

CONTENTS

	<u>Date of Meeting</u>	<u>Page Nos.</u>
 COUNCIL		
Council	18th July, 2017	121 – 128
 AUDIT		
Audit Committee	27th July, 2017	129 – 138
Audit Committee	21st September, 2017	138 – 152
 EXECUTIVE		
Executive Committee	26th July, 2017	153 – 158
Executive Committee	6th September, 2017	158 – 163
 LICENSING		
Licensing Regulatory Committee	20th July, 2017	165 – 171
Licensing Committee	20th July, 2017	CANCELLED
Licensing Regulatory Committee	7th September, 2017	172 – 176
Licensing Committee	7th September, 2017	177 – 178
 PLANNING		
Planning Committee	15th August, 2017	179 – 190
Planning Committee	5th September, 2017	190 – 199
Planning Committee	3rd October, 2017	199 – 207
 INDEX		
		(i) – (iii)

The Minutes in this Volume were produced by the Democratic Services Department; Jon Huck, Sharron Rushton, Paula Westwood and Sandra Kemsley.

BOROUGH OF BARROW-IN-FURNESS

A MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 5.30 p.m. on Tuesday the 18th day of July, 2017 to take into consideration and determine upon the following subjects, namely: -

1. - DECLARATIONS OF INTEREST.
2. - MINUTES.
3. - TO RECEIVE APOLOGIES FOR ABSENCE.
4. - ANNOUNCEMENTS.
5. - (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS.
 - (1) PLANNING
 - (2) LICENSING REGULATORY
 - (3) LICENSING
 - (4) EXECUTIVE
 - (5) AUDIT
- (B) QUESTIONS TO THE LEADER OF THE COUNCIL.
6. - NOTICE OF MOTION UNDER RULE 11.
7. - OVERVIEW AND SCRUTINY COMMITTEES ANNUAL REPORT.
8. - TO ORDER THE COMMON SEAL TO BE AFFIXED TO DOCUMENTS.

PRESENT:- Councillor Callister (Mayor in the Chair) and Councillors Barlow, Brook, Burns, Cassells, Cassidy, Gill, Hamilton, Harkin, Heath, Husband, Johnston, McEwan, McLeavy, Maddox, Murray, Pemberton, Pidduck, Preston, D. Roberts, L. Roberts, Seward, Sweeney, C. Thomson, M. A. Thomson and Wall.

Officers Present:- Phil Huck (Executive Director), Susan Roberts (Director of Resources), Jon Huck (Democratic Services Manager and Monitoring Officer), Paula Westwood (Democratic Services Officer – Member Support) and Sandra Kemsley (Democratic Services Officer).

In the absence of the Council's Chaplain the meeting was opened with prayers by the Executive Director.

20 – Declarations of Interest

No declarations of interest had been received.

21 – Minutes

The Minutes of the Annual Council meeting held on 16th May, 2017 were taken as read and confirmed.

22– Apologies for Absence

Apologies for absence were received from Councillors Blezard, Derbyshire, Gawne, R. McClure, W. McClure, Murphy, Proffitt, Thurlow and Williams.

23 – Announcements

The Leader of the Council made the following announcements:-

1. He advised the Council that two Officers from the Housing Department, namely Janice Sharp (Operations Manager) and Caroline Wagstaff (Assistant Operations Manager) had recently been presented with a Certificate of Merit in recognition of their motivation and dedication to promoting joint agency working partnerships and community cohesion at a Police Awards Ceremony on 20th June, 2017; and
2. He congratulated the Campaigners of Phoenix House and advised that he had sent congratulations to the Campaign Leader as the building was now to remain open until at least 2020.

The Chairman made the following announcement:-

1. He welcomed those people in attendance at the meeting from the Lesbian, Gay, Bisexual and Transgender (LGBT) Group.

REPORTS OF COMMITTEES

24 – Planning

It was moved by Councillor M. A. Thomson, and

RESOLVED:- That the reports of the meetings of the Planning Committee held on 4th April, 25th April, 23rd May, 13th June and 11th July, 2017 be received.

25 – Licensing Regulatory

It was moved by Councillor Callister, and

RESOLVED:- That the reports of the reconvened special meeting of the Licensing Regulatory Committee held on 29th March, the special meeting held on 9th May and the meetings held on 18th May and 29th June, 2017 be received.

26 – Licensing

It was moved by Councillor Callister, and

RESOLVED:-

- (i) That the report of the meeting of the Licensing Committee held on 18th May, 2017 be received; and
- (ii) To note that the Licensing Committee on 29th June, 2017 had been cancelled.

27 – Executive

It was moved by Councillor Pidduck and seconded by Councillor Sweeney that the report of the meeting of the Executive Committee held on 28th June, 2017 be received and that each of the recommendations contained therein be adopted with the exception of Recommendation 7.2 (i) regarding the Disciplinary and Dismissal Policy and Procedure which should be referred back to the Executive Committee for further discussion. He further requested the Council to note that there were no recommendations referred to Council from the meeting held on 17th June, 2017.

RESOLVED:- That the report of the meeting of the Executive Committee held on 28th June, 2017 be received and that each of the recommendations contained therein be adopted, as follows:-

1. Housing Management Forum: Recommendations

Housing Revenue Account Finances

RESOLVED:-

- (i) To note progress on savings in the last financial year and the Director of Resources' projection of further savings required;
- (ii) To agree that the Council adopt a retention policy and not consider the option of transferring stock at this time.
- (iii) To agree the HSRWG continued the approach of "good housekeeping" to provide options for reducing expenditure;
- (iv) 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
- (v) 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

RESOLVED:-

- (i) To note the information contained in the report; and

- (ii) 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.

2. Accountable Body

RESOLVED:-

- (i) To agree in principle to be the Accountable Body for the Linking the Landscapes and Communities of Barrow project; and
- (ii) To delegate the final Accountable Body decision to the Executive Director.

3. Contract Standing Orders

RESOLVED:- To approve the revisions to the Contract Standing Orders as reported.

4. Employer Discretions Policy

RESOLVED:- To approve the Employer Discretions Policy.

5. LGPS Admitted Body Status

RESOLVED:- To approve that an LGPS closed admission agreement be included in the leisure outsourcing tender.

6. Physical Activity and Leisure Priority Outcomes 2017/19

RESOLVED:-

- (i) 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
- (ii) To request the Leader of the Council to write to the Barrow and Furness MP about funding for the community from the MOD.

7. Disciplinary and Grievance Policies

- (i) To agree that the Disciplinary and Dismissal Policy and Procedure would be referred back to the Executive Committee for further discussion;
- (ii) To approve the Grievance Policy and Procedure;
- (iii) To approve the amendment to the Absence Management Policy and Procedure; and
- (iv) To approve the amendment to the Capability Policy and Procedure.

8. Private Sector Housing Enforcement Policy

RESOLVED:-

- (i) To note the duties and powers available to the Council for enforcement of standards in the private housing sector;
- (ii) To note the additional powers arising from the Housing and Planning Act 2016;
- (iii) To adopt the policy principles set out in Section 4 of the report, and the policy statement set out in the Appendix;
- (iv) To approve the fees and charges set out in Sections 5.5 to 5.10 of the report; and
- (v) To approve the Officer delegations set out in Section 6 of the report.

9. Private Sector Housing Assistance Policy – Changes to supplement the provision of Disabled Facilities Grants

RESOLVED:-

- (i) To approve the Private Sector Housing Assistance Policy;
- (ii) 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
- (iii) To delegate authority to the Property Services Group Manager (a) to draw up detailed procedures for the provision and authorisation of these agreed forms of assistance, and (b) to authorise Disabled Facilities Grants, Barrow Disability Minor Works Grants and Barrow Disability Major Works Grants.

10. Council Plan

RESOLVED:-

- (i) To approve the Council Plan for consultation to include a Vision Statement;
- (ii) To approve the current Medium Term Financial Plan; and
- (iii) To approve the Workforce Strategy.

11. Council Owned Land for Housing Development

RESOLVED:-

- (i) To note the updated programme;

- (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 had been adopted; and
- (iii) To approve the sale of Land in Sharp Street/Beach Street Askam.

12. Pre-Planning Advice

- (i) To agree to the proposed planning pre-application advice scheme and charges; and
- (ii) To agree to the delegation of future changes to the scheme including Fees and Charges to the Assistant Director (Regeneration and the Built Environment).

13. Recruitment Policy

RESOLVED:- To approve the amendment to the Recruitment Policy.

14. Establishment Matters

RESOLVED:-

- (i) To agree the extension of post PLN011, Temporary Admin Assistant, to 31st October, 2020;
- (ii) To agree that the post be redundant after 31st October, 2020; and
- (iii) To agree that the voluntary redundancy held over from a previous redeployment of the post holder, end with the new contract.

28 – Audit

It was moved by Councillor Burns, and

RESOLVED:- That the report of the meeting of the Audit Committee held on 23rd March, 2017 be received.

29 – Questions to the Leader of the Council

There had been no questions submitted to the Leader of the Council under Notice as required by Standing Order 10.2 and 10.4.

The Leader of the Council took the following questions without notice from Members which were relevant to the reports and minutes detailed on the agenda as follows:-

1. Councillor Sweeney asked the Leader:-

“In respect of street cleanliness as detailed in the Overview and Scrutiny Committee’s Annual Report, ongoing issues were of huge concern. Would you write to the Managing Director of FCC Environment regarding the issues

surrounding the Garden Waste Club, which had been a shambles, requesting that as a gesture of goodwill a £10 discount be applied next year for people joining the Garden Waste Club”.

2. Councillor Burns asked the Leader:-

“In respect of the streetscene in lower Hindpool; in particular, litter, seagulls and weeds. That area had been a Designated Home Zone a number of years ago which Barrow Borough Council and Cumbria County Council had funded jointly to improve the area. The area had significantly deteriorated in terms of streetscene and she asked if it would be possible for the Chairman of the Housing Management Forum to take up this matter to establish what could be done to improve the issues in the Designated Home Zone Area”.

3. Councillor D. Roberts stated:-

“He concurred with Councillor Sweeney and Councillor Burns’ concerns. He added that Cumbria County Council had known for some time that Barrow Borough Council would no longer be dealing with weeds”.

The Leader responded to the above questions.

30 – Suspension of Council Procedure Rules

It was moved by Councillor Sweeney that under 12(M) of the Council Procedure Rules that Procedure Rule 11.1 be suspended to allow an alternative Member of the Council to open the debate in the absence of the proposer of the motion submitted under Notice of Rule 11.

This had been duly seconded by Councillor Burns, and

RESOLVED:- To agree that the Procedure Rule 11.1 be suspended to allow Councillor Cassells to move the motion at Minute No. 31 in the absence of Councillor Proffitt.

31 – Notice of Motion under Rule 11

The following motion had been signed by Councillors Proffitt and Sweeney and had been provided to the Council with Notice under Rule 11. In the absence of Councillor Proffitt, the Motion was moved by Councillor Cassells as follows:-

“This Council records its abhorrence for all crimes based on prejudice, intolerance and hatred. It reiterates its commitment to working with the whole community, and all partner organisations, to ensure that the Borough of Barrow in Furness is an inclusive and accepting society no matter of sexual orientation, race, religion, gender, age or disability. The Council will do all it can to ensure that it helps to break down barriers and to build bridges with all groups that could be the subject of such divisive and hateful crime and reassure everyone that the Borough is a tolerant and safe place to live for all.

Council
18th July, 2017

Council also wishes to record its gratitude for the swift and effective police intervention on attempted hate crimes recently, and the reassurance that this has provided to members of the public. It is particularly impressive considering the financial and resource pressure our emergency services are under. Barrow Borough Council calls on central government to invest further resource in the UK's emergency services in order that their excellent work in combating extremism, in all of its forms, and protecting the public can continue effectively".

The motion had been duly seconded by Councillor Sweeney, a vote was taken on the motion and it was,

RESOLVED:- To unanimously agree to support the motion.

32 – Overview and Scrutiny Committee Annual Report 2016/17

The Corporate Support Manager had submitted a report detailing the work undertaken by the Overview and Scrutiny Committee for 2016/17. It was moved by Councillor Heath and seconded by Councillor Cassidy, and

RESOLVED:- That the Annual Report from the Overview and Scrutiny Committee be accepted.

33 – Common Seal

RESOLVED:- That the Council authorises the affixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

The meeting closed at 6.30 p.m.

AUDIT COMMITTEE

Meeting Thursday 27th July, 2017
at 2.00 p.m.

PRESENT:- Councillors Burns (Chairman), Gawne, Murray and Sweeney.

Officers Present:- Susan Roberts (Director of Resources), Keith Jackson (Internal Audit Manager), John Penfold (Corporate Support Manager), Kim Fisher (Contracts and Procurement Officer), Brooke Parsons (Corporate Support Assistant) and Sharron Rushton (Democratic Services Officer).

Also present was Neil Krajewski from Grant Thornton.

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 2 and 3 (Minute No. 16) of Part One of Schedule 12A of the said Act.

2 – Minutes

The Minutes of the meeting held on 23rd March, 2017 were taken as read and confirmed.

3 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence had been received from Councillors Callister and Seward.

Councillor Sweeney had attended as a substitute for Councillor Seward for this meeting only.

4 – Audit Committee Terms of Reference

The Director of Resources reported that the Audit Committee Terms of Reference were set out in the Council's Constitution and had been reported to the Committee to provide Members with the framework of the Committee's business and responsibilities. She advised that there were no changes from 2016-2017.

RESOLVED:- To note the Audit Committee Terms of Reference as set out in the Council's Constitution.

5 – Audit Committee Work Plan

The Director of Resources reported that Audit Committee Work Plan was presented at the previous Audit Committee. It had been necessary to vary the timing of the items relating to the Statement of Accounts originally planned for July and these items would be presented at the September Audit Committee:

- To review and approve the Statement of Accounts
 - Director of Resources
 - Statement of Accounts
 - Letter of Representation
- To consider and approve the Annual Governance Statement
 - Corporate Support Manager
 - Final Annual Governance Statement
- To consider the External Audit Annual Governance Report
 - Appointed Auditor
 - Annual Governance Report

The Statement of Accounts was published and issued (in draft) on 2nd June, 2017, ahead of the 30th June, 2017, statutory deadline. From next year the statutory deadline was 31st May. The Director of Resources was confident that the Finance Department could achieve that deadline, given the pre-work, adjustments and achievements of this year.

RESOLVED:- To agree the variations to the Work Plan for 2017-2018.

6 – Audit Committee Assurance

The Director of Resources reported that the External Auditor had requested that the Chairman of the Audit Committee explain how assurance from management was obtained. The Chairman's response was agreed at the previous Audit Committee meeting, subject to being reconsidered by the Chairman at the beginning of April to ensure that the full financial year was reflected.

This report confirmed that the Chairman had responded to the External Auditor and that there were no changes to the response that was previously agreed.

RESOLVED:- To note that the Chairman had responded to the External Auditor.

7 –Internal Audit Final Reports

The Director of Resources reported that Internal Audit had completed a number of audits in accordance with the approved Annual Plan. On completion, the final reports were presented to this Committee for consideration.

The Internal Audit Manager had attended the meeting to present the reports to Members.

There had been six final reports appended for consideration. The reports included and their assurance levels were as follows:-

1. Performance Management - Restricted Assurance;
2. Procurement - Restricted Assurance
 - It was noted that Members of the Audit Committee agreed to assist in any way necessary to ensure the review of the Procurement Procedure was completed in the best way possible;
3. Kennels - Restricted Assurance
 - It was noted that the Council's Streetcare Team were responsible for the management of the Kennels and additional resources had been provided from mid-August 2017 so improvements were expected. Keith Jackson advised that the Kennels would continue to be reviewed as part of the Programme.
4. Payment Card Security (PCI-DSS) – Substantial Assurance;
5. Replacement Housing Management System - Restricted Assurance; and
6. CHP: Disabled Adaptations - Substantial Assurance.

