 Hazards; s29

A HAN is used where a more serious form of action is not considered appropriate. It does however act as a formal way of drawing attention to the need for remedial action. The notice is not registered as a land charge and there is no appeal procedure.

Throughout this document, when we refer to “enforcement action” this does not include service of a HAN, as whilst this is a formal form of notice established by the Act, it is of an advisory nature only.

## **Improvement Notice (IN): s11 and 12**

- Improvement Notice relating to Category 1 Hazards; s11
- Improvement Notice relating to Category 2 Hazards; s12

An IN requires the specified remedial works to be carried out within a timescale set out in the notice. This must give the person on whom the notice is served a reasonable opportunity to do the work. The notice cannot require work to start earlier than 28 days after the service of the notice, and there is a 21 day appeal period.

## **Prohibition Order (PO): s20 and 21**

- Prohibition Order relating to Category 1 Hazards; s20
- Prohibition Order relating to Category 2 Hazards; s21

A PO may prohibit the occupation or use for a specified purpose of part or all of the premises. A PO may be appropriate where serious hazards exist, but remedial action is impossible or impractical. It may also limit the use of part or all of the premises by specific groups of people or to a specified number of people. The notice must be served within 7 days of the date of the order, and appeals may be brought within 28 days of the date of the order.

Improvement Notices or Prohibition Orders may be suspended where action can be postponed for a specific time or until a specified event, for example where there is a change in occupation of a property.

## **Emergency Remedial Action; s40**

Where a Category 1 hazard exists, and this presents an imminent risk of serious harm to the health and safety of and occupiers, the Council may take emergency remedial action. The Council will do this when it considers that immediate action is needed to remove the hazard, that the property owner cannot or will not do this, and that there is a reasonable prospect of the Council recovering its costs in carrying out the action. If this action is taken, then a notice must be served within 7 days. Appeals may be brought within 28 days of the date the action is taken.

## **Emergency Prohibition Order; s43**

Where a Category 1 hazard exists, and this presents an imminent risk of serious harm to the health and safety of and occupiers, the Council may make an Emergency Prohibition Order. This action is likely where emergency remedial action is not considered appropriate for some reason – for example it cannot be completed in a reasonable timescale to remove the harm to occupiers, or there is no realistic prospect of the Council recovering the costs of remedial action. If this action is taken, a notice must be served within seven days of the date of the order. Appeals may be brought within 28 days of the date of the order.

## **Enforcement Action**

Where an inspection shows Category 1 hazards to be present, the Council will immediately take one of the appropriate courses of action specified in The Act. If the

hazard or hazards do not present an imminent risk to health and safety, the most appropriate course of action will normally be the service of a HAN. This will give the property owner a reasonable amount of time to rectify the defects and remove or reduce the hazard to an acceptable level.

If the owner fails to take this action, the HAN will be revoked and an IN served. If the owner has a significant record of non-compliance with the Act, then an IN will be served immediately without the intermediate stage of service of a HAN. An IN may also be served immediately if the hazard is considered to be of a serious nature or if there are a number of Category 1 hazards.

Where an inspection shows Category 2 hazards to be present, and these hazards fall into Band D or E of the HHSRS, the same procedure will be followed as when a Category 1 hazard is present.

Where an inspection finds Category 2 hazards in Band F or below, the Council will not normally take any further action unless there are exceptional circumstances.

If there is a serious risk to the health and safety of the occupiers, then consideration will be given to the service of a PO. If this serious risk is imminent, consideration will be given to the service of an EPO, or to the carrying out of Emergency Remedial Action. Emergency Remedial Action will only normally be taken if the Council considers that there is a reasonable prospect of recovering in full its costs in taking the action.

There is a right of appeal to the FTT against the service of an Improvement Notice or a Prohibition Order

When a complaint is received about an owner occupied property, this will be investigated in the normal way. However, formal action under The Act will be limited to the service of a HAN, other than in exceptional circumstances. If a property is in a condition such that it presents a more general risk or detriment to the neighbourhood, it should be noted that there are other, more appropriate powers available, for example under the terms of the Building Act 1984, or the Environmental Protection Act 1990.

In some exceptional cases, in line with the guidance given by the HHSRS Enforcement Guidance, it will be necessary to serve an Improvement Notice, Suspended Improvement Notice, Prohibition Order or Emergency Prohibition Order in respect of hazards in owner occupied properties. No charge would generally be made for the service of such a notice and the Service will work with the owner to offer advice and assistance in complying with the requirements of the notice. Examples of exceptional cases where the Council may take enforcement action include:

- Vulnerable elderly people who are judged not-capable of making informed decisions about their own welfare.
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected.
- Hazards that might reasonably affect persons other than the occupants.
- Serious risk of life-threatening harm such as electrocution or fire.

- Any other exceptional case determined by the Property Services Group Manager.

### **Criminal Offences and Civil Penalties**

Failure to comply with an Improvement Notice or a Prohibition Order is a criminal offence. The Council takes such a failure to comply seriously, and will consider criminal prosecution if this is considered to be in the public interest.

From April 2017, an alternative to prosecution is available to the Council. s126 of the Housing and Planning Act amended the Housing Act 2004 to allow civil penalties to be imposed as an alternative to prosecution for certain offences. These offences include:

- Section 30 (failure to comply with Improvement Notice)
- Section 72 (licensing of HMOs)
- Section 95 (licensing of houses under Part 3)
- Section 139(7) (failure to comply with overcrowding notice)
- Section 234 (management regulations in respect of HMOs)

The Council can impose a penalty of up to £30,000. The Council would normally expect that any relevant breach would be dealt with by means of financial penalty. The level of the financial penalty will be calculated with reference to the guidelines set out in Appendix A

Where the Council is minded to issue a civil penalty, it will first issue a notice of intent. The person on whom the notice is served then has a period of 28 days during which to make representations. After this 28 day period, the Council must decide whether to impose a penalty, and if it still wishes to do so, a final notice will be issued. This final notice will contain the following information:

- The amount of the financial penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

The penalty is recoverable through the County Court as though it were an order of that court. There is a general right of appeal to the FTT.

Only in the most serious cases would criminal prosecution be considered. These circumstances might include:

- Extremely serious breach for a first offence
- Long history of non-compliance
- More than one civil penalty previously issued
- An offence which could be a banning order offence appears to have been committed.

It should be noted that breach of a Prohibition Order cannot be dealt with by means of a civil penalty and so can only be sanctioned by criminal prosecution.

In serious cases, where a banning order offence has been committed, The Council may consider applying for a Banning Order. The provision for defining banning order offences is established in the Housing and Planning Act 2016. These will be enacted by October 2017 and are likely to include:

- Offences of fraud, violence, drugs and sexual assault;
- Crown Court offences committed against persons residing at residential premises owned by the offender;
- Relevant housing offence;

Relevant housing offences could include:

- Providing a local authority with false information;
- Permitting or causing overcrowding;
- Illegally evicting or harassing a residential occupier;
- Continuing to let to an illegal immigrant;
- Any Housing Act 2004 offence (by conviction, not civil penalty)

The consequence of a Banning Order would be to prevent the person subject to the order from letting out property for a specified period. This would only be considered in the most serious cases.

### **Charges for enforcement action**

The Council will normally make a charge for its enforcement costs when taking the following action:

- Serving Improvement Notices
- Serving Prohibition Orders
- Serving Emergency Prohibition Orders
- Carrying out work in default
- Carrying out Emergency Remedial Action

The Council will not normally make a charge when action is limited to the service of a Hazard Awareness Notice, but may make a charge in exceptional circumstances.

Charges for enforcement action will be based on the estimated time taken to incur the eligible expenses set out in s49 of The Act. These include:

- Determining whether to serve a notice (e.g. arranging and carrying out inspections, assessing the hazards, determining the most appropriate course of action).
- Identifying what action should be included in the notice.
- Serving the notice.

The total estimated officer time taken will be charged at a rate of £45 per hour. This rate is intended to reflect the range of officers at different grades involved in the process, and the Council's overhead and establishment costs.

Where property owners have a statutory right of appeal to the First Tier Tribunal (Property Chamber) (FTT), this right will be fully outlined on the notice. Where an appeal is made, the Tribunal may confirm, quash, vary or suspend any notice, order or decision.

The Council will take the view that any complaints that are within the jurisdiction of the FTT should be dealt with through that mechanism.

If any party has a complaint about any matter that cannot be dealt with by the FTT, they will be encouraged to use the Council's Complaints Policy.

## **HMO Licensing**

Houses in Multiple Occupation (HMOs) are defined in s254 Housing Act 2004. HMOs are accommodation that does not consist of a self-contained flat or flats, are occupied by persons who do not form a single household, and where two or more households share basic amenities (i.e. kitchens and/or toilets/bathrooms).

Larger HMOs (currently those that consist of three or more storeys and are occupied by five or more people in two or more households) are required by Part 2 of the Act to be licensed. The definition of licensable HMOs may be changed by Government regulation. To gain a HMO licence, the licence holder (and where applicable the manager must show that they are fit and proper persons to hold a notice, and that satisfactory management arrangements are in place.

In making an assessment of whether an applicant or manager are fit and proper persons, the Council must take account of the following:

- Any previous convictions involving violence, sexual offences, drugs or fraud
- Whether the proposed licence holder has contravened any laws relating to housing or landlord and tenant issues
- Whether the person has been found guilty of unlawful discrimination practices
- Whether the person has managed HMOs other than in accordance with any approved code of practice

In addition, *all* HMOs must comply with HMO regulations made under s234 Housing Act 2004. These deal with matters such as provision of information to tenants, safety measures, duty to provide services such as water, drainage, gas and electricity, maintenance of common part and of the accommodation and the provision of waste disposal facilities. These regulations also contain minimum standards for deciding the suitability of the accommodation for occupation by a particular maximum number of persons.

Failure to obtain a licence for a licensable HMO and failure to comply with HMO regulations are both offences. There are no enforcement notice provisions for HMO licensing, or for HMO regulations. So if enforcement action is required this must take the form of prosecution, or the application of a Civil Penalty. The Council will normally impose a financial penalty in these circumstances, unless the breach is extremely serious.

## **HMO Licence Conditions**

Licences are granted for up to five years, and will specify the maximum number of persons permitted to occupy the house. It will also be subject to the appropriate conditions contained in Schedule 4 Housing Act 2004 (mandatory conditions), and s67 Housing Act 2004 (discretionary conditions).

### *Mandatory conditions:*

A licence under Part 2 or 3 must include the following conditions.

- Produce gas safety certificates annually for the Council's inspection.
- Keep electrical appliances provided by the landlord safe and produce on demand a declaration to that effect
- Keep furniture provided by the landlord safe and produce on demand a declaration to that effect
- Ensure that smoke alarms are installed in the house and to keep them in proper working order and produce on demand a declaration as to the condition and positioning of these alarms.
- Supply to the occupiers of the house a written statement of the terms on which they occupy it.

### *Discretionary Conditions:*

- Conditions imposing restrictions on the use or occupation of particular parts of the house by persons occupying it
- Conditions requiring the taking of reasonable and practical steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house
- Conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under s65 of the act (generally kitchen and bathroom facilities)
- Conditions requiring such facilities and equipment to be kept in repair and proper working order
- Conditions for works needed for such facilities to be provided or maintained to be carried out within a specified time period

## **Charges for HMO Licences**

The Council is entitled under s63(2) Housing Act 2004 to charge a fee for HMO licences. The fees at present are:

For properties accommodating up to six people:	£500.00
For each additional person:	£25.00
Up to a maximum licence fee:	£750.00

For subsequent licences for the same property to the same person, a reduction of 20% will be applied (i.e. £400.00 for up to six people, plus £20.00 for each additional person up to a maximum of £600.00)

## **Charges for non-statutory inspections**

The Council will charge for inspections that are non-statutory. These include inspections in support of applications made to the British High Commission for Entry Clearance into the United Kingdom to confirm the fitness of dwellings, and the fact that there will be no overcrowding. The charge for this service is £110.00

## **Letting Agents – Requirement to belong to a redress scheme**

From 1 October 2014, it has been a requirement that letting agents must belong to one of three redress schemes that are approved by the government. This allows tenants who are dissatisfied to complain to an independent person about the service they have received.

This requirement was brought in by The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014. This regulation was made under the terms of the Enterprise and Regulatory Reform Act 2013. The requirement applies to letting agents and property managers who carry out property management on behalf of landlords. It does not apply to landlords themselves, only to those who take instructions from others. The approved schemes are:

- Ombudsman Services Property ([www.ombudsman-services.org/property.html](http://www.ombudsman-services.org/property.html))
- Property Redress Scheme ([www.theprs.co.uk](http://www.theprs.co.uk))
- The Property Ombudsman ([www.tpos.co.uk](http://www.tpos.co.uk))

If letting agents fail to register with an approved redress scheme, the requirement will be enforced by local authorities. The local authority can impose a fine of up to £5,000 where an agent or property manager who should have joined a scheme has not done so.

The process for taking enforcement action is as follows:

1. The local authority sends out a notice of intent to impose a penalty, stating the reasons for taking this action and the amount of the penalty;
2. The person on whom the notice of intent is served has 28 days in which to make representations and objections;
3. At the end of this period, the local authority must decide whether to impose the penalty as set out in the notice of intent, modify the penalty, or withdraw the notice;
4. When the local authority has made its decision in (3), it must send out a final notice confirming its decision;
5. The penalty, if not paid, is recoverable on the order of the court;
6. The person on whom the final notice is served has a right of appeal on certain grounds to the First Tier Tribunal.

In cases of non-compliance, the Council will send out a notice of intent as in point 1 above. If any representations are made, these will be considered by a more senior officer, who will decide whether to confirm, modify, or withdraw the penalty. This is without prejudice to the right of appeal to the First Tier Tribunal.



## **Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

On 1<sup>st</sup> October, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force. These place duties on private landlords to install smoke alarms and carbon monoxide (CO) alarms in properties subject to residential tenancies. In a residential property the landlord must install smoke alarms on each floor of a property that contains living accommodation, and CO alarms in each room that is used for living accommodation and contains a solid fuel combustion appliance. These alarms must be checked by the landlord to ensure that they are in working order at the start of any new tenancy.

### **Duties of the Local Authority**

If the local authority reasonably believes that a landlord is in breach of the duties set out above, it must serve a remedial notice on the landlord. It must serve the notice within 21 days of deciding that it has grounds to do so. This notice must require the landlord to take appropriate remedial action within 28 days. It would be the normal practice of Barrow Borough Council to recommend the installation of mains wired alarms with battery back up. The landlord is entitled to make representations to the local authority within this 28 day period.

If the landlord fails to comply with this notice, the local authority must arrange to take remedial action itself, within a further 28 days. The remedial action must be taken by an "authorised person", that is to say, a person authorised in writing by the local authority for the purpose of taking remedial action.

### **Penalty Charges**

In a case where the landlord is in breach, the local authority may, in addition, require the landlord to pay a penalty charge not exceeding £5000. It must send out the penalty charge notice within six weeks of being satisfied that the landlord is in breach. There is a facility for the local authority to reduce the level of the penalty charge notice if it is paid within 14 days. The local authority must also give a period of at least 28 days for the landlord to request a review of the penalty charge, and the name and address of a person to whom the review and any accompanying representations should be made. Where a landlord is not satisfied with the outcome of a local authority review, the landlord may appeal to the First-tier Tribunal.

Where a penalty charge is payable and no longer subject to review or appeal, the local authority may recover the charge through a court order. Sums recovered through penalty charges may be used in support of any of the local authority's functions.

Furthermore, the local authority must publish a statement of principles which it proposes to follow in determining the amount of the penalty charge. It must have regard to these principles when determining the amount of the penalty charge. This statement is shown in Appendix B

**Application of Civil Penalties under section 126 Housing and Planning Act  
2016**

**Statement of principles**

The level of civil penalty to be applied will be determined with reference to the culpability of the offender, and the harm, or potential harm, caused to occupiers as a result of the breach. The principles that the Council will take into account when applying a civil penalty are:

1. The more serious the offence, the higher the penalty should be.
2. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
3. The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
4. Punishment of the offender. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
5. The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
6. Deter others from committing similar offences. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
7. Remove any financial benefit the offender may have obtained as a result of committing the offence. The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence; it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

These principles will be applied using the Culpability / Harm matrix set out below to arrive at an appropriate penalty.

### **Culpability**

**Very High:** The offender intentionally breached or flagrantly disregarded the law. This may be evidenced by numerous previous failures to comply with enforcement action.

**High:** Actual foresight of, or wilful blindness to risk of offending, but risk nevertheless taken. This may be evidenced by some previous enforcement activity.

**Medium:** Offence committed through act or omission which a person exercising reasonable care would not commit.

**Low:** Little fault because, for example, efforts were made to address the risk, albeit they were inadequate on this occasion, or failings were minor and occurred as an isolated incident.

### **Harm:**

**Level 1:** Multiple serious failings giving rise to a number of Category 1 Hazards that posed a substantial risk to occupiers, or very serious breach of HMO management regulations.

**Level 2:** Significant risk arising from, for example a single Category 1 Hazard, a number of Category 2 Hazards. Significant breach of HMO management regulations.

**Level 3:** Lower risk arising from one or two Category 2 Hazards only, or from a minor breach of HMO management regulations.

The level of the civil penalty will be calculated with reference to the table below. A history of previous non-compliance and/or evidence of substantial financial gain from the failure to comply will result in a higher penalty within the range being imposed. Previous good character, less financial gain and evidence of efforts to remedy the situation will result in a lower penalty within the range being imposed.

	<b>Starting Point</b>	<b>Range</b>
<b>Very High Culpability</b>		
Harm Level 1	£20,000	£10,000 - £30,000
Harm Level 2	£10,000	£5000 - £15,000
Harm Level 3	£5000	£2500 - £7500
<b>High Culpability</b>		
Harm Level 1	£10,000	£5000 - £15,000
Harm Level 2	£7500	£3750 - £11,250
Harm Level 3	£3000	£1500 - £4500

<b>Medium Culpability</b>		
Harm Level 1	£5000	£2500 - £7500
Harm Level 2	£3500	£1750 - £5250
Harm Level 3	£2000	£1000 - £3000
<b>Low Culpability</b>		
Harm Level 1	£3000	£1500 - £4500
Harm Level 2	£2000	£1000 - £3000
Harm Level 3	£1000	£500 - £1500

## Smoke and Carbon Monoxide Alarm (England) Regulations 2015

### Statement of principles

1. This statement of principles is published as required by Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”).
2. The statement of principles will be used by Barrow Borough Council (“the Council”) to determine the amount of any penalty charge it makes under Regulation 8 of the Regulations. When determining the amount of such a penalty charge, the Council will have regard to this statement of principles.
3. Regulation 8 of the Regulations specifies that the amount of the penalty charge will not exceed £5000.
4. Regulation 9 of the Regulations states that the penalty charge notice may allow for the penalty charge to be reduced if it is paid within 14 days, beginning with the day that the penalty charge notice is served.
5. The Council recognises that Regulation 4 of Regulations requires residential landlords to install smoke and (where the Regulations specify) carbon monoxide alarms. These requirements are designed to protect the physical safety of tenants at relatively low cost to the landlord.
6. Before a penalty charge notice is served, the Council must serve a remedial notice on the landlord, giving the landlord at least 28 days to comply with the requirements of the remedial notice. Only when the landlord fails to comply with the remedial notice can a penalty charge notice be served. Furthermore, the landlord is not in breach of the remedial notice if he or she has taken all reasonable steps short of legal proceedings to comply.
7. If the landlord fails to comply with the remedial notice, not only are they in breach of their duty under Regulation 4, but they place a duty on the Council under Regulation 7 of the Regulations for the Council to take remedial action itself. The breach by the landlord therefore directly results in costs being incurred by the Council.
8. In addition to allowing the recovery of costs incurred by the Council, there is a clear deterrent effect if the penalty charges are set at a high level.
9. The Council considers that the government would not have allowed penalty charges to be set at the level set out in Regulation 8 of the Regulations (£5000) if it did not expect penalty charges to be imposed at this level.
10. Furthermore, to comply with Regulation 4, in the vast majority of cases, the number of alarms that are required to be installed will not vary considerably from property to property. Therefore, the expectations on most landlords are very similar. There will be fewer mitigating or aggravating factors for breaches

of Regulation 4 from case to case. On this basis, the Council considers that it is reasonable to set most penalty notices at the same level.

11. The Council considers that it follows from points 9 and 10 above that the starting point for level of the penalty notice will be the maximum. However, the penalty charge will be reduced for the first offence. The penalty charge will also be reduced if payment is made within 14 days. However, the Council considers that a proportionately smaller reduction is appropriate for early payment for a second or subsequent breach compared with the early payment reduction for a first breach. The charge may also be reduced in other exceptional circumstances.

The level of the penalty charge for a breach of Regulation 4 will therefore (other than in exceptional circumstances) be as follows:

12. For a first offence - £2500 (reduced to £1250 if paid within 14 days)
13. For second and subsequent offences - £5000 (reduced to £3500 if paid within 14 days)

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 17</b>
Date of Meeting: 28th June, 2017	
Reporting Officer: Executive Director	
<p><b>Title: Private Sector Housing Assistance Policy – Changes to supplement the provision of Disabled Facilities Grants</b></p> <p><b>Summary and Conclusions:</b></p> <p>The funding available for the provision of Disabled Facilities Grants has increased substantially over the last few years.</p> <p>Changes are proposed to the Private Sector Housing Assistance Policy to supplement and add flexibility to the statutory Disabled Facilities Grant regime. It is anticipated that this proposal will streamline the provision of grants to assist people with disabilities, and also increase the number of grants that it is possible to deliver.</p> <p>A revised policy for the provision of private sector housing assistance is presented for consideration.</p> <p><b>Recommendation:</b></p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> <li>1. To approve the Private Sector Housing Assistance Policy attached as <b>Appendix 7</b> to the report;</li> <li>2. To delegate authority to the Director of Resources to determine at any given time whether funding be made available for any of these discretionary grants; and</li> <li>3. To delegate authority to the Property Services Group Manager (i) to draw up detailed procedures for the provision and authorisation of these agreed forms of assistance, and (ii) to authorise Disabled Facilities Grants, Barrow Disability Minor Works Grants and Barrow Disability Major Works Grants.</li> </ol>	

## 1. Background

- 1.1. Members have previously approved policies for non-statutory (discretionary) housing grants. At present, grants for housing adaptations for disabled people are not included in this policy, as the statutory scheme only is operated for Disabled Facilities Grants (DFGs).

- 1.2. Since 2015/16, funding for DFGs has been distributed through the Better Care Fund (BCF). This has led to a substantial increase in the resources available for DFGs. It is proposed to amend the policy for discretionary housing grants to include adaptations for disabled people.

## **2. Disabled Facilities Grants**

- 2.1. DFGs are provided to assist disabled people to get into and out of their homes, around the home and for the provision and access to essential facilities. The provision of DFGs is a statutory duty, and is contained in the Housing Grants, Construction and Regeneration Act 1996. This Act and the accompanying regulations also set out a number of conditions on DFGs. The principal ones are set out below.
- 2.2. DFGs are only available for a number of specified purposes. These are listed in s23 of the Act. These mainly related to physical access issues, and do not generally cover, for example, adaptations related to the psychological well being of the disabled person.
- 2.3. The financial resources of the applicant are taken into account when an application for a DFG is made. A calculation is carried out that compares the applicant's resources (a calculation taking into account income and savings) with an "applicable amount" that will vary according to the family circumstances of the applicant. If the applicant's resources exceed the applicable amount multipliers are then applied to this excess amount to calculate the amount of their contribution to the overall cost of the adaptation. This test of resources does not apply to children's applications.
- 2.4. The maximum amount for a DFG is £30,000, and approval of DFGs is delegated to the Property Services Group Manager.
- 2.5. If a DFG is awarded for an amount over £5,000, the Council is entitled to place a financial charge on the property such that if the property is sold within 10 years, the amount over £5,000 is repayable to the Council, up to a maximum repayment of £10,000. For example, a grant of £6,800 would attract a repayment of £1,800. A grant of £15,000 or more would attract the maximum repayment of £10,000. It is the Council's policy (agreed by Executive Committee on 16/07/08) to make these financial charges, and to demand repayment if the property is sold within the 10-year period.
- 2.6. Members should note that DFG funding cannot be used for the provision of adaptations in council housing.



