**EXECUTIVE COMMITTEE**

Meeting: Wednesday 28th June, 2017

at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Barlow, Biggins, Brook, Hamilton (Items 1 to 18), R. McClure (Items 1 to 14) , Maddox, Pemberton, D. Roberts, L. Roberts and Williams.

Also Present:- Phil Huck (Executive Director), Sue Roberts (Director of Resources), Colin Garnett (Assistant Director - Housing) (Items 1 to 7 only), Jon Huck (Democratic Services Manager and Monitoring Officer) and Sandra Kemsley (Democratic Services Officer).

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 (Minute Nos. 18 and 32) of Part One of Schedule 12A of the said Act.

**9 – Apologies for Absence**

Apologies for absence were received from Councillors Cassells and Sweeney.

Councillor L. Roberts substituted for Councillor Cassells for this meeting only.

**10 – Minutes**

The Minutes of the meeting held on 17th May, 2017 were agreed as a correct record.

**11 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 15th June, 2017 were submitted for consideration.

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

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

**Appointment of Representatives to Working Groups etc.**

That the Membership for 2017/2018 be as follows:-

Housing Service Review Working Group

Council Representatives (3:1) – Councillors Brook, Hamilton, McEwan and Heath.

Tenant Representative – Mr A McIntosh.

Tenant Scrutiny Working Group

Council Representatives (2:1) – Councillors Barlow, McEwan and Heath.

Tenant Representatives – Mrs M. Anderson, Mrs P. Charnley and Mr A. McIntosh.

Tenants’ Complaints Panel

Council Representatives (1:0) – Councillor Hamilton.

Tenant Representatives – Mrs M Anderson and Mr A McIntosh.

**Update: Syrian Resettlement Programme**

1. To note the information contained in the report; and

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.

**Housing Management Performance Report 2016/17**

1. To note the information contained in the report and appendix; and

2. To note Actions 1-3 for 2017/18 as follows:-

**Action 1** – 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;

**Action 2** – Improve monitoring of and management of void property; and

**Action 3** – Progress the introduction of the new CX Software.

**Housing Maintenance Investment Programme 2017/18**

1. To agree to the following contractor appointments for the remaining period of the existing CHP/PPH framework (2017-2019):-

● Central Heating Installations – AFM Gas (Direct selection procedure); and

● Bathroom Installations – Wright Build (Direct selection procedure).

2. To agree that the following works be incorporated into the existing responsive repairs and void contract with Hughes Brothers:-

● Major Void Improvements; and

● Kitchen installations (to be completed when properties become vacant).

**12 – Irrecoverable Debt Write Off**

The Committee was informed that Cumbria Karting Limited had rented Unit 9 of James Freel Close, Barrow-in-Furness, from the Council from 1st August, 2010 to 27th January, 2016. The company had ceased trading and had resolved to voluntarily wind up on 27th January, 2016. 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 had been made, payments ceased; the creditor position being established by an appointed liquidator. The liquidator’s summary of liabilities had showed an estimated total deficiency of £432,166. The liquidator’s final meeting had been held, with no dividend payable to any unsecured creditors; that included the Council.

The irrecoverable debt amounted 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 was a property that had been established with Government funding and was part of the ring-fenced reserve that the Council had operated until 2016-2017. Prior to removing that ring-fence, the debts associated with Unit 9 had been set aside from the reserve so that there would be no impact on the General Fund. Approval for the write off was above the delegation assigned to the Director of Resources and Committee approval was requested. She reported that there was nothing further that could be done in terms of debt recovery.

RESOLVED:- To approve the write off of Cumbria Karting Limited’s irrecoverable debt in the sum of £57,029.27.

**13 – Domestic Abuse Grant**

The Committee was informed that the Local Authorities in Cumbria had partnered together to submit a bid to support victims of domestic abuse and help prevent domestic abuse form happening; Carlisle City Council was the lead authority. The bid had been supported by the Cumbria Police and Crime Commissioner.

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

The funding would 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 Council’s allocation was £68,760 and would be focussed on funding a specialist support worker for domestic abuse. That would be delivered through working in partnership with Women’s Community Matters, basing the new role within their staffing and passing on the funding.

RESOLVED:-

1. To note the successful bid; and

2. To endorse the partnership approach with Women’s Community Matters for delivering the project.

**14 – Catering Contract Extension**

The Committee were reminded that the Council was preparing to outsource some Leisure Services, namely The Forum and the Park Leisure Centre. An important part of any future alternative service delivery would be the provision of Catering and Events Management and Associated Cleaning Services. The current provider of these services, Elior UK PLC, was coming to the end of a four year contract, (which had been awarded on a two years + two years basis). Elior UK PLC had indicated that they would be prepared to assist the Council by continuing to provide services on a rolling monthly basis until new arrangements were identified and implemented. That would provide continuity of service for users and would allow the Council to focus on the outsourcing process.