RESOLVED:- To note the Internal Audit Final Reports.

8 – Internal Audit Annual Report

The Internal Audit Manager attended the meeting and presented the Internal Audit Annual Report for 2016/2017 to the Committee. He explained that the purpose of the Annual Report was to meet the Head of Internal Audit's annual reporting requirements set out in the Public Sector Internal Audit Standards (PSIAS). The Internal Audit's formal annual report presented an opinion on the overall adequacy and effectiveness of the internal control environment, and:

- a) Included an opinion on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control;
- b) Disclosed any qualifications to that opinion, together with the reasons for the qualification, including impairment or restriction in scope;
- c) Presented a summary of the audit work undertaken to formulate the opinion, including reliance placed on work by other assurance bodies;
- d) Drew attention to any issues the Internal Audit Manager judges particularly relevant to the preparation of the Annual Governance Statement;
- e) Compared the work actually undertaken with the work that was planned; and
- f) Commented on compliance with these standards and the Internal Audit quality assurance programme.

The 2016/17 Year Opinion was that the Annual report provided reasonable assurance that the organisation's framework of governance, risk management and control predominantly operated satisfactorily during 2016/17.

The detailed opinion was that, for the systems reviewed, the Council had basically sound systems of control in place, although there were weaknesses which put some of the system objectives at risk, these mainly related to areas of contract management and control and Community Services. The profile of assurance was in Internal Audit's experience comparable to other local authorities, with the majority of Council systems receiving Substantial Assurance.

There were however, seven areas where only Restricted assurance could be provided, which related to:-

- Re-Roofing James Freel Close;
- Housing Stock Condition Survey;
- Barrow Cemetery North West Extension;
- Performance Management;
- Procurement;
- Housing Management System;
- Car Park Meter Income; and
- Kennels.

Weaknesses found as a result of the Internal Audit's work, together with their recommendations for improvement, had been included in their reports to senior management and Members.

Additionally, any weaknesses identified through the Annual Governance Statement process were recorded separately and reflected the assurance provided from all sources both internal and external.

Progress against 2016/17 Annual Plan

A detailed analysis of the current situation regarding the 2016/17 Plan had been appended to the Internal Audit Annual Report.

The assessment of auditable areas had identified 79 systems, which covered the Council's operations. The audit coverage achieved in the period, compared to the audit plan, is set out in the table below. The difference in planned coverage compared to actual mainly related to changes made to the audit plan to accommodate requests for an increased number of contract audit reviews.

In addition, significant Housing Benefit Grant Certification testing had been completed which was not reflected in these figures, all of which had been included within regular progress reports issued to this Committee.

	Percentage of systems covered		Percentage of risk covered	
	2016/17	2015/16	2016/17	2015/16
Planned	38%	33%	66%	61%
Achieved	39%	33%	70%	61%

The following table summarised the assurance levels recorded in final reports relating to the years 2016/17 and 2015/16. The majority of Council systems had achieved the level of Substantial Assurance:-

Final Reports	Total	Unqualified Assurance		Substantial Assurance		Restricted Assurance		No Assurance	
		No.	%	No.	%	No.	%	No.	%
2016/17	28	2	7	18	64	8	29	0	0
2015/16	30	3	10	25	83	2	7	0	0

The conclusions and assurance levels specified for each audit were used to support the Council's governance review arrangements, as required by the Accounts and Audit Regulations 2015 and the Public Sector Internal Audit Standards.

A summary of the number of audit recommendations made in the Internal Audit Final Reports issued during 2016/17, along with the management responses were as follows:-

Recommendations	Total	Priority 1	Priority 2	Priority 3
Made 2016/17	95	7	66	22
Fully Accepted	85	7	58	20
Partly Accepted	10	0	8	2
Not Accepted	0	0	0	0

During the year Internal Audit had reported on the implementation of 92 agreed audit recommendations made in previous reports. The results were as follows:-

	Fully Implemented	Not Implemented	Overtaken By Events	TOTAL
2016/17	39	46	7	92
2015/16	42	46	7	95

For recommendations not fully implemented revised dates had been agreed with management for their implementation. Internal Audit would further review progress on their implementation during 2017/18.

RESOLVED:- (i) To note the Internal Audit Report for 2016/17; and

(ii) To agree the Director of Resources write, on behalf of the Audit Committee, to the Playing Fields Users Association requesting the detailed information Internal Audit required be provided immediately.

9 – External Audit Progress Report and Update

Neil Krajewski attended the meeting to present the report to Members.

The report provided the Committee with details of current issues and developments that had been produced by External Auditors.

The report provided the Committee with details on progress in delivering responsibilities as External Auditors. It also included a summary of emerging national issues and developments that may be relevant to the Council and included a number of challenge questions in respect of these emerging issues which the Committee considered.

Progress as at 17th July, 2017

- **Fee Letter** – Members had been requested to note that the External Audit fee letter was included as an agenda item for this meeting (Minute No. 10);
- **Accounts Audit Plan** – This had been presented to the Audit Committee in March 2017;
- **Interim Accounts Audit** – The understanding of the Council's control environment and financial systems had been documented. The External Auditors had completed walkthroughs of the key financial systems and had undertaken early substantive testing covering the following areas:-
 - Pay and non-pay expenditure; and
 - Capital additions.
- **Final Accounts Audit** – Fieldwork commenced on 3rd July, 2017 and was expected to be completed by the end of August 2017;
- **Value for Money (VfM) Conclusion** – External Auditors had commenced the detailed work on the risks identified and would report their findings as part of the Audit Findings Report which would be presented to the Audit Committee in September 2017.

RESOLVED:- To receive and note the External Audit Progress and Update Report for July 2017.

10 – External Audit Fee Letter

A copy of the External Audit fee letter for 2017-2018 had been appended to the report for information.

Neil Krajewski of Grant Thornton attended the meeting to explain that the Main Audit fee was £51,119 for 2017-2018. This was the same as the previous year.

The Billing schedule was as follows:-

Main Audit Fee	£
September 2017	12,779.75
December 2017	12,779.75
March 2018	12,779.75
June 2018	12,779.75
Total	51,119.00

At the request of the Department of Work and Pensions, Auditors appointed by PSAA would continue to certify Local Authority claims for Housing Benefit subsidy for 2017/18. The Council's indicative fee for this certification work had yet to be set by PSAA. The External Auditors would confirm the fee when this had been confirmed.

RESOLVED:- To note the External Audit fee for 2017/18.

11 – Annual Review of Internal Audit

The Director of Resources reported that Regulation 6 of the Accounts and Audit Regulations 2015 required relevant authorities to conduct a review of the effectiveness of its system of internal control at least once a year. Regulation 6 also required the findings of the review of the system of internal control to be considered by this Committee.

Internal Audit must comply with proper practice as defined by the Code of Practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). This Code was recognised in the Accounts and Audit Regulations as best practice.

For the year 2016/17 a review of the effectiveness of Internal Audit had been undertaken and the Director of Resources was satisfied that the Internal Audit Service was effective.

RESOLVED:- To endorse the review.

12 – Annual Review of Audit Committee Effectiveness

The Director of Resources reported that the Chartered Institute of Public Finance and Accountancy (CIPFA) had recommended that an assessment be undertaken by the Audit Committee to ensure that its effectiveness was regularly reviewed.

The Annual Review of Audit Committee Effectiveness had been undertaken by the Chairman with the Director of Resources. CIPFA had recommended that this could be achieved by using an evaluation checklist such as CIPFA's Toolkit for Local Authority Audit Committees.

A copy of which had been appended to the report and had been reviewed by the Director of Resources and there had been no issues to address.

RESOLVED:- (i) To endorse the review and

(ii) To agree that the Director of Resources explored training opportunities to ensure a relationship between the Audit Committee and the Executive Committee was maintained.

13 – Annual Governance Statement

The Corporate Support Manager reported that the Council had responsibility for ensuring that Council business was conducted within the law and proper standards, and that public money was safeguarded and properly accounted for. Part of this governance process was the preparation and publication of an Annual Governance Statement which was a self assessment of how effective the Council considered its governance arrangements to be.

The Annual Governance Statement was presented to this Committee in June and following discussions with the Auditor from Grant Thornton, the Internal Audit Manager and the Assurance Group only one minor amendment had been made.

The following members of staff were involved in preparing the Annual Governance Statement for 2016/17:-

Executive Director: Head of Paid Services
Director of Resources: S151 Officer
Assistant Director of Community Services
Assistant Director of Regeneration and the Built Environment
Assistant Director of Housing
Members of the Governance Group
Internal Audit Manager
Democratic Services Manager (Monitoring Officer)
Corporate Support Manager

The Annual Governance Statement and links to the evidence supporting the statement were attached as an appendix to the Corporate Support Manager's report.

RESOLVED:- (i) To agree that the Chair of this Committee should sign the Annual Governance Statement on behalf of the Council; and

(ii) That the Annual Governance Statement be published on the Council's website.

14 – Risk Management Report

The Corporate Support Manager reported that the Executive Committee approved the Corporate and Operational Risk Registers at its meeting on 17th May, 2017. The updated risk registers 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 this 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. This 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; and
- 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 Risk Register for 2017/18 was appended to the Corporate Support Manager’s report.

The Operational Risk Register had been reviewed and one amendment had been made:-

- Operational Risk 1 2017/18 (Not having adequate staffing to deliver key services) had been amended to reflect agreed changes to Leisure Services.

The Operational Risk Register for 2017/18 was appended to the Corporate Support Manager’s report.

RESOLVED:- To note the information.

15 – Monitoring Priority 1 Recommendations

The Corporate Support Manager reported that Internal Audit undertook reviews of Council’s systems as defined in the Annual Audit Plan. The audit conclusion may include Priority 1 recommendations which related to major issues that needed to be brought to the attention of senior management.

Audit Committee
27th July and 21st September, 2017

Senior managers considered the recommendations and determined whether to accept or reject them. If the recommendation was accepted the manager was agreeing to implement the recommendation.

To ensure all agreed Internal Audit Priority 1 recommendations were implemented in a timely manner they were now tracked by Management.

There had been no new Priority 1 recommendations since the last meeting.

RESOLVED:- To note the information.

16 – Internal Audit Final Reports

The Internal Audit Manager reported that Internal Audit had completed a number of audits in accordance with the approved Annual Plan. This report presented two Internal Audit Final Reports on:-

- Car Park Meter Income – Restricted Assurance;
- Council Leased Vehicles – Restricted Assurance

Members considered the report and raised questions with the Internal Audit Manager.

RESOLVED:- To note the report.

The meeting closed at 3.12 p.m.

AUDIT COMMITTEE

Meeting Thursday 21st September, 2017
at 2.00 p.m.

PRESENT:- Councillors Burns (Chairman), Barlow, Gawne, Murray and Sweeney.

Officers Present:- Susan Roberts (Director of Resources), Keith Jackson (Internal Audit Manager), John Penfold (Corporate Support Manager), Kim Fisher (Contracts and Procurement Officer), Brooke Parsons (Corporate Support Assistant), Sharron Rushton (Democratic Services Officer) and Sandra Kemsley (Democratic Services Officer).

Also present were Gareth Kelly and Neil Krajewski from Grant Thornton (from Minute No. 17 - 22).

17 – Minutes

The Minutes of the meeting held on 27th July, 2017 were taken as read and confirmed.

18 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence had been received from Councillors Callister and Seward.

Councillors Sweeney and Barlow had attended as substitutes for Councillors Callister and Seward respectively for this meeting only.

19 – Statement of Accounts

The Director of Resources reported that the Statement of Accounts summarised the transactions for 2016-2017 and the Council's financial position as at 31st March, 2017. The Statement of Accounts was intended to provide readers with clear information about the Council's finances and use of resources over the year.

The audited Statement of Accounts was attached as an appendix to the report. A further report on the agenda requested Members approval of the audited Statement of Accounts.

The audited Statement of Accounts incorporated revisions from the audit and must be approved by the Audit Committee by 30th September, 2017 and be published alongside the Annual Governance Statement.

The report was an executive summary of the audited Narrative Report, which was itself a summary of the Statement of Accounts.

Finances

The financial headlines of the 2016-2017 accounts were:

- The General Fund was balanced with a net contribution from reserves, from underspends and additional income of £518k including £300k set aside to meet the business rate retention scheme volatility and £272k for the MMI Scheme of Arrangement.
- The Housing Revenue Account used £102k of the accumulated balance to fund housing maintenance commitments and reduced the voluntary provision to repay debt for 2016-2017.
- The authority's share of the Collection Fund for 2016-2017 was a surplus of £109k for Council Tax and a deficit of £584k for Business Rates; these were distributed to the General Fund in 2017-2018 and 2018-2019 along with the preceptors' proportions.
- The authority's net worth had increased from £97.4m to £107.9m which was largely attributable to the increase in asset values, the increase in the pension liability and reductions from the increase in short term investments.
- Usable reserves had increased slightly by £0.4m:
 - Revenue reserves had reduced by £1.1m
 - Capital reserves had increased by £1.5m
- Capital investment of £3.7m was delivered through the capital programme for 2016-2017.

**Audit Committee
21st September, 2017**

General Fund

The General Fund budget was revised through the year from £10m to £10.7m to incorporate additional revenue financing for projects from Public Health England £483k, Coastal Communities Fund £174k and other grants £52k.

The actual outturn for 2016-2017 had no impact on the General Fund balance.

- The actual outturn before transferring the agreed Medium Term Financial Plan support was a surplus of £184k.
- During 2016-2017, two reserve reallocations were agreed but at year-end the contributing reserves were not sufficient and revenue was required to top-up the reserves to the required levels:
 - £300k business rate income volatility reserve;
 - £273k MMI Scheme of Arrangement levy reserve.
- This resulted in a deficit of £389k which was reduced to £55k after transferring the budgeted £334k of Medium Term Financial Plan support.
- The year-end net deficit of £55k was funded from the budget contingency reserve as a one-off item leaving a balanced General Fund.

To analyse the result against the divisional reporting lines, in-year movements with reserves had been taken into account; the comparison was made between the £184k surplus and the £334k budgeted deficit; a positive variance of £518k.

Recurring savings and reductions were taken into account when setting the budget and budget revisions through the year. The items contained within the table below would be assessed during 2017-2018 and where appropriate budgets revised; there were items that would not recur or may not recur and those budgets were reviewed over a number of years rather than adjusted immediately (trend analysis).

Some of the items would have already been incorporated in the 2017-2018 budget setting process.

Division £000	Additional Income	Reduced Expenditure	Total
Resources	(86)	32	(54)
Community Services	84	166	250
Regeneration and Built Environment	100	77	177
Central Services	3	79	82
Corporate Amounts	(2)	7	5
<i>Cross-Service Items</i>			
Support Service recharges	58	-	58
	157	361	518

The division based presentation of financial information now appeared in the Comprehensive Income and Expenditure Statement with formal Notes containing Expenditure and Funding Analysis information.

Further details of the variances within the divisional headings were presented to the Executive Committee on 26th July, 2017. The services within the divisions were set out on Page 88 of the Statement of Accounts.

Housing Revenue Account

The original Housing Revenue Account budget was approved by Full Council on 1st March, 2016, as a balanced budget; the income matching the expenditure forecast. The revised budget was approved by Full Council on 21st March, 2017, with an estimated contribution from the fund balance of £151k.

The actual outturn for the Housing Revenue Account was a deficit charged to the fund balance of £102k in respect of planned maintenance. The voluntary provision to repay debt was £611k lower than the budget expectation as the repairs and maintenance expenditure was higher during 2016-2017 due to catching up with works delayed from the adverse winter in 2015.