### **3. Recent Changes to DFGs**

- 3.1. Since 2015/16, the funding of DFGs from central government has been part of the wider BCF. This is a joint health and social care pot, that aims to reduce non-elective hospital admissions and admissions to residential and care homes, promote more effective reablement and reduce delayed transfers of care. The funding for DFGs is “passport” to the Borough Council from the County Council, who are the recipients of the funding.
- 3.2. The change to the BCF has been accompanied by a substantial increase in DFG funding; from £560,000 in 2015/16 to £1.06m in 2017/18.
- 3.3. The Council is not currently spending this allocation in full. The outturn spend for 2016/17 was £266,000 out of an allocation of £975,000.
- 3.4. There is therefore a strong argument to streamline and amend the DFG process in order to increase the number of adaptations carried out and meet the objectives of the BCF.
- 3.5. An analysis has been carried out of abortive applications made during 2016/17. During this period, there were 59 applications made, which did not proceed to completion. Of these, only 8 were expected to cost over £5,000. Of the remaining 51, 2 were cancelled because the client died, 2 because the property was unsuitable for adaptation and 6 refused the adaptation that was offered. The remaining 41 did not proceed as the applicants had a financial contribution to make.
- 3.6. I would accept that the operation of the test of resources sometimes results in a contribution being required from an applicant who does not have the ready cash to make that contribution. So long as resources allow, it seems reasonable that applications for adaptations that are expected to cost less than £5,000 are not means tested.
- 3.7. Furthermore, it is worth noting that the maximum grant of £30,000 was set in 2008, and some larger adaptations, for example extensions, are becoming increasingly difficult to deliver at this cost. Any cost over £30,000 has to be borne by the applicant, unless other sources of funding can be found, and in many cases the applicant is in no position to pay this cost. It is therefore proposed to increase to grant limit.
- 3.8. It is proposed to make these changes using the Council’s powers to provide discretionary housing assistance.

#### 4. Powers to Provide Assistance

- 4.1. The Council's powers to offer discretionary housing assistance are contained in article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO). This gives housing authorities wide ranging powers to offer assistance in any form (for example grant or loan). They can impose conditions on assistance, or choose not to. They can also take any form of security in respect of all or part of the assistance provided.
- 4.2. Under article 4 of RRO, the local housing authority may not exercise the power conferred under article 3, unless it adopts a policy for the provision of assistance, which is available for public inspection, and the power is exercised in accordance with this policy.
- 4.3. The Council has previously adopted a grants policy to allow it to exercise the power conferred by RRO (Exec Minute 49 19/09/12 and Council Minute 39 16/10/12 refer). This policy does not allow for the assistance proposed, which will supplement the provision of DFGs, and therefore requires amending.
- 4.4. It is therefore proposed to introduce the following:
  - 4.4.1. **Barrow Disability Minor Works Grant:** This grant will be assessed on the same criteria as the statutory Disabled Facilities Grant set out in the Housing Grants, Construction and Regeneration Act 1996. These grants will be offered if the anticipated cost of the necessary works is less than £5,000. No test of financial resources will be applied.
  - 4.4.2. **Barrow Disability Major Works Grant:** This grant will be awarded where a disabled person has a DFG approved, but the cost of the works is above the £30,000 statutory maximum. If this is an adult's application, the test of financial resources will already have been applied, and no further means test will be carried out. If it is a child's application, the statutory test of resources will be carried out for the household, and any necessary financial contribution applied. It will be a condition of this grant that a local land charge will be made against the property, and the grant will be repayable in full if the property is sold within 10 years, subject to the exclusions set out in the Housing Grants, Construction and Regeneration Act 1996.
- 4.5. Authority to approve these grants will be delegated to the Property Services Group Manager, in the same way as DFGs.
- 4.6. Both of these local disability grants are subject to funding, and may be withdrawn at any time at the discretion of the Director of Resources.

4.7. The current adopted policy is attached as **Appendix 6**, and the proposed policy attached as **Appendix 7**.

4.8. Members should note that in the Private Sector Housing Assistance Policy, Minor Works Grants and Renovation Grants remain suspended due to lack of funding. It is recommended that the option to give these grants is retained, as these forms of assistance have previously been offered on a regular basis in the past when funding has allowed.

(i) Legal Implications

The recommendation allows the Council to carry and enhance out its statutory duties in a proportionate and effective manner.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation proposes changes for which financial provision is available in the capital programme.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has a positive impact on service users showing protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has a positive impact on the Health and Wellbeing of users of this service.

Background Papers

Nil

### Private Sector Housing Assistance Policy (September 12)

#### General Principles

1. The overarching general principle is that repairs are fundamentally the responsibility of the property owner, and grant assistance should only be given in the following circumstances;
  - 1.1. in cases of hardship where there is an imminent risk to health and safety
  - 1.2. as part of strategic area-based schemes, such as Renewal Areas;
  - 1.3. assistance will be restricted to owner occupiers, except where giving grant assistance to landlords will support a wider strategic scheme;
  - 1.4. assistance will not be given where other forms of assistance are in place (e.g. Warm Front). In these cases, applicants will be directed to these alternatives before applications are considered.

#### General Conditions

2. To support these general principles, the following General Conditions will apply:
  - 2.1. All grants will be discretionary;
  - 2.2. Outside defined priority areas, grants will be available only to owner occupiers and tenants with repairing obligations, who have occupied (and in the case of owner occupiers, owned) the property for three years immediately prior to the application;
  - 2.3. Grants will be repayable in full where the property is disposed of for whatever reason within three years of the award of the grant. This will be enforced by placing a local land charge on the property (except in the case of a grant to a tenant);
  - 2.4. Unless otherwise stated, all grants will be subject to a Test of Resources, to assess the ability of the applicant to contribute towards the cost of works. The amount of any eligible grant will be reduced by the applicant's assessed contribution.

#### Types of Grant

3. The following types of grant may be made available:
  - 3.1. **Minor Works Grants:** These will provide assistance borough-wide to combat immediate risk to health and safety of occupants (Category 1 Hazards under Housing Health and Safety Rating System), unless there are significant levels of general disrepair;

- 3.2. **Renovation Grants:** Available to owner occupiers and tenants with repairing obligations in defined priority areas only, to deal with substantial disrepair. This will cover work to roofs, chimney stacks, rainwater goods, walls, external doors and windows, rewiring, and any other Category 1 Hazards. Renovation Grants will not normally be made available where a Group Repair scheme is planned within the next three years;
- 3.3. **Group Repair Grants:** Available in programmed schemes in priority areas only. This will cover external works to roofs, chimney stacks, rainwater goods, walls, external doors and windows. These will be made available to any property owner in the programme area. Although they will not normally be subject to a test of resources, a financial contribution may be required from the owner, subject to a financial assessment. If a financial contribution is required, this will be determined on a scheme by scheme basis by the Council's Executive Committee;
- 3.4. **Empty Property Loans:** Available to eligible owners to assist with bringing empty properties back into use for residential occupation. These will be made available to contribute towards the cost of carrying out an agreed package of works to properties that have been empty for over six months. It will normally be expected that the property will be brought up to the Decent Homes Standard. These loans will be repayable by the owner, either when the property is sold, or over an agreed term, normally no longer than five years, if it is rented out, or otherwise not sold. If the property is genuinely marketed for sale as soon as practicable following renovation, repayment in full will become due once the property is sold. Otherwise repayments over the agreed term will become due. If demand for grants exceeds supply, priority will be determined by reference to the Council's Empty Property Policy. These loans are not subject to a test of resources.
- 3.5. **Empty Property Grants (Clusters of Empty Homes):** Grants will be made available to allow the delivery of the Clusters of Empty Homes programme.  
The level of grant will be in line with the CoEH bid with a grant of £8000 per property, although in exceptional circumstances, it will be possible to increase the level of grant up to the maximum equivalent to that which applies for Empty Property Loans (3.5 above). Grant will be allocated to allow work to be carried out on a block by block basis.  
The amount of grant payable will be the grant payable per property multiplied by the number of empty properties in the block at a point in time determined by the Council, having due regard to the funding bid for Clusters of Empty Homes Fund. Consistent with the objectives of the bid, although grant will be allocated based on the number of empty properties, it may be used to fund work on other properties in the same block. However, the total grant will not exceed that calculated by the method above.

In cases where accommodation is to be reconfigured such that the total number of units in a block is reduced, the grant per property will be £12,000.

These loans will be repayable by the owner under terms set out in an appropriate legal agreement, either when the property is sold, or over an agreed term, which may be up to ten years, if it is rented out by the recipient of the grant, or otherwise not sold. If the property is genuinely marketed for sale as soon as practicable following renovation, repayment in full will become due once the property is sold. Otherwise repayments over the agreed term will become due.

In exceptional circumstances, where the strategic objectives of the scheme are not reasonably practicable with the payment of repayable grant as set out above, the Council may allocate grant on a non-repayable basis. This assistance is not subject to a test of resources.

### **Maximum Amounts of Grant**

4. The maximum amounts of grant will be as follows:

4.1. <b>Minor Works Grants:</b>	<b>£5,000</b>
4.2. <b>Renovation Grants:</b>	<b>£20,000</b>
4.3. <b>Group Repair Grants:</b>	<b>£25,000</b>
4.4. <b>Empty Property Loans:</b>	<b>£15,000</b>
4.5. <b>Empty Property Grants (CoEH):</b>	<b>£15,000</b>

### **Definitions**

5. The following definitions will apply:

- 5.1. **Test of Resources:** The test of resources applied is set out in the Housing Renewal Grants Regulations 1996 (as amended);
- 5.2. **Priority Areas:** The current priority area is the North Central Renewal Area. The North Central Renewal Area is the area bounded by Rawlinson St, Greengate St, the railway line and Abbey Road, and is declared a Renewal Area until October 2018;
- 5.3. **Programmed Group Repair Schemes:** These are planned in the North Central Renewal Area, in the following streets: Sutherland St and Marsh St (2009-12), Arnside St, Lindal St, Silverdale St, Lord St and Harrison St (2010-14), Thwaite St, Brewery St and Whitehead St (2013-15);
- 5.4. **Clusters of Empty Homes Fund:** Properties eligible for grant are those located in Devonshire Buildings, Barque St, Brig St, Schooner St, Ship St, Sloop St and Steamer St.
- 5.5. **Decent Homes Standard:** Properties meet the Decent Homes Standard for the purposes of awarding Decent Homes Grants, the following failures shall be considered:

- Dwellings containing one or more hazards assessed as serious ('Category 1') under the HHSRS.
- Dwellings not in a reasonable state of repair due to **either** one or more of the key building components are old and, because of their condition, need replacing or major repair; **or** two or more of the other building components are old and, because of their condition, need replacing or major repair.
- Dwellings without reasonably modern facilities and services, by virtue of lacking three or more of the following:
  - ◆ a reasonably modern kitchen (20 years old or less);
  - ◆ a kitchen with adequate space and layout;
  - ◆ a reasonably modern bathroom (30 years old or less);
  - ◆ an appropriately located bathroom and WC;
  - ◆ adequate insulation against external noise (where external noise is a problem);
  - ◆ adequate size and layout of common areas for blocks of flats.
  - ◆ A home lacking two or fewer of the above is still classed as decent, therefore it is not necessary to modernise kitchens and bathrooms if a home meets the remaining criteria;
- Dwellings that do not provide a reasonable degree of thermal comfort by virtue of not having both effective insulation and efficient heating;
- More detailed definitions of the reasons for failure of the Decent Homes Standard can be found in the Department for Communities and Local Government publication *Decent Homes, definition and guidance for implementation: June 2006 update*.

### Private Sector Housing Assistance Policy (June 17)

#### General Principles

1. The overarching general principle is that repairs are fundamentally the responsibility of the property owner, and grant assistance should only be given in the following circumstances;
  - 1.1. in cases of hardship where there is an imminent risk to health and safety
  - 1.2. to supplement the statutory Disabled Facilities Grant scheme
  - 1.3. as part of strategic area-based schemes, such as Renewal Areas;
  - 1.4. assistance will be restricted to owner occupiers, except where giving grant assistance to landlords will support a wider strategic scheme;
  - 1.5. assistance will not be given where other forms of assistance are in place (e.g. Warm Front). In these cases, applicants will be directed to these alternatives before applications are considered.

#### General Conditions

2. To support these general principles, the following General Conditions will apply:
  - 2.1. All grants will be discretionary;
  - 2.2. Outside defined priority areas, grants will be available only to owner occupiers and tenants with repairing obligations, who have occupied (and in the case of owner occupiers, owned) the property for three years immediately prior to the application;
  - 2.3. Grants will be repayable in full where the property is disposed of for whatever reason within three years of the award of the grant. This will be enforced by placing a local land charge on the property (except in the case of a grant to a tenant);
  - 2.4. Unless otherwise stated, all grants will be subject to a Test of Resources, to assess the ability of the applicant to contribute towards the cost of works. The amount of any eligible grant will be reduced by the applicant's assessed contribution.
  - 2.5. General conditions 2.2 and 2.3 will not apply to Barrow Disability Minor Works Grants.
  - 2.6. General condition 2.3 will apply to Barrow Disability Major Works Grants, but will have a repayment period of 10 years, subject to the relevant exclusions set out in the Housing Grants Construction and Regeneration Act 1996.



## **Types of Grant**

3. The following types of grant may be made available:

- 3.1. **Minor Works Grants:** These will provide assistance borough-wide to combat immediate risk to health and safety of occupants (Category 1 Hazards under Housing Health and Safety Rating System), unless there are significant levels of general disrepair;
- 3.2. **Renovation Grants:** Available to owner occupiers and tenants with repairing obligations in defined priority areas only, to deal with substantial disrepair. This will cover work to roofs, chimney stacks, rainwater goods, walls, external doors and windows, rewiring, and any other Category 1 Hazards. Renovation Grants will not normally be made available where a Group Repair scheme is planned within the next three years;
- 3.3. **Group Repair Grants:** Available in programmed schemes in priority areas only. This will cover external works to roofs, chimney stacks, rainwater goods, walls, external doors and windows. These will be made available to any property owner in the programme area. Although they will not normally be subject to a test of resources, a financial contribution may be required from the owner, subject to a financial assessment. If a financial contribution is required, this will be determined on a scheme by scheme basis by the Council's Executive Committee;
- 3.4. **Empty Property Loans:** Available to eligible owners to assist with bringing empty properties back into use for residential occupation. These will be made available to contribute towards the cost of carrying out an agreed package of works to properties that have been empty for over six months. It will normally be expected that the property will be brought up to the Decent Homes Standard. These loans will be repayable by the owner, either when the property is sold, or over an agreed term, normally no longer than five years, if it is rented out, or otherwise not sold. If the property is genuinely marketed for sale as soon as practicable following renovation, repayment in full will become due once the property is sold. Otherwise repayments over the agreed term will become due. If demand for grants exceeds supply, priority will be determined by reference to the Council's Empty Property Policy. These loans are not subject to a test of resources. The availability of loans is dependent on funding as determined by the Director of Resources.
- 3.5. **Empty Property Grants (Clusters of Empty Homes):** Grants will be made available to allow the delivery of the Clusters of Empty Homes programme.  
The level of grant will be in line with the CoEH bid with a grant of £8000 per property, although in exceptional circumstances, it will be possible to increase the level of grant up to the maximum equivalent to that which applies for Empty Property Loans (3.5 above). Grant will be allocated to allow work to be carried out on a block by block basis.

The amount of grant payable will be the grant payable per property multiplied by the number of empty properties in the block at a point in time determined by the Council, having due regard to the funding bid for Clusters of Empty Homes Fund. Consistent with the objectives of the bid, although grant will be allocated based on the number of empty properties, it may be used to fund work on other properties in the same block. However, the total grant will not exceed that calculated by the method above.

In cases where accommodation is to be reconfigured such that the total number of units in a block is reduced, the grant per property will be £12,000.

These loans will be repayable by the owner under terms set out in an appropriate legal agreement, either when the property is sold, or over an agreed term, which may be up to ten years, if it is rented out by the recipient of the grant, or otherwise not sold. If the property is genuinely marketed for sale as soon as practicable following renovation, repayment in full will become due once the property is sold. Otherwise repayments over the agreed term will become due.

In exceptional circumstances, where the strategic objectives of the scheme are not reasonably practicable with the payment of repayable grant as set out above, the Council may allocate grant on a non-repayable basis. This assistance is not subject to a test of resources. The availability of grant is dependent on funding as determined by the Director of Resources.

- 3.6. **Barrow Disability Minor Works Grant:** This grant will be assessed on the same criteria as the statutory Disabled Facilities Grant set out in the Housing Grants, Construction and Regeneration Act 1996. These grants will be offered if the anticipated cost of the necessary works is less than £5,000. No test of financial resources will be applied. These grants are available to tenants subject to their intended occupation for a five year period. Repeat applications for this grant will not be accepted unless there has been a material change in the circumstances of the applicant that change the level of need for the grant.
- 3.7. **Barrow Disability Major Works Grant:** This grant will be awarded where a disabled person has a DFG approved, but the cost of the works is above the £30,000 statutory maximum. If this is an adult's application, the test of financial resources will already have been applied, and no further means test will be carried out. If it is a child's application, the statutory test of resources will be carried out for the household, and any necessary financial contribution applied. It will be a condition of this grant that a local land charge will be made against the property, and the grant will be repayable in full if the property is sold within 10 years, subject to the exclusions set out in the Housing Grants, Construction and Regeneration Act 1996. These grants are available to tenants

subject to their intended occupation for a five year period. Repayment conditions do not apply to tenants.

### **Maximum Amounts of Grant**

4. The maximum amounts of grant will be as follows:

4.1. <b>Minor Works Grants:</b>	<b>£5,000</b>
4.2. <b>Renovation Grants:</b>	<b>£20,000</b>
4.3. <b>Group Repair Grants:</b>	<b>£25,000</b>
4.4. <b>Empty Property Loans:</b>	<b>£15,000</b>
4.5. <b>Empty Property Grants (CoEH):</b>	<b>£15,000</b>
4.6. <b>Barrow Disability Minor Works Grant</b>	<b>£5,000</b>
4.7. <b>Barrow Disability Major Works Grant</b>	<b>£10,000</b>

### **Definitions**

5. The following definitions will apply:

- 5.1. **Test of Resources:** The test of resources applied is set out in the Housing Renewal Grants Regulations 1996 (as amended);
- 5.2. **Priority Areas:** The current priority area is the North Central Renewal Area. The North Central Renewal Area is the area bounded by Rawlinson St, Greengate St, the railway line and Abbey Road, and is declared a Renewal Area until October 2018;
- 5.3. **Programmed Group Repair Schemes:** These are planned in the North Central Renewal Area, in the following streets: 149-285 Rawlinson St and 85-159 Greengate St;
- 5.4. **Clusters of Empty Homes Fund:** Properties eligible for grant are those located in Devonshire Buildings, Barque St, Brig St, Schooner St, Ship St, Sloop St and Steamer St.

<b>EXECUTIVE COMMITTEE</b>	<b>(R)</b> <b>Agenda</b> <b>Item</b> <b>18</b>
Date of Meeting: 28th June, 2017	
Reporting Officer: Executive Director	
<p><b>Title: Council Plan</b></p> <p><b>Summary and Conclusions:</b></p> <p>The 2016-2020 Council Plan is attached to the report together with the Workforce Strategy and current Medium Term Financial Plan. The Council Plan sets out key priorities and objectives for the Council over 2016-2020 period; the period covered by the Budget Strategy. Given the importance of partnership and lobbying, the consultation phase of the plan should be intensive and involve members as well as officers. The current Medium Term Financial Plan represents the Council's medium term funding challenges and incorporates the Budget Strategy to reduce the core deficit. The Workforce Strategy supports the Council Plan and set out the aims for the workforce including developments in innovation and technology to meet the efficiency objectives.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> <li>1. To approve the Council Plan for consultation;</li> <li>2. To approve the current Medium Term Financial Plan; and</li> <li>3. To approve the Workforce Strategy.</li> </ol>	

## Report

The Council Plan is the key strategic document which sets the future direction for the Council. It sits alongside the Medium Term Financial Plan (which includes the 2016-2020 Budget Strategy approved by Council in September 2016) and the Workforce Strategy.

### Council Plan

The Draft Council Plan is attached as **Appendix 8**. It has arisen from an extensive period of engagement with all Elected Members beginning with two events in October and November 2016 facilitated by the Local Government Association and through the Partnership Group with members of the County Council Barrow Area Committee.

The Council is experiencing two contrasting and unprecedented trends. The local economy is experiencing huge growth as a result of the Astute and Dreadnought programmes, whilst the resources available to the public sector, particularly councils, has reduced significantly. These trends present the Borough with a unique set of challenges and opportunities which can only be addressed through partnership, collaborating and building alliances. They also require fresh thinking and consistent and intelligent lobbying.

The Plan sets out four thematic objectives covering:

- The local economy
- The town centre
- The health inequalities 'gap'
- Greater choice of good quality housing

These are supported by six cross cutting objectives:

- Medium term financial stability
- Measuring customer satisfaction
- More cost effective procurement
- Implementing a refreshed workforce strategy
- Identifying additional income
- Training and support for adoption and demonstration of best practice

The Plan will be monitored through a revised performance plan detailing actions to achieve the objectives which will continue to be reported to the Executive Committee quarterly. Although the priorities and objectives are expected to be long term they will be reviewed annually as part of the budget process.

The recommendation of this report is that you refer the Plan to Council for approval for consultation. Given the need to work in partnership with others the consultation phase of the plan is critical and should be intensive, directly engaging through one to one meetings those organisations we need to partner with and influence.

### Medium Term Financial Plan

The Medium Term Financial Plan is the financial representation of the Budget Strategy and thereby the Council Plan as well; it supports operational decision-making and resource allocation; it is attached as **Appendix 9**. The Medium Term Financial Plan is a living document and is reviewed and updated as impacts from assumptions and external factors emerge. The Medium Term Financial Strategy does not alter and aims to eliminate the deficit in the core budget; this requires the continued use of reserves to set the pace of change, find transformation and achieve long term financial resilience.

The current Medium Term Financial Plan has a deficit elimination target of £2.7m and savings identified of £2.5m, with major items within the Budget Strategy not

yet delivered. A savings plan for the remaining £0.2m deficit will need to be developed; the Plan will be updated from the 2016-2017 outturn.

Members are asked to recommend that Council approve the current Medium Term Financial Plan.

### Workforce Strategy

The Workforce Strategy is attached as **Appendix 10**. The Workforce Strategy supports the Council Plan and represents the Council's aims for the workforce in terms of:

- Effective communications to and from staff, informal and formal;
- Effective work life balance options that satisfy the needs of the employer and employee;
- Developing innovation and change management, and a recognition for succession planning; and
- Maximising the opportunities new technologies bring and eliminating any process inefficiencies.

The Strategy sets out Management Board's views on workforce development and these remain largely satisfied by the achievements of the previous Workforce Strategy; there are some continuing actions and these are included in the proposed Action Plan.

The views on development from Management Group (this is the layer of managers and senior officers reporting to Management Board) and the actions to address the issues raised are set out in the Action Plan, together with an indication of implementation.

As well as the Workforce Strategy supporting the Council Plan, it recognises the value of the workforce and sets out the overall aim to attain the best fit in terms of skills, knowledge and qualified professionals for ongoing and future needs.

Members are asked to recommend that Council approve the Workforce Strategy.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The Plan will form the base document for Council expenditure.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

# **BARROW-IN-FURNESS BOROUGH COUNCIL**

## **COUNCIL PLAN 2017 – 2020**

APPENDIX No. 8

### **Doc Control**

1. Draft to Joint Board 19<sup>th</sup> April 2017



## INTRODUCTION

The Council Plan is the strategic document that will guide all the Borough Council's decisions on how much we spend, what we do and how we do it. It covers the period 2017-2020. It is also a longer term strategy setting the broad direction for future plans.

In 2017 Barrow Borough is experiencing the best of times and worst of times. The local economy is booming as never before as a result of the Astute and Dreadnought Submarine Programmes, offshore energy developments and investment by local companies. Beyond the Borough planned investment at GSK and Moorside contribute to a once in a generation economic opportunity. However, public sector resources and the ability to provide high quality public services have reduced significantly as has the public sectors ability to influence and shape the economic growth mentioned above. Increasingly, public services in the Borough are shaped by providing the acceptable not the desirable.

These two trends present the Borough with a unique set of challenges which can only be addressed through partnership, collaboration and alliances with others, bringing fresh thinking and new approaches to bear on long standing problems, being prepared to 'think the unthinkable' and lobbying consistently and intelligently for the resources our community needs.

As a Council we have to recognise that between 2010 and 2020, and excluding a decade of compound inflation, our income will have reduced by 40%. In practical terms this means between these two dates we will be spending a much greater proportion of our money on services we have to provide by law such as environmental health, planning and waste collection, rather than on services we are not required to provide such as leisure and economic development. This constrains our ability to achieve what we want to acting on our own, and increasingly we must work with others forming partnerships and influencing other organisations.

## THE BOROUGH

We are a geographically small, densely populated and urbanised Local Authority, completely different to any other Cumbrian District Council. Our population is 67,500 and is falling slightly. As we form only part of our Travel to Work Area and operate within a two tier system of local government, key economic decisions which affect the Borough such as the location of housing and employment and improvement of infrastructure lie beyond our immediate control. The BAE shipyard continues to dominate the economy though there are other significant growth sectors. Our housing stock is dominated by high density pre 1919 terraced properties which comprise 50% of the stock. Dalton-in-Furness is the other large settlement in the Borough. It has experienced significant housing growth over the last 20 years and is a vibrant small market town.

## THE BOROUGH COUNCIL

Our 36 Councillors are elected by local people for a four year term to oversee the delivery of services for which the Borough Council is responsible and to act as leaders of their community. Barrow has a 'two tier' structure of local government with Cumbria County Council, who have 11 Councillors covering Barrow Borough, providing strategic services including highways, adult and children's services and waste disposal. The Borough Council carries out its business through 4 standing committees and a Forum which deals with housing matters. To ensure transparency and challenge Council appoints a committee to critically scrutinise its decisions.