RESOLVED:- To agree 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 be extended on a rolling monthly basis until such time as the Leisure Services outsourcing exercise was concluded.

**15 – Salt Marsh Caravan Park, Barrow-in-Furness**

The Committee were informed that the Council owned one acre of land on Carr Lane, Walney.

The land was subject to a 37 year lease to Biggar Bank Caravan Association dated 1st March, 1977 to 28th February, 2014. The current rent was £4,000 per annum.

Biggar Bank Caravan Association had requested a new lease for a Caravan Park/Site on a term of 15 years from 1st July, 2017 at a rent of £10,000 per annum with a rent review in the 5th and 10th year of the lease. Other terms as per the existing agreement.

RESOLVED:- To authorise the Assistant Director (Regeneration and Built Environment) to renew the lease to the Biggar Bank Caravan Association on those terms as reported.

**16 – Deaccessioning the figurehead of Emily Barratt**

The Committee were informed that the Dock 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 had been then acquired by the Council and the museum when the Furness Maritime Trust became insolvent in the early 1990s.

The proposal was 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 had been 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 had been 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 had received generous amounts of funding for redisplay and they were keen to update their iron ore and shipping section. They considered that the figurehead of Emily Barratt figurehead would come “home” by being transferred back to an organisation in Millom.

The Dock Museum had not displayed the figurehead since the boat had been broken up and was unlikely to in the near future. Not only did the Millom Discovery Centre want to display the object but they were confident that the figurehead could be conserved either this year or in 2018 (the conservation cost was likely to be about £4,000).

Whilst objects were donated to the Museum on the understanding that they would be looked after “forever”, it was an important requirement of a museum to carry out periodic reviews of collections. Such reviews were encouraged by the Museums Association. Many major Museums, such as the National Maritime Museum, had carried out collections reviews and had deaccessioned objects (in their case many hundreds).

RESOLVED:- To agree that the figurehead of Emily Barratt be deaccessioned and removed from the Dock Museum’s collection and transferred to the Millom Discovery Centre who wished to display it.

**17 – Sale of 1-5 Lawson Street (with car park)**

The Committee was informed that the Council had purchased 1-5 Lawson Street in March 2007.

The property had remained vacant and unused since purchase and was no-longer required by the Council. Recent interest by The Well, looking to establish a ‘Recovery Hub’ in the building had been withdrawn.

This Committee on 4th January, 2017 had resolved to proceed with the sale of 1-5 Lawson Street and six bids had now been received.

Details of the tenders received were considered by the Committee.

The successful bidder was looking to convert the former solicitor’s offices with 12 one bedroom high end apartments and subject to planning approval, the provisional completion date was stated as spring 2018.

With reference to the sale of 1-5 Lawson Street the Commercial Estates Manager had reviewed the lease to Cumbria County Council (Craven House) and there was a clause that enabled the Council to terminate their occupation of the car parking to the rear of Lawson Street. The sale therefore included ten car parking spaces to the rear of the terraced property.

RESOLVED:- To instruct the Commercial Estates Manager to proceed with the sale of 1-5 Lawson Street (with car park area) to Blake Henderson.

**18 – Employment Matters**

The Committee considered a report that provided an update on the Borough Kennels in respect of the Budget Strategy 2016-2020.

RESOLVED:-

1. To note the options for service delivery being explored for the Borough Kennels; and

2. To agree that the revenue budget for 2017-2018 in respect of the Borough Kennels be fully reinstated from reserves as a one-off.

**REFERRED ITEMS**

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

**19 – Housing Management Forum: Recommendations**

Consideration was given to the recommendations of the Housing Management Forum held on 15th June, 2017.

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

**Housing Revenue Account Finances**

RECOMMENDED:- To recommend the Council:-

1. To note progress on savings in the last financial year and the Director of Resources’ projection of further savings required;

2. To agree that the Council adopt a retention policy and not consider the option of transferring stock at this time.

3. To agree the HSRWG continued the approach of “good housekeeping” to provide options for reducing expenditure;

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

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.

**Sale of Miscellaneous Land on Council Estates**

RECOMMENDED:- To recommend the Council:-

1. To note the information contained in the report; and

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.

**20 – Accountable Body**

The Committee were reminded that the Council’s policy regarding Accountable Body status had been 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.”

The Director of Resources informed the Committee that Officers had 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 had been successful and had offered a £444,159 contribution towards a £540,643 project aimed at raising the profile of internationally important conservation sites on Walney Island. That involved improving visitor facilities, public realm works and converting a derelict building into a community run visitor hub. The project was scheduled to commence this year and run until 2019-2020.