The Council held the following Housing Revenue Account reserve and balance during 2016-2017:

1 April 2016 £000		31 March 2017 £000
1,545	Housing Revenue Account balance	1,443
1,416	Major repairs reserve	1,194
2,961		2,637

Collection Fund

The Collection Fund balance was a net deficit of £0.6m at 31st March, 2017, made up of a surplus on Council Tax of £0.8m and a deficit on NNDR of £1.4m.

The Council Tax surplus was payable across 2017-2018 and 2018-2019 to Cumbria County Council, the Police and Crime Commissioner for Cumbria and the General Fund £109k; split against their 2017-2018 precepts.

The NNDR deficit would be recovered from Central Government, Cumbria County Council and the General Fund £584k in 2017-2018 and 2018-2019. This was dealt with by precepting arrangements.

The accumulated amounts held at 31st March, 2017, for the Borough Council were:

- £252k surplus for Council Tax
- £806k deficit for the Business Rate retention scheme.

The Council also carried a provision for its share of lodged business rate appeals of £526k and an income volatility reserve of £1.8m; this covered the £0.8m deficit at 31st March, 2017.

**Audit Committee
21st September, 2017**

Capital Programme

During 2016-2017 the authority's capital expenditure was £3.7m:

Investment	Expenditure	Source	Financing
Public sector housing	£2.6m	Major repairs reserve	£2.6m
Private sector housing	£0.4m	Reserves/revenue	£0.3m
Public buildings/properties	£0.2m	Capital grants	£0.6m
Other public assets	£0.5m	Capital receipts	£0.2m
Programme	£3.7m	Financing	£3.7m

The capital receipts received in the year and unapplied at 31st March, 2017, total £1.9m, the capital grants received in the year and unapplied at 31st March, 2017, total £2.5m; these were included in the future years of the Capital Programme.

General Fund Financial Reserves

The General Fund reserves reduced by £1.004m during 2016-2017:

1 April 2016 £000		31 March 2017 £000
2,300	General Fund balance	2,300
2,870	Medium Term Financial Plan support	1,535
681	Transformation reserve	733
1,228	Renewals reserve	1,832
100	Insurance reserve	91
593	Losses reserve	866
2,783	Budget contingency reserve	2,792
160	Apprentices reserve	106
119	Welfare support reserve	260
652	Ring-fenced properties	-
843	Earmarked revenue grants	810
12,329		11,325

A net £2.327m of reserves were used as planned and in accordance with matters reported to the Executive Committee for 2016-2017, £0.805m of additional one-off income was added to reserves at year-end in line with previous practice and was held against specific services, and an unplanned £0.518m was moved to reserves at year-end; the £0.518m being the variance from the General Fund outturn.

There were a number of transfers between reserves agreed during 2016-2017; £1m from the Medium Term Financial Plan support to the Business Rate income volatility reserve (held within the budget contingency reserve); £715k from the ring-fenced properties reserve to move the properties into the Council's control and ongoing maintenance of the properties; £198k from the Housing Benefit subsidy reserve (held within the budget contingency reserve) to the welfare support reserve to pay for the agreed grants to external funded bodies.

Further details of the movements in reserves were presented to the Executive Committee on 26th July, 2017.

Provisions

As part of the Business Rates Retention Scheme, the Council was liable for successful appeals against Business Rates in the proportionate share; 50% Central Government, 40% for this Council and 10% for Cumbria County Council. The Council had a provision for unsettled appeals and at 31st March, 2017, this was £526k.

The Council also held a provision for the 25% levy on ongoing MMI claims under the scheme of arrangement of £9k; and a provision for the costs of previous early retirements of £10k at 31st March, 2017.

These provisions and the bad debt provisions had been assessed at 31st March, 2017 and were sufficient to cover the potential liabilities of the Council.

Service Performance

The service performance indicators were split between those with an indicative target and those that were reported as outputs:

2015-2016	Indicator	Target	2016-2017
16.2 days 16.2 days 4.9 days 5.3 days	Average time to process: <ul style="list-style-type: none"> • new housing benefit claims • new council tax support claims • changes to housing benefit claims • changes to council tax support claims 	18 days 18 days 7 days 6 days	13.2 days 13.5 days 4.3 days 4.0 days
95.2%	Percentage of local land charges searches completed in 5 working days	95.0%	94.4%
96.85% 98.73%	Percentage collected: <ul style="list-style-type: none"> • council tax • business rates 	96.6% 98.4%	96.27% 98.67%
61.5% 60.0% 78.0%	Percentage of planning applications processed: <ul style="list-style-type: none"> • major application in 13 weeks • minor applications in 8 weeks • other application in 8 weeks 	60.0% 65.0% 80.0%	75.5% 66.5% 82.8%

2015-2016	Output	2016-2017	Change
31.5%	Average household recycling	29.7%	Reduced 1.8%
11	Right to buy sales	33	Increased 22

**Audit Committee
21st September, 2017**

67	Disabled facilities grants awarded	70	Increased 3
£621k	Income from pay and display ticket sales	£599k	Reduced £22k
56k	Dock Museum visitor numbers	61k	Increased 5k
279k	Park Leisure Centre activity numbers	291k	Increased 12k
58k	The Forum ticket sales	64k	Increased 6k
9.76 days	Average days of sickness per employee	9.66 days	Improved

Corporate Objectives

The achievements for 2016-2017 were shown against each theme in the table below:

Housing: choice and quality	Regeneration & Public Realm: enhancement
<ul style="list-style-type: none"> • Refurbishment of flats on Barrow Island continues with 155 completed so far; funded by Cluster of Empty Homes grant. • Renewal Area completion included in the Capital Programme. • Council-owned dwellings all meet decent homes standard. • Local Plan pre-submission draft completed. • Funding secured to support victims of domestic abuse. • The Well project for recovery facilities in the Borough continues to be implemented; funded by Public Health England. 	<ul style="list-style-type: none"> • Cavendish Park Pavilion and Community Room project with the Barrow Island Community Sports Trust commenced; funded by Big Lottery and WREN. • Funding secured for linking the Landscapes and Communities of Barrow project with Art Gene; Coastal Communities Fund. • Site access for Marina Village works commenced; funded by the Local Enterprise Partnership. • Barrow Island maritime streets public realm works commenced; Cluster of Empty Homes grant. • Toddler Park play area installed in Vickerstown Park with local Residents Association; funded by WREN.
Local Economy: long term security	Service Delivery: value for money
<ul style="list-style-type: none"> • Supply chain project including skills and employment continuing with Furness Economic Development Forum; funded by the Coastal Communities Fund. • Barrow Business Improvement District up and running. 	<ul style="list-style-type: none"> • 2016-2020 Budget Strategy agreed. • Council website rebranded and updated; now mobile friendly. • Customer interactions and customer experience continue to be reviewed. • Annual staff performance appraisals established and biennial staff survey

<ul style="list-style-type: none">• Support for low income families delivered through council tax support, discretionary housing payments and disabled facilities grants.• Support for welfare benefits delivered in partnership with Barrow Citizens Advice Bureau and Barrow and District Disability Association.	<p>established.</p> <ul style="list-style-type: none">• HR and Payroll System implemented with payroll in-house from April 2017.• Equality and Diversity Strategy approved.
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The Narrative report also included a note of the actions taken by the Council to ensure future financial resilience including the implementation of the Budget Strategy, Medium Term Financial Planning, and the refreshed Council Plan with associated documents that were aligned to the core priorities and objectives.

The Council's workforce consisted of 243 posts, 188 in the General Fund and 55 in the Housing Revenue Account. The posts were worked by 200.41 full time equivalents, 150.76 in the General Fund and 49.65 in the Housing Revenue Account. The Workforce Strategy presented the Council's plans and ambitions for its staff.

Sections within the Statement of Accounts

The other sections within the Statement of Accounts were the same as previous years and contained further information on the financial performance for 2016-2017:

- Statement of Responsibilities – for the Council and for the Director of Resources.
- Movement in Reserves Statement – summary of the movement during the year for usable and unusable reserves and the statutory adjustments required arriving at the Council Tax requirement (dwelling rent setting for the Housing Revenue Account).
- Comprehensive Income and Expenditure Statement – summary of all services' accounting costs for the year.
- Balance Sheet – the value of the Council's assets and liabilities at the year end, the net assets were matched by the reserves held at the year end.
- Cash Flow Statement – the changes in the Council's cash and cash equivalents for the year, these were split between operating, investing and financing activities.
- Notes to support the main accounting statements.
- The Housing Revenue Account and supporting notes.
- The Collection Fund and supporting notes (Council Tax and Business Rates).

The Committee thanked the Director of Resources, the Finance Team, Internal Audit and the External Audit Team for the hard work involved in completing the Statement of Accounts.

RESOLVED:- To receive the Statement of Accounts for 2016-2017.

20 – Annual Governance Statement

The Corporate Support Manager provided Members with an updated Annual Governance Statement for 2016/2017.

The Council had responsibility for ensuring that Council business was conducted with the law and proper standards, and that public money was safeguarded and properly accounted for. Part of this governance process was the preparation and publication of an Annual Governance Statement which was a self assessment of how effective the Council considered the governance arrangements to be.

The following members of staff were involved in preparing the Annual Governance Statement for 2016/17:

- Executive Director: Head of Paid Services
- Director of Resources: S151 Officer
- Assistant Director of Community Services
- Assistant Director of Regeneration and the Built Environment
- Assistant Director of Housing
- Members of the Governance Group
- Internal Audit Manager
- Democratic Services Manager (Monitoring Officer)
- Corporate Support Manager

The Annual Governance Statement was presented to this Committee in July and following discussions with the Auditor from Grant Thornton, the Head of Internal Audit and the Directors, the Statement had been revised so that it summarised the arrangements that the Council had in place. A copy was attached as an appendix to the report. Amendments had been made to the Significant Governance Control Issues section to reflect concerns raised in recent Internal Audit reports where the Audit Conclusion was Restricted Assurance. An action plan had been developed to address these concerns.

RESOLVED:- To receive the Annual Governance Statement.

21 – Audit Findings Report

Gareth Kelly and Neil Krajewski attended the meeting to present the Audit Findings report to Members. The report highlighted any significant items arising from the audit process for the benefit of the Audit Committee.

The External Auditor was required to issue the report at the conclusion of the audit, noting any adjustments made to the draft accounts as published.

Subject to Members agreeing the Letter of Representation, the External Auditor would give an unqualified audit opinion.

The Audit was substantially completed although procedures were being finalised in the following areas:-

- Agreement of non-material disclosures to supporting information;
- Confirmation of the balance outstanding from an organisation in receipt of a material loan from the Council;
- Review of the final version of the Financial Statements;
- Obtaining and reviewing the management Letter of Representation;
- Review of the final versions of the Annual Governance Statement (AGS);
- Updating post balance sheet events review, to the date of the signing the opinion; and
- Providing the required submission to the National Audit Office in respect of the Council's Whole of Government Accounts (WGA) return.

The draft Financial Statement was received on 2nd June, 2017 which was almost a month ahead of the statutory deadline for this year and this demonstrated the Finance Team were able to achieve its goal of closing the Accounts faster. Next year the Accounts would need to be submitted for audit by 31st May, 2018, so this demonstrated good progress had been made. Good quality working papers supporting the accounts were provided in accordance with the agreed timetable.

The key messages arising from the audit of the Council's financial statements were:-

- The Council continued to produce good quality accounts which included all disclosures required by CIPFA and accounting standards;
- The Council had made good preparations for the change in the statutory timetable for the audit of the accounts; and
- Management needed to ensure that they had appropriate assurance over the adequacy of the accounting treatment for one-off or unusual items as the adjustments required this year all related items of this nature.

The External Auditors anticipated providing an unqualified audit opinion in respect of the Financial Statements.

The External Auditors Team had undertaken the audit in a professional and constructive manner and the Director Resources took the opportunity to thank the Audit Team.

RESOLVED:-

1. To receive the Audit Findings report; and
2. To request the Director of Resources organised a training session on understanding Council owned Housing Stock to Audit Committee Members.

22 – Approvals and Letter of Representation

The Director of Resources submitted a report containing the Council's Letter of Representation and requested the approval for this to be signed in addition to signing and publishing the Statement of Accounts 2016-2017 and Annual Governance Statement 2016-2017.

Audit Committee
21st September, 2017

Statement of Accounts

After considering the Audit Findings Report for 2016-2017, Members were recommended to approve the audited Statement of Accounts for 2016-2017 and to authorise the Chairman of this Committee to sign on behalf of the Council.

The Statement of Accounts would be published on the Council's website once the audit certificate was provided.

Annual Governance Statement

The same consideration applied to the Annual Governance Statement for 2016-2017 and Members were asked to authorise the Chairman of this Committee to sign on behalf of the Council.

The Statement of Accounts would be published on the Council's website once the audit certificate was provided.

Letter of Representation

The purpose of this letter was to provide assurance to the External Auditors on relevant and significant matters relating to the financial year. The Letter of Representation was issued to disclose the material facts affecting the 2016-2017 transactions of the Council; the letter was attached as an appendix to the report. There were no significant issues to highlight.

Members were asked to consider and approve the Letter of Representation and authorise the Director of Resources and the Chairman of this Committee to sign on behalf of the Council.

Acknowledgement

The Director of Resources thanked all of the Officers involved in both the finance and governance work carried out during 2016-2017 and during the audit process. Closing early this year was recognised as an achievement, but it had had impacts on technical matters and maintaining business as usual. There would need to be a debriefing process in order to eliminate some of the issues encountered before March 2018. The Director of Resources' concerns were around resources, including her own time, and how the condensed audit period may impact on business as usual. The Council would work through this with Grant Thornton who the Director of Resources thanked for working with the Council through the audit process.

RESOLVED:-

1. To approve the audited accounts and authorise the Chairman of this Committee to sign the Statement of Accounts for 2016-2017 on behalf of the Council;
2. To approve the Annual Governance Statement for 2016-2017 and authorise the Chairman of this Committee to sign on behalf of the Council;

3. To approve the Letter of Representation and authorise the Director of Resources and the Chairman of this Committee to sign on behalf of the Council; and
4. To publish the Statement of Accounts and Annual Governance Statement on the Council's website.

23 –Internal Audit Final Reports

The Director of Resources reported that Internal Audit had completed a number of audits in accordance with the approved Annual Plan. On completion, the final reports were presented to this Committee for consideration.

The Council's Internal Audit Manager had attended the meeting to present the reports to Members.

There had been one final report appended for consideration. The report included and its assurance level was as follows:-

17-01 Income Collection – Substantial Assurance

Members considered the report and raised their concerns with the Head of Internal Audit.

RESOLVED:- To note the Internal Audit Final Report.

24 – Internal Audit Progress Report

The Director of Resources reported that the Internal Audit Progress report had been produced. The report set out the year to date progress against the agreed Internal Audit Annual Plan.

The Council's Internal Audit Manager attended the meeting to present the report to Members.

There had been no Priority One recommendations since the previous Audit Committee.

The report contained a statistical summary of the number of audit recommendations (13). It was noted that 13 recommendations had been Fully Accepted, each of the recommendations had been assigned a Priority Grade 1 – 3, 1 being major issues and 3 being minor issues. 3 had been rated Priority 1, 5 had been rated Priority 2 and 5 had been rated Priority 3.

RESOLVED:- That the report be received.

25 – Monitoring Internal Audit Reports

The Corporate Support Manager submitted a report updating Members on the implementation of recommendations from Internal Audit reports where the Audit Conclusion was Restricted Assurance.

**Audit Committee
21st September, 2017**

Internal Audit undertook reviews of Council's systems as defined in the Annual Audit Plan. The audit conclusion may be Restricted Assurance where significant weaknesses were identified. This had replaced monitoring of Priority 1 Recommendations because the Audit Conclusion may also be Restricted Assurance if there were a significant number of important issues.

At the last meeting of this Committee there were eight Audit Reports where the Audit Conclusion was Restricted Assurance.