Councillors are supported by 243 Officers. The number of officers has reduced by around 20% since 2010. The management structure of the Council comprises 2 Directors and 3 Assistant Directors who are responsible for delivery of all local services. The senior management structure of the Council has halved in response to Government cuts since 2010. By law we are responsible for delivering housing services, Planning and building control, environmental health and licensing services, refuse collection, cleansing and waste collection services to the public. We choose to deliver leisure, economic development and regeneration services. All services are supported by finance, personnel, legal and other central functions.

The Council, comprising all 36 elected Councillors, is responsible for taking all decisions, but to make this manageable it gives 4 committees covering planning, environmental health, audit and finance and policies responsibility to carry out most of its functions.

## LOCAL GOVERNMENT STRUCTURES

It is the Council's view that local government structures in Cumbria need to be reformed if local democracy is to be strengthened, economic development maximised and local government services are to be placed on a sustainable financial footing. There is no clear policy from Government on how this could be achieved and no consensus within Cumbria on future structures or indeed the need for change. Nonetheless, the Borough Council's view is that there needs to be a community of economic and other interests across a local authority area and better and more effective co-ordination and delivery of services. This leads the Council to conclude that a sub-county unitary based upon a functional economic area offers the most appropriate structure to meet the tests above. We do not expect this solution to yield significant savings in the short term, but it would offer a more coherent, understandable, effective and engaging local government structure and we will work with interested parties to move this forward.

## GOVERNANCE

The Council spends public money. It is therefore highly regulated to ensure public funds are spent properly, efficiently and legally. Financial regulation to assess compliance with national and local requirements is provided by Appointed Auditors. Our own Internal Audit services carry out financial and procedural checks both to support the Appointed Auditors work and for the Councils own purposes. Council appoint an Audit Committee to oversee this function. Council agrees financial and contractual regulations which guide how expenditure is undertaken. We also operate agreed anti-fraud, corruption and 'whistle blowing' policies and an anonymous Fraud Hotline.

The Councils Constitution sets out the way that it will conduct its activities including registration and declaration of interests and codes of conduct for both Officers and Members. The Constitution is reviewed annually. Council also operates a Complaints Procedure setting out an escalating series of reviews to try to resolve complaints, ultimately leading to consideration by the Local Government Ombudsman if the matter cannot be resolved. In 2015/16 85 complaints were received; 9 were considered by the Local Government Ombudsman and 1 was upheld.

In terms of this Plan, Council has adopted a performance management framework setting out how the cascade of actions from the Councils vision, objectives and actions will be monitored and assessed by Councillors. Finance to support this plan is determined through annual budgets set within the financial context of the medium term Budget Strategy and is detailed in the Councils Medium Term Financial Plan which is updated annually. Information on progress with the Budget Strategy, the annual budget, Council objectives, actions and service performance is reported to Councillors on a quarterly cycle and through the Statement of Accounts and Annual Governance Statement.

## RESOURCES

The Council has suffered a substantial reduction in resources since 2010. Between 2010 and 2020, excluding inflation the amount of money we have to spend on our community will have reduced by 40% as a result of reductions in grant from central government. In 2016/17 we were – proportionately – the worst hit local authority in England. We have sought to manage this reduction in our resources through preparation of two budget strategies. The 2011-2016 strategy removed £5m from our revenue budget and was achieved by 2014/15. The second budget strategy was agreed in 2016/17 in response to a further round of government cuts and will remove a further £2.3m from our budget largely through contract efficiencies.

Our current net budget 2017/18 is £9,729,940.

Government have made clear their policy that local authority services should be funded through local taxation and that all Government grant to local authorities will cease by 2020. To compensate Government have agreed to return a higher proportion of business rate income to local authorities. This policy will present significant financial challenges for the Borough Council beyond those addressed through our budget strategies because the Borough's residential and commercial tax base is low compared to other district authorities in Cumbria. This challenge is compounded by high levels of deprivation, poor health and unemployment which results in a need for higher public expenditure.

We currently employ 243 staff (200 full time equivalents) to deliver our services. We have a stable workforce with very limited staff turnover although this is beginning to change as growth in the local economy offers new opportunities to staff and this is to be welcomed. As with many public sector bodies we struggle to recruit professional staff and have a policy of 'growing our own' by engaging trainees and apprentices in posts with a trajectory through to professional qualifications. All staff receive an (at least) annual appraisal, linking their activities to the Councils objectives with performance targets set as appropriate. We have a workforce strategy which sets out how we will seek to develop and train our staff for the challenges of local government.

The Borough Council owns and manages its housing stock which comprises 2,627 homes. It is one of only 3 local authorities in the North West region who do so. All our stock meets decency standards set by Government.

Government have imposed a reducing cap on rents in the social rented sector of 1% per annum to 2020. Coupled with the impact of 'Right to Buy' this will present significant medium term financial challenges to our housing revenue account which we have to plan for.

## LAND AND BUILDINGS

The Borough Council holds significant land and building assets in addition to the 2,627 homes. There are operational buildings and land for service delivery, such as the Town Hall, Dock Museum, Leisure Centre, Forum, playgrounds, open spaces, car parks and so on; other assets held generate revenue for the Council through our commercial estate, to support long and short term regeneration programmes and support the Council's priorities for the Borough. As our ability to support partner organisations financially has diminished, we have increasingly used our extensive land and buildings portfolios to support regeneration and third sector organisations who help us to deliver our objectives. We will continue to seek innovative opportunities to do this.

## OUR VALUES : HOW WE DO THINGS

Our values are:-

- The Council will maintain shared values including leadership values (openness, support and respect) both for the Council and its officers. These are defined in the constitution and reflect public expectations about the conduct and behaviour of individuals.
- The Council will use shared values as a guide for decision making and as a basis for developing positive and trusting relationships within the Council. This is demonstrated by adherence to the constitution.
- The Council has adopted formal codes of conduct defining standards of personal behaviour for Members and officers.
- The Council maintains the Audit Committee to raise awareness and take the lead in ensuring high standards of conduct are embedded within the Council's culture.
- The Council has put in place arrangements to ensure that Members and staff of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. The Council has put in place appropriate processes to ensure that these arrangements are workable including declaration of interests and anti-corruption policies.

## OUR STRATEGY

The background information above sets out the context of the Council Plan. Councillors have worked with advisers from the Local Government Association to prepare a first draft of the Plan and this has been refined in a series of workshops involving County Council Members and Officers. At the outset we recognised we could not deliver our objectives on our own and that partnership and alliance building would form a key input to the proposals. We recognised three ways in which we could deliver our objectives; direct delivery – where the Borough Council is responsible for delivering the service; partnership – where responsibility for what we want to achieve is shared with other local organisations such as County Council, Local Enterprise Partnership or Health Sector; and influencing where responsibility for delivering objectives lies entirely beyond the scope of local partners.

The Borough Council has agreed that efficient and effective services underpin everything we do and should be recognised as a cross-cutting priority.

## EFFICIENT AND EFFECTIVE SERVICES

The Borough Council exists to provide community services and leadership and this plan sets out our key priorities for this to 2020. To implement these priorities and meet the Council's legal obligations, the Council will continue to provide or commission a wide range of statutory and discretionary services. In order to do this the Council must maintain a financially stable position based upon short and medium term financial projections so we can offer well run, value for money, services that are valued by the public and meet the tests of governance set out above. Given the severe constraints on Council income this means we will think and act more like a business, drive efficiencies from our services, generate more income and support innovation and best practice within services.

The Borough Council has, therefore, identified the following cross-cutting objectives which will apply to all services:

1. Provide short and medium term financial stability in the General Fund by implementing the agreed 2016-2020 Budget Strategy
2. Measuring customer satisfaction with our services
3. Developing a more cost effective procurement process by maximising the use of purchasing frameworks
4. Refreshing and implementing our workforce strategy
5. Identifying opportunities to generate additional income
6. Provide training and support for innovation and adoption of best practice within services and requiring managers to demonstrate this

In addition we have identified four thematic priorities:

- Developing the local economy to secure a long term economic future for all our community
- A strong and vibrant town centre community
- Closing the gap on health inequalities
- Providing a greater choice of good quality housing and regenerating the oldest and poorest housing in the Borough

Under each priority we have noted where the objective involves.

D – Direct delivery by the Borough Council

P – Those with whom we will seek to work in Partnership where responsibility for what we want to achieve is shared with others

I – Those organisations we would seek to influence as responsibility for what we want to achieve lies entirely beyond the scope of local partners

These are set out in more detail on the following pages.

**PRIORITY 1 – DEVELOPING THE LOCAL ECONOMY TO SECURE A LONG TERM ECONOMIC FUTURE FOR ALL OUR COMMUNITY**

<u>Current Situation</u>	<u>Issues</u>	<u>Objectives</u>
<p>BAE Systems, specialising in submarine construction, is the largest employer in the Borough with 8,000 employees.</p> <p>23% of employment in the Borough is in manufacturing – this compares with 8% nationally.</p> <p>The percentage of people in the Borough educated to NVQ Level 4 is lower than County and National percentages.</p> <p>Furness Economic Development Forum estimates that by 2021 West Cumbria will receive new investment of £20 bn. The Keeping our Future Afloat Campaign estimates that by 2060 this will equate to a growth of £4.2 bn in Gross Value Added for Barrow – 9% of the target of the Northern Powerhouse Narrative (2016).</p> <p>In 2015 74.8% of the working age population of the Borough were economically active compared to 77.8% nationally.</p>	<p>A broader base for the economy, continuing to diversify by business size and sector is required.</p> <p>Strong investment and employment growth in the local economy with high levels of employment in manufacturing programmes out to the late 2030's.</p> <p>Develop economic resilience beyond current shipyard programmes.</p> <p>Limited ability to directly deliver economic growth objectives – Council needs to influence local, regional and national agencies to achieve its ambitions.</p> <p>Greater understanding of the economic consequences of worklessness and high levels of deprivation.</p> <p>Skills shortfalls in some sections of the population.</p>	<p><b>LE1</b> Secure Regeneration of 'Waterfront Barrow' by continuing to market commercial and residential development opportunities, attract external funding and continuing to hold and assemble land required for development</p> <p>D – Planning and Building Control P – Cumbria Local Enterprise, Cumbria County Council, Homes and Communities Agency. I – Developers, potential investors</p> <p><b>LE2</b> Lobby for improvements in road and rail infrastructure through partnerships with businesses and other public sector organisations</p> <p>P – Local businesses, Cumbria Local Enterprise Partnership, Cumbria County Council, Furness Economic Development Forum I – Highways England, Transport for North, Northern Rail</p> <p><b>LE3</b> Promote the Borough to support economic growth</p> <p>P – Furness Economic Development Forum I – Private sector businesses</p>



LE4

Work in partnership with others to provide business and supply chain support and advice

P – Furness Economic Development Forum, Cumbria Chamber of Commerce  
I – local companies

LE5

Increase the skills of the working age population

P – Furness Economic Development Forum, Furness College, Furness Education and Skills Partnership

LE6

Continue to support Furness Economic Development Forum programmes to secure economic growth, skills development, quality of life and infrastructure improvements

D – Accountable Body for Coastal Communities Fund  
P – Furness Economic Development Forum

LE7

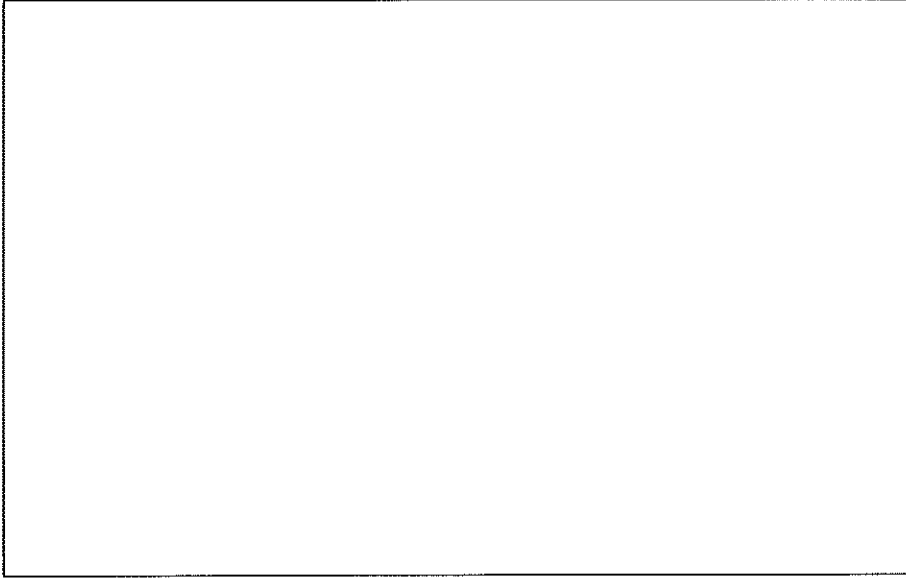
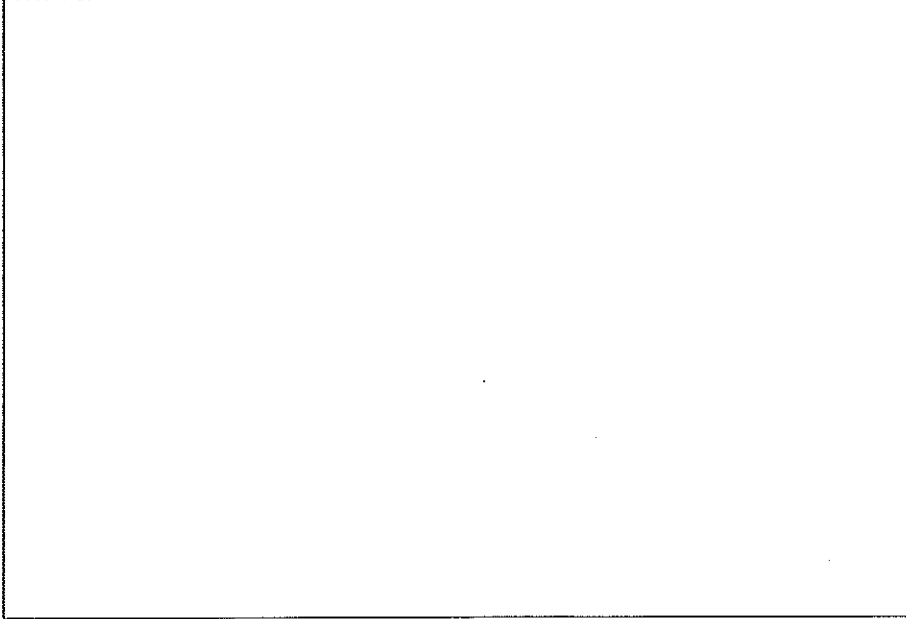
To recognise the importance of the Morecambe Bay economic area and work with our neighbouring authorities to jointly market and develop the economy of the area

P – South Lakes District Council, Lancaster City Council

I – Northern Powerhouse, Highways England, Transport for the North, Northern Rail

**PRIORITY 2 – A STRONG AND VIBRANT TOWN CENTRE COMMUNITY**

<u>Current Situation</u>	<u>Issues</u>	<u>Objectives</u>
<p>Barrow is a significant comparison and convenience destination for areas outside the Borough including parts of Copeland, South Lakeland and the Lake District National Park.</p> <p>The vacancy rate for retail units in Barrow town centre is above the national average.</p> <p>The Borough is relatively self contained in terms of retail expenditure with low levels of expenditure leakage to other destinations.</p> <p>Growth of edge of centre shopping and internet retailing will impact upon the vitality and viability of the town centre.</p> <p>A Business Improvement District was created for Barrow Town Centre in 2016.</p>	<p>Continuing contraction of Barrow town centre retail offer through impact of on-line sales and competition from edge of centre retailing.</p> <p>Newly created BID will lead on regeneration of the town centre commercial and retail offer.</p> <p>High levels of disrepair in pre 1919 terraces on the edge of the town centre and a declining market for these properties.</p> <p>Persistent pockets of deprivation around Barrow town centre.</p> <p>Low demand for small scale residential new build in town centre.</p>	<p><b><u>IC1</u></b></p> <p>Improving the leisure, cultural and retail offer in Barrow town centre.</p> <p>D – Street cleansing, waste collection, planning P – Barrow Business Improvement District, Cumbria County Council I – Commercial Agents, retailers, developers</p> <p><b><u>IC2</u></b></p> <p>Diversifying and improving the operation of the night time economy including mitigation of its impact upon residents.</p> <p>D – Licensing of premises and businesses P – Barrow Business Improvement District, Cumbria Constabulary, Police and Crime Commissioner, Residents Associations I – Operators, Service providers</p> <p><b><u>IC3</u></b></p> <p>An effective planning function based on preparation of a masterplan for the town centre. D – Local Planning, Development Control P – Cumbria County Council, Barrow Business Improvement District,</p>



**TC4**

Improving quality and choice in the housing offer in the town centre.

- D – Housing improvement (public and private)
- P – Planning, Cumbria County Council, Social rented sector developers
- I – Developers, landlords

**TC5**

Improvement to infrastructure designed to achieve the safe and convenient movement of vehicles and pedestrians to and within the town centre.

- P – Cumbria County Council, Barrow Business Improvement District

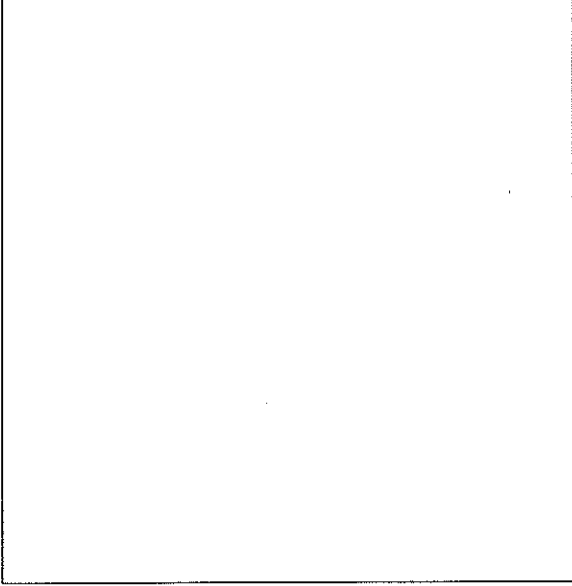
**TC6**

Improve the cleanliness of the town centre

- D – cleaning and waste collection services

**PRIORITY 3 – CLOSING THE GAP ON HEALTH INEQUALITIES**

<u>Current Situation</u>	<u>Issues</u>	<u>Objectives</u>
<p>Male life expectancy at birth in Barrow is 76.9 years, 3.9 years lower than the district with the highest life expectancy, 2.1 years lower than the Cumbria average and 2.5 years lower than the England average.</p> <p>Female life expectancy at birth in Barrow is 81.6 years, 3 years lower than the district with the highest life expectancy, 0.9 years lower than the Cumbria average and 2.1 years lower than the England average.</p> <p>Eight communities within Cumbria are classified as being amongst the 3% most deprived nationally; this comprises 2.3% of the County population. Half of the communities are in Barrow-in-Furness.</p>	<p>The 'health gap' in Cumbria – the difference between those areas with the best health outcomes and those with the worst has stayed constant, though health in all areas has improved.</p> <p>Barrow has high levels of coronary heart disease, cancers and lung disease linked, in part, to the legacy of heavy industry in the town.</p> <p>Barrow on the majority of health indicators has the poorest health outcomes in Cumbria.</p> <p>The primary agencies to deliver this priority will be the Clinical Commissioning Group, Cumbria County Council and Morecambe Bay Hospitals NHS Foundation Trust, however, many of the Borough Council's activities will impact upon health outcomes. Housing and leisure are particularly influential.</p>	<p><b>HI1</b></p> <p>Encourage greater use of leisure facilities including parks, woodlands and open spaces.</p> <p>D – provision of leisure services, woodlands and open spaces  P – Cumbria County Council, Morecambe Bay Channel Commissioning Group, Sports Council, Sports bodies, Local Health and Well Being Forum</p> <p><b>HI2</b></p> <p>Engagement in activities to reduce health inequalities.</p> <p>D – Councillors  P – Morecambe Bay Channel Commissioning Group, Cumbria County Council, Local Health and Well Being Forum</p> <p><b>HI3</b></p> <p>Participate in targeted public health campaigns identified by the Locality Health and Wellbeing Forum.</p> <p>P – Local Health and Well Being Forum, Morecambe Bay Channel Commissioning Group, Cumbria County Council</p>



**HI4**  
Maintaining the Council's housing stock to ensure it meets the decency standard.  
D – Housing Services

**HI5**  
Agreeing a third sector strategy to improve health and well being in the Borough.  
P – Council for Voluntary Service, Cumbria County Council  
I – third sector organisations

**PRIORITY 4 – PROVIDING A GREATER CHOICE OF GOOD QUALITY HOUSING AND REGENERATING THE OLDEST AND POOREST QUALITY HOUSING IN THE BOROUGH**

<u>Current Situation</u>	<u>Issues</u>	<u>Objectives</u>
<p>Unlike national trends the population of the Borough fell between 2001 and 2011 particularly in the 20-34 age group.</p> <p>House prices in the Borough are relatively low.</p> <p>The Borough population has fallen by 4%.</p> <p>Government have imposed a compound annual reduction of 1% pa for the next 3 years in public rented sector rents</p>	<p>Local Authority housing stock and Housing Association stock all meet the decency standard.</p> <p>There are significant issues of unfitness in the owner occupied private stock particularly, pre 1919 Victorian terraces.</p> <p>Good levels of interest from developers for edge of town and large sites but little interest in the town centre.</p> <p>Finance to support comprehensive housing renewal programme in the town centre has been withdrawn and this will prevent future programmes as they will be unaffordable by the Council or the private sector.</p> <p>HRA needs to be placed on sustainable financial footing for the medium and long term.</p>	<p><b>H1</b></p> <p>Support improvements to the poorest quality housing in the Borough through completion of the central comprehensive housing renewal programme.</p> <p><b>D – private sector housing renewal programmes</b></p> <p><b>I – Government to make resources available for future comprehensive renewal programmes</b></p> <p><b>H2</b></p> <p>Effective management of Council owned stock.</p> <p><b>D – Housing Services</b></p> <p><b>H3</b></p> <p>Development of a medium term strategy to achieve a Housing Revenue Account which is sustainable in the longer term.</p> <p><b>D – Housing Services</b></p> <p><b>H4</b></p> <p>Support the development of a supported special needs housing unit within the Borough</p> <p><b>P – Cumbria County Council, social rented sector providers</b></p>

I – developers

H5

Provide a range of housing sites on a broad range of locations through the Borough Local Plan and support their development

D – Local planning, development control, Estates

P – Developers

I – Developers

H6

Explore development of schemes to support older and disabled residents to remain in their homes

D – Disabled Facilities Grants

P – Cumbria County Council, Morecambe Bay Channel Commissioning Group

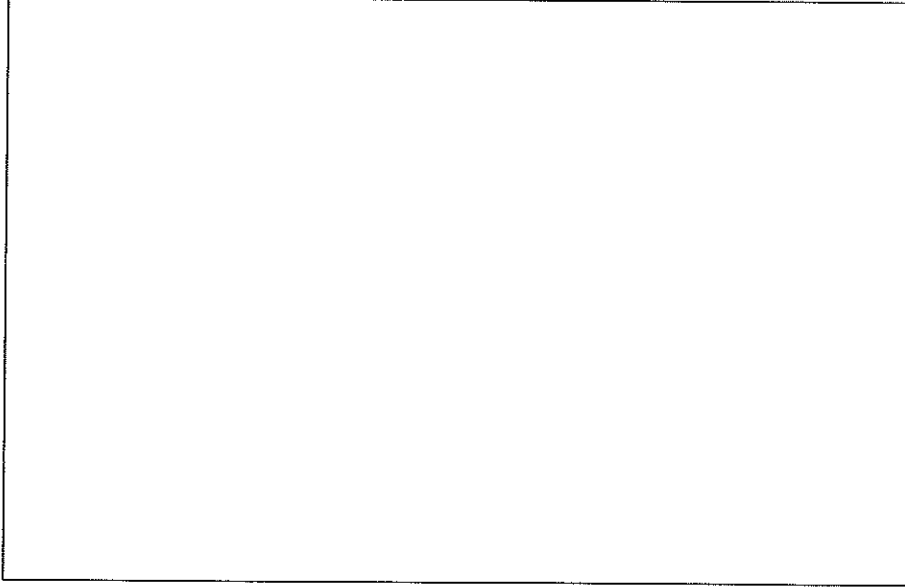
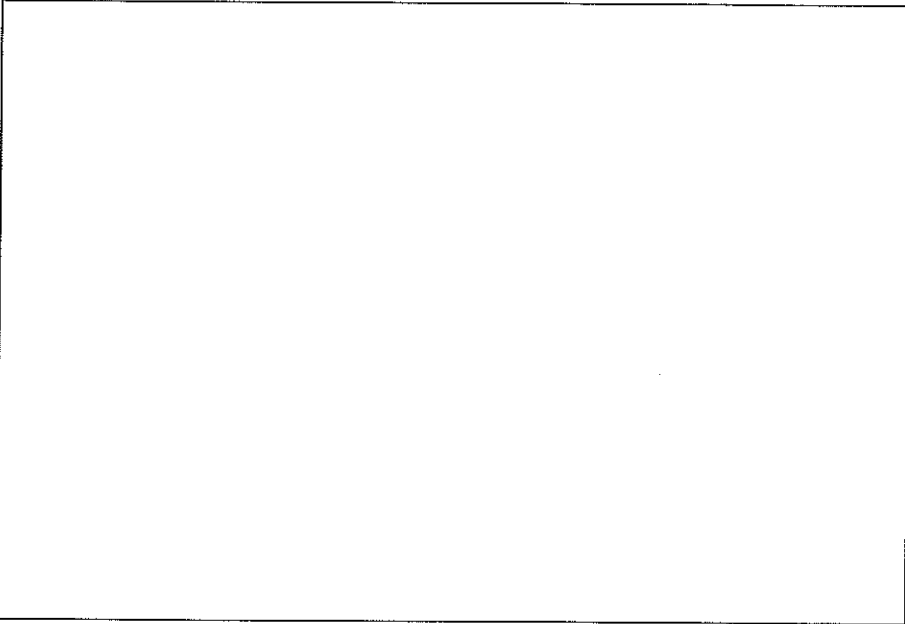
**PRIORITY 5 – PROVIDING EFFICIENT AND EFFECTIVE SERVICES**

