



BARROW BOROUGH COUNCIL

TOWN HALL
DUKE STREET
BARROW-IN-FURNESS

9th July, 2012

To: The Members of Barrow Borough Council

Madam Mayor, Ladies and Gentlemen

You are hereby summoned to attend a meeting of BARROW BOROUGH COUNCIL to be held in the COUNCIL CHAMBER at the TOWN HALL, BARROW on TUESDAY the 17th day of JULY, 2012 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Executive Director

Prior to the business of the meeting, Prayers will be offered.

Business

1. DECLARATIONS OF INTEREST. A Member with a Personal Interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose:-

- (1) the existence of that interest to the meeting;
- (2) the nature of the interest concerned; and
- (3) decide whether they have a prejudicial interest.

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

2. MINUTES. To confirm the Minutes of the Council's proceedings held on 15th May, 2012.
3. TO RECEIVE APOLOGIES FOR ABSENCE.
4. PETITION TO BE PRESENTED BY FURNESS OPPOSES BIOMASS.

To expedite the business of the meeting, Members are requested to give the Chief Executive adequate notice of any Amendments which they propose to raise.

5. ANNOUNCEMENTS – To receive any announcements from the Chairman, Leader and Head of Paid Service.

6. (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS:-

- (1) Planning
- (2) Licensing
- (3) Executive
- (4) Audit

(B) QUESTIONS TO THE LEADER OF THE COUNCIL

Council has agreed that time be set aside for questions to the Leader of the Council.

Standing Order 10.2 and 10.4 set out the procedure for questions to the Leader and the notice period required.

The Leader will also take any questions without notice relevant to the reports and minutes detailed on the agenda.

7. NOTICE OF MOTION UNDER RULE 11

To consider the following motion signed by Councillor Sweeney and Pidduck:-

This Council welcomes the setting up of a Health and Wellbeing Locality Forum for the area, acknowledges the contribution that the Council can make to health and wellbeing, through its responsibilities for Housing, Environmental Health, Planning and Leisure and looks forward to working in partnership to improve the health and wellbeing of the people of Barrow.

Council delegates the appointment of Members to the Health and Wellbeing Locality forum to the Executive Committee.

8. TO PASS THE FOLLOWING RESOLUTION, THAT IS TO SAY:

That the Council authorises the fixing 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.

To expedite the business of the meeting, Members are requested to give the Chief Executive adequate notice of any Amendments which they propose to raise.

COUNCIL	Agenda Item 6(A)(1)
Date of Meeting: 17th July, 2012	
Reporting Officer: Executive Director	
<p>REPORT OF THE PLANNING COMMITTEE (Report of the meetings held on 17th April, 8th May, 22nd May, 19th June and 10th July, 2012</p> <p>Recommendations:</p> <p>The Review of Planning Enforcement Practice was considered at Annual Council on 15th May, 2012.</p> <p>There were no other recommendations referred to Council from the meetings.</p> <p><u>Delegated Decisions</u></p> <p>The matters determined by the Planning Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meetings noted above reproduced in Volume 5 2011/12 and Volume 1 2012/13 of the printed Minutes.</p>	

COUNCIL	Agenda Item 6(A)(2)
Date of Meeting: 17th July, 2012	
Reporting Officer: Executive Director	

**REPORT OF THE LICENSING COMMITTEE
(Report of the meetings held on 22nd March, 17th May and 21st June, 2012)**

Recommendations:

The following recommendation has been referred to Council.

Licensing Committee – 22nd March, 2012

1.0 Policy – Guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriages and Private Hire Vehicle

1.1 The Environmental Health Manager's report contained details of a review of the Council's policy on the relevance of criminal convictions in respect of taxi applications. A draft policy and guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriages and Private Hire Vehicles was appended to the report. In addition it was suggested that "spent relevant offences" can be considered when assessing the suitability of an applicant to be licensed. The Council was recommended to consider adopting it as policy and also to agree to take into account "spent convictions" where an applicant had committed relevant offences within the last five years and had a history of offending behaviour.

1.2 Recommendations:-

To recommend that the Council:-

- (i) **Adopt the draft Policy and Guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive hackney carriages and private hire vehicles; and**

- (ii) Agree that “spent convictions” be taken into account when determining whether an applicant was a fit and proper person to hold a licence where an applicant had offences committed within the last five years and a history of relevant “spent offences”.**

Delegated Decisions

The matters determined by the Licensing Committee in exercise of its terms of reference are detailed in the Minutes of the meetings reproduced in Volume 5 2011/12 and Volume 1 2012/13 of the printed Minutes.

COUNCIL	Agenda Item 6(A)(3)
Date of Meeting: 17th July, 2012	
Reporting Officer: Executive Director	

**REPORT OF THE EXECUTIVE COMMITTEE
(Report of the meetings held on 18th April, 23rd May and 20th June, 2012)**

Recommendations:

The Localism Act 2011 report was considered at Annual Council on 15th May, 2012.

The following recommendations have been referred to Council.

Executive Committee – 18th April, 2012

1.0 War Pensions Disregards

1.1 The Borough Treasurer's report informed the Committee that under Section 134(8)(a) and 139(6)(a) of the Social Security Administration Act, Local Authorities had discretion to apply an additional income disregard to war pensions (War Disablement Pension, a pension to a war widow or war widower or similar pension paid to a surviving civil partner).

1.2 Recommendation:-

To recommend the Council to agree the continuation of the discretionary local scheme for 2012-2013.

2.0 Pulse Fitness Soccer Centre

2.1 The Director of Regeneration and Community Services report informed the Committee that the original concept of Pulse fully funding the borrowing requirement of around £1.2/£1.4 Million and managing the newly developed soccer centre for the Borough was now not viable. Pulse had advised that they were unable to obtain the funding at rates of interest that would make it possible.