Many of the issues were related to contracts and procurement and Management Board had agreed to the following actions to deliver improvements:

- The progress against individual contract checklists would be monitored electronically. This would be done by the Procurement Officer who could then intervene and provide advice if required; issues could be reported at the Contract Working Group;
- An informal support group consisting of Internal Audit and the Procurement Officer would be established so that if managers could not comply with procurement rules they could seek advice as to what steps to take and what documentation was required to support the deviation; this should be documented;
- The Purchasing Procedure would be amended so that all procurements over £25,000 required input from the Procurement Officer to ensure compliance with the Purchasing Guide. The chest should be used for procurement where appropriate; the Procurement Officer should decide on the appropriateness;
- The Purchasing Procedure would be amended to state that the threshold limits in the guide applied to orders in a 12 month period. This would identify incidents where multiple smaller orders for identical items were made to avoid compliance with the Purchasing Procedure threshold limits; this would be monitored by the Procurement Officer (an annual review);
- The Head of Internal Audit to be invited to Contract Working Group meetings on an exceptions basis to assist in resolving complex matters; and
- Senior managers would monitor the implementation of agreed recommendations through regular one to one meetings or the appraisal process.

Other issues related to previous recommendations not being implemented. The Corporate Support Manager would actively monitor the implementation of these recommendations and provide updates on an exceptions basis.

RESOLVED:- That the report be received.

26 – Risk Management

The Corporate Support Manager attached as an appendix to his report the Risk Registers for 2017/18.

The Council's Risk Registers were reviewed by Management Board at their meeting on 30th August and the following amendments were made:

Corporate Risk 2

Future subsidy of the Forum; now excluded from outsourcing had been added to the Potential Impact.

Council agreed full service and use of facility review to significantly reduce subsidy had been added to the Mitigating Actions.

Corporate Risk 4

Sickness in Quarter 1 of 2017/18 had increased, largely related to long-term personal stress; the current counselling service offered by the Council would be reviewed had been added to the mitigating actions.

Corporate Risk 8

Ongoing recruitment issues in Environmental Health may impact delivery times had been added to the mitigating actions.

Operational Risk 1

The Mitigating Actions had been amended, the Forum had been removed from the risk and the outsourcing date to be 1st August, 2018.

Operational Risk 7

A complete cremator replacement was planned for 2018/19 had been added to the Mitigating Actions.

RESOLVED:- To note the amendments.

27 – External Auditor Appointment from 2018-2019

The Director of Resources reported that the Council had received a consultation invitation regarding the auditor appointment from 2018-2019 for five years.

Members would recall that the Council opted into the sector-led body for audit appointments and the PSAA was therefore responsible for procuring and appointing the Council's auditors. Grant Thornton won a contract through the procurement exercise and PSAA proposed that Grant Thornton was the appointed auditor for the Council.

The communication from PSAA set out the appointment details and requested a response to the appointment or objections by 5pm on 22nd September, 2017.

Members were recommended to raise any questions or representations with a view to agreeing that the Council had no objections to the proposed auditor appointment.

Audit Committee
21st September, 2017

It was proposed that the Director of Resources responded on behalf of the Council as satisfied with the proposed appointment of Grant Thornton.

This appointment did not include the work on the Housing Benefit Certification work which must be separately procured. There were discussions between the districts on joint procurement of this service and an update would be presented in due course.

RESOLVED:-

1. To agree that the Council had no objections to the proposed auditor appointment; and
2. To agree that the Director of Resources replied to the consultation on behalf of the Council.

The meeting closed at 3.12 p.m.

EXECUTIVE COMMITTEE

Meeting: Wednesday 26th July, 2017
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook, Hamilton, Maddox, Pemberton and Williams.

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

33 – Minutes

The Minutes of the meeting held on 28th June, 2017 were agreed as a correct record.

34 – Apologies for Absence

Apologies for absence were received from Councillors R. McClure and D. Roberts.

35 – Procurement of Services

The Committee was informed that in order to operate a robust and smooth procurement process for outsourcing Leisure Services, Officers had retained the services of a Project Manager and separately, specialist leisure strategy and procurement services. These had been procured under the standard Purchasing Procedure.

The Project Manager had been secured through an employment agency and had now left to take up permanent employment elsewhere. To have the Leisure Services market-ready it was necessary to replace the Project Manager with additional services from the specialist leisure services previously retained on the basis of a smaller brief.

The Contract Standing Orders permitted the Executive Director and Director of Resources after consultation with the Chairman or Vice-Chairman of the Executive Committee to agree exceptions on the following bases:

The relevant goods, work or services are required so urgently as to justify a departure from the rules; or

The works, goods or services are of a specialised nature and it would not be practicable to go to more than one contractor or supplier, or this would result in no genuine competition.

The original procurement of specialist leisure strategy and procurement services had been a competitive process and the contract had been won by The Sport, Leisure and Culture Consultancy Ltd (SLC); the remit had been a smaller brief than was required now, but the market test had been carried out very recently. The services were not exclusively specialist; the exception had been agreed on the basis of

urgency in order to meet the project timetable and also to continue the established working relationship with SLC through to project completion. The Project Manager role that was to run with the project was effectively replaced by the specialist leisure and procurement skills required to deliver the contract.

RESOLVED:- To note the procurement exception as permitted by the Council's Contract Standing Orders.

36 – Barrow – People in the Lead

The Committee was informed that the Barrow and South Lakeland Council for Voluntary Service (CVS) had submitted an application to the Big Lottery to support community leaders and activists in the Borough which had been approved. The project had identified the need for training and encouragement for local community leaders and/or activists to improve their support for voluntary organisations in the Borough including bringing in new funding to support their activities.

The project would equip local community leaders and activists to engage with local community based services, identify sustainable partnerships and provide more effective services to meet the needs of vulnerable people.

The project would operate over a three year period to 30th April, 2020 and be locally based in the Barrow CVS offices. The project would operate through appointment of a Local Engagement Officer who would work 30 hours/week. The post was responsible for overseeing delivery of the project including direct support, organisation of training and events for the community leaders and activists.

Over the three year lifetime of the project 60 community leaders and/or activists would access training and support and have increased skills and knowledge to tackle issues within their own communities including improved access to finance from external funders.

The total costs of the project over three years was £156,992, 49% of the costs (£77,330) was to employ the Local Engagement Officer with a further 36% (£56,572) being spent on training, support and events. The project had been successful in obtaining funding from the Big Lottery of £126,992 based upon additional contributions from both the Council and Cumbria County Council of £5,000 pa £15,000 over the life of the project.

The project should be strongly supported as there was a lack of capacity within third sector organisations across the Borough. These groups offered support to meet a wide variety of needs across more vulnerable communities. The financial commitment from the Council was not budgeted but should be met from reserves.

RESOLVED:- To agree to provide £15,000 of match funding over the lifetime of Barrow – People in the Lead Project.

37 – Outsourcing Leisure Provision

The Executive Director informed the Committee that information provided by the Councils Consultants had identified significance differences in marketability of the

Park Leisure Centre and Forum. That required a review of the Councils policy of outsourcing both facilities in a combined lot.

The under-mentioned options were considered by the Committee:-

1. Continue with the agreed policy – go to the market for a single leisure provider.
2. Have three tender lots – Park Leisure Centre only, Forum only, Park Leisure Centre and Forum combined. Potentially reducing the contract term for The Forum to 5+5.
3. Agree that the successful provider from either Options 1 or 2 above undertake a review of the purposes and use of The Forum with a view to reducing the subsidy significantly.
4. Agree to outsource Park Leisure Centre only and that the Council undertakes a review of the purposes and use of The Forum building with a view to reducing the subsidy significantly.

Members noted there was no option to continue to operate The Forum as now. Within the context of the financial challenge the Council faced it was unaffordable. It was also evident that priority outcomes for The Forum could be delivered through an alternative operating model.

RESOLVED:- To agree to outsource Park Leisure Centre only and that the Council undertakes a review of the purposes and use of The Forum building with a view to reduce the subsidy significantly.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

38 – Grading Appeals Procedure

The Committee was reminded that Paragraph 9 of the Grading Appeals Procedure currently stated:-

9. The decision of the Panel shall be conveyed to both parties orally or in writing by the Chairman. Any decision to re-grade will take effect from the original application date unless otherwise decided by the Panel. The appellant(s) shall be given written confirmation of the decision by the HR Manager (or Democratic Services Manager is acting as advisor) no later than ten working days after the hearing.

The proposed amended Paragraph 9 was set out below was considered by the Committee.

9. The decision of the Panel shall be conveyed to both parties in writing by the HR Manager (or Democratic Services Manager if acting as advisor) no later than ten working days after the hearing. Any decision to re-grade will take effect from the original application date unless otherwise decided by the Panel.

RECOMMENDED:- To recommend the Council to agree the amendment of Paragraph 9 of the Grading Appeals Procedure.

39 – Annual Treasury Statement

The Committee was reminded that the Council managed its cash and investments in-house during 2016-2017. The investments and debt items had complied with the Council's Treasury Management Strategy for 2016-2017, which had been approved by Full Council on 22nd March, 2016.

The Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2016-2017. The report met the requirements of both the Code of Practice for Treasury Management and the Prudential Code for Capital Finance in Local Authorities.

RECOMMENDED:- To recommend the Council receives the Annual Treasury Statement for 2016-2017.

40 – Outturn 2016-2017

The Director of Resources submitted a detailed report that contained the financial outturn for the year ended 31st March, 2017. The report included the Council's service performance, corporate objectives and finances.

RECOMMENDED:- To recommend the Council:-

1. To note the outturn for 2016-2017;
2. To approve the reserves movements as set out in Section I; and
3. To note the amounts written off under delegation in 2016-2017.

41 – Smoking Control Policy

The Committee was informed that the Council's Smoking Control Policy contained the following updated policy statement:

“Barrow Borough Council is committed to supporting the development of a healthy environment for all Members, employees, residents and visitors to the district. The Council will take all reasonable steps to reduce the effect of tobacco smoke in all Council buildings and workplaces.

Any reference to smoking or smokers within this policy expressly includes any form of e-cigarettes, vaping or similar”.

The principle of the policy was to completely ban smoking from Council owned and managed buildings and workplaces. That principle had not changed and had been updated to include e-cigarettes and vaping.

The updated policy was considered by the Committee.

RECOMMENDED:- To recommend the Council to approve the updated Smoking Control Policy.

42 – Deaccessioning

Members were reminded that at its meeting on 28th June, 2017 it had agreed to deaccession the Emily Barratt figurehead.

The Executive Director informed the Committee that objects that had been assessed by the Collections and Exhibitions Manager as candidates for deaccessioning had been set to one side; 564 objects at present (old invoices, coins from outside the UK, horseshoes and other items not related to the Borough).

Some items could be transferred to the Cumbria Records Office, some to other museums and some had no value and should go to a charity shop.

The delegation proposed was:-

1. Where the value was less than £1,500; and
2. The object was not related to the Borough of Barrow-in-Furness; and/or
3. Did not fit in the Collections Development Policy (which had been approved by the Executive Committee)

The Collections and Exhibitions Manager could deaccession the object and dispose of it; ideally by transfer. There was a further caveat to the delegation that where there was a distinct collection such as geology collection, archaeology collection or natural history collection, then that cannot be deaccessioned without the Committee's approval.

In addition to aligning the objects retained to the Collections Development Policy, objects which had been collected in error could free up resources for future objects of interest.

RECOMMENDED:- To recommend the Council to delegate the outlined deaccessioning to the Collections and Exhibitions Manager.

43 – Morecambe Bay – Joint Statement of Intent to Collaborate on Economic Development Initiatives

The Executive Director informed the Committee that the Council, Lancaster City Council and South Lakeland District Council had jointly commissioned consultants to report on economic interdependence between the three districts and how they might collaborate more effectively to secure economic development and growth.

The Committee considered a Statement of Intent in relation to Economic Development activity across the Morecambe Bay Area.

Executive Committee
26th July and 6th September, 2017

RECOMMENDED:- To recommend the Council to accept the Joint Statement of Intent to collaborate on economic development initiatives.

The meeting closed at 3.25 p.m.

EXECUTIVE COMMITTEE

Meeting: Wednesday 6th September, 2017
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Biggins, Brook, Hamilton, McEwan, McLeavy, Maddox, Pemberton and D. Roberts.

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

44 – Declarations of Interest

Councillors Hamilton and McEwan declared an Other Registrable Interest in Agenda Item 11 – Appointment to Barrow Highways Advisory Committee. They were Members of Cumbria County Council.

45 – Minutes

The Minutes of the meeting held on 26th July, 2017 were agreed as a correct record.

46 – Apologies for Absence

Apologies for absence were received from Councillors Barlow, Cassells, R. McClure and Williams.

Councillors McEwan and McLeavy substituted for Councillors Barlow and R. McClure respectively.

47 – 2018-2019 Holiday Dates

The Director of Resources' report set out the bank holidays and additional days when the Council would be closed and what staff would be required to take either a holiday (annual leave) or flexi-day over the Christmas and New Year period.

Easter 2018

Monday 2nd April, 2018, Easter Monday

Other Bank Holidays

Monday 7th May, 2018, Early May Bank Holiday
Monday 28th May, 2018, Spring Bank Holiday
Monday 27th August, 2018, Summer Bank Holiday

Christmas and New Year

Tuesday 25th December, 2018, Christmas Day
Wednesday 26th December, 2018, Boxing Day
Thursday 27th December, 2018, Council Day
Friday 28th December, 2018, Council Day
Monday 31st December, 2018, annual leave or flexi-day to be taken
Tuesday 1st January, 2019, New Year's Day

RESOLVED:- To note and agree the 2018-2019 holiday dates as reported.

48 – Procurement of Services

The Committee were informed that the Council's out of hour's calls for emergency homelessness, housing repairs and other services, had been handled externally since 2004.

The current operator was The Riverside Group Limited (Riverside) and officers had been satisfied that the service meets the Council's requirements and delivered an effective service for residents.

The contractual arrangements had now been formed into Service Level Agreements (SLA) for each of the services used and it was proposed that these were signed off by the Assistant Director - Housing; which was within his existing delegation.

When drawing up the SLA the pricing structure had been reviewed and had been incorporated. The value of the complete service was £6.4k per annum, plus RPI in subsequent years; there was also the provision for additional services and the pricing list had identified those should they ever be required.

The purpose of the report was to request approval not to obtain alternative prices for the service. Officers accepted that it was not a unique service and that there would be other providers, but given the effective service that was currently operated and the key role it played in service delivery, it was recommended that the contract continued with Riverside. Officers would continue to monitor the use of and effectiveness of the service that the Council received and would re-procure the service in the normal way should the need arise.

The Council's Purchase Procedure provided for:

“The use of specialist suppliers may not require the quotations as set out where there is uniqueness to the provision. Specialist supplies/suppliers are not expected to be a regular occurrence. Where a specialism is identified, justification must be agreed and documented by a member of Management Board prior to ordering.”

Management Board had supported the use of Riverside and had referred the matter to the Committee as it was not unique and it was an ongoing service, therefore outside the scope of the current provision and delegation.

RESOLVED:- To agree that the Council's out-of-hours emergency calls continued to be contracted to The Riverside Group Ltd, with no further quotations being sought.

49 – Member Representation on FCC Partnership Board

The Committee were informed that part of the contract with FCC Environment who delivered the Council's waste, recycling and street sweeping services, was the formation of a Partnership Board. The objectives of the Board were to keep each other informed of all developments, both good and bad at all times and make efficiency savings year on year.

The contract expanded on these by committing to share information openly; jointly solve problems; continuously improve services; reduce the cost of services through efficiencies and innovate and implement changes.

FCC had nominated four representatives to the Board comprising their Contract Manager, Area Manager, Regional Development Manager and their General Manager for Cumbria. In line with similar Partnership Board arrangements on other contracts, to nominate four members to the FCC Partnership Board, plus the Executive Director and Assistant Director of Community Services.