<u>Current Situation</u>
<p>Reducing Government Funding and Revenue Support Grant ending in 2020. Medium/long term financial resilience is required.</p> <p>Customer satisfaction is not consistently gauged or measured. Some services do collect customer feedback, but that is not consistently reported. The Council has the technology to offer services online, but the demand for this is currently unknown.</p> <p>Procurement processes are under review and frameworks have achieved savings where they have been used or continue to be used.</p> <p>The Workforce Strategy supports the Council Plan and should reflect the aims and objectives of the current Council Plan; a refresh is required.</p> <p>Income generation produces the same result as reducing expenditure and opportunities should be reviewed by service managers.</p> <p>Service development and the continual review of process and service delivery should be an embedded management tool.</p>

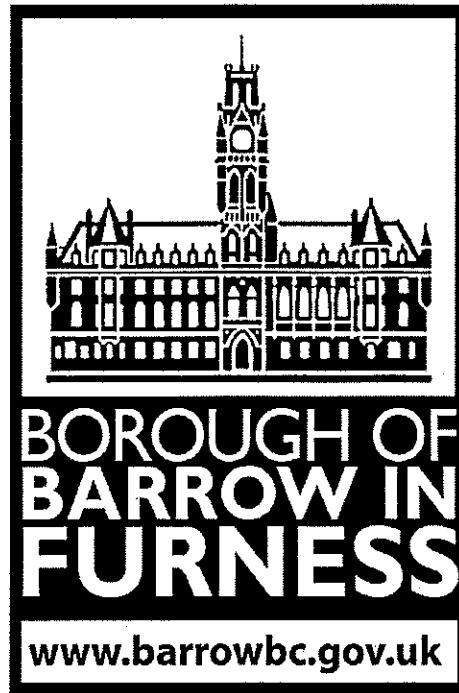
<u>Issues</u>
<p>For General Fund, projections identify a £2.7m deficit by 2019-2020 without preventative action. The Budget Strategy identified £2.3m of savings and reductions.</p> <p>The Council's approach to customer engagement requires review. Better use of the website should improve the customer's experience.</p> <p>The Budget Strategy plans for all other costs, such as supplies and services, to remain within the same cost envelope; purchasing frameworks are believed to be key to delivering this.</p> <p>The Workforce Strategy runs alongside the Budget Strategy.</p> <p>Charging for services, including recovering the costs of services, is Council policy and should be a key consideration for service managers.</p> <p>The transformation fund remains open to bids. The sharing of best practice between departments has begun to be facilitated by the Managers Forum but could perhaps be more effective or more formalised.</p>

<u>Objectives</u>
<p><b><u>ES1</u></b> Implement the General Fund 2016-2020 Budget Strategy to eliminate the deficit. Maintain and review the Council's financial reserves.</p> <p>D – Executive Director &amp; Director of Resources</p> <p><b><u>ES2</u></b> Review the collection of customer satisfaction or feedback across the Council if possible. The website offers the opportunity for comments, but it could be more obvious. The website may be more attractive if the news and features were updated more regularly.</p> <p>D – Director of Resources &amp; Service Managers</p> <p><b><u>ES3</u></b> The Council's procurement policy approach needs reviewing as it does not reflect the availability of frameworks as much as it could. The Council's spend should be reviewed to analyse the savings from amalgamating supplies into contracts or frameworks.</p> <p>D – Corporate Support P - Frameworks</p>





<p><b><u>ES4</u></b></p> <p>The Workforce Strategy should be refreshed and implemented.</p> <p>D – Executive Director &amp; Director of Resources</p>
<p><b><u>ES5</u></b></p> <p>The Council's policy on income generation should be refreshed and service managers briefed.</p> <p>D – Executive Director &amp; Director of Resources</p>
<p><b><u>ES6</u></b></p> <p>Training and support for innovation and best practice within services should be made available through a structured programme. Service managers should be able to demonstrate efficient services.</p> <p>D – Executive Director &amp; Director of Resources P – North West Employers</p>



# Medium Term Financial Plan

<b>Version Control:</b>	
<b>Document Name:</b>	Medium Term Financial Plan
<b>Version:</b>	02052017.1
<b>Author:</b>	Director of Resources
<b>Approved by:</b>	Executive Committee and Full Council
<b>Date Approved:</b>	July 2017
<b>Review Date:</b>	October 2017

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **A. Introduction**

Financial planning is a key tool for strategic management and is an aid to operational decision making. Without financial planning the Council would be unlikely to achieve its priorities or make the best use of its resources.

The Medium Term Financial Plan (MTFP) is a financial representation of the Council's Vision and supports its priorities.

The Council's Vision is to enhance the economic and social future of the Borough to meet the needs and aspirations of the community.

The priorities of the Council are:

- **Local Economy**
- **The Town Centre**
- **The Health Inequalities Gap**
- **Greater Choice of Good Quality Housing**
- **Efficient and Effective Services**

This MTFP covers the period from 2016-2017 to 2019-2020. The level of Government support for the Council is known for 2016-2017 and the Council has taken the option of submitting an Efficiency Plan to take up the commitment for Government 'to provide minimum allocations for each year of the Spending Review period'. The MTFP is based upon those minimum allocations.

### **Medium Term Financial Strategy**

The Medium Term Financial Strategy is the financial representation of the Budget Strategy which aims to eliminate the deficit in the core budget. This will require the continued use of reserves to set the pace of change, fund transformation and achieve long term financial resilience.

**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

**B. Planning process**

To ensure a robust and achievable Medium Term Financial Plan is established, the planning process covered a number of key aspects:

- Leadership – leading Members and the Management Board demonstrate strong leadership of finances and strategic direction.
- Priorities – the Medium Term Financial Plan reflects the Councils Vision which is supported by its Priorities.
- Ownership – the Director of Resources produces and updates the Medium Term Financial Plan.
- Achievement – the Director of Resources will monitor adherence to the Medium Term Financial Plan and will quantify and report any significant deviation to the Executive Committee and Management Board.
- Risk management – the Medium Term Financial Plan highlights the key considerations in terms of finance and refers to the Reserves and Balances Policy for the risk assessment of financial reserves.
- Efficiencies – the Management Board will continue to pursue efficiencies and eliminate these from the core budget. This is an on-going process.
- Completeness – the Medium Term Financial Plan incorporates the Council Priorities, the Budget Strategy, the Budget Setting process for revenue, capital and treasury management, and the Council Tax setting.
- Relevance – the Medium Term Financial Plan will be reviewed periodically throughout the financial year and revised for known financial impacts. This includes a review once the previous financial year outturn is known.

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **C. The funding gap**

Prior to the 2016-2017 financial settlement announcements, the 2016-2017 General Fund revenue budget was balanced to within £28k. This was a continuation of a balanced 2015-2016 budget achieved through the delivery of the Budget Strategy a year earlier in 2014-2015. The first Budget Strategy reduced the Council's core budget by £5m and this reduction has been sustained for three consecutive years.

The £5m deficit was based on a projection of the budget requirement by 2015-2016, using estimated settlement figures and budget assumptions.

The new spending review brought further reductions in the Government settlement, creating future budget deficits and thereby prompting a new Budget Strategy.

The future budget projections using the 2016-2017 budget and assumptions as a basis, identifies the 2019-2020 deficit, including future service resilience, as £2.7m.

<b>Year</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>Total</b>
Budget	£11.02m	£11.47m	£11.79m	£12.11m	
Financing	£10.75m	£10.12m	£9.69m	£9.41m	
Deficit	£0.27m	£1.35m	£2.10m	£2.70m	£6.42m

The Budget Strategy, adjusted for the waste and street cleansing contract, produces a saving by 2019-2020 of £2.5m.

<b>Year</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>Total</b>
Budget	£10.66m	£10.33m	£9.72m	£9.62m	
Financing	£10.75m	£10.12m	£9.69m	£9.41m	
Deficit (Surplus)	(£0.09m)	£0.21m	£0.03m	£0.21m	£0.36m

The Budget Strategy goes a long way towards achieving the aims of eliminating the budget deficit and protecting reserves.

The Council is committed to continue to offer all current services as far as possible.

Under the Local Government Finance Act 1992, the Council is charged with setting a balanced budget by the 11<sup>th</sup> March of the preceding financial year.

Without corrective action the General Fund budget would require £6.42m of usable reserves and would leave the £2.7m deficit to recur and increase into 2020-2021 and beyond.

## Medium Term Financial Plan 2016-2017 to 2019-2020

The budget projections without corrective action are:

	Core Budget 2016-2017	Projection 2017-2018	Projection 2018-2019	Projection 2019-2020
	£	£	£	£
Staff Pay	4,688,620	4,907,360	5,016,440	5,146,980
Other Staff Costs	82,570	82,570	82,570	82,570
Transport	94,550	94,550	94,550	94,550
Property	1,931,750	1,979,330	2,035,160	2,095,000
Supplies and Services	2,153,690	2,153,690	2,153,690	2,153,690
Contracts	6,734,410	6,935,220	7,107,210	7,283,890
Benefits	21,360,190	21,360,190	21,360,190	21,360,190
Benefit Grants	(21,241,030)	(21,241,030)	(21,241,030)	(21,241,030)
External Income	(6,498,400)	(6,549,690)	(6,603,650)	(6,660,290)
<b>Direct Costs</b>	<b>9,306,350</b>	<b>9,722,190</b>	<b>10,005,130</b>	<b>10,315,550</b>
Internal Income	(856,910)	(830,950)	(830,950)	(830,950)
Capital Charges	1,605,870	1,605,870	1,605,870	1,605,870
<b>Indirect Costs</b>	<b>748,960</b>	<b>774,920</b>	<b>774,920</b>	<b>774,920</b>
<b>Net Expenditure</b>	<b>10,055,310</b>	<b>10,497,110</b>	<b>10,780,050</b>	<b>11,090,470</b>
External Interest Earned	(80,000)	(99,000)	(127,000)	(125,000)
External Interest Paid	584,640	584,640	584,640	584,640
Minimum Revenue Provision	868,340	840,980	854,590	815,670
Depreciation Reversal	(1,605,870)	(1,605,870)	(1,605,870)	(1,605,870)
Pension Deficit Funding	1,199,750	1,248,940	1,300,150	1,353,460
<b>Net Revenue Budget</b>	<b>11,022,170</b>	<b>11,466,800</b>	<b>11,786,560</b>	<b>12,113,370</b>
Revenue Support Grant	(2,703,590)	(2,079,210)	(1,688,400)	(1,251,880)
Retained Business Rates	(9,616,520)	(9,805,660)	(10,094,930)	(10,417,580)
Retained Business Rates Tariff	6,332,710	6,457,270	6,647,760	6,860,230
Business Rate S31 Grants	(332,430)	(339,730)	(350,530)	(362,530)
Retained Business Rates Levy	330,930	342,200	352,300	363,560
Business Rates Pool	(154,380)	(157,410)	(162,060)	(167,240)
New Homes Bonus	(466,940)	(292,270)	(94,640)	(560)
Council Tax	(4,025,420)	(4,159,380)	(4,295,620)	(4,434,160)
Prior Year Council Tax Surplus	(115,600)	(83,020)	0	0
<b>Total Revenue Financing</b>	<b>(10,751,240)</b>	<b>(10,117,210)</b>	<b>(9,686,120)</b>	<b>(9,410,160)</b>
Deficit	270,930	1,349,590	2,100,440	2,703,210

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **D. Budget Strategy**

The deficit to be eliminated by 2020 is £2.7m. This will be a huge challenge for the Council following the sustained £5m reduction in the core budget since 2011.

The Budget Strategy proposes to eliminate this deficit by a blend of increases in discretionary income, efficiency/cost cutting measures across discretionary and statutory services and a prudent use and protection of reserves.

An estimate of the timing of all proposals has been made reflecting the need to make efficiencies and generate income in the early years of the strategy.

<b>Item</b>	<b>Saving realised</b>	<b>2019-2020</b>
Major contract renewals*	From 2017-2018	£1.11m
Leisure outsourcing	2018-2019	£0.49m
Treasury management	2016-2017	£0.26m
Burial and cremation charges	2017-2018	£0.25m
Ring-fenced properties	2018-2019	£0.15m
Dock Museum income and efficiencies	From 2016-2017	£0.05m
Commercial estate management	2019-2020	£0.05m
Kennels outsourcing	2017-2018	£0.03m
Playgrounds review	2017-2018	£0.03m
Allotment rents and maintenance	2017-2018	£0.03m
Barrow Park efficiencies	From 2017-2018	£0.03m
Conveniences review	2017-2018	£0.01m
<b>Total*</b>		<b>£2.49m</b>

\*Updated for waste and street cleansing contract.

The estimates and projections are based on the best information available and remain subject to change by factors outside the Council's control.

**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

**E. General Fund revenue budget**

The Budget Strategy has been incorporated into the budget projections:

	<b>Core Budget 2016-2017</b>	<b>Projection 2017-2018</b>	<b>Projection 2018-2019</b>	<b>Projection 2019-2020</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Staff Pay	4,688,620	4,919,530	4,176,140	4,285,310
Other Staff Costs	82,570	82,270	71,670	71,670
Transport	94,550	87,400	85,860	85,860
Property	1,931,750	1,946,500	1,380,930	1,387,510
Supplies and Services	2,153,690	2,117,140	1,808,920	1,800,260
Contracts	6,734,410	6,144,070	6,465,240	6,283,330
Benefits	21,360,190	21,360,190	21,360,190	21,360,190
Benefit Grants	(21,241,030)	(21,241,030)	(21,241,030)	(21,241,030)
External Income	(6,522,900)	(6,518,610)	(5,879,200)	(5,951,570)
<b>Direct Costs</b>	<b>9,281,850</b>	<b>8,897,460</b>	<b>8,228,720</b>	<b>8,081,530</b>
Internal Income	(856,910)	(830,950)	(830,650)	(830,650)
Capital Charges	1,605,870	1,605,870	1,605,870	1,605,870
<b>Indirect Costs</b>	<b>748,960</b>	<b>774,920</b>	<b>775,220</b>	<b>775,220</b>
<b>Net Expenditure</b>	<b>10,030,810</b>	<b>9,672,380</b>	<b>9,003,940</b>	<b>8,856,750</b>
External Interest Earned	(80,000)	(99,000)	(127,000)	(125,000)
External Interest Paid	584,640	584,640	584,640	584,640
Minimum Revenue Provision	526,440	526,440	566,300	552,590
Depreciation Reversal	(1,605,870)	(1,605,870)	(1,605,870)	(1,605,870)
Pension Deficit Funding	1,199,750	1,248,940	1,300,150	1,353,460
<b>Net Revenue Budget</b>	<b>10,655,770</b>	<b>10,327,530</b>	<b>9,722,160</b>	<b>9,616,570</b>
Revenue Support Grant	(2,703,590)	(2,079,210)	(1,688,400)	(1,251,880)
Retained Business Rates	(9,616,520)	(9,805,660)	(10,094,930)	(10,417,580)
Retained Business Rates Tariff	6,332,710	6,457,270	6,647,760	6,860,230
Business Rate S31 Grants	(332,430)	(339,730)	(350,530)	(362,530)
Retained Business Rates Levy	330,930	342,200	352,300	363,560
Business Rates Pool	(154,380)	(157,410)	(162,060)	(167,240)
New Homes Bonus	(466,940)	(292,270)	(94,640)	(560)
Council Tax	(4,025,420)	(4,159,380)	(4,295,620)	(4,434,160)
Prior Year Council Tax Surplus	(115,600)	(83,020)	0	0
<b>Total Revenue Financing</b>	<b>(10,751,240)</b>	<b>(10,117,210)</b>	<b>(9,686,120)</b>	<b>(9,410,160)</b>
Deficit (surplus)	(95,470)	210,320	36,040	206,410



**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

**F. Assumptions and Estimates**

Item	Assumption
<b>General</b>	
Reserves	Excluded
Funded projects	Excluded
Services	No service reductions
Services	No demand-led increases assumed
Services	No alternative delivery models
<b>Staff Pay</b>	
Establishment	Static
Incremental advances	Employee progression and National Living Wage
Superannuation current service rate	No change
Pay award	1% on each year
<b>Property</b>	
Electricity, gas and water	5% increase each year
NDR	Increase by SBRR multiplier each year
<b>Supplies and Services</b>	
Grants to external bodies	Transition ends with 2016-2017 and 50% awarded thereafter
CTS grant to Parishes	Fixed at 2016-2017 figures
<b>Contracts</b>	
Revenues, benefits and customer services contract	Increase by RPI forecast each year
Building cleaning contract	1.7% increase each year
Grounds maintenance contract	3.2% increase each year
Waste and street cleansing	1.8% increase each year
Contract renewals	No cost increase included
Contract renewals	No cost saving assumed
<b>External Income</b>	
Discretionary income	Income policy applied, 2.5% increase to any other items applied each year
Recycling	No reduction in tonnage
<b>External Income</b>	
Recycling reward scheme	3% increase in rate each year
<b>Internal Income</b>	
Support services charged to HRA	Not increased

**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

Item	Assumption
<b>External Interest Earned</b>	
Temporary surplus cash	Reducing by £3m each year
Investment income rate	Based on bank rate forecasts
<b>External Interest Paid</b>	
PWLB interest	HRA maturing loans repaid
Borrowing (cash requirement)	No new borrowing drawn down
<b>Minimum Revenue Provision</b>	
Borrowing (financing only)	Based on current Capital Programme
<b>Pension Deficit Funding</b>	
Pension deficit funding (not ongoing superannuation)	4.1% increase each year
<b>Total Revenue Financing</b>	
Revenue Support Grant	From the settlement
Retained business rates	Increased by SBRR multiplier each year
Retained business rates	No loss of rateable value
Retained business rates	No impact from 2017 revaluation
Retained business rates	No exceptional increase in RV appeals
Retained business rates	No reduction in the collection rate
Retained business rates tariff	From the settlement
S31 grants for business rate reliefs	Assumed to continue
Retained business rates levy	Assumed to continue
Retained business rates pool	Pool membership continues
New Homes Bonus	No new award included
Council tax	No reduction in the collection rate
Council tax base	1% increase each year
Council tax band D	£5 increase each year
Parish precepts	Excluded
LCTRS – default scheme	Continued
Prior year Collection Fund result	2016-2017 and 2017-2018 only
<b>All Other Items</b>	
Not specifically mentioned above	Efficiencies will maintain the cost envelope

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **F. Reserves and Balances**

The Council has a Medium Term Financial Plan support reserve which is to be used in the delivery of the Budget Strategy.

To be able to deliver the Strategy, it will be necessary to fund items of non-recurring expenditure. There are no estimates for this at present and it is proposed the items of non-recurring expenditure necessary to deliver the 2016-2020 Budget Strategy are funded from the Medium Term Financial Plan reserve together with the outturn result during the strategy period being met from or added to the Medium Term Financial Plan reserve.

In order to be in a position to mitigate the fluctuations in the Borough Council's retained share of Business Rates, it has prudently set aside £1m into a volatility reserve. As the localisation of Business Rates progresses there is an increased risk and reliance placed on Business Rates to finance Council services; this is over and above the current fluctuations, revaluations and appeals. The purpose of the volatility reserve is to smooth the impacts on the annual budget setting for General Fund.

The projected reserves over the life of the Medium Term Financial Plan are estimated to be:

	<b>31/3/17</b> <b>£m</b>	<b>31/3/18</b> <b>£m</b>	<b>31/3/19</b> <b>£m</b>	<b>31/3/20</b> <b>£m</b>
General Fund Balance	2.30	2.30	2.30	2.30
Restructuring – MTFP	1.77	1.27	1.34	1.38
Restructuring – transformation	0.42	0.32	1.22	0.12
Renewals Reserve	0.64	0.54	0.44	0.22
Insurance Reserve	0.08	0.06	0.04	0.02
Losses Reserve	0.59	0.59	0.59	0.59
Budget Contingency	2.43	1.79	1.65	1.52
Apprenticeships	0.11	0.07	0.04	0.01
Welfare Support	0.05	0.04	0.03	0.01
Ring-fenced properties	0.78	0.78	0.18	0.18
Earmarked revenue grants	0.72	0.92	0.72	0.52
<b>Total</b>	<b>9.89</b>	<b>8.68</b>	<b>7.55</b>	<b>6.87</b>

The movements in reserves included in these projections have been included where timing and value can be estimated. Other movements with reserves will occur across the period.

**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

The Council's reserves are set out in the Reserves and Balances policy. Reserves are earmarked for specific purposes through recommendations to Full Council from the Executive Committee.

The minimum General Fund balance for 2015-2016 is £2.3 million.

The losses reserve is also held at the minimum level as the items that this covers are not included in the General Fund balance; these are different in nature and do not lend themselves to risk analysis, being fully payable if they are triggered. The losses reserve includes the partial exemption VAT threshold, the MMI scheme of arrangement and any uninsured losses.

Reserves and the General Fund balance will continue to be monitored by the Director of Resources through the quarterly Council Finances report.

**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

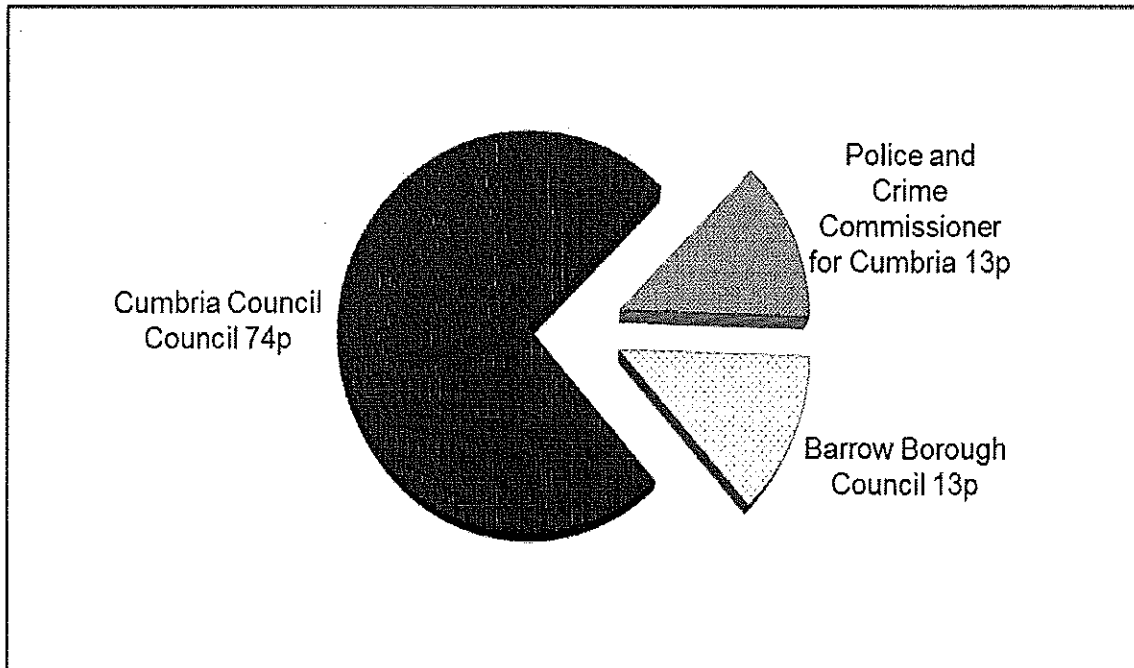
**G. Council Tax**

The Council Tax for 2016-2017 was set by Full Council on the 1st March, 2016. The Barrow Borough Council demand on the Collection Fund to meet the 2016-2017 General Fund budget was set at £4,025,420.

Across the whole Borough, the dwellings are split over the Council Tax bands as follows:

Band	2016-2017	Split
A	19,768	59%
B	5,455	16%
C	4,654	14%
D	2,301	7%
E	979	3%
F	234	1%
G	70	-
H	9	-
<b>Total</b>	<b>33,470</b>	<b>100%</b>

Each £1 of the unparished Council Tax bill belongs to:



**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

**H. Risk**

Estimates contain an element of risk from items such as inflation, the financial markets, Government support, customer demand and the anticipation of future events.