The Council had asked Pulse to review the design concept to see whether the capital expenditure could be reduced enough to make prudential borrowing by the Council itself an option.

Pulse had advised that they could make savings to the original concept by reducing car-parking which would involve not moving the earth bund, (a major cost) and also an additional option of not adding a pavilion, (simply refurbishing the existing building to a high specification). They had advised that it would mean the project could be delivered with the reduced car parking plus the pavilion for £1m and without pavilion but with the existing being refurbished for £600k. Both of these options retained the agreed pitch configuration of 6 x 5 a side pitches and a 7 a side pitch. That meant that the playing income could be maximised.

2.2 Recommendation:-

To recommend the Council:-

To approve the application of Council funds to £600k to deliver a new soccer centre development and instruct the Assistant Director Community Services to develop and operating agreement with Pulse Fitness to deliver the development and manage the centre with a suitable profit sharing mechanism.

Executive Committee – 23rd May, 2012

3.0 Land Charge Fees Amendments

3.1 The Director of Regeneration and Community Services report informed the Committee that the Property Information Team had been set up within the new Development Services Section, which had comprised of Building Control, Planning, Regeneration and the Property Information Team.

3.2 Recommendation:-

To recommend the Council:-

- (i) To note the service improvements with the formation of a Property Information Team which now included Land Charges;**
- (ii) To restore the differential between Cumbria County Council (CCC) charge and the fee set by Barrow, due to the recent increase in charges by CCC and set a charge of £18.00 for the commons question; and**
- (iii) To approve a charge of £18.60 when the Council was requested to verify responses provided by a third party in relation to land charges, due to the additional time required to verify a response.**

4.0 Cumbria Police and Crime Panel

4.1 The Chief Executive's report informed the Committee that the Police Reform and Social Responsibility Act had received Royal Assent on 15th September, 2011, confirming the replacement of police authorities and Police and Crime Commissioners (PCCs) in November 2012. The Committee considered a guidance note from Cumbria Police Authority and Cumbria Constabulary outlining Guidance for Police and Crime Commissioner Candidates and highlighting where to find additional information. In addition each police area in England (other than the metropolitan police district) were required to establish and maintain a Police and Crime Panel (PCP).

4.2 Recommendation:-

To recommend the Council to nominate Councillor Doughty to serve on the Police and Crime Panel until May 2015.

Executive Committee – 20th June, 2012

5.0 New Code of Conduct for Elected Members and Proposed Arrangements for Dealing with Complaints about Elected Members

5.1 The Deputy Executive Director's report informed the Committee that a new Code of Conduct had been agreed by the Monitoring Officers of the local authorities in Cumbria and, as previously agreed, as part of the Council's response to the Localism Act 2011. The new Code of Conduct was considered by the Committee.

Arrangements to deal with complaints about Elected Members also need to be agreed following the disestablishment of the Standards Committee.

5.2 Recommendation:-

To recommend the Council:-

- (i) To agree that the new Code of Conduct replace the existing Code which had been repealed by the Localism Act 2011; and that the Council's Constitution be amended accordingly;**
- (ii) To agree that guidance notes be drafted to provide specific advice regarding declarations of pecuniary interests in accordance with anticipated regulations being published by DCLG;**

(iii) **To approve the proposed arrangements for dealing with complaints against Elected Members; and**

(iv) **To agree that the Monitoring Officer arrange training for Elected Members on the New Code of Conduct.**

6.0 Reinvesting Right to Buy Receipts in New Affordable Rented Homes

6.1 The Director of Regeneration and Community Services' report informed the Committee that the Council, along with all other stock holding Local Authorities, had been invited to enter into an agreement with the Secretary of State that would enable additional Right to Buy receipts generated by the increased Right to Buy discounts to be retained by the Authority for investment in new affordable rented homes.

6.2 Recommendation:-

To recommend the Council to enter into an agreement with the Secretary of State allowing it to retain a proportion of Right to Buy receipts for investing in new affordable housing.

7.0 Reviewing the Member Development Strategy

7.1 The Democratic Services Manager's report informed the Committee that in order to ensure that Member training and development was prioritised, planned and co-ordinated effectively it was important that the Council had a Member Development Strategy. The Committee had agreed to adopt the Strategy in July 2004.

7.2 Recommendation:-

To recommend the Council to approve the revised Member Development Strategy.

8.0 Council Tax Reduction Scheme

8.1 The Borough Treasurer's report informed the Committee that on 17th May, 2012 the Department for Communities and Local Government had issued a number of documents outlining the requirements of Localising Support for Council Tax. Billing authorities had to adopt a Council Tax Reduction Scheme to replace the Council Tax Benefit System which ended on 31st March, 2013.

8.2 Recommendation:-

To recommend the Council to agree in principle, that the prescribed default scheme, be adopted as the local Council Tax Reduction Scheme for the year commencing 1st April, 2013 and to authorise formal consultation with the major preceptors.

Delegated Decisions

The matters determined by the Executive Committee in exercise of its terms of reference are detailed in the Minutes of the meetings reproduced in Volume 5 2011/12 and Volume 1 of the printed Minutes.

COUNCIL	Agenda Item 6(A)(4)
Date of Meeting: 17th July, 2012	
Reporting Officer: Executive Director	
REPORT OF THE AUDIT COMMITTEE (Report of the meeting held on 28th June, 2012)	
Recommendations:	
There were no recommendations referred to Council from the above meeting.	
<u>Delegated Decisions</u>	
The matters determined by the Audit Committee in exercise of the powers which have been delegated to the Committee will be detailed in the Minutes of the meeting noted above reproduced in Volume 1 of the printed Minutes.	