**EXECUTIVE COMMITTEE**

 Meeting: Wednesday 18th October, 2017

 at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Biggins, Brook (Items 10 to 18 only), Hamilton, R. McClure (Items 1 to 15 only), Maddox, Pemberton and Williams.

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

**55 – 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 No. 66) and Paragraph 3 (Minute Nos. 64 and 65) of Part One of Schedule 12A of the said Act.

**56 – Minutes**

The Minutes of the meeting held on 6th September, 2017 were agreed as a correct record.

**57 – Apologies for Absence**

Apologies for absence were received from Councillors Barlow, Cassells and D. Roberts.

**58 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 14th September, 2017 were submitted for consideration.

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

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

 **Recharge Proposal: Amendment to the ‘Standard Repair Charge Pricelist’**

To agree the principle that future charges will be based on the actual cost of the Schedule of Rate item at the time of the repair being completed.

 **Fire Safety**

1. To note the Council’s approach to fire safety in the residential housing stock;

2. To agree actions to review Risk Assessments in residential flats with enclosed communal access and for Shops and Community Centres in the housing stock; and

3. To agree that the cost of such surveys be identified within the existing agreed maintenance budget.

 **Management of Communal Entrances**

1. To acknowledge and agree the presence of Residents’ belongings in communal routes was unacceptable;

2. To agree that no action would be taken at the current time to provide alternative storage arrangements for such possessions but that the position may be reviewed at a future date; and

3. To agree the approach of the Housing Service to adopt an approach of negotiation with Residents in order to resolve the problem but that in some instances resorting to legal action may be the only option.

**59 – Council Finances and Performance**

The Committee considered a detailed report of the Director of Resources.

She informed the Committee that the Statement of Accounts contained a new financial statement. The objective of the analysis was to demonstrate how the funding available to the Council had been used in providing services in comparison with the resources consumed or earned in accordance with generally accepted accounting practices. The analysis also showed how that expenditure had been allocated for decision making purposes between the Council’s Divisions.

The report also sets out the Council finances and performance for the period ended 30th June, 2017. The report included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

RESOLVED:- To note the financial and non-financial performance information.

**60 – Business Rates 100% Retention Pilot**

The Director of Resources informed the Committee that the Council was currently a member of the Cumbria Business Rates Pool. That enabled the Council to retain additional business rate income which contributed to balancing the revenue budget. Each year the members of the Pool had to consider the risks and rewards of the Pool and considered whether the Pool should continue. The decision on membership of the pool had been delegated to the Director of Resources. From the Pool commencement in April 2014 to the end of March 2017, the Council’s gained from the Pool had been £259k with a further £63k held as a Pool volatility reserve.

From April 2020 the Government was intending to introduce 100% retention of business rates which would see the replacement of Revenue Support Grant, Rural Services Delivery Grant and other grants funded by the 50% of business rates currently paid to Government. Adjustments would be made to tariffs and top-ups to equalise nationally the amounts of business rates retained compared to need and ability to generate income from council tax. A number of authorities had been piloting the new approach to funding from April 2018 and further pilot bids had been invited for the 2018-2019 financial year but on a different basis to the current pilots.

Cumbrian authorities had worked together to assess the feasibility and desirability of a pilot for Cumbria. Overall it had been estimated that there would be additional income retained by Cumbrian authorities compared to the current arrangements but the actual amount would be dependent upon the level of business rate income for 2018-2019 and was therefore not certain. Initial estimates had suggested the additional income could be between £1.1m and £9m. A proposed methodology had been prepared which would ring-fence the income from the current arrangements and then distribute the additional gain from the pilot between a Cumbria investment fund (20%) and each authority based on their grants forgone. A table considered by the Committee illustrated the distribution based on the higher estimate of £9m extra gain from the pilot; £187k for the Council.

There were a number of risks and opportunities around the pilot. The level of risks around a single-year pilot was much lower than the risks of the new arrangements continuing beyond April 2019. Particular risks were around the level and timing of refunds of rates arising from successful challenges to rateable values. Risks also arose from the resetting of the baselines expected in April 2020 when it was uncertain whether there would be future net increases or decreases in rates due. If the level of rates due were to fall below the new baselines to be set in April 2020 then there was much more risk to the income of individual authorities if in a pool. There were also risks around the sustainability of assumptions which had been adopted in order to get a pilot bid which could be acceptable to all parties by the tight deadline. Ideally many of the proposals would have had a longer period for careful consideration.

She informed the Committee that the pilot would be for a one year period only and would not be extended beyond 2018-2019.

The key concerns considered by the Committee were:-

What the Council may be losing out on following the Fairer Funding review and move to 100% business rate retention in 2020;

Weighing up the gains against the risks – monitoring requirements for a pilot would be greater than the current pooling arrangement;

The operation of and access to the Cumbria investment fund – ideally a Full Council decision, but the bid timescale did not allow for that; and

Should the current Pool continue instead, that must be with the existing membership.