The Council's Reserves and Balances Policy sets out the risk assessment applied to estimates.

Some of the key financial considerations are:

- Allowances for inflation may be insufficient.
- Employer pension contributions may increase.
- National insurance contributions may increase.
- The staff re-grading scheme is not budgeted for.
- Usage of gas and electricity may be estimated too low.
- NNDR and water rates may change.
- Professional services may be required to support key functions.
- The possibility of driving further efficiency savings from the budget.
- Major contracts come up for consideration during the life of this Plan.
- Cash flow requirements must be constantly reviewed.
- The cost of new borrowing.
- Interest rate fluctuations.
- The next triennial pension fund valuation will apply to 2017-2020.
- It is likely that Government funding will reduce beyond current estimates.
- Continuation of the Cumbria business rates pool.
- The impact of Universal Credit and other welfare reforms.

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **I. Capital**

The Capital Programme and Financing for 2016-2017 to 2019-2020 was approved at Full Council on the 1st March, 2016.

The Capital Programme includes financing from borrowing and the revenue implications are included in the General Fund revenue budget. The usable capital receipts are anticipated, but may not materialise, so projects in future years will not be commissioned until sufficient funding is in place.

	2016-17 £m	2017-18 £m	2018-19 £m	2019-20 £m
<b>Investment</b>				
Public housing	1.9	1.9	1.9	1.9
Private housing	0.6	0.6	0.6	0.6
Housing market renewal	1.7	0.5	0.2	0.2
Public buildings	0.2	0.2	0.2	0.2
Industrial & commercial properties	0.1	-	-	-
Other public assets	0.2	0.1	0.1	0.1
Asset investment fund	0.1	0.1	0.1	0.1
<b>Total</b>	<b>4.8</b>	<b>3.4</b>	<b>3.1</b>	<b>3.1</b>
<b>Financing</b>				
Major repairs reserve	1.9	1.9	1.9	1.9
Grants and contributions	1.5	0.6	0.6	0.6
Borrowing	0.3	0.7	0.2	0.2
Reserves	0.1	-	-	-
Capital receipts	1.0	0.2	0.4	0.4
<b>Total</b>	<b>4.8</b>	<b>3.4</b>	<b>3.1</b>	<b>3.1</b>

Capital receipts are closely monitored as the proposed capital programme is reliant on usable capital receipts for financing each year. Where capital receipts are not realised, as previously stated, projects will be reviewed and prioritised against the financing available.

## **Medium Term Financial Plan** **2016-2017 to 2019-2020**

### **J. Treasury**

The Treasury Management Strategy for 2016-2017 was approved by Full Council on the 1st March, 2016. This Strategy sets out the Prudential Indicators that control all of the Council's treasury activities, the borrowing strategy, the annual investment strategy and credit and counterparty risk management.

The borrowing requirements of the Capital Programme are included in the Treasury Management Strategy.

CIPFA defines treasury management as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The Council is required to set the maximum level of debt, beyond which external debt is prohibited. This limit can only be set or revised by Full Council. This Prudential Indicator is the Authorised Limit for External Debt; the limit and the expected external debt is shown below:

	<b>2016-2017 £m</b>	<b>2017-2018 £m</b>	<b>2018-2019 £m</b>	<b>2019-2020 £m</b>
<b>Authorised Limit</b>	54.0	54.0	54.0	55.0
<b>External debt</b>	39.5	39.5	39.5	39.5

The external debt is long term debt and is split between the General Fund and the Housing Revenue Account as follows:

	<b>External debt £m</b>	<b>Average interest rate</b>
General Fund	13.4	4.37%
Housing Revenue Account	26.1	3.32%



**Medium Term Financial Plan**  
**2016-2017 to 2019-2020**

**K. Housing Revenue Account**

From the 1<sup>st</sup> April 2012 the Housing Subsidy system ended. The Housing Revenue Account is self-financing as set out in its 30 year Business Plan; the rent from the dwellings pays for the upkeep and management of the dwellings.

The Housing Revenue Account budget for 2016-2017 was approved by Full Council on the 1st March, 2016. It is a balanced budget with a 1% rent decrease for dwellings and a 2% increase for garages.

The Housing Revenue Account remains a ring-fenced account as determined by the Local Government Housing Act 1989.

The Housing Revenue Account balance at the 31<sup>st</sup> March, 2017, is projected to be £1.5 million. The minimum balance required is currently £1.2m.

The dwelling stock at the 1<sup>st</sup> April, 2016, was 2,660.

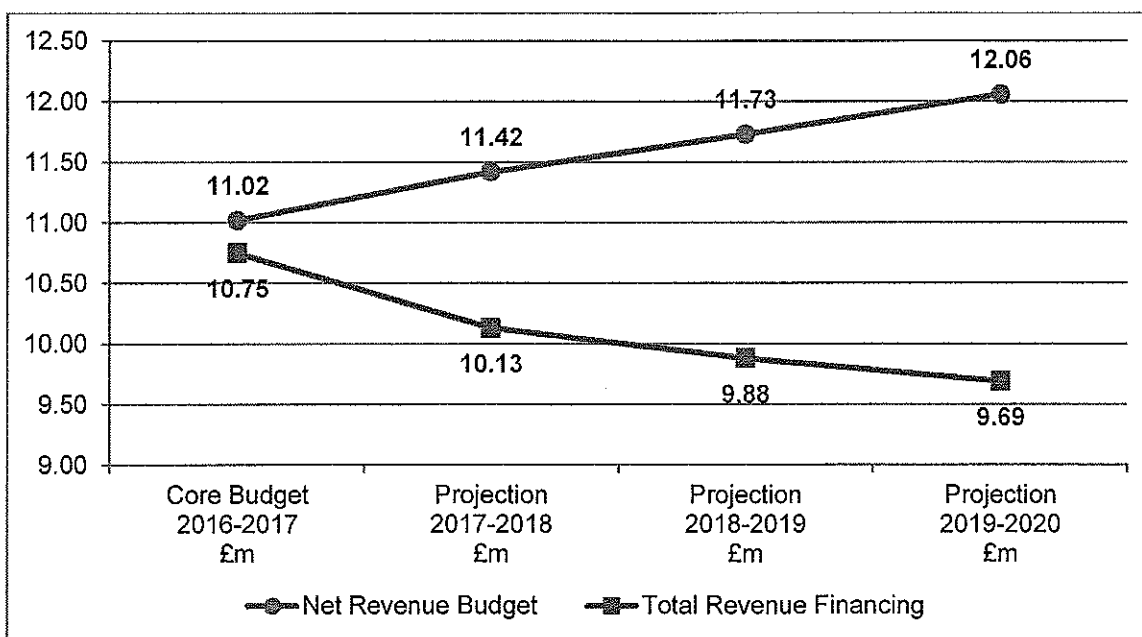
## 2016-2020 Budget Strategy

### A. Budget deficit by 2019-2020

Prior to the 2016-2017 financial settlement announcements, the 2016-2017 General Fund revenue budget was balanced to within £28k. This was a continuation of a balanced 2015-2016 budget achieved through the delivery of the Budget Strategy a year earlier in 2014-2015.

Projecting the 2016-2017 budget forward to 2019-2020 (the spending review period), based on the assumptions agreed at Full Council on the 22nd March, 2016, identifies the 2019-2020 deficit, including future service resilience, as £2.37m.

Year	2016-2017	2017-2018	2018-2019	2019-2020	Total
Budget	£11.02m	£11.42m	£11.73m	£12.06m	
Financing	£10.75m	£10.13m	£9.88m	£9.69m	
<b>Deficit</b>	<b>£0.27m</b>	<b>£1.29m</b>	<b>£1.85m</b>	<b>£2.37m</b>	<b>£5.78m</b>



The £2.37m deficit builds up from the cumulative net impact of cost pressures each year. This starts with the reduction in the Revenue Support Grant in 2016-2017 of £0.31m and is then impacted over the four year period by the following cost pressures and grant reductions:

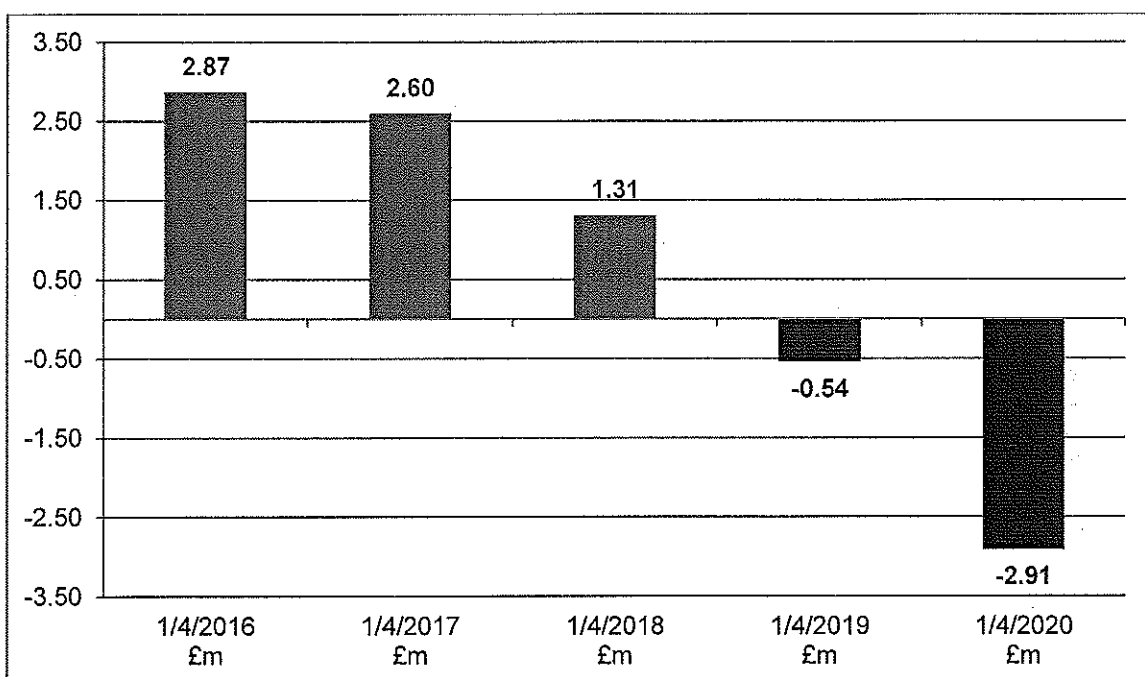
- Reduced Revenue Support Grant £1.45m (£1.76m across 2016-2020)
- Ending New Homes Bonus entitlements £0.19m
- Collection Fund prior year surplus (benefit to 2016-2017 only) £0.12m
- Cost pressures (staff pay and inflation) £0.89m
- Increased pension deficit funding £0.15m
- Reduced Housing Benefit administration grant £0.11m
- Future service resilience £0.15m

## 2016-2020 Budget Strategy

Together with the 2016-2017 grant reduction, these total £3.37m and the following projected increases in income reduce the net deficit to £2.37m:

- Increased Council Tax income £0.41m
- Inflated Business Rates multiplier £0.28m
- Increased service income £0.21m
- Net gain on Treasury portfolio £0.10m

The Medium Term Financial Support Reserve is insufficient to cushion General Fund beyond 2017-2018, being £2.87m at the 31st March, 2016.



In order to be in a position to mitigate the fluctuations in the Borough Council's retained share of Business Rates, it is prudent to set aside £1m into a volatility reserve. As the localisation of Business Rates progresses there is an increased risk and reliance placed on Business Rates to finance Council services; this is over and above the current fluctuations, revaluations and appeals. The purpose of the volatility reserve is to smooth the impacts on the annual budget setting for General Fund.

### **B. Service Resilience**

It is essential that the Council develops resilience in its service delivery, and this is particularly important in our statutory services i.e. those we are required by law to provide. Management Board has undertaken a service by service appraisal of resilience of each of our statutory services and recognised that additional resources are required in some services. In all 7 additional posts have been identified, including mainstreaming 2 apprenticeship posts in IT and Democratic Services within

## **2016-2020 Budget Strategy**

General Fund. Service resilience is driven through the Council's Workforce Development Strategy and therefore focuses upon training to create professional posts within services. The proposal is included in the deficit reduction target and by 2019-2020 is estimated to cost £144k.

The entry levels proposed against all 7 posts have been considered against the requirements of the departments and the functions requiring resilience. Skills and knowledge transfer are also key factors in succession planning.

Full Council agreed:

- That the 2 three-year apprentices, approved by Council on the 1st March 2016, are amended to be permanent trainee positions on the establishment;
- To create a permanent trainee position in the Finance Department to be appointed during 2017-2018, graded Scale 3 (£16,481 per annum);
- To create a permanent trainee position in the Private Sector Housing appointed during 2017-2018, graded Scale 6 (£23,166 per annum);
- To create a permanent trainee position in the Environmental Health Department appointed during 2017-2018, graded Scale 6 (£23,166 per annum);
- To create a permanent trainee position in the Technical Services Unit appointed during 2017-2018, graded Scale 3 (£16,481 per annum); and
- To create a permanent trainee position in the Street Care Team appointed during 2017-2018, graded Scale 3 (£16,481 per annum).

### **C. Budget Strategy**

The deficit to be eliminated by 2020 is therefore £2.37m. This will be a huge challenge for the Council following a sustained £5m reduction in our core budget since 2011. The Budget Strategy proposes to eliminate this deficit by a blend of increases in discretionary income, efficiency/cost cutting measures across discretionary and statutory services and a prudent use and protection of reserves.

An estimate of the timing of all proposals has been made reflecting the need to make efficiencies and generate income in the early years of the strategy. In the following Sections, the saving generated is the 2019-2020 value and the year reflects the start of benefits being realised.

To be able to deliver this strategy, it will be necessary to fund items of non-recurring expenditure. There are no estimates for this at present and it is proposed the items of non-recurring expenditure necessary to deliver the 2016-2020 Budget Strategy are funded from the Medium Term Financial Plan reserve together with the outturn result during the strategy period being met from or added to the Medium Term Financial Plan reserve.

## **2016-2020 Budget Strategy**

### **D. Major Contract Renewals**

Saving generated	From 2017-2018	£1.02m
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#### Street Cleansing

The Waste and Street Cleansing contract is out to tender during 2016-2017, with a new contract to start from the 1st April, 2017. There has been some modification to the specification to eliminate duplication, remove bank holiday working, remove weed spraying and to reduce the frequency of service in less sensitive or seasonally affected areas. Members will be notified of the tender prices in the contract award report to be presented to the Executive Committee in the autumn.

#### Revenues, Benefits and Customer Services

This contract ends on the 30th September, 2018 and the Council plans to maximise savings and efficiencies from the future service delivery model. The service delivery assessment will be reported to the Executive Committee at a later date.

#### Internal Audit

The Internal Audit contract ends on the 31st March, 2017. The service delivery options were reviewed to achieve a cost reduction and have been agreed by Full Council.

### **E. Leisure**

Saving generated	2018-2019	£0.49m
------------------	-----------	--------

Council currently supports The Forum and Park Leisure centre facilities by an annual subsidy of £1.14m (excluding depreciation). Outsourcing operation would generate potential initial savings of £467,000 reducing the Council subsidy to £673,000. These are based on an exercise undertaken by consultants.

The Council is the only Cumbrian authority operating its own theatre and leisure centre. Based on early market engagement, there is an opportunity to continue these services with an external operator and achieve significant savings. TUPE will apply to the staff and the properties would be leased for the contract duration.

Full Council has agreed to outsource The Forum and Park Leisure Centre.

### **F. Treasury**

Saving generated	2016-2017	£0.26m
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Full Council agreed the re-profiled debt repayment schedule and released prudential savings.

## **2016-2020 Budget Strategy**

### **G. Burials and Cremations**

Saving generated	2017-2018	£0.25m
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The Council's policy is to match these charges with nearest comparators. Prices have not been increased in this way for a number of years and charges have fallen behind the comparators.

Full Council agreed:

- To retain the policy of matching the highest burial and cremation charges of our nearest comparators;
- That that the next price alignment will be from the 1st April, 2017; and
- To delegate the Cemeteries and Crematorium Manager to annually match the highest burial and cremation charges of our nearest comparators and apply those by 1st October each year, including October 2017.

### **H. Ring-Fenced Properties**

Saving generated	2018-2019	£0.15m
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The Borough Council accrues approximately £0.15m per annum to a ring-fenced fund for the building maintenance costs of certain properties. With the Homes and Communities Agency's permission, the Council will bring these properties and the associated income into the General Fund. Full Council agreed that the net income derived from these properties be used to fund the Council's Regeneration Service.

### **I. Dock Museum**

Saving generated	From 2016-2017	£0.05m
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As Members will recall, BAE Systems are now tenants of part of the Dock Museum. The recoverable proportion of utility costs and NNDR for BAE Systems proportion of the building will be charged under the terms of the lease, generating income. Full Council agreed an efficiency target of £30,420 for the Dock Museum to achieve by 2019-2020.

### **J. Commercial Estate**

Saving generated	2019-2020	£0.05m
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The Council has a strong commercial property portfolio and aims to generate a contribution to the budget deficit through reducing the NNDR liability, repair and maintenance costs on empty Council properties by sale or transfer. Full Council agreed an efficiency target of £48,000 to be achieved from the commercial estate by 2019-2020.

## **2016-2020 Budget Strategy**

### **K. Kennels**

Saving generated	2017-2018	£0.03m
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The Council currently owns and operates kennels to fulfil its statutory duty for receiving stray dogs. Council agreed to seek competitive quotes to operate the service in 2013. Full Council agreed to outsource the statutory kennelling service to another organisation within the Borough from the 1st April, 2017.

### **L. Playgrounds**

Saving generated	2017-2018	£0.03m
------------------	-----------	--------

The playgrounds policy and the service delivery arrangements have been reviewed. Full Council agreed:

- To adopt the following policy to determine which playgrounds within the Borough should be recommended for decommissioning:
  - Maintain at least 1 playground in each settlement where one currently exists.
  - Maintain all larger playgrounds as they offer a better play experience and cater for a wider range of community users.
  - Decommission the most localised (serving the immediate area) and those which appear to be least used.
  - Decommission those in the poorest condition.
- That the playgrounds inspection and maintenance service is undertaken by Continental Landscapes as a variation to the existing contract; and
- To set aside contract standing orders in awarding the works to Continental Landscapes.

### **M. Allotments**

Saving generated	2017-2018	£0.03m
------------------	-----------	--------

The Council's policy is to fully recover the cost of providing allotments in its pricing. Rents have not been increased in this way and have fallen behind the service costs. Costs have also been reviewed and should be reduced. Full Council agreed:

- To retain the policy of full cost recovery for allotment rents;
- That the next rent alignment will be from the 1st April, 2017;
- To delegate the Assistant Director – Community Services to set the rents at full cost recovery and apply those by 1st April each year; observing the required notice period; and
- To reduce the grounds maintenance and repair costs budget by £20,000 in 2017-2018.

## 2016-2020 Budget Strategy

### **N. Barrow Park**

Saving generated	From 2017-2018	£0.03m
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The Pavilion in the Park is partially unoccupied and the boating service is currently subsidised by the Council. Full Council agreed:

- That the Pavilion be offered for commercial rent;
- That the boating service subsidy is removed and the concession opportunity is put to the market; and
- An efficiency target of £6,630 from Barrow Park by 2019-2020.

### **O. Conveniences**

Saving generated	2017-2018	£0.01m
------------------	-----------	--------

The outlying public conveniences within the Borough have been reviewed. Full Council agreed:

- To operate the Roa Island public convenience seasonally; and
- To close the Roanhead public convenience with immediate effect.

### **P. Medium Term Financial Plan**

The Budget Strategy proposals produce a saving by 2019-2020 of £2.40m.

The Council's Medium Term Financial Plan incorporates the Budget Strategy which has the following impact:

Year	2016-2017	2017-2018	2018-2019	2019-2020	Total
Budget	£10.66m	£10.48m	£9.81m	£9.66m	
Financing	£10.75m	£10.13m	£9.88m	£9.69m	
<b>Deficit (Surplus)</b>	<b>(£0.09m)</b>	<b>£0.35m</b>	<b>(£0.07m)</b>	<b>(£0.03m)</b>	<b>£0.16m</b>

The Budget Strategy achieves the aims of eliminating the budget deficit and protecting reserves.

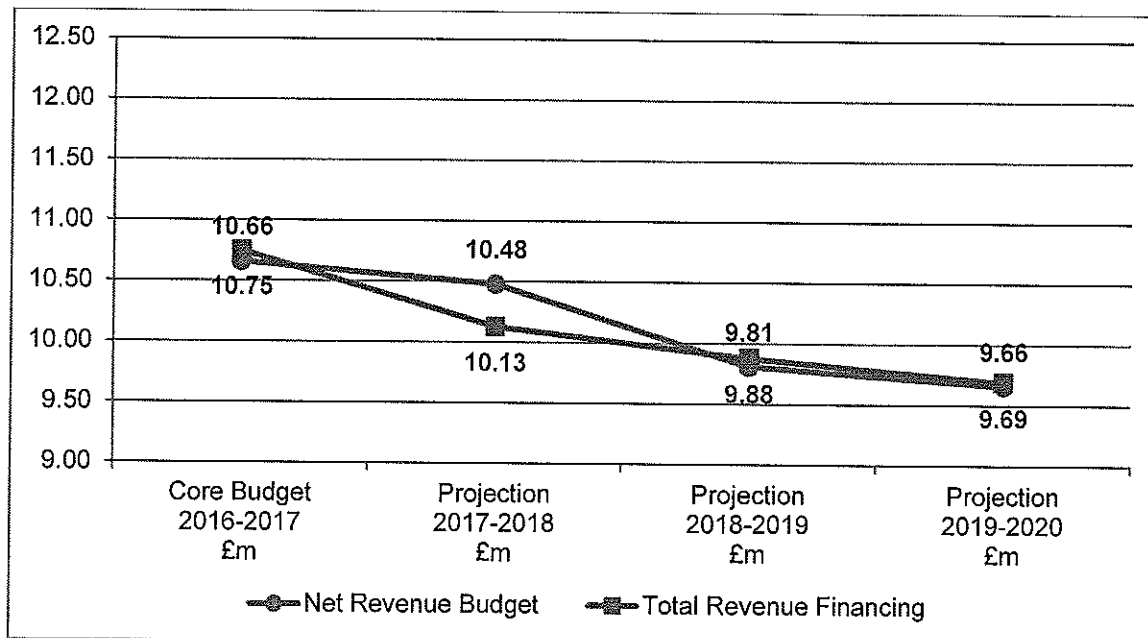
The Medium Term Financial Plan Support Reserve will be required to meet any costs associated with, or shortfalls from the assumptions within, the Budget Strategy. In accordance with the Reserves and Balances Policy, the reserve level will continue to be reviewed and risk assessed.

The following charts represent the Medium Term Financial Plan in terms of the General Fund revenue budget and the profiling of the agreed actions.

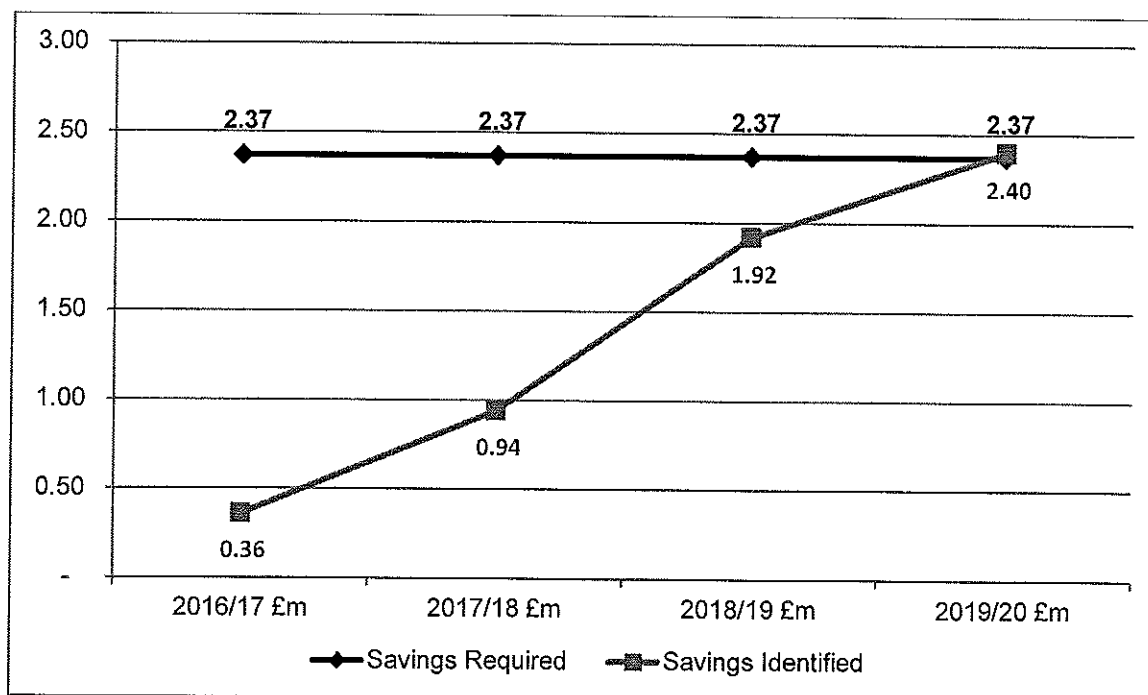


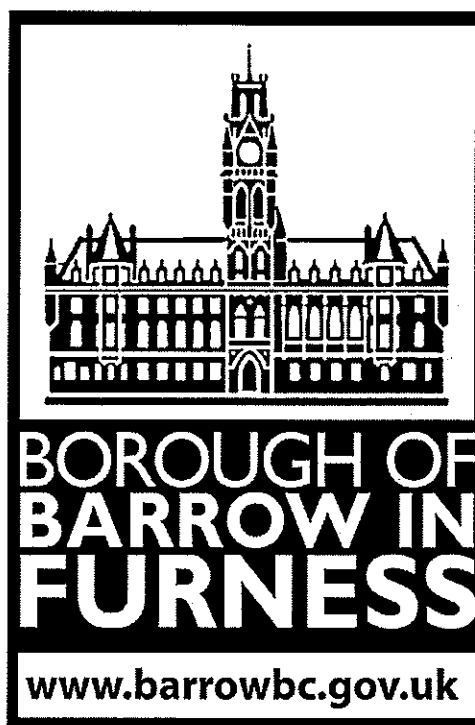
## 2016-2020 Budget Strategy

The Medium Term Financial Plan projects the General Fund for 2019-2020 to be balanced:



The projected profile for realising the increases in discretionary income together with efficiency and cost cutting savings is estimated to be:





# Workforce Strategy

<b>Version Control:</b>	
<b>Document Name:</b>	Workforce Strategy
<b>Version:</b>	14062017.1
<b>Author:</b>	Director of Resources
<b>Approved by:</b>	Full Council
<b>Date Approved:</b>	July 2017
<b>Review Date:</b>	July 2020

# **Workforce Strategy**

## **Introduction**

At a time of continuing austerity with significant financial pressures on all areas of the Council's business, it is vital that the Council clarifies its' aims for the workforce. The Council recognises that its' workforce is a valuable resource and that there must be an effort to attain the best fit from existing resources for both ongoing and future business needs. To complement this, the Strategy also aims to create the workforce needed to support and deliver the overarching Council Plan.