The Council was now asked to formally agree to be the Accountable Body for the project, but until a full project initiation document and grant offer were agreed it was not possible to present all of the details to Members. Therefore, agreement in principle was requested with delegation for the Executive Director to make the final decision, based on the agreed requirements.

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

RECOMMENDED:- To recommend the Council:-

1. To agree in principle to be the Accountable Body for the Linking the Landscapes and Communities of Barrow project; and

2. To delegate the final Accountable Body decision to the Executive Director.

**21 – Contract Standing Orders**

The Director of Resources informed the Committee that the Council’s Contract Standing Orders provided the structure within which purchasing decisions were made. The Council must ensure that its resources were used for purchases that were effective, economical and efficient. The control of purchasing decisions and processes was particularly important as the Council was spending public money.

Purchasing began with planning or identifying the “need” through to its delivery and included 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.

Two additional paragraphs were to be added, one regarding the Acceptance of Tenders and a second about Extending Contracts.

RECOMMENDED:- To recommend the Council to approve the revisions to the Contract Standing Orders as reported.

**22 – Employer Discretions Policy**

The Committee considered the Employer Discretions Policy which had been updated for 2017 figures (annual uplift). The following provisions had also been amended since the 2016 Employer Discretions Policy:

Flexible retirement;

Early release of deferred benefits with employer consent; and

Contributions payable by active members

RECOMMENDED:- To recommend the Council to approve the Employer Discretions Policy.

**23 – LGPS Admitted Body Status**

The Committee considered a report that set out the proposed LGPS approach in relation to the current leisure outsourcing tender.

The Director of Resources reported that the Council was 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 the report excluded the deficit contributions made by the Council which would 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.

There would be a fee for the Scheme Actuary to perform the valuations and that would be paid from Reserves.

RECOMMENDED:- To recommend the Council to approve that an LGPS closed admission agreement be included in the Leisure Outsourcing Tender.

**24 – Physical Activity and Leisure Priority Outcomes 2017/19**

The Committee were informed that the outsourcing the management of The Forum and the Park Leisure Centre required detailed specification and contractual documents for any successful contractor to perform against. A key aspect and one which had been highlighted as a current gap, was the need to have Physical Activity and Leisure Priority Outcomes.

The Committee considered the Priority Outcomes and associated performance measures. The delivery contract would be set against these priorities and they would assist in the monitoring of any successful contractor through updates against the performance measures which link back to them.

The Executive Director reported three amendments to the Committee regarding BBC Priority Outcome Performance Measures.

RECOMMENDED:-

1. To approve the adoption of the Priority Outcomes for Physical Activity and Leisure within the Council’s portfolio for inclusion in the outsourcing documentation as amended; and

2. To request the Leader of the Council to write to the Barrow and Furness MP about funding for the community from the MOD.

**25 – Disciplinary and Grievance Policies**

The Committee considered the Council’s Updated Disciplinary and Dismissal Policy and Procedure and Grievance Policy and Procedure. The Director of Resources informed the Committee that the Council’s management structure from before any Budget Strategy was the current basis for the Procedures; the current structure had been greatly reduced and did mean that cases were raised at the highest level of the organisation more often than was necessary.

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

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

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

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

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

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

The Committee asked if Members were involved in Disciplinary Appeals at other Local Authorities.

RECOMMENDED:- To recommend the Council:-

1. To approve the Disciplinary and Dismissal Policy and Procedure;

2. To approve the Grievance Policy and Procedure;

3. To approve the amendment to the Absence Management Policy and Procedure as reported; and

4. To approve the amendment to the Capability Policy and Procedure as reported.

**26 – Private Sector Housing Enforcement Policy**

The Committee considered a detailed report regarding the Private Sector Housing Enforcement Policy.

The Committee was informed that the Council had 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 had been set out in a number of previous resolutions. New powers were or soon would be available arising from the enactment of the Housing and Planning Act 2016. It was considered an opportune time to review the whole enforcement policy and combine into a single document. That would enable the Council’s policies to be more presented in a way that was both more coherent and accountable to the public.

RECOMMENDED:- To recommend the Council:-

1. To note the duties and powers available to the Council for enforcement of standards in the private housing sector;

2. To note the additional powers arising from the Housing and Planning Act 2016;

3. To adopt the policy principles set out in Section 4 of the report, and the policy statement set out in the Appendix;

4. To approve the fees and charges set out in Sections 5.5 to 5.10 of the report; and

5. To approve the Officer delegations set out in Section 6 of the report.

**27 – Private Sector Housing Assistance Policy – Changes to supplement the provision of Disabled Facilities Grants**

The Committee considered a detailed report regarding the Private Sector Housing Assistance Policy – Changes to supplement the provision of Disabled Facilities Grants.