RESOLVED:-

1. To nominate Councillors Hamilton, McLeavy, Pidduck and M. A. Thomson to the FCC Partnership Board; and
2. To agree that the FCC Partnership Board becomes an outside body to which the Council nominates Members at Annual Council.

50 – Appointment to Barrow Highways Advisory Group

The Executive Director informed the Committee that an email had been received from Cumbria County Council advising that the Barrow Highways Advisory Group would now only include one Member from the Council instead of three Members.

RESOLVED:- To nominate Councillor Brook to the Barrow Highways Advisory Group and Councillor D. Roberts as substitute.

51 – Closure of Playgrounds

The Committee were reminded that as part of the Budget Strategy 2016-2020 Council had agreed a new policy on provision of playgrounds which ensured the current distribution of playgrounds by settlement, protected the largest and well used facilities and identified the least used and valuable from a play perspective.

Members had reviewed current playground provision, comprising 33 playgrounds against that policy and had identified five playgrounds for closure, with two subject to discussions about future management.

The playgrounds identified for closure were:-

1. Dowie Close – an isolated playground which projected into an open field with limited use by the wider community.
2. Storey Square – set within a larger enclosed area of grassed open space, play equipment was limited and in poor condition, would be grassed and retained as public open space.
3. Rusland Avenue – very small (150m²) with limited play equipment, very limited access and use by the wider community. The land was not owned by the Council.
4. Lakeland Avenue – very limited informal surveillance from adjacent properties – persistent vandalism and anti-social behaviour problems retain as informal open space.
5. Sandy Gap – very limited play equipment, in poor condition, retain as informal open space.

The Council welcomed proposals for management of playgrounds 1, 2 and 3 above from local groups.

Discussions would be held on future management of Biggar Village and Talisman Close.

Estimated savings included in the Budget Strategy from these closures would be £13,247.

RESOLVED:- To agree the playgrounds identified for closure and alternative management arrangements as reported.

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

52 – Housing Service: Continuation of Support for Housing Maintenance Team

The Committee was informed that on 29th June, 2016 this Committee had agreed to the appointment of an independent building surveyor in the Housing Maintenance Team for a period of up to 12 months and to agree the classification of the appointment as an 'exception' under Item 16 of the Council's Standing Orders.

It had been envisaged that the appointment would be short term but the on-going implementation of the new Housing Management Software Systems and the unexpected need to change appointed contractors had led to a number of delays in the delivery of the 2017/18 Planned Investment Programme. The change of contractor for major void works was expected to compound the problem further in the short-term as new working practices would need to be developed and implemented.

The roll out of CX repairs and Keystone Asset Management software between October and December 2017 would undoubtedly place additional pressures on the Maintenance Team and as such there existed a need for the temporary surveyor to be retained for the remainder of the financial year.

The surveyor concerned had knowledge and familiarity with the Procure Plus e-procurement systems and had been engaged on a competitive hourly rate. It was proposed to retain the surveyor on a week-by-week basis until 31st March 2018. The maximum number of hours employed were not expected to exceed 21 hours in any one week.

RESOLVED:- To agree the continued retention of an existing Building Surveyor in the Housing Maintenance Team on a week-by-week basis until 31st March, 2018.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

53 – 2018-2019 Council Tax Support

The Director of Resources reminded the Committee that since 1st April, 2013, the Council had operated a Local Council Tax Reduction Scheme (Council Tax Support) that mirrored the Council Tax Benefit regime as it was, including subsequent updates to Housing Benefit that would have applied to Council Tax Benefit pre 1st April 2013; those receiving Council Tax Support would have received the same under Council Tax Benefit.

The funding for the Local Council Tax Reduction Scheme came mainly through the financial settlement; that was 90% of the Scheme cost in the first year of the Scheme. The amount was no longer itemised in the settlement, so the Revenue Spending Power reductions had been used as a proxy to determine the funding.

The 2017-2018 Council Tax Support had been awarded as at 30th June 2017 was £5.7m. The Council's share of the cost was based on the precepts for the year and was £748k; for 2018-2019 that was estimated to increase to £764k with funding of £614k. The net cost of £150k had been reduced by £75k estimated to be generated from existing Council Tax reforms (implemented from 1st April, 2013), leaving £75k to come from Council resources. That shortfall had been included in the Council's current Medium Term Financial Plan.

RECOMMENDED:- To recommend the Council to agree the continuation of the current Local Council Tax Reduction Scheme for 2018-2019.

54 – Car Parking Review

The Committee considered a detailed report regarding a recent review of off-street car parking usage and income.

The Committee was informed that the Council had over 1,200 parking spaces across 19 car parks, 10 of which were not available for pay and display purposes and were for contract holders with some also having disabled parking spaces.

Of the remaining nine car parks only Market Street had contract spaces allocated, the others were all pay and display parking with some also having disabled parking spaces.

There were 276 contract parking spaces across 10 car parks and 222 of the spaces had been taken, with 54 spaces available across five car parks.

The Council also offered season tickets, 251 currently sold across three car parks; these allowed the holder to park in available pay and display spaces. The current income from pre-paid parking was £134k per annum, pay and display parking £600k per annum and £35k from the Ringo mobile phone payment service.

The review resulted in a number of recommendations which, taken together, aimed to balance the type, location and number of spaces available, against the income generated.

RECOMMENDED:- To recommend the Council:-

1. To agree not to increase the number of contract parking spaces on current pay and display car parks;
2. To agree that additional contract or season tickets be made available for low demand car parks only;
3. To agree that the discount scheme for bulk space purchases applied only where a single customer was paying upfront at the start of the year and the discount levels were:
 - i. 10% discount for 10-19 spaces;
 - ii. 20% discount for 20-29 spaces;
 - iii. 30% discount for more than 30 spaces;
4. To agree that the Admin and Parking Services Manager be delegated to apply the discount scheme; and
5. To agree to continue to monitor the viability of low demand car parks.

The meeting closed at 3.15 p.m.

LICENSING REGULATORY COMMITTEE

Meeting: Thursday 20th July, 2017
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Barlow, Cassells, L. Roberts, Sweeney and C. Thomson.

Officers Present:- Steve Solsby (Assistant Director – Regeneration and Built Environment), Anne Pearson (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Sharron Rushton (Democratic Services Officer).

Legal Representative:- Matt Viner (Local Authority Retained Solicitor)
Police Representatives:- PC Kendall and PC Jordan.

11 – 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 involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute Nos. 16 and 17) of Part One of Schedule 12A of the said Act.

12 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Proffitt and Wall. Councillor Sweeney had substituted for Councillor Proffitt and Councillor C. Thomson had substituted for Councillor Wall for this meeting only.

13 – Minutes

The Minutes of the meeting held on 29th June, 2017 were taken as read and confirmed.

14 – Implementation of a Hackney Carriage and Private Hire Dual Drivers' Licences Application

The Principal Environmental Protection and Licensing Officer submitted a report regarding the implementation of a Hackney Carriage and Private Hire Dual Drivers' Licences Application.

At its Committee on 9th March, 2017, Members had approved a consultation on the implementation of a Hackney Carriage and Private Hire Dual Drivers' Licences Application.

The report set out the procedure by which Dual Drivers' Licences Application would be processed, subject to Members approval, the required changes to the current policy on the fitness of applicants, a proposed conversion fee and a new dual licences application fee.

The introduction of the dual application process had no impact on the processing of the individual licences.

Hackney Carriage and Private Hire Driver Licences were created by separate statutes, and as such applications for licences had traditionally been processed individually. The framework for this licensing regime was contained within the following Acts:

Hackney Carriage Driver Licences - Section 46 of the Town Police Clauses Act 1847; and

Private Hire Driver Licences - Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

A number of drivers currently held both Hackney Carriage and Private Hire Drivers' Licences, however as the applications were generally made at different times and processed separately, the licences had separate and different expiry dates; they must be renewed individually, increasing the administrative burden both on drivers and the Council.

A number of Councils operated Dual Drivers' Licences Application systems, allowing applications for both licence types to be considered simultaneously. Both licences would then be issued with the same expiry date, and a single application process would be followed to renew both licences, significantly reducing the administrative burden and costs.

The Licensing Team had received requests from licensed drivers to consider introducing a Dual Hackney Carriage/Private Hire Drivers' Licences Application. Anecdotally, a number of drivers had already contacted Officers to enquire when they would be able to make such applications.

Offering a Dual Drivers' Licences Application would provide the following benefits:

- Drivers would only incur the time and cost of one application; and
- A reduction in officer and administration time.

The current process of applying for either a Hackney Carriage or a Private Hire Drivers' Licence was identical. A flowchart detailing the procedure for new drivers licences was appended to the report for information. A simpler process of renewal involved a declaration of previous convictions, DVLA check and a DBS check, if out of date. Medical history was also reviewed dependent upon age. It was noted that 3 year licences required a new DBS Certificate.

Licensing Regulatory Committee
20th July, 2017

An administration fee to issue a Dual Drivers' badge to existing licensees, calculated using the previously approved methodology (Licensing Regulatory Committee on 9th March, 2017 – Minute No. 87 refers) and included:

- the cost of administration;
- IT software (dual licences applications only);
- direct costs such as badges and specialist printer; and
- overheads.

was: £39.00

It was also proposed that the Dual Drivers' badge would have the same expiry date as the existing licence to reduce 1 and 3 yearly peaks in income and resource demand.

There would be no financial or licensing advantage for drivers who currently held both Hackney Carriage and Private Hire Driver Licences, to apply for a Dual Drivers' badge.

Currently, there were no approved fees for new applicants for a Dual Drivers' Licences Application. The methodology used to calculate the fees was previously approved by Members and was based on actual time spent by Officers and associated costs of administering and operating the Licensing regime at full cost recovery. The fees took account of:-

- Administration costs associated with the initial application and fee handling;
- Officer costs;
- Direct costs such as the cost of identification badges and DVLA checks;
- Support Services costs including overheads, IT maintenance, external legal advice and advertising;
- Compliance and monitoring costs; and
- Adjustments to take into account any surplus or deficit from the 2015/16 out-turn budget.

When the Licensing Authority proposed to set new fees for Drivers' Licences it must publish a notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections were received and not withdrawn the proposed fees would be brought back before the Licensing Regulatory Committee along with consultation responses for Members' consideration.

The proposed fees for New Dual Drivers' Licences were:

Dual Drivers' Licences application fee - New (1 Year)	£ 148
Dual Drivers' Licences application fee- New (3 Year)	£ 267

There were no material changes to the Fitness Policy.

RESOLVED:- To approve a phased implementation of Dual Drivers' Licences Applications, through the renewal process, for both 1 year and 3 year licences.

15 – Protected Cautions and Convictions

The Principal Environmental Protection and Licensing Officer reported that the Rehabilitation of Offenders Act 1974 ("ROA 1974") provided that criminal convictions and cautions for certain offences were deemed to be spent after a specified period. Offences for which a prison sentence of 30 months or more was incurred were excluded from rehabilitation and were never spent (Section 5 ROA 1974).

The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (Amendment) England and Wales Order 2013 ("the Exceptions Order 2013") came into force on 29th May, 2013 and allowed certain old and minor cautions to no longer be subject to disclosure under the Exceptions Order. All cautions and convictions for specified serious violent and sexual offences and other specified offences of relevance would remain subject to disclosure.

New categories of 'protected cautions' and 'protected convictions' had been introduced, which meant that after the passage of time the applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences.

The Exceptions Order 2013 amends the Exceptions Order 1975 by removing most protected cautions and convictions from the exceptions to rehabilitation under the ROA 1974, however, there were still a small number of positions where all convictions and cautions (included protected convictions and cautions), may still be disclosed and taken into account.

Protected Cautions and Convictions

A caution was only a "protected caution" if:-

- It does not relate to a listed offence;
- It was given to a person aged under 18 at the time of the caution and two years or more had elapsed;
- It was given to a person aged 18 or over at the time of the caution and six years or more had elapsed.

A conviction was only a protected conviction if:-

- It does not relate to a "listed offence" such as violence and sexual offences;
- No custodial sentence was imposed;
- It was the only conviction that the individual had received;

Licensing Regulatory Committee
20th July, 2017

- It was received by a person aged under 18 at the time of the conviction and five and a half years or more had elapsed; and
- It was received by a person aged 18 or over at the time of the conviction and 11 years or more had elapsed.

Relevance of Cautions and Convictions

The Council as Licensing Authority could take account of disclosure information from the DBS including convictions which had been recorded against the applicant or holder of a Private Hire Vehicle or Hackney Carriage Drivers' licence and could have regard to all relevant cautions and convictions or allegations, particularly where there was a history of offending or a pattern of repeat offending/allegations.

If an applicant or existing licence holder had been arrested, charged or summonsed but not convicted for an offence, the nature of which suggested there would be concerns for the safety of the travelling public (particularly serious offences for example any form of violent conduct (including domestic violence) and serious sex offences) consideration would be given to refusing an application and the Environmental Health Manager would refer the application to the Licensing Regulatory Committee for determination.

Under the Provisions of ss.51, 55, and 59 Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority was required to ensure that an applicant for the grant or renewal of a licence was a 'fit' and 'proper' person to hold a licence.

When determining whether the person was a 'fit' and 'proper' person the Council would have regard to:-

- The relevance of the offence(s) or other matters revealed in the application;
- The seriousness of any offence(s) or any other matter revealed;
- The class / nature of the offence(s);
- The age of the offence(s);
- The age of the person at the time of the offence(s);
- Whether the disclosure revealed a pattern of behaviour;
- Whether the applicant's circumstances had changed since the offending behaviour or the other relevant matters; and
- Any other information that was deemed appropriate for consideration in determining whether the person was a 'fit' and 'proper' person.

In addition, the Council was also entitled to use all other records and information available to it in determining applications or entitlement to continue holding a licence. This may include information held by the Council or other Licensing Authorities and information held by the Police under the Home Office Scheme for reporting offences committed by notifiable occupations.

The overall offending history would be considered when assessing a person's suitability to be licensed or to continue holding a licence.

Amendments were required to Section 7 of the Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licences Policy following a legislative change and the changes were detailed in the report.

Amendments were also required to Section 8 of the Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licences Policy to clarify relevant matters and the changes were detailed in the report.

RESOLVED:- To approve the minor amendments to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy.

16 – Application for a Street Trading Consent

The Principal Environmental Protection and Licensing Officer reported that the Licensing Authority had received an application for a Street Trading consent in accordance with Schedule 4, Paragraph 7(1) Local Government (Miscellaneous Provisions) Act 1982.

He set out details concerning the application and the Committee's policy regarding such matters.

The applicant and her representative attended the meeting and addressed the Committee.

RESOLVED:- That the application for a Street Trading consent be refused.

17 – Application for a Street Trading Consent

The Principal Environmental Protection and Licensing Officer reported that the Licensing Authority had received an application for a Street Trading consent in accordance with Schedule 4, Paragraph 7(1) Local Government (Miscellaneous Provisions) Act 1982.

He set out details concerning the application and the Committee's policy regarding such matters.

The applicant and his representative attended the meeting and addressed the Committee.

RESOLVED:- That the application for a Street Trading consent be refused.

The meeting closed at 3.35 p.m.

LICENSING REGULATORY COMMITTEE

Meeting: Thursday 7th September, 2017
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Barlow, Biggins, L. Roberts, Sweeney, C. Thomson and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Sharron Rushton (Democratic Services Officer) and Sandra Kemsley (Democratic Services Officer).

Legal Representative:- Paul O'Donnell (Local Authority Retained Solicitor)

18 – Appointment of Chairman

The nomination of Councillor Wall was moved by Councillor Sweeney and seconded by Councillor C. Thomson.

A vote was taken and Councillor Wall was declared as Chairman for this meeting only.

RESOLVED:- That Councillor Wall be elected Chairman for this meeting only.

19 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Callister, Cassells, Derbyshire and Seward. Councillors Sweeney and C. Thomson had substituted for Councillors Cassells and Seward respectively for this meeting only.