Given the size of the Council's direct workforce, it is appropriate to strive to achieve a multi-disciplined workforce that is flexible and equipped to deliver transformation. Multi-tasking already exists and can help to prevent silos within an organisation.

The Workforce Strategy supports the Council Plan through positive leadership that facilitates:

- Maximising the opportunities for staff involvement;
- Promoting the well-being of employees;
- Providing the opportunity for personal and professional development which meets the organisation's needs; and
- A commitment to fair, equitable and inclusive practices.

The Council continues to operate in a volatile uncertain environment, where the only constant is reducing resources and continuing service demands. High standards of ethics and governance are in place and are observed.

## **Workforce Planning**

Workforce planning is the process of identifying the optimum number of employees with the required skills, employed in the right services, at the right time, in order to deliver an organisation's short and long term objectives. Technically, workforce planning involves a range of activities such as succession planning, flexible working, job design, future demand, skills analysis and many more.

Workforce planning is not formally practiced Council-wide; certain services have operated on this basis and some continue to do so. More commonly, Council services operated on historic staffing structures replacing any leavers on a like-for-like basis. The Budget Strategy 2012-2016 included a comprehensive review of the Council's establishment and introduced the requirement that service managers review all vacancies for the potential to create an apprentice or trainee position,

whether there could be any change in working practices (efficiencies), the job design and best use of existing staffing (a structural review).

In 2017, the Council implemented a comprehensive human resources integrated system and there are elements within the system that will be available to service managers. These elements include details of the service managers' direct reports in terms of work pattern or rota, all types of leave, individuals' training and appraisals. It is anticipated that once this information is available, it will allow the possibility of formal approach to workforce planning across the Council to be assessed. This is a future aim and is not included as a time bound action within this Strategy.

Workforce planning is a key part of any strategic business planning process. Service plans aid departmental workforce planning and allow a corporate picture to be built up.

### Achievements

The previous Workforce Strategy successfully introduced appraisals for all employees; this was phased through Management Board and Management Group first. The Business Improvement Team membership was refreshed and new areas of work have been reviewed. The Council agreed an Employer Supported Volunteering Policy and that has been opened to all employees. The Sickness Absence Policy was completely reviewed and introduced more relevant triggers. Regular meetings with the Management Group now take place, with service managers excluding the Management Board meeting as a Managers Forum to discuss the issues for the Group; the Group also take part in workshops for topical issues selected by Management Board. The Executive Director and the Leader of the Council host biannual meetings over a number of days, open to all employees. Staff surveys have been carried out and action plans produced; this is now established biennially.

Any other actions carried over from the previous Strategy's plan are either incorporated again or have been overtaken by other events.

### Objectives

The objectives of the Workforce Strategy are:

1. To establish effective communications mechanisms within all services to ensure two-way communication is embedded across the Council. To improve employee engagement by empowering staff to make decisions based on up to date knowledge and experience and, where necessary, appropriate qualifications.

2. To enable employees to have the work/life balance that best suits their needs, given their role within the Council. To listen to employee concerns through individual performance appraisals and group meetings.
3. To develop innovative managers capable of leading teams through periods of significant change. To establish succession plans whereby priority for the filling of senior management roles is given to qualified and experienced internal applicants.
4. To develop a flexible workforce enabled by appropriate technology to deliver value for money across priority services. To foster a culture of continuous improvement by embedding transformation and service redesign within the performance management framework of the Council.

The objectives advance the workforce towards the Council Plan, providing assurance that the plan can be delivered. The gap between the objectives and the current position is set out in two sections; strategic issues and operational issues.

### Strategy Workforce Issues

The Management Board of the Council is the strategic level in terms of implementing Council policies and strategies. The Board have an overall view of the Council and its' operations as the Directors and Assistant Directors, between them, represent all services. The Board is chaired by the Executive Director.

The workforce issues identified at the strategic level are:

<b>Issue</b>	<b>Concern</b>	<b>Resolution</b>
A. Skills and qualifications	Scientific, technical, engineering and maths disciplines are generally difficult to recruit.	Apprentices/trainee positions allow the Council to 'grow our own' local government specific skills. Training of non-technical employees into technical roles is identified through the appraisal process.
B. Complex knowledge	Creating the opportunity for long serving employees to pass on their knowledge to others.	Apprentices/trainees where added to the establishment. Back-fill posts where necessary to allow skills transfer; to other existing employees or upon leaving. Developmental training for managers.

Issue	Concern	Resolution
C. Succession planning	<p>Service continuity would be best achieved with internal applicants moving through the organisation.</p> <p>Age profile of the organisation.</p>	<p>Deputy managers in place for key services.</p> <p>Manager and supervisor training identified through the appraisal process.</p> <p>Apprentices and development posts in key areas.</p>
D. Changing career patterns and expectations	<p>As the options offered to employees increase workforce planning, even at a team level, becomes more demanding.</p>	<p>Job fulfilment balanced against the job design (or job description).</p> <p>Flexible employment; enhanced flexi scheme, purchased annual leave, temporary or permanent reductions in working hours.</p> <p>Smoother transition into retirement; flexible retirement options.</p>

### Operational Workforce Issues

The Council's Management Group participated in a workshop designed to identify operational issues that the Workforce Strategy should incorporate and address. There were four themes and these are set out below along with the issues that were raised. The issues were given priority scores and those at the top of the poll are presented in order of priority within each theme.

#### **Communications**

- 1.1. Information/decision fact sheet setting out responsibilities of Council, Executive Committee, Management Board and other groups.
- 1.2. Encourage 'informal' communications between departments.
- 1.3. Restructure Management Board agendas; allow more engagement from departments in policy issues.
- 1.4. Better identification of corporate issues before they are considered by Management Board.
- 1.5. Service Plans produced by departments as means of engaging staff.

#### **Health and Wellbeing**

- 2.1. Staff room.
- 2.2. Shower facility.
- 2.3. Health fair/health checks.

#### **Leadership Development**

- 3.1. Apprentice/trainee programme and succession planning.
- 3.2. Manager/senior manager delegation/decision making power.
- 3.3. Manager training/expected skills to be provided.
- 3.4. Cross department meetings.

### **Transformation and Change**

- 4.1. Generating ideas - create a culture of trust to allow staff to brainstorm ideas without managers; departmental or slice groups.
- 4.2. Implementing ideas - provide skills and empower managers to deliver change.
- 4.3. Encourage internal and external peer networking.

### Benefits

The benefits to delivering the Workforce Strategy are:

- Assurance that the Council Plan can be delivered;
- Better alignment of resources to operations;
- Reduce or remove any skills gap;
- Retained complex knowledge;
- Services continue to be delivered at the required standards; and
- Greater workforce engagement and retention, and lower levels of stress.

The Council will measure the implementation and impact of the Workforce Strategy annually. The annual review will consider progress against the Action Plan and the following data:

- Staff turnover;
- Staff sickness;
- Success of recruitment;
- Staff appraisals completed;
- Staff attendance;
- Training successes; and
- Staff satisfaction from biennial survey.

## Action Plan

Issue	Development	2017-2018	2018-2019	2019-2020
A	Skills and qualifications	11 permanent apprentices/trainee positions already agreed/created. Further positions reviewed as vacancies arise or work practices change.		
B	Complex knowledge	Appraisal scheme established; skills transfer considered by service managers. Relevant training considered through appraisal scheme.		
C	Succession planning	Investigate the feasibility of public sector training and development partnership. Establish a programmed policy review.		
D	Changing career patterns and expectations	Job details reviewed through the appraisal scheme; service managers are mindful of the responsibility placed on the positions as graded. Enhanced flexi scheme to be reviewed in 2017. Flexible retirement applications considered in line with Council policy.		
1.1	Governance briefing	Management Board to facilitate a Management Group workshop		
1.2	Inter-departmental communications	Assigned to the Managers Forum		
1.3	Review Management Board agenda structure	Completed and key policy issues presented to the Managers Forum		
1.4	Discussion of corporate issues	Part of quarterly Management Group		
1.5	Departmental service plans		To be assigned to the Managers Forum	
2.1	Establish staff room in the Town Hall	Room identified by Management Board and to be implemented by Management Group volunteer		
2.2	Create shower facility in the Town Hall		To be considered by Management Board	
2.3	Source health and wellbeing events		To be reviewed by the HR Department	



Issue	Development	2017-2018	2018-2019	2019-2020
3.1	Establish succession planning policy			To be considered by Management Board
3.2	Reminder of the scheme of delegation	Management Board to facilitate a Management Group workshop		
3.3	Manager competency review		Options to be reviewed by Management Board	
3.4	Cross department meetings	Assigned to the Managers Forum		
4.1	Idea generation		To be assigned to the Managers Forum	
4.2	Idea implementation		To be assigned to the Managers Forum	
4.3	Peer networking			To be reviewed by Management Group

<b>EXECUTIVE COMMITTEE</b>	<b>Part One (D) Agenda Item 19</b>
Date of Meeting: 28th June, 2017	
Reporting Officer: Assistant Director - Community Services	
<p><b>Title: Catering Contract Extension</b></p> <p><b>Summary and Conclusions:</b></p> <p>Members will be aware that the Council is preparing to outsource some Leisure Services, namely The Forum and the Park Leisure Centre. An important part of any future alternative service delivery will be the provision of Catering and Events Management and Associated Cleaning Services. The current provider of these services, Elior UK PLC, is coming to the end of a four year contract, (which was awarded on a 2 years + 2years basis). Elior UK PLC have indicated that they are prepared to assist the Council by continuing to provide services on a rolling monthly basis until new arrangements are identified and implemented. This will provide continuity of service for users and will allow the Council to focus on the outsourcing process.</p> <p><b>Recommendation</b></p> <p>To approve that after the conclusion of the four year contract for Catering and Events Management and Associated Cleaning Services awarded to Elior UK PLC, the contract is extended on a rolling monthly basis until such time as the Leisure Services outsourcing exercise is concluded.</p>	

**Report**

Members will be aware that the Council is preparing to outsource some Leisure Services, namely The Forum and the Park Leisure Centre. An important part of any future alternative service delivery will be the provision of Catering and Events Management and Associated Cleaning Services. The current provider of these services, Elior UK PLC, is coming to the end of a four year contract, (which was awarded on a 2 years + 2years basis). Elior UK PLC have indicated that they are prepared to assist the Council by continuing to provide services on a rolling monthly basis until new arrangements are identified and implemented. This will provide continuity of service for users and will allow the Council to focus on the outsourcing process.

(i) Legal Implications

The existing contract will be extended on a rolling monthly basis.

(ii) Risk Assessment

No significant risk implications.

(ii) Financial Implications

The Council will continue to fund the service under extension of the current contract.

(iv) Health and Safety Implications

The operator has systems and procedures in place to ensure safety.

(v) Equality and Diversity

Recommendation will have no detrimental impacts on groups with protected characteristics.

(vi) Health and Well-being Implications

Recommendation will have no adverse implications on Health and Well-being.

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 20</b>
<b>Date of Meeting: 28th June, 2017</b>		
<b>Reporting Officer: Assistant Director - Regeneration and Built Environment</b>		
<p><b>Title: Salt Marsh Caravan Park, Barrow-in-Furness</b></p> <p><b>Summary and Conclusions:</b></p> <p>The report details the current position with regard to Salt Marsh Caravan Park, Carr Lane, Walney Island, Barrow-in-Furness.</p> <p><b>Recommendations:</b></p> <p>That approval is given for the Assistant Director (Regeneration and the Built Environment) to renew the lease to the Biggar Bank Caravan Association on those terms as reported.</p>		

### Report

Barrow Borough Council own 1 acre of land on Carr Lane, Walney, as shown edged red on the attached plan (**Appendix 11**).

The land is subject to a 37 year lease to Biggar Bank Caravan Association dated 1st March, 1977 to 28th February, 2014. The current rent is £4,000 pa.

Biggar Bank Caravan Association have requested a new lease and the following terms have been proposed:

Term                      15 years from 1st July, 2017

Rent                        £10,000 pa

Rent Review            In the 5th and 10th years

Use                         Caravan Park/Site

Other terms as existing agreement.

(i) Legal Implications

The recommendation will result in a leasehold disposal of Council-owned property

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

A rental income of £10,000 pa

(iv) Health and Safety Implications

The recommendation has no significant implications. Flood Risk Appraisal had been carried out by M&P Gadsden in December 2014.

(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.

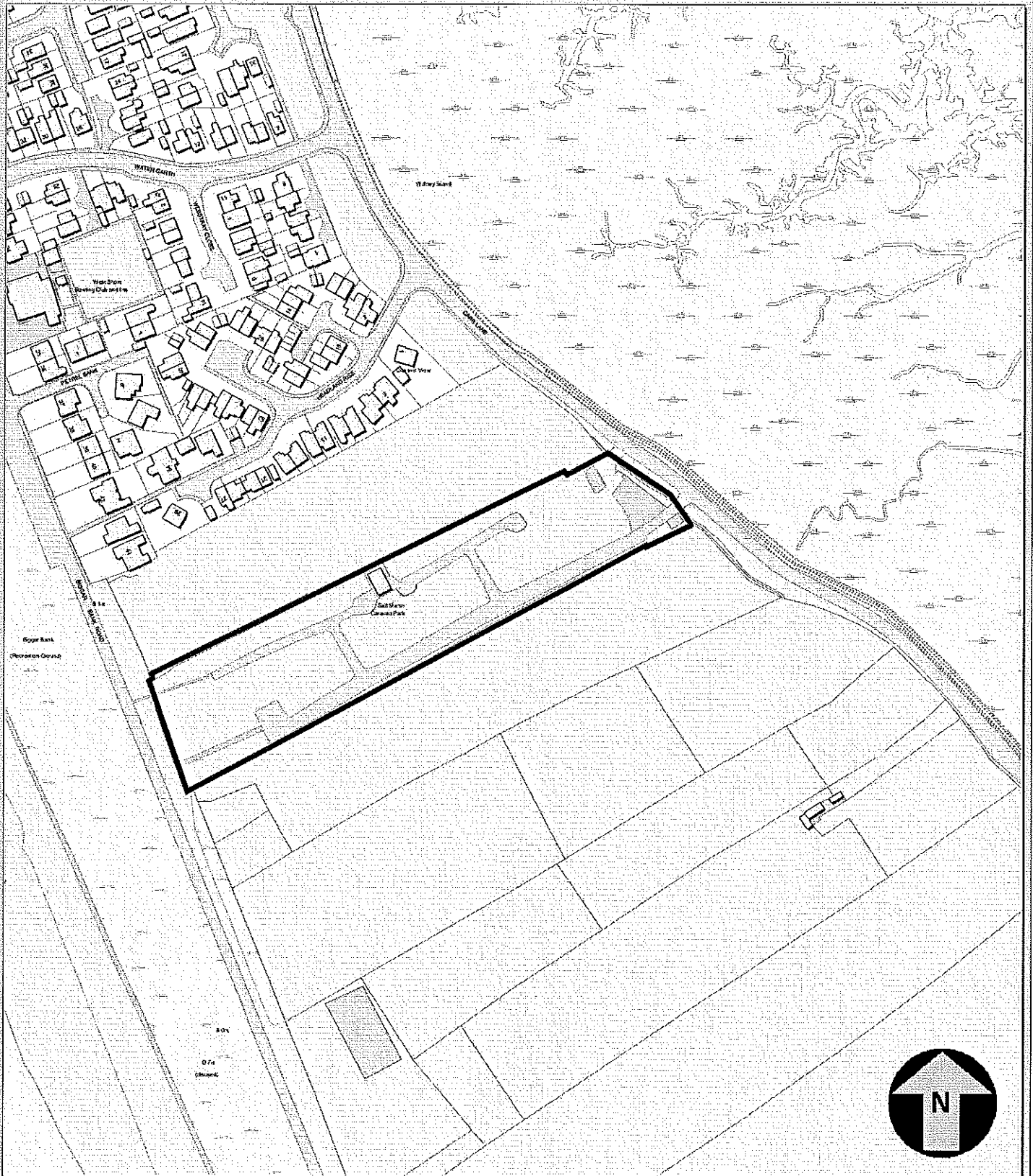
Background Papers

Nil

# Saltmarsh Caravan Park

APPENDIX No. 11

Carr Lane Walney

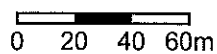


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<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 21</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	
<b>Reporting Officer:</b>	<b>Assistant Director (Regeneration and Built Environment)</b>	
<p><b>Title: Council Owned Land for Housing Development</b></p> <p><b>Summary and Conclusions:</b></p> <p>To programme and deliver the sale of Council owned land to enable housing development within the Borough.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council:-</p> <ul style="list-style-type: none"> <li>(i) To note the updated programme;</li> <li>(ii) To approve the disposal of sites at Holly Croft (SHL068) and Mill Lane (SHL01a) and agree the timescales for disposal, as part of the Councils five year supply of housing land, once the new Local Plan has been adopted; and</li> <li>(iii) To approve the sale of Land in Sharp Street/Beach Street Askam.</li> </ul>		

## **Report**

### **Background**

Executive Committee on 20th January, 2016 agreed a programme for the disposal of a number of sites within Council ownership to enable housing development within the borough. The development of these sites will assist in the delivery of new dwellings within the Borough and contribute towards the Council demonstrating a five year supply of housing land.

This report provides an update of the agreed programme, progress made in the disposal of land, and an update on the sites still in council ownership.

### **Land to the south of Abbey Meadow (Smallholding Number 4) [SHL070a] (Appendix 12)**

This site was identified as deliverable in the Strategic Housing Land Availability Assessment (SHLAA) process 2012. Formal approval for its disposal was granted on 14th November 2012. The site, along with SHL071 (land north of Duchy Court), was formally marketed in 2016 and its disposal to Oakmere Homes was agreed on 30th November 2016 by Executive Committee. The

sale is subject to formal full planning approvals and draft contracts have been prepared by the council's legal representatives. The site is included as a draft housing allocation in the Local Plan Pre-Submission Draft. It also forms part of the Council's five year housing land supply which is identified in the Council's Housing Land Statement 2017. The 1.20 Hectare site is expected to deliver up approximately 26 residential units, subject to full planning approvals.

**Land north of Duchy Court (Number 11 Smallholding) [SHL071] (Appendix 12)**

This site was identified as deliverable in the Strategic Housing Land Availability Assessment (SHLAA) process 2012. Outline planning permission was granted for 30 dwellings on the site in January 2016. The site, along with SHL070a (above), was formally marketed in 2016 and its disposal to Oakmere Homes was agreed on 30th November 2016 by Executive Committee. The sale is subject to full planning approvals and draft contracts have been prepared by the council's legal representatives. The site forms part of the Council's five year housing land supply which is identified in the Council's Housing Land Statement 2017. The 1.44 Hectare site is expected to deliver up approximately 30 residential units, subject to full planning approvals.

**Land north of West Point House Solway Drive [SHL100a] (Appendix 13)**

This site was identified as deliverable in the Strategic Housing Land Availability Assessment (SHLAA) process 2012. A single Development Brief has been produced for this site together with SHL101 and sales particulars drafted. It is intended to market the two sites in June 2017 with a view to disposing of the assets, subject to planning, as soon as practicable thereafter. The site is included as a draft housing allocation in the Local Plan Pre-Submission Draft. It also forms part of the Council's five year housing land supply which is identified in the Council's Housing Land Statement 2017.

The 1.67 Hectare site is expected to deliver approximately 30 residential units, subject to full planning approvals.

**Land south of West Point House Solway Drive [SHL101] (Appendix 13)**

This site was identified as deliverable in the Strategic Housing Land Availability Assessment (SHLAA) process 2012. Formal approval for its disposal was granted by BBC Executive Committee on 14<sup>th</sup> November 2012. The site is to be sold in conjunction with SHL100a (see above). A Development Brief has been produced for the site and sales particulars drafted. It is intended to market the site in early June 2017 with a view to disposing of the asset, subject to planning, as soon as practicable thereafter. The site is included as a draft housing allocation in the Local Plan Pre-Submission Draft. It also forms part of the Council's five year housing land supply which is identified in the Council's Housing Land Statement 2017. The 1.33 Hectare site is expected to deliver approximately 28 residential units, subject to full planning approvals.



### **Land in Sharp Street/Beach Street Askam**

The site comprises an almost rectangular site, of approximately 0.36 Hectares (0.9 acres). The council received an open market appraisal of the freehold interest of Land at Beach Street, Askam in relation with the plans for a residential development scheme from NPS Group (Property Consultant) on 17<sup>th</sup> January 2017. The Commercial Estates Manager has now reached agreement with Modlar Homes on a purchase price of £200,000 for the land in Askam subject to Committee approval, contracts, planning and vacant possession. Estates will also need to secure the relocation and/or purchase of those garages with possessory title as shown on the attached plan (**Appendix 14**) and this will be subject to further negotiations conducted by the Commercial Estates Manager.

### **North Central Clearance Area [SHL047] (Appendix 15)**

The site is included as a draft housing allocation in the Local Plan Pre-Submission Draft. It also forms part of the Council's five year housing land supply which is identified in the Council's Housing Land Statement 2017. Proposed Indicative Yield in the emerging Local Plan shown as 45 (within the Housing Land Statement 2017). A meeting has taken place in May 2017 with a new Developer showing interest. A broad discussion took place to discuss a three phase layout showing potentially up to 74 properties. The Developer has stressed that they want to provide the market with houses at a cost directly related to the build cost, not the market opportunity and benefit the economy by directly employing and training locally. Development Services have also offered to meet with the Developer in relation to providing pre-application advice.

Discussions are also ongoing with the Homes and Communities Agency (HCA) to see whether agreement can be reached regarding a potential financial contribution subject to the HCA undertaking due diligence and building a business case, to support the proposed development. Subject to the outcome of this combined work the Developer would be happy to discuss land remediation costs with the HCA.

### **Marina Village [SHL001] (Appendix 16)**

This is a complex site to bring forward but it has wide ranging regeneration and growth benefits with an allocation for 650 dwellings in the Barrow Port Area Action Plan (adopted in 2010). It is a strategic Council priority reflected in the emerging Local Plan which BBC will submit to the Planning Inspectorate in summer 2017.

The Council has continued to utilise its own capital funding over a number of years, to ensure the overall Waterfront Development proposals eventually become realised through a series of phased developments, over a longer period of time.

The new road access (and associated works) scheme forms part of the Advanced Manufacturing Growth initiative contained within the Cumbria Strategic Economic Plan 2014–2024 (Cumbria Local Enterprise Partnership’s ‘Four Pronged Attack’), funded from an allocation of the Local Growth Fund.

The new access will open-up this brownfield land to help facilitate its re-development and regeneration by providing a suitable access for construction traffic as the current existing site accesses from Salthouse Road are not deemed suitable for this use as they are narrow, constrained and do not meet any of the required standards for visibility splays, radii etc.

The new access will be suitable for construction traffic and can be utilised as a permanent access for the early phases of the future development of the allocated housing site, making this land more commercially attractive to potential developers and more straightforward to deliver. The access is envisaged as one of multiple accesses to the wider Marina Village Housing Site, with initial development on the allocated site anticipated to open-up new residential accesses onto the site in the future, such as that from a newly aligned Cavendish Dock Road.