The funding available for the provision of Disabled Facilities Grants had increased substantially over the last few years.

Changes were proposed to the Private Sector Housing Assistance Policy to supplement and add flexibility to the statutory Disabled Facilities Grant regime. It was anticipated that the proposal would streamline the provision of grants to assist people with disabilities, and also increase the number of grants that it was possible to deliver.

A revised policy for the provision of private sector housing assistance was considered by the Committee.

RECOMMENDED:- To recommend the Council:-

1. To approve the Private Sector Housing Assistance Policy;

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

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.

**28 – Council Plan**

The Committee considered a detailed report regarding the Council Plan.

The Committee were informed that 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 represented the Council’s medium term funding challenges and incorporated the Budget Strategy to reduce the core deficit. The Workforce Strategy supported the Council Plan and set out the aims for the workforce including developments in innovation and technology to meet the efficiency objectives.

The 2016-2020 Council Plan together with the Workforce Strategy and current Medium Term Financial Plan were considered by the Committee.

The Executive Director stated that he had received observations from Members that the Council Plan should include a Vision Statement. The Vision Statement to read “Our Vision for the Borough is a healthy population, with high aspirations, living in good quality housing, with decent jobs in a diverse economy”.

RECOMMENDED:- To recommend the Council:-

1. To approve the Council Plan for consultation to include a Vision Statement;

2. To approve the current Medium Term Financial Plan; and

3. To approve the Workforce Strategy.

**29 – Council Owned Land for Housing Development**

The Committee considered a detailed report regarding Council Owned Land for Housing Development.

The Executive Director reminded the Committee that on 20th January, 2016 it had 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 would assist in the delivery of new dwellings within the Borough and contribute towards the Council demonstrating a five year supply of housing land.

The report provided an update of the agreed programme, progress made in the disposal of land, and an update on the sites still in Council ownership.

RECOMMENDED:- To recommend the Council:-

1. To note the updated programme;

2. 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 had been adopted; and

3. To approve the sale of Land in Sharp Street/Beach Street Askam.

**30 – Pre-application Planning Advice**

The Assistant Director – Regeneration and Built Environment submitted a detailed report regarding the introduction of charges for pre-application planning advice in order to provide a more sustainable but effective service to applicants.

The process would encourage anyone wanting to carry out development to talk with the local Planning Authority in order to obtain informal guidance in advance of submitting a formal application.

It was noted that the Council had not provided a pre-application advice service since 2010/11 and that the service had been stopped due to a lack of resource and the uncontrolled manner of the service.

Requests for the service had peaked at around 600 requests per annum, many of which remained unanswered for considerable periods of time. The Council had previously received more requests for advice than applications. Due to its uncontrolled nature, that provided a very poor quality of service to the residents of the borough, developers and agents.

The Executive Director informed the Committee that not providing pre-application advice had led to a noticeable difference in the quality of applications being submitted.

It was noted that four Councils within Cumbria had already operated a pre-application advice scheme (Allerdale, Eden, South Lakeland and Cumbria County Council) all with fees.

Barrow’s proposed service was based on three different schemes of advice, the basic details of which had been presented in the report. Simple Schemes would cost £100 plus VAT and Complex Schemes would cost £250 plus VAT. A scheme with exempt fees had also been included to ensure that Council could still support certain types of applications.

RECOMMENDED:- To recommend the Council:-

1. To agree to the proposed planning pre-application advice scheme and charges; and

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).

**31 – Recruitment Policy**

The Committee was reminded that the Council’s Recruitment Policy currently permitted internal job applications from staff on the permanent establishment of the Council and members of the Council’s Apprenticeship Scheme.

It was 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 had been employed by the Council for over 12 months.

Job applications may currently be submitted by temporary staff, once advertised externally. Temporary staff were 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 did not reflect the aims for the workforce in growing skills and knowledge.

As an amendment to a HR policy, the report had been provided to the Union for consultation.

RECOMMENDED:- To recommend the Council to approve the amendment to the Recruitment Policy.

**32 – Establishment Matters**

The Committee considered a request to extend a temporary post in Development Services.

RECOMMENDED:- To recommend the Council:-

1. To agree the extension of post PLN011, Temporary Admin Assistant, to 31st October, 2020;

2. To agree that the post be redundant after 31st October, 2020; and

3. To agree that the voluntary redundancy held over from a previous redeployment of the post holder, end with the new contract.

The meeting closed at 4.25 p.m.