20 – Minutes

The Minutes of the meeting held on 20th July, 2017 were taken as read and confirmed.

21 – Application for Street Collection Permit – Guide Dogs

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Street Collection Permit on behalf of Guide Dogs. The applicant had requested a Street Collection Permit for a collection which would take place on Wednesday 11th October, 2017. Current policy stated collections were permitted on Friday and Saturdays only; no mid-week collections were to be allowed.

The application therefore required Members to exercise their powers to determine an application which conflicted the current allocation Policy for Street Collections/Flag Days which was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993-94) of the Licensing Sub Committee.

The Police, Factories and (Miscellaneous Provisions) Act 1916 allowed Local Authorities to make regulations regarding street collections, where and conditions

under which, persons may collect money or sell articles for the benefit of charitable “or other purposes”.

The current allocation Policy for Street Collections/Flag Days was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993/94) of the Licensing Sub-Committee as follows:-

- a) That it be adopted as Policy that once a particular date had been allocated to a Charity, no further application from other Charities for the same date would be permitted;
- b) No organisation would be granted more than one collection date in each calendar year;
- c) That preference would continue to be given to Charities that use money collected locally;
- d) That no more than 50 Street Collection Permits would be granted in a calendar year, such permits to be for collection days either on Fridays or Saturdays. No mid-week collections to be allowed;
- e) Organisations must comply with the Borough of Barrow-in-Furness Street Collection Regulations and submit a statement of accounts following their street collection in order for similar applications to be considered in future years; and
- f) Minute No. 1.3 (ii) resolved to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual Charities from time to time.

The Licensing Authority consulted on all Street Collection Permits with Cumbria County Council Highways, Cumbria Constabulary, Trading Standards and the Council’s Planning Department.

There had been no objections from consultees.

The applicant had been invited to attend today’s meeting, however, had submitted apologies.

RESOLVED:- To agree to grant the Street Collection Permit for Wednesday 11th October, 2017.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

22 – Review of Hackney Carriage Stands in the Borough

The Senior Licensing Officer submitted a report advising Members of the work being undertaken by Council Officers on improving the provision of Hackney Carriage Stands in the Borough.

The report outlined the Borough Council’s proposed locations for Hackney Carriage Stands (also known as Taxi Ranks) in the Borough. Members’ were required to

**Licensing Regulatory Committee
7th September, 2017**

consider the proposals and make recommendations to the Executive Committee to appoint the Stands for Hackney Carriages, subject to the consideration of any objections or representations received.

Hackney Carriage Stands ("Stands") were a vital part of a towns transport network. Stands were a common feature in many towns and cities and provided a location where licensed taxis could legally park to wait for a customer who wished to use a taxi, rather than drive around town centre streets waiting to be hailed.

Similarly having well defined and managed stand locations improved public safety through allowing customers to easily obtain a licensed taxi service and reduced the risks associated with touting and inconvenience to customers searching the streets for a service.

Hackney Carriage stand provision had not been reviewed by the Borough Council for a number of years and it was acknowledged that provision could be improved, as it was good practice to review provision regularly.

Currently, Barrow Borough Council provided rank space for its 135 licensed taxis in the following locations:

- Cornwallis Street (15 cars)
- Duke Street (6 cars)
- Dalton Road (4 cars)
- Dalkeith Street (8 cars)
- Not formally designated - Cavendish Street (10 cars)
- Barrow Train Station (4 cars)

The dynamics of the night time economy in Barrow-in-Furness were changing and further established stands were required to meet the needs of the travelling public as well as ensuring hackney carriage proprietors were provided with adequate stand provision to support the day time trade.

A Local Authority could adopt areas on streets or private land as Stands for Hackney Carriages under Section 63 Local Government (Miscellaneous Provisions) Act 1976 ("the Act"). Prior to appointing stands the Act required:-

1. The Local Authority to obtain the consent of the Highway Authority;
2. Give notice to the Chief of Police;
3. Publish a notice of proposal in the local newspaper; and
4. Log and consider any objections or representations received within 28 days of the first publication.

In order to meet the requirements of Section 63 of the Act:-

1. Consent had formally requested consent from Cumbria County Council Highways for the proposed locations;
2. Notice had been given to the Chief of Police;
3. A notice of proposal would be placed in the North West Evening Mail providing a 28 day consultation period from the date of publication; and

4. Any objections or representations received would be logged and reported back to the Committee for their consideration.

Cumbria County Council Officers had prepared a report for Cumbria County Council Area Committee for consent to be given. The report would be presented to the Area Local Committee on 22nd September, 2017.

The Chief of Police noted the Council's intentions to appoint the Hackney Carriage Stands but made no objection.

The particulars of each Hackney Carriage Stand and the advantages of each location for drivers, members of the public and if identified, any potential problems for either user group had been set out in the report for information.

The cost of adopting an area as a Hackney Carriage Stand included legal advertisement costs associated with the statutory process, together with the costs of design and implementation.

The Local Government (Miscellaneous Provisions) Act 1976 allowed the Borough Council to recover its reasonable costs in processing and determining licence applications and also achieved compliance with the appropriate legislation.

The administration and operation of this licensing regime was able to operate at full cost recovery, including the recovery of costs directly associated with the implementation of the Hackney Carriage Stands. These included: costs due to Officer time, advertising costs and Legal advice costs and would be through the licence fees charged to vehicle proprietors.

Barrow Borough Council and Cumbria County Council were in agreement that the Borough Council would pay the advertisement costs associated with appointing the stands and County Council would incur the costs of design, implementation of the Traffic Regulation Order, including the provision of signs and lines.

Cumbria County Council were responsible for on-street parking enforcement activities under the Road Traffic Regulation Act 1984, and Regulations and various Traffic Regulation Orders made under it, (accessible at tro.parking-adjudication.gov.uk/) and the Traffic Management Act 2004 and Regulations made under it. Motorists contravening parking restrictions were issued with a Penalty Charge Notice by one of the County Council's authorised Civil Enforcement Officers.

Barrow Borough Council could also take enforcement action against other vehicles not permitted to wait on Hackney Carriage Stands under Section 64 of the Local Government Miscellaneous Provisions Act 1976.

RECOMMENDED:- (a) To agree the proposed Hackney Carriage Stands outlined in the report and make recommendations to the Executive Committee to appoint the stands and refer to Full Council for approval, subject to any objections or representations made during the consultation period; and

**Licensing Regulatory Committee
7th September, 2017**

(b) To request Officers consult with Dalton Town Council regarding the suitability of the location in Dalton Town Centre prior to the document going to public consultation.

The meeting closed at 2.55 p.m.

LICENSING COMMITTEE

Meeting: Thursday 7th September, 2017
at 2.55 p.m. (Drawing Room)

PRESENT:- Councillors Barlow, Biggins, L. Roberts, Sweeney, C. Thomson and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Sharron Rushton (Democratic Services Officer) and Sandra Kemsley (Democratic Services Officer).

Legal Representative:- Paul O'Donnell (Local Authority Retained Solicitor)

4 – Appointment of Chairman

The nomination of Councillor Wall was moved by Councillor Sweeney and seconded by Councillor C. Thomson.

A vote was taken and Councillor Wall was declared as Chairman for this meeting only.

RESOLVED:- That Councillor Wall be elected Chairman for this meeting only.

5 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Callister, Cassells, Derbyshire and Seward. Councillors Sweeney and C. Thomson had substituted for Councillors Cassells and Seward respectively for this meeting only.

6 – Minutes

The Minutes of the meeting held on 18th May, 2017 were taken as read and confirmed.

7 – Licensing Act 2003 – Update

The Principal Environmental Protection and Licensing Officer submitted a report to update Members on changes to the Licensing Act 2003 and associated Legislation brought about by the Policing and Crime Act 2017 and the Immigration Act 2016.

The changes to the Licensing Regime, contained within the Policing and Crime Act 2017, aimed to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder. The Immigration Act 2016 introduced a number of changes, particularly with respect to illegal working on Licensed Premises.

In March 2016 the Home Office published its 'Modern Crime Prevention Strategy'. This listed 6 key drivers of crime, the last of which was alcohol. To address this, the strategy proposed to:

**Licensing Committee
7th September, 2017**

- Give more powers for local authorities and police;
- Improve late night levy by making it more flexible for local areas;
- Give the Police and Crime Commissioner's the right to request that local authorities consult on introducing a late night levy; and
- Put Cumulative Impact Policies on a statutory footing.

The proposed changes to the Licensing regime, detailed below, were contained within the Policing and Crime Act 2017, with the aim to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder. These amendments came into force on 6th April, 2017:

- An amendment to Section 5 of the Licensing Act 2003, which covered the Statement of Licensing Policy by inserting a new section 5a (1) Cumulative Impact Assessments;
- An amendment to the Police Reform and Social Responsibility Act 2011 in connection with the Late Night Levy, which would give more flexibility to local authorities to impose a Late Night Levy;
- An amendment in connection with summary reviews;
- An amendment in connection with Personal Licences by giving similar powers as the court to licensing authorities to suspend or remove a personal licence from the holder;
- Schedule 4 of the Licensing Act 2003, which detailed relevant offences for personal licence holders, had been updated;
- Amendments to the definition of alcohol; and
- Proposed changes to future revision of the Home Office guidance, to the Licensing Act 2003, issued under Section 182.

The proposed changes to the licensing regime were set out in full in the report.

RESOLVED:- To agree to note the amendments to the Licensing Act 2003 and the Police Reform and Social Responsibility Act 2011 as outlined in report.

The meeting closed at 3.15 p.m.

PLANNING COMMITTEE

Meeting: Tuesday 15th August, 2017
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Blezard, Gawne, Husband, McEwan, McLeavy, Murphy, Murray and Seward.

Officers Present:- Charles Wilton (Principal Planning Officer), Paula Westwood (Democratic Services Officer (Member Support)) and Sandra Kemsley (Democratic Services Officer).

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 (Minute No. 118) of Part One of Schedule 12A of the said Act.

113 – Declarations of Interest

Councillor Gawne declared an interest in Agenda Item 9 – Proposed Tree Preservation Order, 28 Rampside, Barrow-in-Furness (Minute No. 116) as the occupier was known to him. He also declared an interest in any matter relating to Cumbria County Council as he was a Member of that Council.

Councillor McEwan declared an interest in any matter relating to Cumbria County Council as he was a Member of that Council.

Councillor McLeavy declared a disclosable pecuniary interest in Planning Application No. 2017/0328 – BAE Proposed Centralised Training Facility, Buccleuch Dock Road, Barrow-in-Furness (Minute No. 142) as he was employed by BAE. He left the meeting during consideration of the item. He also declared a disclosable pecuniary interest in Planning Application No. 2017/0401 – 6 Waver Court, Barrow-in-Furness (Minute No. 143) as the applicants were known to him. He left the meeting during consideration of the item.

114 – Apologies for Absence/Attendance of Substitutes

An apology for absence was received from Councillor Thurlow.

115 – Minutes

The Minutes of the meeting held on 11th July, 2017 were taken as read and confirmed.

116 – Proposed Tree Preservation Order, 28 Rampside, Barrow in Furness

The Assistant Director - Regeneration and Built Environment's reported advised that this matter had been reported to the last meeting and had been deferred to allow for a site visit and presentation of the full survey report, a copy of which had been appended to the Officer's report. It was noted that the Committee had undertaken a site visit prior to today's meeting.

A planning application (2016/0357) to demolish an existing dwelling and rebuild had been approved in October 2016. At the same time, a Tree Preservation Order (TPO) had been authorised, primarily to protect the trees within the application site. This had been served in November 2016. Following this, concerns had been raised by the applicant that some of the trees were not worthy of retention. Accordingly, in March 2017 Treescapes Consultancy Ltd. had been instructed to review the TPO. Due to the time taken to facilitate that, the served TPO had not been confirmed within the required six months.

In determining whether a new TPO should be served, the survey had advised that the groups of trees, including those within the development site, did not merit retention. This was due to them containing poor specimens, identifiable decay and existing/potential damage to a stone boundary wall.

However, the two individual sycamore trees (T1, T2) included in the original TPO had been considered suitable for protection in their own right. However that was with a caveat that due to existing/subsequent damage to the boundary walls, the Council would likely have difficulty in refusing any application to fell and/or potentially be subject to costs if refused. As those two trees fell outside of the development site, it was not considered as expedient to protect them as they should not be affected by the development, given they were not directly within the applicant's control.

The Assistant Director – Regeneration and Built Environment had recommended that the Tree Preservation Order was not served due to the limited amenity value of the trees and the associated damage to the boundary walls arising from them.

It was moved by Councillor M. A. Thomson and seconded by Councillor Husband and,

RESOLVED:- That a Tree Preservation Order be served on the following trees labelled as follows from the Survey Report conducted by Treescapes Consultancy Limited appended to the report:-

- T1 (Sycamore) situated at the north east corner of the front garden of 26 Rampside;
- T2 (Sycamore) situated at the eastern side of the access track on land between 28 and 30 Rampside; and
- 3 Sycamore trees within G1 situated to the eastern side of the access track.

117 – Reporting Appeal and Costs Decision: Erection of an agricultural building at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness

The Assistant Director – Regeneration and Built Environment submitted a report concerning the recent appeal decision in relation to the erection of an agricultural building at Parkhouse Farm. The appeal had been upheld and planning permission had been granted. The application for a costs award against the Council had been successfully defended. Both the appeal decision letter and the costs decision had been appended to the report. There had been a number of important points to note from the two decisions as follows:-

Costs Award Decision

The element of the claim which related to the time taken to process the application had been rejected. The Inspector referred to the fact that the applicant had agreed to a formal extension of time rather than appealing against non-determination.

Decision Contrary to Recommendation

This element of the claim had also been rejected. In reaching this decision the Inspector had regard to the fact that a new report had been produced setting out the main reasons that led to the refusal.

Conclusion

The costs decision reaffirmed the importance of using the 'minded to refuse' resolution as per the Council's Constitution. This allows for the Committee's concerns to be formalised when Officers report back provided that the amended report is sufficiently comprehensive. Also, the importance of agreeing extensions of time with applicants. It would seem that these two measures protected the Council from an award of costs against it.

Appeal Decision

There had been two main points to take from this decision.

1. In terms of the issues, that the determining factor is the building's impact on the wider views of the area. In that regard the Inspector referred to the screening effect of road side hedgerows. Planning Committee had perhaps focused more on the very immediate views.
2. The weight to be given to emerging policy. The NPPF, at para 216, states that the amount of weight is a matter for the decision maker, based upon the stage of preparation, level of objections, and consistency with the NPPF. In this instance the Inspector was very clear on this matter stating that the emerging Local Plan could only be given 'limited weight' and then commented on when this would change - '*reached or passed its examination stage*' [para 3].

The decision had been a material planning consideration and was in the public domain. The decision should be followed unless evidence could be provided to the

contrary. Only 'limited weight' could therefore be given to the emerging Local Plan at the current time.

In view of the above, Members had been requested to note the following:-

1. The importance of the 'minded to refuse' procedure which with a sufficiently comprehensive deferred report was critical to defending the costs claim; and
2. That, in the opinion of the Inspector, only limited weight could be given to the emerging plan until it reached a more advanced stage.

RESOLVED:- To note the report.

118 – Member update on the recent Dalton Lane Inquiry

The Chairman advised the Committee that the Executive Director had requested the Committee to withdraw this item from the agenda.