Cumbria County Council with their design consultants Capita Property & Infrastructure and their appointed Contractor (ESH Border Construction) are carrying out works to provide a new junction with associated highway improvements on Salthouse Road, Barrow-in-Furness, with the aim of providing better access to the proposed Marina Village Housing Site located to the south of Salthouse Road.

The works will provide a new priority junction with a right turn lane on Salthouse Road. The proposal includes:

- widening of the existing carriageway on the south side of Salthouse Road between Rawlinson Street and Ruskin Terrace to accommodate a right turn lane;
- a short section of new carriageway leading off Salthouse Road and onto the Marina Village site;
- a new kerbed island refuge to allow pedestrians to cross the road safely; and,
- improved road lighting, surfacing, road markings and traffic signs.

As part of the BPAAP land to the south of Salthouse Road the Marina Village area is allocated for a mixed-use development comprising of new leisure, sport and tourism facilities; significant new housing; public-realm and open space and a wildlife attraction. This “Key Site” is envisaged as “a major new waterfront housing opportunity for the town”. This area is expected to provide a significant extension to the town comprising of predominantly residential development (circa 650 new homes) with the added potential for leisure, retail and hotel developments which, when completed, will help re-connect the town centre with the waterfront area.

The Barrow Port Area Action Plan (BPAAP) Development Plan Document was adopted on 12 July 2010 and forms part of the current Local Planning Policy for Barrow-in-Furness. The BPAAP sets out the planning policies and land allocations for a defined area of Barrow Borough in order to secure the regeneration and redevelopment of Barrow Port.

This site is also where Homes and Communities Agency funding should be channelled to aid delivery. A site Development Framework, phasing plan for remediation and servicing together with a Master Plan, (including a Funding Plan and Marketing Strategy with market testing) are the next steps to be implemented. These will identify the required resources for some remaining small plot assembly, further ground condition surveys, where two additional accesses should be located, guide the overall look and feel of the development and suggest how the area can be best developed to meet market need and introduced to a number of interested developers.

**Fields to the south of Croslands Park (Holly Croft) [SHL068] (Appendix 17)**

This site was identified as “potentially developable” in the Strategic Housing Land Availability Assessment (SHLAA) process 2012. This means that there is currently a saved Local Plan policy restricting development at present (Policy D26 – Urban Open Space). The site is however included as a draft housing allocation in the Local Plan Pre-Submission Draft as the current policy restriction is not being taken forward on the site.

Following concerns about traffic numbers and movement on Stoneleigh Close, Barrow Borough Council have commissioned a Traffic Assessment (TA) which shall be available for inclusion in the Submission Draft document. The assessment concluded that.....*there are no issues with the existing road alignment or road safety to indicate that Stoneleigh Close cannot accommodate an additional 20 dwellings.* Subject to approval the site is to be marketed in 2018/19 following the adoption of the new Local Plan. The 1.45 Hectare site is expected to deliver approximately 20 residential units, subject to full planning approvals.

**Land at Mill Lane Walney [SHL010a] (Appendix 18)**

This site is a mixed brownfield/greenfield site comprised of hardstanding (part of which was previously the site of the former Periscope Public House / Island Tavern and car park) and grazing fields. Areas of hardstanding are currently used by a local football club for parking. It is proposed that the site be disposed of in 2018 following the adoption of the new Local Plan.

The site was identified in the Strategic Housing Land Availability Assessment (SHLAA) process 2012, although there have been a number of boundary revisions. The majority of the site was identified as being “potentially developable”, except the former Periscope section which is “deliverable” This means that there is currently a saved Local Plan policy restricting development

at present (Policy D4 – Green Wedge). The site is however included as a draft housing allocation in the Local Plan Pre-Submission Draft as the current policy restriction is not being taken forward on the site.

Disposal shall be subject to the upgrading of pedestrian links between Mill Lane and Central Drive, Walney. The 1.71 Hectare site is expected to deliver approximately 50 residential units, subject to full planning approvals.

(i) Legal Implications

Recommendation iii) will be subject to contract, planning and vacant possession.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

Recommendation (iii) will eventually result in a capital receipt of £200k. The other two council owned sites will be subject to valuation and bids received at a future date.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

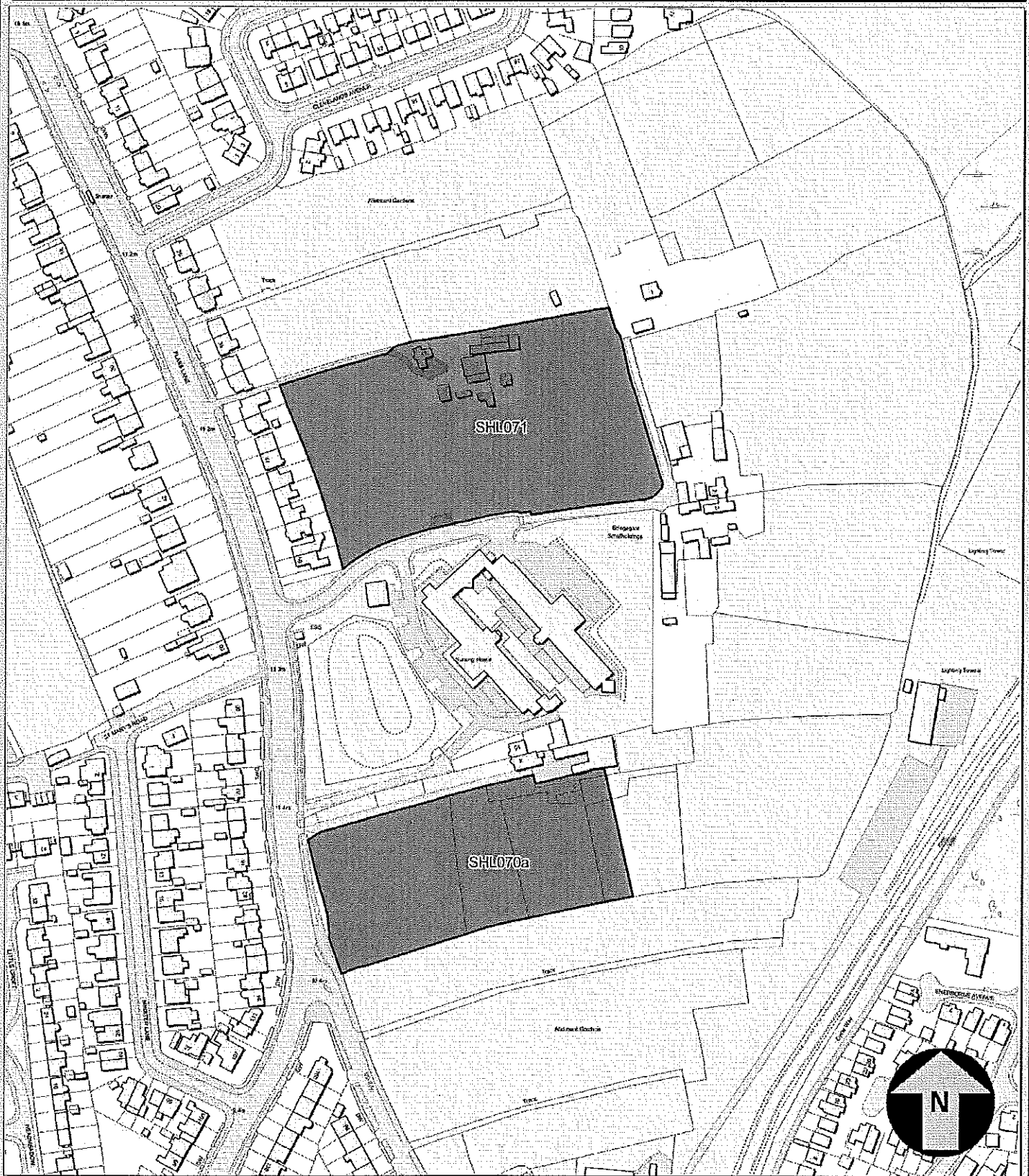
Background Papers

Nil.

# SHL070a / SHL071

## Location Plan

# APPENDIX No. 12



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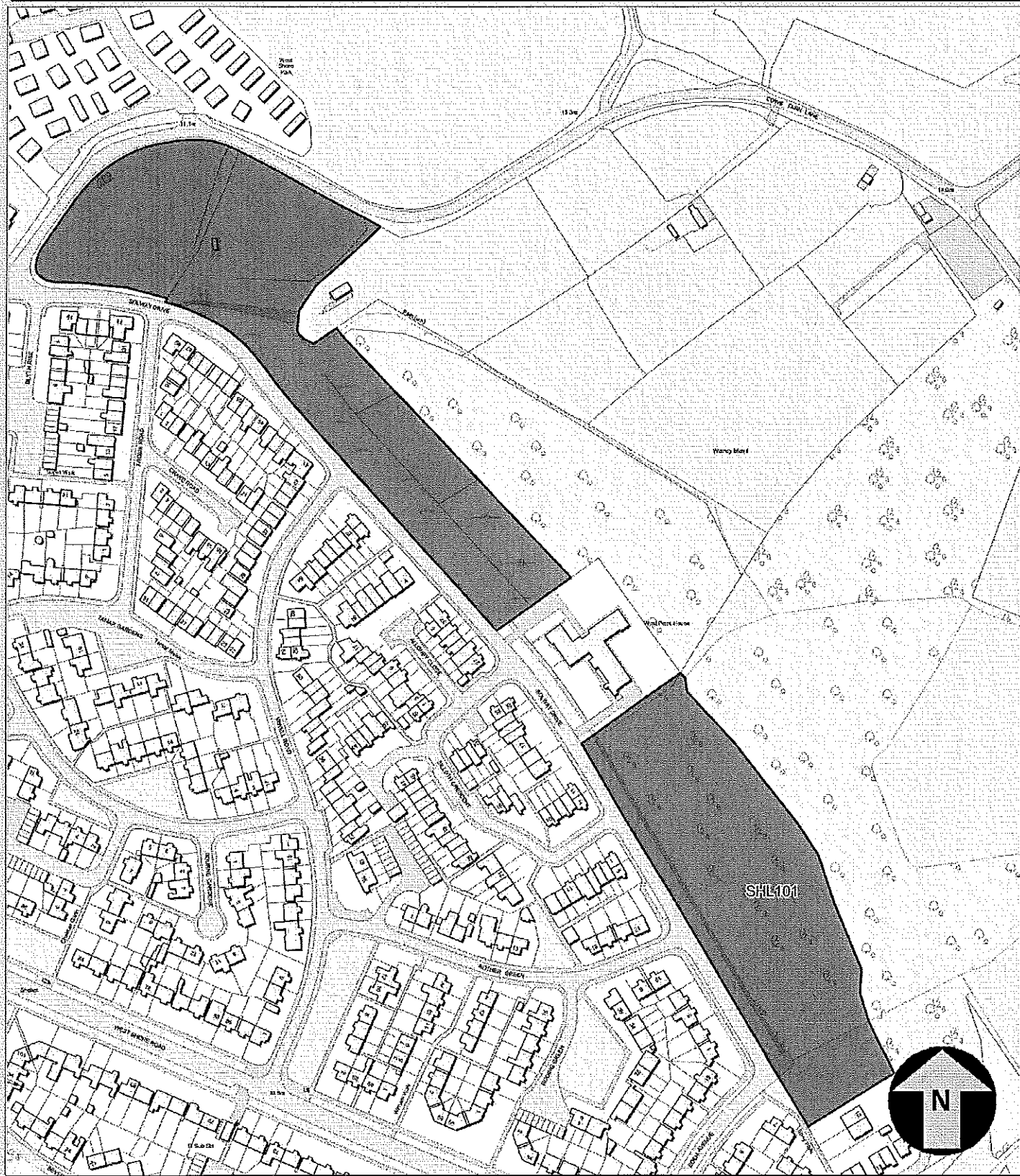
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# SHL100a / SHL101

## Location Plan

# APPENDIX No. 13



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Land in Sharp Street/Beach Street Askam

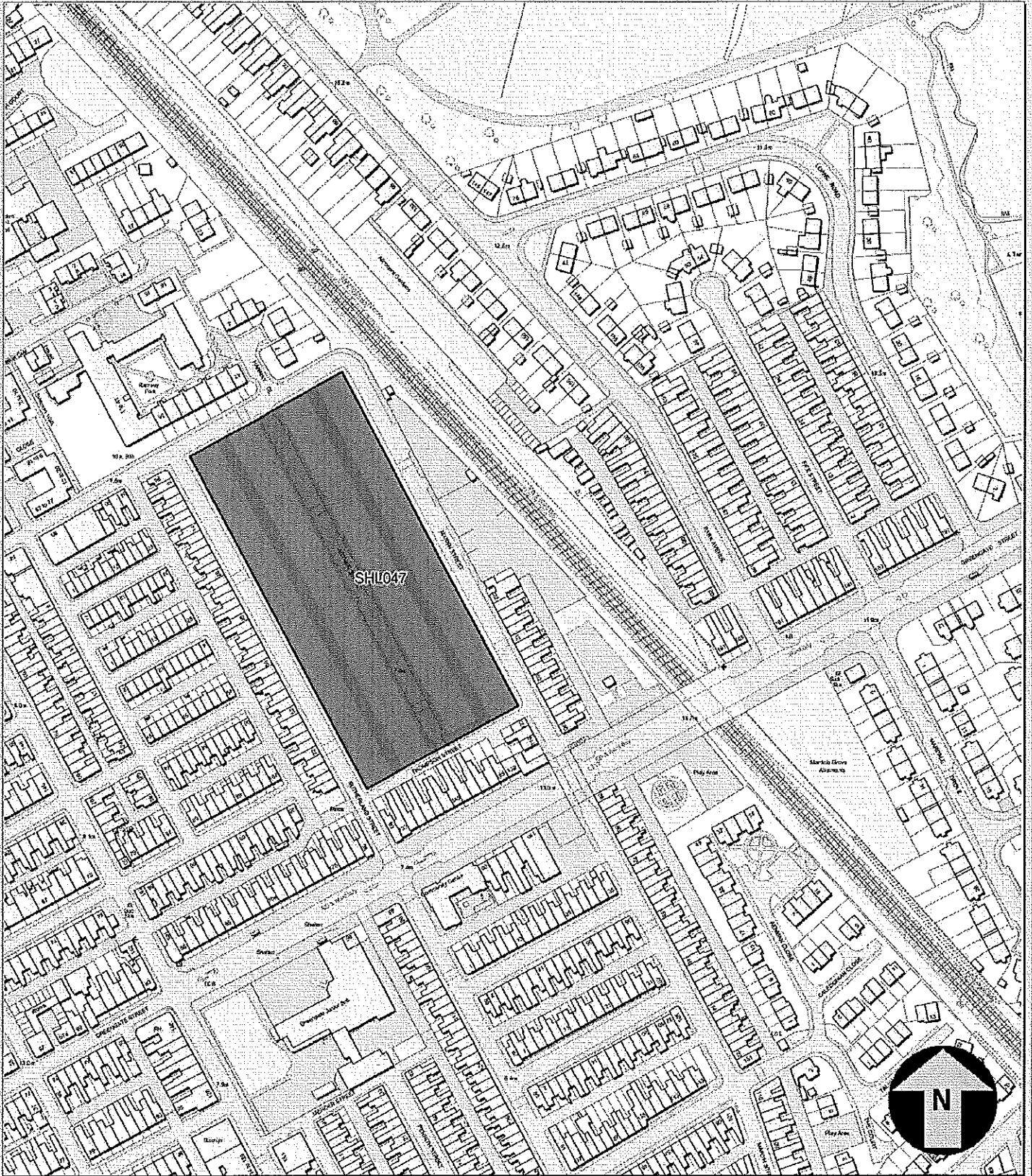




SHL047

Location Plan

APPENDIX No. 15

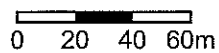


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SHL001

Location Plan

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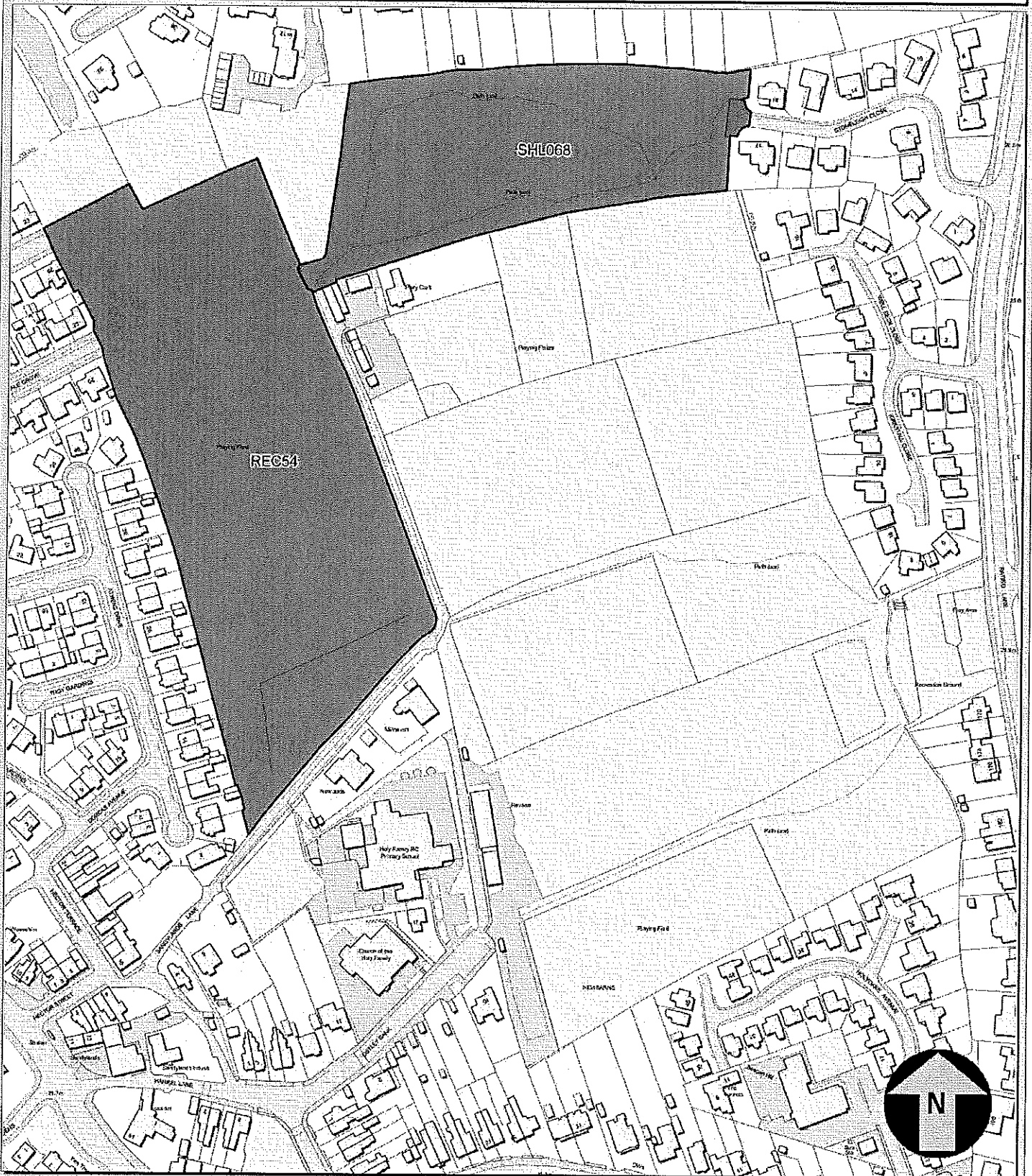
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SHL068

APPENDIX No. 17

Location Plan

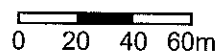


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SHL010a

APPENDIX No. 18

Location Plan

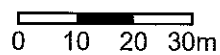


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<b>EXECUTIVE COMMITTEE</b>		<b>Part One (R) Agenda Item 22</b>
<b>Date of Meeting: 28th June, 2017</b>		
<b>Reporting Officer: Assistant Director (Regeneration and Built Environment)</b>		
<p><b>Title: Pre-application Planning Advice</b></p> <p><b>Summary and Conclusions:</b></p> <p>Introduce charges for pre-application planning advice in order to provide a more sustainable but effective service to applicants.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To agree to the proposed planning pre-application advice scheme and charges; and</li> <li>2. To agree to the delegation of future changes to the scheme including Fees and Charges to the Assistant Director (Regeneration and the Built Environment).</li> </ol>		

## **Report**

### **Background**

#### **(i) What is pre-application advice?**

This is a process which encourages anyone wanting to carry out development to talk with the local Planning Authority to obtain informal guidance in advance of submitting a formal application. In order to maintain a high standard of service the Council being asked to approve the introduction of charges for most types of pre-application advice to offset the costs of supplying an effective service. In the context of development costs, these charges are seen as modest and appreciably less than normal private sector charges.

Advice offered on the prospect of planning permission is informal Officer opinion only and cannot bind the authority in the event of a formal application.

The Local Government Act 2003 gives Local Planning Authorities powers to recover the costs of pre-application advice in recognition of the time Officers have to spend researching information in order to provide answers to prospective developers or applicants. Quite often such proposals do not proceed which leads to delays in providing responses for those proposals that are likely to go forward. In recognition of this and in common with other local



authorities elsewhere, there is a separate report requesting approval for the **Council to introduce charges** in order to provide a more sustainable but effective service to applicants.

**Development Services** will encourage anyone wanting to carry out development to talk with the local planning authority to obtain informal guidance in advance of submitting a formal application. Any advice offered on the prospect of planning permission is informal Officer opinion only and cannot bind the authority in the event of a formal application.

The Council has not provided a pre-application advice service since 2010/2011. This service was stopped due to a lack of resources and the uncontrolled manner of the service. Requests for the service peaked at around 600 requests per annum, many of which remained unanswered for considerable periods of time. The council were previously receiving more requests for advice than applications. Due to its uncontrolled nature, this provided a very poor quality service to the residents of the borough, developers and agents.

Since 2010/2011 the council have given free limited pre-application advice mainly to major schemes. Residents of the borough have been advised generally to seek advice online, submit a Lawful Development Certificate or employ an Agent. This has caused a significant level of dissatisfaction and conflict between potential users of the service and staff answering queries.

Not providing pre-application advice has led to a noticeable difference in the quality of applications being submitted. This is at odds with the Council's commitment to provide an efficient and effective planning service and to work proactively with applicants to find solutions, which mean that proposals can be approved wherever possible, and secure development that improved the economic, social and environmental conditions in the area.

The National Planning Policy Framework (NPPF) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes to the community.

The Local Government Association Planning Advisory Service (PAS) also promotes the provision of pre-application application. They state that "*Effective pre-application engagement should lead to quality development that meets the needs of the community and leads to planning permission being granted more quickly. This is generally accepted by developers and the council, both of whom stand to gain when this discussion works well.*"

- (ii) What are the benefits of good quality planning advice for our customers?
- Confirmation as to whether planning permission is required;
  - A planning history of a particular site

- A better quality formal submission as a result of Officer advice, which may suggest design improvement or alteration to avoid conflict with neighbouring issues or the character of the area, or which other bodies to consult earlier – for example the Environment Agency in areas at risk of flooding
- An indication of whether the proposals are supported by planning policy
- It explains clearly how plans, current planning policies and other planning issues/requirements affect the proposals;
- It identifies at an early stage any need for specialist advice or issues that need to be addressed and indicates any third party organisations that advice should be sought from;
- It identifies at an early stage where amendments may improve the proposals;
- It helps ensure that all the necessary plans and supporting documents are submitted with a planning application;
- It can reduce the time that is required to be spent working on the proposal.
- It highlights potentially unacceptable proposals saving the time and cost of submitting a formal applications;
- Providing all the advice is taken into account it can means that an application can be assessed without any unnecessary delay.

Four Councils in Cumbria already operate a pre-application advice scheme (Allerdale, Eden, South Lakeland and Cumbria County Council) with fees.

Barrow's proposed service is based on three different schemes of advice the basic details of each are shown below. A scheme with exempt fees has been included to ensure that Council can still support certain types of application.

<b>Simple Schemes</b>	<b>£100.00 plus VAT</b>
Simple schemes cover the following types of development per site:	
Householder applications, changes of use (floor space up to 99m <sup>2</sup> ), retail / commercial / industrial / agricultural projects (extensions and new buildings with floor space up to 99m <sup>2</sup> ), works to listed buildings, works on trees in Conservation areas or subject to a preservation order, a single new house.	
The service provided includes the following:	
<ul style="list-style-type: none"> <li>• Meeting on site or at a local Agents office by a named Officer (maximum of 1 hour) ,</li> <li>• Planning history check,</li> <li>• Written confirmation of information and procedure discussed at the meeting.</li> </ul>	

## **Complex Schemes**

**£250.00 plus VAT**

Complex schemes cover the following types of development per site:

New housing (2+ dwellings), changes of use (floor space 100m<sup>2</sup>+), engineering operations, retail / commercial / industrial / agricultural projects (extensions and new buildings where floor space 100m<sup>2</sup>+, all infrastructure and plant), energy related schemes, telecoms (excluding prior notifications), variation of conditions (non householder).