The Government planned for the continuation beyond 2018-2019 were also not certain. Any pilot bid had to be submitted by 27th October, 2017. Due to the timescales imposed by Government, Cumbria Officers were still working on the potential bid and its advantages and disadvantages. It was proposed that the final decision on the pilot be delegated to the Leader of the Council, Executive Director and Director of Resources.

RESOLVED:- To delegate to the Leader of the Council, Executive Director and Director of Resources the final decision on whether to join the Cumbria 100% business rate pilot and the content of the bid.

**61 – Executive Director Performance Appraisal 2017/18**

The Executive Director reminded the Committee that Performance Appraisal had been rolled out across the authority with all staff receiving an appraisal from their line manager. The Executive Director had been appraised against the agreed objectives for 2016/17 which had been reported to this Committee on 7th September, 2016. It had been agreed that performance against these objectives had been satisfactory.

During the meetings it had been noted that the Council Plan had been completed and was due to be considered as a consultation draft. It had been agreed that the Executive Director be responsible for co-ordination and overall delivery of the priorities and objectives in the Council Plan, and that assessment of performance in 2017/18 and beyond should be against the agreed objectives.

RESOLVED:- To note the Executive Director’s objectives for 2017/18 as reported.

**62 – Risk Management Policy**

The Executive Director informed the Committee that the Council’s Risk Management Policy had been received and updated. The policy sets out the Council’s approach to risk management and the assessment process adopted.

RESOLVED:- To approve the Risk Management Policy.

**63 – Public Spaces Protection Orders**

The Executive Director reminded the Committee that in October 2017 the Council Designated Public Place Orders that covered various parts of the Borough were due to expire. These orders would be replaced by Public Spaces Protection Orders (PSPO’s) granted under Section 60 of the Anti-Social Behaviour Crime and Policing Act, 2014.

There were currently nine designated public places in the Borough to control consumption of alcohol as follows: Barrow Public Park; Green Heart Den; Barrow Town Centre; Vickerstown, Walney Island; Four Groves; Dalton Leisure Centre; Ormsgill Community Centre; Dalton Town Centre and Vulcan Road Estate.

He informed the Committee that District Councils were responsible for making a PSPO, but Police Officers and Police Community Support Officers could also play a role in enforcing the orders. The above orders provided the Police and others within a designated area to tackle drinking of alcohol where there was associated anti-social behaviour which had a detrimental effect on the quality of life of those in the locality.

Section 60 of the Anti-Social Behaviour Crime and Policing Act, 2014 allowed for current orders to be extended for three years and that he was satisfied that the risk of anti-social behaviour in the absence of the DPPO’s listed above was significant.

RESOLVED:- To agree that the Designated Public Places Orders be extended for a period of three years.

**64 – Land between Beach Street and Sharp Street, Askam-in-Furness**

The Committee considered a report that detailed the current position regarding the disposal of Council-owned land between Beach Street and Sharp Street, Askam-in-Furness.

RESOLVED:-

1. To note the report; and

2. To authorise the Assistant Director of Regeneration and the Built Environment to proceed with the disposal of the land between Beach Street and Sharp Street, Askam-in-Furness as detailed in the report.

**65 – Inspira - 237-241 Dalton Road, Barrow-in-Furness**

The Committee considered a report that detailed the current position with regards to 237-241 Dalton Road, Barrow-in-Furness.

RESOLVED:-

1. To note the report; and

2. To authorise the Assistant Director of Regeneration and the Built Environment to negotiate a new lease for 237-241 Dalton Road, Barrow-in-Furness to Inspira on the terms reported.

**66 – Employment Matters**

The Committee considered a report that requested delegation for the Director of Resources to negotiate any payment as part of a settlement agreement. The settlement would be funded from existing financial reserves.

RESOLVED:- To agree the delegation requested for the Director of Resources to negotiate any payment as part of a settlement agreement.

**REFERRED ITEMS**

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

**67 – Travel and Subsistence Claims**

The Director of Resources informed the Committee that Casual users were currently reimbursed for car journeys inside the Borough at 40p and outside the Borough at 30p. A single casual user rate would simplify the claiming process and given the last full year of mileage, would potentially increase spend by £500. Casual users were required to provide certain documentation prior to traveling; some would be charged a small fee for business insurance which the increase may contribute to.

For professional training, Officers generally travelled by train or the training was locally sourced. Occasionally Officers travelled by car and the current (rather historic) mileage rate was 10.6p per mile. It was proposed that the mileage rate was ended and the Officers claimed either the casual or essential user rate as applicable to them.

Car journeys for interview candidates were currently reimbursed at the training rate of 10.6p. As that rate had ended it was proposed that the casual rate of 40p be applied.