RESOLVED:- It was unanimously agreed that the report be withdrawn.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information. The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) beside the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

- 119 2016/0802** Application to vary condition 2 of Listed Building Consent 2016/0104 (construction of new two storey extension with rooftop plant room to north of existing building and linked at both floor levels. Existing building refurbished and with new extension will provide facilities for new primary care centre, reconfiguration of external areas, car parking and landscaping) to allow for amendment of approved plans in relation to the inspection and removal of damp or seriously deteriorated sections of existing timber suspended floor only and provision of new timber floor. Level of new floor to match existing in rooms in north west end of building where repairs are required with level of new floor in rooms in south east of building raised by approximately 900mm to provide level access throughout accommodation and to exterior yard, raising of head of two existing door openings in an existing masonry wall and minor

alterations to approved plans. (amended description) at Former Alfred Barrow School and land to the SW of the school, Duke Street, Barrow-in-Furness.

- 120 2017/0169** Listed Building Consent for Internal refurbishment and renovation works, application of security film to windows, repair/replacement of external doors, windows and roofing, installation of turnstiles, gates and secure fence and related works at BAE Systems, Holland House, Bridge Road, Barrow-in-Furness.
- 121 2017/0257** Change of use from a retail shop (Use Class A1) to a hairdressers and beauty shop (Sui Generis) at 1 Duke Street, Askam-in-Furness.
- 122 2017/0338** Erection of rear and side double and single storey extensions to provide porch, study, shower room, utility room, kitchen, living room, bedroom and bathroom at 13 Lyndale Avenue, Barrow-in-Furness.
- 123 2017/0402** Application for a non-material amendment following grant of planning permission B21/2017/0095 (Single storey side elevation garage with rear elevation kitchen extension and new replacement pitched roof dormer) to allow increase in roof pitch and reduce dormer width, move the dormer over to the right hand side (viewed externally, increase the height of the double sliding sash dormer window and remove the dormer upper hipped section) at 75 Croslands Park, Barrow-in-Furness.
- 124 2017/0253** Change of use of ground floor shop (A1) to a living room which is to be incorporated into the existing residential building as Class (C3) dwelling house at 57 Friars Lane, Barrow-in-Furness.
- 125 2017/0266** Proposed Entrance Lobby Enclosure (33.3sqm/358sqm) to existing store including the removal of existing glazed screen and installing a exit to the existing cafe seating area at WM Morrison Supermarkets Plc, The Strand, Barrow-in-Furness.
- 126 2017/0280** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to re-roof the building with profiled metal sheeting at Tyre Services GB Ltd, Roose Road, Barrow-in-Furness.
- 127 2017/0268** Retrospective consent for a two storey temporary building, access stairs and associated works to west side of NAS Building at BAE Systems, Bridge Road, Barrow-in-Furness.
- 128 2017/0305** Erection of a side lounge extension with a double pitched roof and a front porch – resubmission of 2016/0787.

**Planning Committee
15th August, 2017**

- 129 2017/0290** Single storey side extension at 20 Baldwin Street, Barrow-in-Furness.
- 130 2017/0249** Application for variation of Condition 2 (Dormer extensions and roof lights) for planning permission B13/2015/0579 (Housing Site at Former United Utilities Septic Tank Site) to allow for the retention of 2 rooflights to the rear roof slope facing onto Doris Street (retrospective) (amended description) at Atina House, Promenade, Barrow-in-Furness.
- 131 2017/0251** Application for approval of details reserved by Condition No. 6 (validation report) No. 7 (surface Water), No. 8 (Foul Drainage) and No. 9 (Hardstanding construction details) of planning permission 2015/0022 (Erection of two, four bedroom dwellings with integral garages) at Atina House, Promenade, Barrow-in-Furness.
- 132 2017/0319** Application for approval of details reserved by condition(s) No.9 (Drainage) and No. 10 (Sewer System) for planning permission B13/2016/0696 - Erection of a terrace of three dwellings with associated off-street parking including the demolition of former fire station at Housing Development Site, Butts Beck, Dalton-in-Furness.
- 133 2017/0313** Advertisement consent to display 25 signs both illuminated and non illuminated, including 6 x motif boxes, 1 x totem sign, car wash signs and canopy signs at WM Morrison Supermarkets Plc, The Strand, Barrow-in-Furness.
- 134 2017/0301** Remove existing floodlight towers and install a new floodlighting system at Barrow AFC, consisting of 4 x 30 metre columns and 32 x 2kw floodlights at Holker Street Ground, Wilkie Road, Barrow-in-Furness.
- 135 2017/0318** Single storey rear extension forming sun room and a glazed window (non-opening) to the first floor level at 24 Rusland Drive, Barrow-in-Furness.

The following applications were Partial Decisions:-

- 136 2015/0806** Application for approval of details as reserved by condition No. 3 (access design), No. 7 (means of access and phasing), No. 4 (Foul and Surface water on separate system), No. 5 (Scheme for foul and surface water), No. 6 (Highways construction) No. 8 (finalised Surface Water Drainage Scheme) at Parkview School (former), West Avenue, Barrow-in-Furness.
- 137 2017/0252** Approval of details reserved by Conditions No. 3 (material samples), No. 4 (Drainage), No. 5 (preliminary investigation), No. 10 (boundary details), No. 11 (landscaping scheme), No. 14

(driveway surface treatment) and No. 16 (construction method statement) at Proposed Dormer Bungalow, John Street, Askam-in-Furness.

The following application was a Split Decision:-

138 2017/0278 Advertisement consent to display signage in relation with the proposed new Costa Coffee drive thru development at Cocken Villa, Walney Road, Barrow-in-Furness.

The following applications were refused:-

139 2017/0303 Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a single storey rear extension forming a bathroom at 6 Hogue Street, Barrow-in-Furness.

140 2017/0296 Double storey side extension to provide kitchen, utility room and store with first bedroom and en-suite. Front porch extension at 100 Black Butts Lane, Barrow-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment reported on the following planning applications:-

141 – 176 Roose Road, Barrow-in-Furness

From Miss T. Linton, Kumon in respect of the change of use from (A1) shop to (D1) non-residential after school educational study centre 'Kumon' maths and English at 176 Roose Road, Barrow-in-Furness as shown on plan number 2017/0295.

Representations received and the results of consultations were reported.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 12th June 2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: TL1 - 2017 and TL2 2017, Proposed shop front.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Operational Conditions

3. The operation of the development must not cause the background noise level (measured as the LA90 (10 minutes)) to be exceeded at any neighbouring noise sensitive development. [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.].

Reason

In order to minimise the potential for noise pollution, thereby conform to Saved policy D58 of the Barrow Local Plan Review 1996-2006.

142 – Proposed Centralised Training Facility at Buccleuch Dock Road, Barrow-in-Furness

From Mr S. Robson, BAE Systems Marine Ltd in respect of an application for variation of Condition No. 3 of planning permission 2016/0389 to allow a variation of approved delivery hours at Proposed Centralised Training Facility at Buccleuch Dock Road, Barrow-in-Furness as shown on plan number 2017/0328.

The results of consultations were reported.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

1. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as listed below and defined by this permission, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no variation without the prior written consent of the Planning Authority.

BAE01 MBC XX GF DR A 00300 Proposed Ground Floor Plan P13
 BAE01 MBC XX 01 DR A 00330 Proposed First Floor Plan P12
 BAE01 MBC XX RF DR A 00300 Proposed Roof Plan P6
 BAE01 MBC XX XX DR A 00500 Proposed Building Elevations, P7
 BAE01 MBC XX XX DR A 00400 Proposed Building Sections, P4
 BAE01 MBC XX XX DR A 00201 Site Plan P6
 BAE01 MBC XX SI DR A 00202 Existing Site Plan P1
 BAE01 MBC XX SI DR A 00203 Site Location Plan P2
 Site Appraisal GRM/P7256/F.2 Groundsure Geoinsight EMS-334831_450870
 Groundsure Enviroinsight EMS-334831_450871
 Additional Ground Investigation Works – dated 08/07/16
 Air Quality Assessment I&BPB5118R005F01 Rev 02/Final
 Air Quality Assessment Addendum PB5118I&BN001F01
 Ecological Assessment I&BPB5118R007F02
 Flood Risk Assessment I&BPB5118R002F02 Rev 02/Final
 Transport Statement T&PPB5118R003F02 Rev 02/Final
 Traffic and Car Parking Response PB5118TN01F02.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

During Building Works

2. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

3. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

4. The construction activity, including hours of working and deliveries associated with the development must be carried out in strict accordance with the Construction Environmental Method Statement Rev C dated 21/07/17 and the Traffic Management Plan Rev D.

Reason

In the interests of minimising the impact upon local ecological interests associated with adjacent designated sites and on the residential amenities of the area.

Before Occupation

5. Prior to the beneficial occupation of any part of the development, a landscape scheme for the site, showing any trees, shrubs and hedgerows, including verges and other open spaces, together with details of any phasing of such a scheme must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area.

Operational Conditions

6. Drainage must be on the separate system with all foul drainage connected to the foul sewers and only uncontaminated surface water connected to the surface water system.

Reason

In order to ensure that the site is adequately drained and in order to control the potential for pollution of the water environment.

7. Noise from the development must not exceed Noise Rating Curve NR 45 in daytime hours (0700 - 2300) and NR 40 in night time hours (2300 - 0700) at the façade of any noise sensitive property.

Reason

In order to minimise the potential for noise pollution and thereby conforming to Saved Policy D58 of the Barrow Local Plan 1996-2006.

8. Noise from the development must not cause the existing background noise level (measured as the LA90 (10 minutes) to be exceeded at any neighbouring noise sensitive locations. Tonal noise will result in a 5dB addition to that noise (Definition in: Appendix E "Noise Procedure Specification, Publication 140", The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

Reason

In order to minimise the potential for noise pollution and thereby conforming to Saved Policy D58 of the Barrow Local Plan 1996-2006.

9. Any external lighting (temporary and permanent) shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not shine directly onto any adjacent highways or directly into the rooms of any adjacent dwellings.

Reason

To minimise light pollution in accordance with Saved policy D63 of the Barrow Local Plan Review 1996-2006, and in the interests of highway safety.

143 – 6 Waver Court, Barrow-in-Furness

From Mr L. Stagg in respect of a single storey side extension at 6 Waver Court, Barrow-in-Furness as shown on plan number 2017/0401.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

The applicant and an objector attended the meeting and made representations to the Committee.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 30.6.17 and hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: SP1, SP2, P1, P2.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Operational Conditions

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the rear elevation of the permitted extension without the prior written consent of the Planning Authority.

Planning Committee
15th August and 5th September, 2017

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

144 – Withdrawn Application

The following application had been withdrawn at the request of the applicant:-

2017/0158 – Erection of a building to house 16,000 laying chickens for free range egg production with associated feed bins, hard-standing and access track on Land at Maidenlands, Tarn Flatt, Marton.

The meeting closed at 3.04 p.m.

PLANNING COMMITTEE

Meeting: Tuesday 5th September, 2017
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Blezard, Derbyshire, Gawne, Husband, McEwan, McLeavy, Murphy, Murray, Seward and Thurlow.

Officers Present:- Charles Wilton (Principal Planning Officer), Paula Westwood (Democratic Services Officer (Member Support)) and Katie Pepper (Democratic and Electoral Services Apprentice).

145 – Declarations of Interest

Councillors Gawne and McEwan declared interests in any matters relating to Cumbria County Council as they were a Member of that Council.

Councillor Murphy declared an interest in Planning Application No. 2016/0789 – Rock Lea, Abbey Road, Barrow-in-Furness (Minute No. 174) as one of the objectors was known to him.

146 – Minutes

The Minutes of the meeting held on 15th August, 2017 were taken as read and confirmed.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information.

The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) beside the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

- 147 2017/0050** Application for works to trees subject of Tree Preservation Order 1987 No. 1 comprising the felling of one sycamore and one poplar and the crown reduction of three sycamore trees by 4m at 298 Abbey Road, Barrow-in-Furness.
- 148 2017/0473** Application for a non material amendment following grant of planning permission 2017/0136 (Proposed two storey rear extension and first floor side extension with pitched roof comprising extended living area, sanitary facilities, new bedroom and living area at second floor) to allow for changes to front and rear windows of the approved side extension and the addition of a roof light in the approved rear extension at 101 Black Butts Lane, Barrow-in-Furness.
- 149 2017/0355** Erection of rear first floor balcony at 55 Saves Lane, Ireleth, Askam-in-Furness.
- 150 2017/0343** Advertisement consent to display 4x illuminated fascia signs and 2x illuminated box signs associated with McDonalds Restaurant at 148-150 Dalton Road, Barrow-in-Furness.
- 151 2017/0344** Reconfiguration and refurbishment of shopfront to include a 10.2msq extension with new glazing panels with frames to match existing to square up the frontage at 148-150 Dalton Road, Barrow-in-Furness.
- 152 2017/0405** Single storey rear extension to create a sun room at 34 Undergreens Road, Barrow-in-Furness.
- 153 2017/0387** Attached garage at 2 Langdale Grove, Barrow-in-Furness.
- 154 2017/0270** Application of Non Material Amendment following grant of planning permission 2016/0696 (Erection of a terrace of three dwellings with associated off-street parking including the demolition of former fire station), removal of glazed corner entrance at Housing Development, Butts Beck, Dalton-in-Furness.
- 155 2017/0370** Rear Conservatory at 33 Central Drive, Barrow-in-Furness.

**Planning Committee
5th September, 2017**

- 156 2017/0368** Rear ground floor sun room and internal alterations (additional extension to existing extension) at 9 Princewood Drive, Barrow-in-Furness.
- 157 2017/0309** Rear flat roofed extension at 17 Settle Street, Barrow-in-Furness.
- 158 2017/0326** Advertisement consent to display 3 no. internally illuminated signs comprising: a 6 metre pole sign, a dealer name/service sign and a free standing feature sign at 2 James Freel Close, Barrow-in-Furness.
- 159 2017/0329** Erection of animal housing and enclosure (retrospective) at South Lakes Safari Zoo, Melton Terrace, Lindal-in-Furness.
- 160 2017/0345** Two storey side extension forming ground floor utility, shower room and store and 2 bedrooms at first floor at 44 Strathaird Avenue, Barrow-in-Furness.
- 161 2017/0393** Minor Material Amendment following grant of planning permission 2015/0417 (Paint facility with associated construction compound, infrastructure and related works) to allow the addition of 8 flues and 9 stacks to the roof and addition of 1 flue and 5 extra exhaust ducts and 2 stacks to the roof of the Paint facility welfare block at BAE Systems, Bridge Road, Barrow-in-Furness.
- 162 2017/0396** Rear extension to provide dining area, kitchen and utility room, re-build side garage at 50 Strathnaver Avenue, Barrow-in-Furness.
- 163 2017/0342** Shop front alterations – change of materials at 196 Dalton Road, Barrow-in-Furness.
- 164 2017/0356** Prior approval for a proposed change of use of agricultural building to a dwelling-house (C3) and associated operational development – Conversion of redundant barn into 4 bedroom dwelling-house on land adjacent to Greenscoe Park, Greenscoe.
- 165 2017/0363** Advertisement consent to display 1 fascia sign, 1 projector sign and 1 logo sign (all illuminated) and 3 non illuminated wall mounted panels at 3 Duke Street, Askam-in-Furness.
- 166 2017/0372** Change of use of land to mix of agriculture/horticulture and construction of a horse manege at Barrow House Farm, Woodbine Lane, Newton-in-Furness.
- 167 2017/0420** Rear living room extension at 62 Lorne Road, Barrow-in-Furness.

- 168 2017/0373** Single storey side extension at 5 Yarlside Road, Barrow-in-Furness.
- 169 2017/0375** Replacement front porch at 3 Sycamore Grove, Barrow-in-Furness.
- 170 2017/0378** Rear ground floor lounge extension at 10 Almond Walk, Barrow-in-Furness.

The following application was a County Matter:-

- 171 2017/9000** New class room (County Matter) at Roose School, North Row, Barrow-in-Furness.