The service provided includes the following:

- A meeting at the Town Hall lasting up to two hours maximum with a named Officer and will include other Officers of the Council where necessary,
- A planning history check,
- Written confirmation of information and procedures discussed at the meeting.

The following extras can also be added (booked in advance)

Site visit of up to one hour £50.00 plus VAT

Extra hour(s) meeting at £40.00 plus VAT per hour.

## **Exempt Schemes**

**£0**

Exempt schemes cover the following organisations for developments they are undertaking:

- registered charities, except those operating as a business,
- disabled adaptations,
- sports and social clubs,
- community organisations undertaking work for the public benefit,
- BUT any scheme for the development of the site for a third party is not included.

The service provided includes the following:

- Meeting on site or at a local Agents office by a named Officer (maximum of 1 hour)
- Planning history check,
- Written confirmation of information discussed at the meeting, including any further comments where clarification is sought

Also, attached at **Appendix 19** is a copy of the advice sheet for users of the service and the application form.

(i) Legal Implications

The proposal has been checked by the Acting Principal Legal Officer & Deputy Monitoring Officer. The Council can choose to recover the cost of pre-application work by making a charge under the s93 Local Government Act 2003 for providing a discretionary service. When making a charge, councils must set the charge at a level that does not generate a surplus and should only cover the costs of providing the service. The proposed charges have been calculated on this basis.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

Increased income on an annual basis, offsetting cost in providing service that currently does not recover any costs associated with it, and is limited in nature.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Key Priorities or Corporate Aims

The new service will improve service delivery and help provide a higher quality more efficient services while reducing costs currently incurred with providing limited pre-application advice.

(vi) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation. Applications for disabled adaptations are available at no charge.

(vii) Health and Well-being Implications

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





# Planning Pre-application Advice

Development Services  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD

**APPENDIX No.19**

Telephone : 01229 876543

Email :  
consultplanning@barrowbc.gov.uk

The Council provides a pre-application advice service for Planning and associated proposals under three charging schemes, which are listed below along with the charge and the service provided. Requests as to whether permission is required should be directed via a Lawful Development Certificate procedure. **Please note that advice relating to the Building Regulations and applications is still provided for free.**

## Simple Schemes

**£100.00 plus VAT**

Simple schemes cover the following types of development:

Householder applications, changes of use (floor space up to 99m<sup>2</sup>), retail / commercial / industrial / agricultural projects (extensions and new buildings where floor space up to 99m<sup>2</sup>), works to listed buildings, works on trees in conservation areas or subject to a preservation order, a single new house.

The service provided includes the following :

- Meeting on site or at a local agents office by a named Officer (maximum of 1 hour) ,
- Planning history check,
- Written confirmation of information and procedure discussed at the meeting.

## Complex Schemes

**£250.00 plus VAT**

Complex schemes cover the following types of development:

New housing (2+ dwellings), changes of use (floor space 100m<sup>2</sup>+), engineering operations, retail / commercial / industrial / agricultural projects (extensions and new buildings where floor space 100m<sup>2</sup>+, all infrastructure and plant), energy related schemes, telecoms (excluding prior notifications), variation of conditions (non householder).

The service provided includes the following

- A meeting at the Town Hall lasting up to two hours maximum with a named Officer and will include other Officers of the council where necessary,
- A planning history check,

(continued overleaf)

## Complex Schemes (continued)

£250.00 plus VAT

- Written confirmation of information and procedures discussed at the meeting.

The following extras can also be added ( booked in advance)

Site visit of up to one hour £50.00 plus VAT

Extra hour(s) meeting at £40.00 plus VAT per hour.

## Exempt Schemes

£0

Exempt schemes cover the following organisations for developments they are undertaking:

- registered charities, except those operating as a business,
- disabled adaptations,
- sports and social clubs,
- community organisations undertaking work for the public benefit,
- BUT any scheme for the development of the site for a third party is not included.

The service provided includes the following :

- Meeting on site or at a local agents office by a named officer (maximum of 1 hour),
- Planning history check,
- Written confirmation of information discussed at the meeting, including any further comments where clarification is sought

## What you need to provide

Before the council can provide meaningful pre-application advice you must ensure that you have the following ready for any meeting. Failure to have the information available will mean the meeting will not go ahead and no refund will be given. It would be helpful where possible to send this information in electronically to the named officer at least 48 hours before the meeting. These do not necessarily need to be to scale at this stage but should provide all dimensions.

- Details and plans of the proposed development
- Elevations of the proposed development
- Details of any off site works such as road improvements

## Why apply

Pre application engagement will provide an understanding of the relevant policies and material considerations, including identifying when specialist advice and supporting material is required. This will reduce the chances of the application being invalidated. Unacceptable schemes can be identified early on before extensive drawing and research works are commissioned. Early, collaborative discussions between developers, public sector agencies and the communities affected by a new development can help to shape better quality, more acceptable schemes and ensure improved outcomes for the community. These discussions also avoid wasted effort and costs for all parties.

## How to apply

You can download a form at <http://www.barrowbc.gov.uk> and send it to;

Development Services  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD

The form must be accompanied by a cheque and we cannot accept cash. If you would like to pay by card you can come into the town hall to submit your form and pay at our counter.

## Important notes

We will :

- Acknowledge receipt of the request within 5 working days,
  - Assign a named officer within 10 working days.
  - Provide a suitable date and time for the meeting as soon as possible taking into account current workload and officer availability. Our target for this will be 90% of meetings to be held within 20 working days of an officer being assigned. There will be times that this cannot be met due to officer workload.
  - Give you professional advice on your proposed development to identify issues and to help ensure that the application can be processed as quickly as possible.
  - Send written confirmation of points discussed at meeting within 10 working days of meeting
- (continued overleaf)

## Important notes (continued)

Unfortunately we cannot :

- Accept any requests for pre-application advice unless it is submitted on the correct form and covered by the relevant fee,
- Prejudge the response of a consultee nor the decision of the planning committee,
- Give pre-application advice outside of this scheme.

## Disclaimer

Pre-application advice is officer level advice given without prejudice to any formal decision that the Planning Authority may make in dealing with a formal application for planning permission. It is not a formal decision by the Council as Planning Authority and cannot bind in any way the Council's final decision on any planning application.

There may be issues raised through the formal planning application process which have not been considered at the pre-application stage and which may be material to any decision made. The pre-application advice is an aid to the overall development process. The advice is intended to:-

1. Verify the Planning Authority's requirements in terms of supporting information at the time of submission;
2. Reduce the likelihood of submitting an invalid application; and
3. Help applicants to understand how planning policies and other requirements affect the proposal.

The advice given is without the benefit of neighbour and consultee notification and is subject to the views of statutory consultees, whose representations the Council must take into account in the preparation of any report on the subsequent application.

It might be useful for applicants and/or their agents to separately contact statutory consultees before formally submitting an application in order to obtain their initial views. (e.g. Cumbria CC, The Environment Agency, Historic England) although there may be a further charge from those organisations,

**You should not rely on the advice as an assurance as to the likelihood of an application being successful/unsuccessful.**

**We will not enter into preliminary discussions on applicable schemes outside of the pre-application advice service.**

## Confidentiality

The Council treats all pre-application enquiries as confidential and information regarding these will not be available for the public.

Under the Environmental Information Regulations 2004 (EIRs), pre-application material may only be withheld if an exception listed under the EIRs is applicable e.g. confidential information. However, once a planning application has been submitted and is in the public domain, information submitted and advice given can generally no longer be treated as confidential. On receipt of a request under the EIRs, the Council will make a decision on disclosure. It is important to note however that persons requesting information have the right to appeal to the Information Commissioners Office (ICO) against the Council's decision not to disclose.

Working together to support sustainable development within the Borough of Barrow-in-Furness

# DEVELOPMENT SERVICES



RTPI  
mediation of space · making of place



# Request for Planning Pre-application Advice

Development Services  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD

Telephone : 01229 876543  
Email : [consultplanning@barrowbc.gov.uk](mailto:consultplanning@barrowbc.gov.uk)

Please complete all sections including the checklist before submitting your request to the Council.

## 1. Name, address and contact details

Please Tick One :	Agent :		Applicant/Owner :	
Name :				
Address :				
Postcode :				
Email :				
Telephone Number :				

## 2. Location of proposed development

Address :	
-----------	--

If the location of the proposed development cannot easily be identified by a simple address please attach a map showing the location of the development.

## 3. Proposed development

Please give a detailed description of the proposed development below (please include items like floor area and number of dwellings) :

#### 4. Scheme you are applying for / fee

Which scheme are you requesting pre-application advice under? (please select only one scheme)

Scheme	Fee	
<p><b>Simple scheme</b> covering the following types of development;</p> <p>Householder applications, changes of use (floor space up to 99m<sup>2</sup>), retail / commercial / industrial / agricultural projects (extensions and new buildings where floor space up to 99m<sup>2</sup>), works to listed buildings, works on trees in conservation areas or subject to a preservation order, a single new house.</p>	£100.00 plus VAT	<input type="checkbox"/>
<p><b>Complex scheme</b> covering the following types of development</p> <p>New housing (2+ dwellings), changes of use (floor space 100m<sup>2</sup>+), engineering operations, retail / commercial / industrial / agricultural projects (extensions and new buildings where floor space 100m<sup>2</sup>+, all infrastructure and plant), energy related schemes, telecoms (excluding prior notifications), variation of conditions (non householder).</p> <p><b>Optional Extras</b></p> <p>Site Visit</p> <p>Extra hour(s) meeting : Number of hours _____</p>	<p>£250.00 plus VAT</p> <p>£50.00 plus VAT</p> <p>£40.00 plus VAT per hour</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p><b>Exempt scheme</b> covering the following organisations for developments they are undertaking:</p> <ul style="list-style-type: none"> <li>• registered charities, except those operating as a business,</li> <li>• disabled adaptations,</li> <li>• sports and social clubs,</li> <li>• community organisations undertaking work for the public benefit,</li> <li>• BUT any scheme for the development of the site for a third party is not included.</li> </ul>	No Fee	<input type="checkbox"/>

Please make cheques payable to Barrow Borough Council. We can accept payment at our public counter by debit or credit card if you wish to hand in your request with us rather than posting.

## 5. Declaration

By signing this declaration you confirm that you are requesting pre-application advice from Barrow Borough Council and agree to the terms of the service as listed in the guidance document and payment of the relevant fee where appropriate.

Signed :

Print Name :

Date :

**Please return completed forms to ;**

Development Services  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD

## Checklist

Please ensure you have completed the following before you submit your request :

- Section 1 with your name, address and contact details
- Section 2 informing us of the address of the proposed development; where the address is unclear or the site is not in the grounds of an existing building please attach a map to the request form.
- Section 3 details of the proposed development
- Section 4 the scheme you are applying for advice under, please only select one. Any extras where applicable, and payment in the form of a cheque, unless you are handing the application in by hand at our offices where we can accept payment by card.
- Section 5 the declaration

## Disclaimer

Pre-application advice is officer level advice given without prejudice to any formal decision that the Planning Authority may make in dealing with a formal application for planning permission. It is not a formal decision by the Council as Planning Authority and cannot bind in any way the Council's final decision on any planning application.

(continued overleaf)



## **Disclaimer (continued)**

There may be issues raised through the formal planning application process which have not been considered at the pre-application stage and which may be material to any decision made. The pre-application advice is an aid to the overall development process. The advice is intended to:-

1. Verify the Planning Authority's requirements in terms of supporting information at the time of submission;
2. Reduce the likelihood of submitting an invalid application; and
3. Help applicants to understand how planning policies and other requirements affect the proposal.

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It might be useful for applicants and/or their agents to separately contact statutory consultees before formally submitting an application in order to obtain their initial views (e.g. Cumbria CC, the Environment Agency, Historic England) although there may be a further charge from those organisations.

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## Data Protection

The information which you provide when completing this application form will be used in accordance with the Data Protection Act 1998 and for the following purposes: to enable Barrow Borough Council to create an electronic and paper record of your application; to enable the application to be processed; to enable the organisation to compile statistics and measure its performance, any statistics published will be aggregated and not information that can identify an individual will be published. The information may be shared within other departments of Barrow Borough Council to enable the processing of the application but will not be passed on to any third parties. The information will be kept securely, and will be kept no longer than necessary.

Working together to support sustainable development within the Borough of Barrow-in-Furness

# DEVELOPMENT SERVICES



**RTPI**  
mediation of space · making of place

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 23</b>
<b>Date of Meeting: 28th June, 2017</b>		
<b>Reporting Officer: Assistant Director – Community Services</b>		
<p><b>Title: Deaccessioning the figurehead of Emily Barratt</b></p> <p><b>Summary and Conclusions:</b></p> <p>The schooner Emily Barratt was part of the Dock Museum’s collection until 1988. The vessel was broken up due to its very poor state of repair and the figurehead and some associated objects (nails etc.) were retained in the Dock Museum’s collection. The figurehead is unlikely to be displayed again. Our Collections Policy is to acquire, display and store objects relating to the Borough of Barrow-in-Furness.</p> <p><b>Recommendations:</b></p> <p>To agree that the figurehead of Emily Barratt be deaccessioned and transferred to the Millom Discovery Centre.</p>		

**Report**

The Museum had six boats in its collection and the Emily Barratt was 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 is to deaccession the figurehead of Emily Barratt. Emily Barratt was a schooner built in Millom and launched in 1913. She traded round the coasts of Britain, mainly carrying iron ore.

The boat was purchased by the Furness Maritime Trust in 1988 with additional funds from the Tudor Trust and the Science Museum) from George Patterson at a cost of £28,000. She was broken up in November 1998 (work completed on 13th November 1988) with just the figurehead and some associated objects retained in the Dock Museum’s collection.

Millom Discovery Centre have received generous amounts of funding for redisplay and they are keen to update their iron ore and shipping section. They feel that the figurehead of Emily Barratt figurehead would come “home” by being transferred back to an organisation in Millom.

The Dock Museum has not displayed the figurehead since the boat was broken up and is unlikely to in the near future. Not only do the Millom Discovery Centre want to display the object but they feel confident that the figurehead can be conserved either this year or in 2018 (the conservation cost is likely to be about £4000).

Whilst objects are donated to the museum on the understanding that they will be looked after "forever", it is an important requirement of a museum to carry out periodic reviews of collections. Some objects will have been accepted in error, some will be duplicates, some deteriorate over time so can no longer be displayed and some can no longer be stored nor displayed. Such reviews are encouraged by the Museums Association. Many major museums, such as the National Maritime Museum, have carried out collections reviews and have deaccessioned objects (in their case many hundreds).

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One</b>
<b>Date of Meeting: 28th June, 2017</b>		<b>(R)</b>
<b>Reporting Officer: Director of Resources</b>		<b>Agenda Item 24</b>
<p><b>Title: Recruitment Policy</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report requests an amendment to the Council's Recruitment Policy.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council to approve the amendment to the Recruitment Policy.</p>		

### Report

The Council's Recruitment Policy currently permits internal job applications from staff on the permanent establishment of the Council and members of the Council's Apprenticeship Scheme.

It is proposed that the Policy be amended to permit internal job applications from staff on the permanent establishment of the Council and staff employed on temporary contracts that have been employed by the Council for over 12 months.

Job applications may currently be submitted by temporary staff, once advertised externally. Temporary staff are recruited in the same way as permanent staff and given 12 months employment with the Council the employee would have been through the probation association with recruitment and an appraisal. To restrict temporary staff from the opportunity to continue working for the Council does not reflect the aims for the workforce in growing skills and knowledge.

As an amendment to a HR policy, this report has been provided to the Union for consultation.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 25</b>
<b>Date of Meeting:</b>	<b>28th June, 2017</b>	
<b>Reporting Officer:</b>	<b>Assistant Director (Regeneration and Built Environment)</b>	
<p><b>Title: Sale of 1-5 Lawson Street (with car park)</b></p> <p><b>Summary and Conclusions:</b></p> <p>To accept the bid made by Blake Henderson and proceed with the sale of 1-5 Lawson St (with 10 car parking spaces).</p> <p><b>Recommendations:</b></p> <p>To instruct the Commercial Estates Manager to proceed with the sale of 1-5 Lawson Street (with car park area) to Blake Henderson.</p>		

## Report

### **Background**

The Council purchased 1-5 Lawson Street in March 2007 (**Appendix 20**)

The property has remained vacant and unused since purchase and is no longer required by the council, recent interest by The Well, looking to establish a 'Recovery Hub' in the building had been withdrawn.

Further to Executive Committee Minute No. 81 on 4<sup>th</sup> January 2017 it was resolved to proceed with the sale of 1-5 Lawson Street (on the terms and conditions outlined in the report) and six bids have now been received.

Following the Tender opening at 12:05pm on Friday 16th June, 2017, below are the details of Tenders received:-

Bidder A -	£40,000
Bidder B -	£40,501
Bidder C -	£40,550
Bidder D -	£44,995
Bidder E -	£75,550
Blake Henderson -	£108,000

The successful bidder is looking to convert the former solicitor's offices with 12 one bedroom high end apartments and subject to planning approval, the provisional completion date is stated as spring 2018.

With reference to the sale of 1-5 Lawson Street the Commercial Estates Manager has reviewed the lease to Cumbria County Council (Craven House) and there is a clause that enables the Council to terminate their occupation of the car parking to the rear of Lawson Street. The sale therefore includes 10 car parking spaces to the rear of the terraced property (**Appendix 21**).

(i) Legal Implications

The recommendation will result in a freehold disposal of a council owned property with land for car parking (10 spaces).

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

A capital receipt of £108,000.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

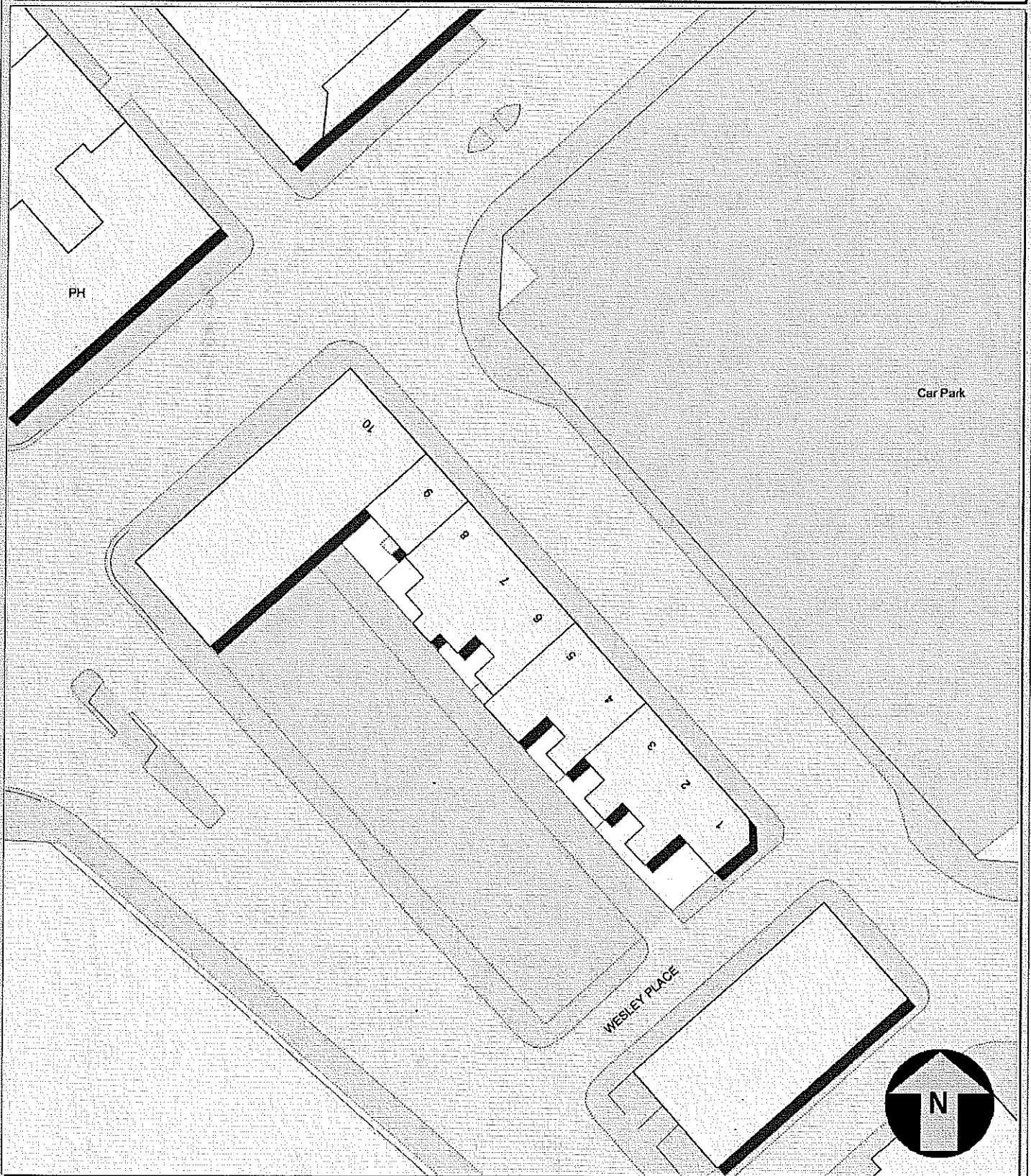
The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil.



Location Plan



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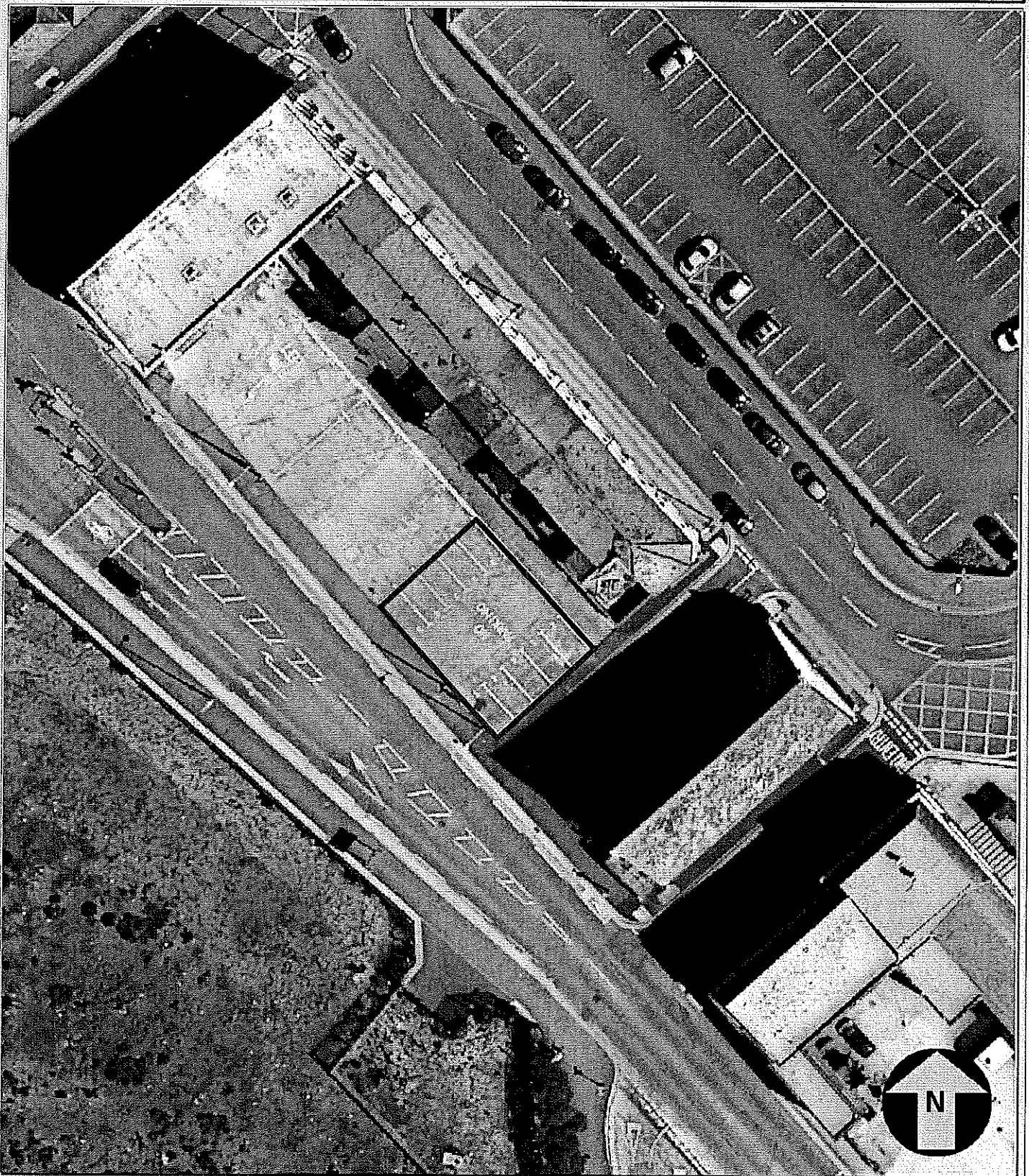
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Created 16.12.2016



Map Title

Description of map



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