The current subsistence allowances had been in place since November 2011. The maximum allowances now proposed were:-

Breakfast £5 and lunch £7 unchanged, but where someone had a large breakfast or lunch and not both, the allowance may roll together;

Dinner increased to £18 from £12 – the majority of reimbursements come in for dinner and the current average was around £15, the maximum rate was set for four or more years and was £18 to reflect that;

Hotel including all meal allowances in London up £10 to £150;

Hotel including all meal allowances outside London up £10 to £130;

Interview candidates travelling to Barrow from more than 30 miles away incurring an overnight stay, increase from £56 to £75; and

Interview candidates’ meal allowances to be split by the HR Department and subject to the Officer daily maximum combined of £30, currently £20.72.

Claims for travel and subsistence must be submitted within three months of the journey or costs being incurred.

It was also proposed that there was an initial three month amnesty for Officers and Members to bring their claims up to date.

The provisions for Officers applied to Members; Members were casual users for mileage allowance.

The effective date for the journeys or costs incurred would be from 1st February 2018 onwards.

RECOMMENDED:- To recommend the Council:-

1. To approve the casual user mileage rate at 40p for in and out of Borough Claims;

2. To approve the ending of the separate training mileage leaving officers to claim at their usual rate;

3. To approve the casual mileage rate for reimbursing interview candidates;

4. To approve the updated subsistence allowances set out in Section D of the report;

5. To approve the three month cut-off period for claims, with an initial three month amnesty;

6. To agree that the Officer allowances applied to Members; and

7. To approve the effective date as 1st February, 2018.

**68 – Minor Amendment to the Constitution**

The Director of Resources informed the Committee that the Assistant Directors currently had delegations under The Anti-Social Behaviour, Crime and Policing Act 2014 on behalf of the Council. The Environmental Health Manager had a different delegation which must be mirrored onto the Assistant Directors delegations for consistency and to allow any future action to be undertaken.

It was recommended that (v) Issuing community protection notices be added to the current Assistant Director delegation in respect of The Anti-Social Behaviour, Crime and Policing Act 2014.

RECOMMENDED:- To recommend the Council to agree that the Constitution be amended to include to the current Assistant Director’s delegation in respect of The Anti-Social Behaviour, Crime and Policing Act 2014:

 (v) Issuing Community Protection Notices.

**69 – Dog Control and Borough Council Kennelling Service**

The report of the Executive Director covered several aspects of the services the Council provided in relation to dogs and the Borough Kennels.

He informed the Committee that the Budget Strategy 2016-2020 had anticipated a saving of £30,000 pa during 2017/18 from the Borough Kennels budget. That was to be achieved by outsourcing the kennels service to either a local or national animal welfare charity or through a contracted service with a private provider. Although the private provider route cannot be fully ruled out, there had been very limited interest in either option, and the most likely outcome was that the kennels would be retained in house. That had been reported to this Committee in June when the broad service delivery options had been presented. Given the above the only viable option remained a zero based budget with the Council’s services being provided to meet the minimum statutory requirements.

In that regard it was important the Council agreed its policy on stray dogs, and a draft policy was considered. The policy made clear the purpose of the Borough Kennels was to fulfil the Council’s statutory obligations to provide an acceptance point for stray dogs. It also defined – in the absence of any statutory definition what was considered to be a stray dog. The policy also made clear that every effort would be made to re-home strays, but they would not be held for an indefinite period.

The policy covered how the Council would deal with strays, but also sought to act as a deterrent to those owners who allowed their dogs to stray. The policy made clear that the costs of kennelling fees and administrative fees would be recovered from all owners prior to their dog being returned to them. No exceptions would be made to the policy. A full review of fees and charges would be undertaken as part of the 2018/19 budget.

In order to meet the saving requirements agreed for the kennels service, significant changes to the opening hours of the kennels were under consideration and would be reported to the next meeting of this Committee, following staff consultation.

He also informed the Committee that the Council currently had four local Orders covering the exclusion and control of dogs in various areas of the Borough as follows: Dogs Exclusion from Various Play Areas; Dogs on Leads Order 2008; Dogs on Leads by Direction Order 2008; and Dogs Exclusion Order 2008.

Under the terms of the Anti Social Behaviour, Crime and Policing Act 2014 the Orders would expire unless they were extended under Section 60 of the same Act by 20th October, 2017. It was considered that the likelihood of anti social behaviour occurring if the Orders lapsed was significant, and the above Orders should be extended for the maximum period of three years allowed under Section 60 of the Act.

RECOMMENDED:-

1. To recommend the Council to agree that the Stray Dogs Enforcement Policy be adopted; and

2. To undertake a full review of fees and charges for the Council kennelling service as part of the 2018/19 budget; and

3. To agree that the duration of the following local orders:

 (i) Dogs Exclusion from Various Play Areas

 (ii) Dogs on Leads Order 2008

 (iii) Dogs on Leads by Direction Order 2008

 (iv) Dogs Exclusion Order 2008

 be extended under Section 60 of the Anti Social Behaviour, Crime and Policing Act 2014 for a period of three years.

The meeting closed at 3.30 p.m.