The following applications were refused:-

- 172 2017/0398** Two storey front and side extension at 30 Long Bank, Barrow-in-Furness.
- 173 2017/0354** Prior notification for proposed telecommunications installation upgrade and associated works (Amendment to previously approved scheme 2015/0188) at Street Record, Central Drive, Barrow-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment reported on the following planning applications:-

174 – Rock Lea, Abbey Road, Barrow-in-Furness

From Mulberry Homes in respect of the erection of 10 detached houses and associated site works at Rock Lea, Abbey Road, Barrow-in-Furness as shown on plan number 2016/0789.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

An extra information booklet had been circulated at the meeting with an amended resolution.

RESOLVED:- It was unanimously agreed to support the scheme in principle and to delegate approval to the Planning Manager based upon, but not restricted to the conditions listed below and to take account of the issues raised in relation to the tree adjacent to Plot 10, tree identified at T12 in the arborical report accompanying the application and the matters raised in relation to the volume of storm water attenuation required.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development shall be carried out in accordance with the application dated 26th October 2016 and the hereby the approved plans reference. Except where amended by any of the conditions below.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Pre-commencement Conditions

3. The Preliminary Investigation (Report ref BEK-16185-1) has identified potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result if the redevelopment of the land. The issue must be addressed pre-commencement to enable the project to proceed safely.

4. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result if the redevelopment of the land.

5. The Construction Management Method Statement covering all phases of the development and taking account of all contractors or sub-contractors shall have been submitted and approved by the Planning Authority, prior to the commencement of the development. The Method Statements will be expected to include the following:

- Details of phasing of the construction work including a programme of work for the demolition and construction phase;
- A Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;
- Procedures to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from plant, machinery, vehicles and deliveries, with reference to BS 5228 - Code of practice for noise and vibration control on construction and open sites. All measurements should make reference to BS 7445 - Description and measurement of environmental noise;

Hours of working and deliveries;

- Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, dust and light pollution;
- Mitigation measures to control the emissions of dust and dirt during construction and demolition;
- A written procedure for dealing with complaints regarding the construction or demolition;
- A site log book to record details and action taken in response to exceptional noisy incidents or dust-causing episodes. It should also be used to record the results of routine site inspections;
- Details of lighting to be used on site;
- Mitigation measures to ensure that no harm is caused to protected species during construction;
- The provision of facilities for the cleaning of vehicle tyres where haul routes meet the public highway to avoid deposition of mud/debris on the public highway and the generation of dust.

Reason

To ensure the construction phase is carried out having full regard to amenity, safety and environmental considerations. The issues have to be addressed pre-commencement as they deal with the construction process.

6. Prior to the commencement of any development, the following measures must be met to safeguard the trees on or adjacent to the site;
 - a) Fencing in accordance with the scheme submitted to and approved by the Planning Authority must be erected around each tree or group of trees to define the Root Protection Area. This fencing must be as specified by the Arboriculturalists Report dated 14/04/2016 which accompanied the application and at a radius from the trunk of each tree as defined by BS5837:2012.
 - b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for storage of construction materials, equipment or fuel shall be sited within the root protection area of any tree.

Reason

In order to ensure that damage does not occur to the trees during building or engineering operations. The issue has to be addressed pre-commencement as it relates to measures to protect trees during the construction phase.

Before Occupation

7. The approved Remediation Scheme shall be implemented and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any part of the development or in accordance with a scheme of phase submitted to be approved in writing by the Planning Authority.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result if the redevelopment of the land.

8. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result if the redevelopment of the land.

9. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result if the redevelopment of the land.

10. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the Planning Authority) until the estate road, including footways, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with details approved under condition 10 below, including any scheme of phasing.

Reason

To ensure a suitable standard of provision for pedestrians and vehicles associated with the development.

11. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to an adoptable standard including the widening of the existing section of Hayeswater Drive where shown and in respect of all these matters further details, including a full specification, setting out plan, lighting details, longitudinal and cross sections, and details of phasing shall have been submitted to and approved in writing by the Planning Authority prior to the layout out of the approved estate roads. The development shall then proceed in accordance with the approved details.

Reason

To ensure a suitable standard of provision for pedestrians and vehicles associated with the development.

12. Prior to the occupation of the 4th dwelling a programme for the completion of the estate roads including footways shall have been submitted to and approved in writing by the Planning Authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 10 above.

Reason

To ensure a suitable standard of provision for pedestrians and vehicles associated with the development.

13. Prior to the construction of any external wall to any dwelling a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of a timetable for implementation, (including any phasing of such a scheme) must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. The scheme shall be implemented in accordance with the approved details, and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area.

14. Foul and surface water drainage shall be provided in accordance with the approved Surface Water Drainage Strategy.

Reason

To ensure that the approved drainage is provided at the appropriate time.

15. No above ground works permitted by this consent shall commence until details, which may include samples, of the materials to be used in the construction of the external elevations of the dwellings has been submitted to and approved in writing by the Planning Authority. The development shall be carried out using the approved details.

Reason

In order to ensure the materials are appropriate for the location.

175 – Billincote Farm, Newton Road, Dalton-in-Furness

From Mr Mutton in respect of an application to re-profile material already on site and to introduce top soil and seed to return to agricultural use following part implementation of permissions 2010/0750 and 2013/0404 and which required completion by 30/06/2016 at Billincote Farm, Newton Road, Dalton-in-Furness as shown on plan number 2017/0031.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

1. This permission is limited to the works described in the e-mail dated 22/05/17 from the Agent.

Reason

To limit the approved works to the form amended during the process of the application following the receipt of objections from the County Council LLFA.

2. No additional fill material shall be brought onto the site other than top soil and the amount shall not exceed the amount necessary to achieve a depth of 0.25m measured at any point across the site area.

Reason

To address concerns of the County as LLFA re: impact on surface water capacity in the absence of more detailed information.

3. The works hereby approved shall be completed within a period of 2 years from the date of this permission.

Reason

To ensure that the existing landscape impact is addressed in a reasonable timescale and so accord with saved policy D1.

The meeting closed at 2.50 p.m.

PLANNING COMMITTEE

Meeting: Tuesday 3rd October, 2017
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chair), Blezard, Derbyshire, Gawne, Hamilton, Husband, R. McClure, McEwan and Murray.

Officers Present:- Charles Wilton (Principal Planning Officer), Paula Westwood (Democratic Services Officer - Member Support) and Katie Pepper (Democratic and Electoral Services Apprentice).

176 – Declarations of Interest

Councillor R. McClure declared a disclosable pecuniary interest in Planning Application No. 2017/0462 – 15 Avocet Crescent, Askam-in-Furness (Minute No. 209) as the applicant was a close friend.

177 – Minutes

The Minutes of the meeting held on 5th September, 2017 were taken as read and confirmed.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information. The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) beside the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

- | | | |
|------------|------------------|---|
| 178 | 2017/0143 | Application for removal of Condition 2 of planning permission 1991/0893 (occupancy limitation on approved agricultural workers dwelling) (accompanying unilateral obligation seeks to impose occupancy limitation on adjacent dwelling) at Linmoor, Ireleth Brow, Ireleth, Askam-in-Furness. |
| 179 | 2017/0163 | Conversion of first and second floors to create use 5 no. self contained flats at 227 Dalton Road, Barrow-in-Furness. |
| 180 | 2017/0088 | Installation of new shop front with white upvc windows and doors at 157 Rawlinson Street, Barrow-in-Furness. |
| 181 | 2017/0461 | Application for approval of details reserved by Condition No. 4 (Construction Method Statement) of planning permission 2015/0600 (Erection of 18 houses in a mixture of detached, semi detached and terraced form with new access onto Friars Lane) at Former Abbotmead School, Friars Lane, Barrow-in-Furness. |
| 182 | 2017/0394 | Application for works to trees within a Tree Preservation Order 1998 No. 13 to crown reduce one Holm Oak (3m reduction to all branches) and two Horse Chestnut Trees (3m to Crown) at 5 Monks Croft Avenue, Barrow-in-Furness. |

- 183 2017/0493** Application for approval of details reserved by Condition No. 4 (surface water drainage) of planning permission 2017/0222 at 1 Station Terrace, Dalton-in-Furness.
- 184 2017/0430** Advertisement consent to display for the installation of signage in association with the McDonalds brand at Unit M Hollywood Park, Hindpool Road, Barrow-in-Furness.
- 185 2017/0431** New clip on roof façade to form a folded roof concept, comprising of new aluminium cladding to the roof at Unit M Hollywood Park, Hindpool Road, Barrow-in-Furness.
- 186 2017/0445** Advertisement consent to display 1 internally illuminated fascia sign, 1 non-illuminated fascia sign and 1 internally illuminated hanging sign at 182 Dalton Road, Barrow-in-Furness.
- 187 2017/0539** Notice of intention to carry out works to trees within Conservation Area at 1 Abbey Road, Dalton-in-Furness.
- 188 2017/0444** Listed Building Consent to remove 1 no. ATM from side elevation of existing building at 67 Market Street, Dalton-in-Furness.
- 189 2017/0267** Erection of a new external garden centre to north of the existing Morrisons Supermarket at WM Morrison Supermarkets Plc, The Strand, Barrow-in-Furness.
- 190 2017/0383** Rear ground floor extension forming kitchen, bathroom and utility room and internal alterations with block built garden shed to the rear at 29 St Lukes Avenue, Barrow-in-Furness.
- 191 2017/0388** Application for a Non Material Amendment following a grant of planning permission 2015/0099 (Construction of a car park) to allow for the increase in the total number of vehicles able to park from 243 (previously approved non material amendment 2016/0875) to 262 on land at TB Warehouse, Jute Road, Barrow-in-Furness.
- 192 2017/0433** Application for approval of details reserved by Condition No. 3 (desk study) of planning permission 2017/0195 (erection of a 2 bedroom detached house with forecourt parking) at Proposed house adjacent to Yarlside Stores at Toid Number 1000000222682646 Yarlside Road, Barrow-in-Furness.
- 193 2017/0269** Erection of a shipping container (for agricultural use), storage building, hard standing and landscaping works (retrospective – amended description) at Paddock View, Woodbine Lane, Newton-in-Furness.

**Planning Committee
5th October, 2017**

- 194 2017/0337** Erection of a horse stable with lean-to shelter (retrospective) adjacent to The Ponds, Lots Road, Askam-in-Furness.
- 195 2017/0386** Rear elevation single storey lean-to wash area extension to takeaway at 19A Ramsden Dock Road, Barrow-in-Furness.
- 196 2017/0413** Demolition of existing single storey side extension to erect a larger single storey pitched roof extension to form a kitchen/diner, utility and shower room. Removal of existing porch to erect larger porch with link roof to proposed extension and a linked roof over rear bay window and patio doors at 9 Little Fields, Dalton-in-Furness.
- 197 2017/0409** Application for works to trees subject of Tree Preservation Order 1972 No. 2 – cutting back specified branches on Elm Tree by 2m to achieve clearance from wall of the building (prevention of damage to gas flues and BT cables) at Street Record Vicarage Mount, Barrow-in-Furness.
- 198 2017/0371** Construction of a two land non turf practice net facility on land at Barrow Cricket Club, Abbey Road, Barrow-in-Furness.
- 199 2017/0481** Discharge of Condition No. 6 (Floor Details) of planning permission 2017/0232 (Erection of a building containing a grid connected electricity storage facility) at Centrica rps Ltd, Rampside Road, Barrow-in-Furness.
- 200 2017/0423** Rear ground floor kitchen extension; Front and side extension forming a store and porch at 10 Thirlmere Close, Dalton-in-Furness.
- 201 2017/0426** Erection of a side and rear extension (resubmission of 2016/0873 in a revised form) at Far South End Cottage, South End, Barrow-in-Furness.
- 202 2017/0435** Application for approval of details reserved by Condition No. 3 (Site Investigation), No. 4 (Remediation Scheme), No. 5 (Construction Method Statement), No.6 (Tree Protection Plan) and No. 9 (Methodology for import of materials) for planning permission B07/2016/0126 (Residential Development of 13 dwellings) at Street Record Hayeswater Drive, Dalton-in-Furness.
- 203 2017/0440** Application for approval of details reserved by Condition No. 3 (Construction Materials) of planning permission 2017/0222 (Erection of a detached dwelling) at 1 Station Terrace, Dalton-in-Furness.

The following application had been Allowed:-

- 204 2017/0489** Submission of details of proposed floor level of the livestock building as required by Condition 4 of appeal decision APP/W0910/W/17/3171362 (Erection of a livestock building for over-wintering cattle 2016/0533) on land at Parkhouse Court, Parkhouse Road, Barrow-in-Furness.

The following application had been Refused:-

- 205 2017/0395** Application for a Certificate of Lawfulness for an Existing Use or Development (CLOEUD) retention of replacement wall featuring brick piers with wooden inserts at 11 Lakeland Avenue, Barrow-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment reported on the following planning applications:-

206 – 1 Leeds Avenue, Barrow-in-Furness

From Mr A. Culley in respect of the erection a conservatory at 1 Leeds Avenue, Barrow-in-Furness as shown on plan number 2017/0346.

Representations received were reported.

The Committee had undertaken a site visit prior to the meeting.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 10th July and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: Existing elevations, proposed elevations, existing plan view, proposed plan view, side view of conservatory and boundary line, existing and proposed plan views of boundary lines.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Before Occupation

3. Prior to the beneficial occupation of the conservatory hereby approved it must be permanently fitted with non opening lights on the that are obscurely glazed with an obscurity rating of no less than level 4 from the Pilkington glass range (or an equivalent range and rating subject to prior agreement with the Planning Authority) on the southern elevation adjacent to 3 Leeds Avenue and thereafter permanently retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

207 – 23 Strathnaver Avenue, Barrow-in-Furness

From Mr L. Arrowsmith in respect of a rear ground floor extension and side extension forming kitchen/living area and utility/cloakroom W.C. at 23 Strathnaver Avenue, Barrow-in-Furness as shown on plan number 2017/0438.

Representations received were reported.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 14th July 2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: 23SA/1 Rev 1, 23SA/2 Rev 1, 23SA/3 Rev 1, 23SA/4.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. The materials to be used in the construction of the external surfaces, including walls, roofs, doors, and windows of the extensions hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

208 – Maritime Streets, Brig Street, Barrow-in-Furness

From Mr J. Lord in respect of an application for a non-material amendment following grant of planning permission 2014/0429 (Refurbishment of public realm including hard and soft landscaping) to allow for the installation of bollards along Brig Street and Barque Street as a traffic management measure due to a change in designation from shared surface to footpath and road at Maritime Streets, Brig Street, Barrow-in-Furness as shown on plan number 2017/0488.

The results of consultations were reported.

RESOLVED:- It was unanimously agreed that the non-material amendment to allow for the installation of bollards along Brig Street and Barque Street be approved.

209 – 15 Avocet Crescent, Askam-in-Furness

From Mr K. Minnican in respect of the erection of a first floor extension to provide bedroom with en-suite at 15 Avocet Crescent, Askam-in-Furness as shown on plan number 2017/0462.

Representations received were reported.

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 28th July 2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: 15AC/1, 15AC/2, 15AC/3, 15AC/4 rev. 2, 15AC/5

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. The materials to be used in the construction of the external surfaces, including walls, roofs, doors, and windows of the extensions hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

210 – 10 Keppelwray Drive, Barrow-in-Furness

From Mr N. McMillan in respect of a front extension forming extended bedroom with en-suite, rear extension forming extended bedroom 3 and rear extension forming a sun room at 10 Keppelwray Drive, Barrow-in-Furness as shown on plan number 2017/0439.

Representations received had been included in the Extra Information Booklet which had been tabled at the meeting.

An objector attended the meeting and addressed the Committee.

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 14th July 2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: 1-NM-12 to 12-NM-12 inclusive.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. The materials to be used in the construction of the external surfaces, including walls, roofs (with the exception of the rear sun room extension), doors, and windows of the extensions hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

Operational Conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the northern elevation of the permitted rear sun room extension without the prior written consent of the Planning Authority.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

The meeting closed at 2.55 p.m.