

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

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 13th November, 2013  
at 2.00 p.m. (Committee Room No. 4)

**NOTE:** Group Meetings at 1.15 p.m.

## **A G E N D A**

### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. **Declarations of Interest**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. To confirm the Minutes of the meeting held on 16th October, 2013 (copy attached) (Pages 1-9).
6. Apologies for Absence/Attendance of Substitute Members.

### **FOR DECISION**

- (D/R) 7. Recommendations of the Special Housing Management Forum, 31st October, 2013 (Pages 10-14).
- (D) 8. Council Finances Quarter 2 2013-2014 (Pages 15-26).

- (D) 9. The Bathing Water Regulations 2013 : De-designation of Bathing Waters  
(Pages 27-31).

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

**Membership of Committee  
Councillors**

Pidduck (Chairman)  
Sweeney (Vice-Chairman)  
Barlow  
Bell  
Biggins  
Garnett  
Graham  
Guselli  
Hamilton  
Irwin  
Richardson  
Seward

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

Jon Huck  
Democratic Services Manager  
Tel: 01229 876312  
Email: [jwhuck@barrowbc.gov.uk](mailto:jwhuck@barrowbc.gov.uk)

Published: 5th November, 2013.

## **EXECUTIVE COMMITTEE**

Meeting: Wednesday 16th October, 2013  
at 2.00 p.m.

PRESENT:- Councillors Sweeney (Vice-Chairman), Barlow, Garnett, Graham, Guselli, Hamilton, Irwin, Seward, M. A. Thomson and Williams.

### **62 – Minutes**

The Minutes of the special meeting held on 2nd October, 2013 were agreed as a correct record.

### **63 – Apologies for Absence**

Apologies for absence were received from Councillors Bell, Pidduck and Richardson.

Councillors M. A. Thomson and Williams substituted for Councillors Pidduck and Richardson.

### **64 – Declarations of Interest**

Councillor Hamilton declared an Other Registrable interest in Agenda Item 11 – Pooling Business Rates (Minute No. 67). He was a Member of Cumbria County Council.

### **65 – Budget 2014-15 Assumptions and Timetable**

The Borough Treasurer's report sets out the budget assumptions that would be applied in estimated 2014-15 and the timetable that had been adopted.

RESOLVED:- To note the report of the Borough Treasurer.

### **66 – Capital Programme as at 30th September, 2013**

The Committee considered a detailed report of the Borough Treasurer regarding the Capital Programme which had included the variations since the last report of 26th June, 2013 and the expenditure as at 30th September, 2013.

RESOLVED:- (i) To approve the changes to the Capital Programme;

(ii) To note the expenditure as at 30th September, 2013; and

(iii) To note the variation relating to the car park at the Dock Museum.

### **67 – Pooling Business Rates**

The Committee considered a detailed report of the Borough Treasurer regarding Pooling Business Rates.

She informed the Committee that as part of the Business Rates Retention Scheme, local authorities may be designated as pools and treated as a single authority for the purpose of certain calculations under the new scheme. That provided scope to potentially generate additional growth and smooth the impact of volatility in rates income across a wider economic area. Through the Cumbria Chief Finance Officers Group, the option of pooling had been discussed and Officers from Cumbria County Council had carried out modelling for 2014-15.

RESOLVED:- To agree to delegate authority to the Borough Treasurer to enter the Cumbria Business Rate Pool and to sign the Agreement which would apply from 1st April, 2014, subject to the final verification of data and assumptions underpinning the Pool projections.

### **68 – Housing Market Renewal Programme – North Central Renewal Area – 287-329 Rawlinson Street**

The Committee were reminded that Members had previously authorised the development of an external improvement programme in North Central Renewal Area – Sub Areas A and E (broadly the areas centred around Thwaite Street and Silverdale Street); the appointment of Arcus Consulting surveyors to assist with the design and management of the project and the appointment of Thomas Armstrong Ltd to carry out the specified building works.

The contract sum with Thomas Armstrong Ltd was £1,549,532.00. The fee for Arcus Consulting was 4.0% of the contract sum.

Work had commenced on site in February 2013, and the programme of works was expected to be completed by the end of November 2013. That was a large undertaking that involved works being carried out to around 240 privately owned properties.

Arcus Consulting had subsequently carried out a feasibility report for 24 properties in the block 287-329 Rawlinson Street. The terrace was situated in a prominent gateway site on a significant distributor route.

The report had estimated that work of a similar scope to the scheme currently underway in Sub Areas A and E could be carried out to 287-329 Rawlinson Street for approximately £200,000 plus fees and contingencies. It was considered that appropriate provision could be made in the Capital Programme in the current financial year, and a separate report on the agenda recommended that the appropriate adjustments to the Capital Programme be made.

It was noted that the completion of the amended contract would leave the properties on 149-285 Rawlinson Street and 85-159 Greengate Street as the only remaining blocks of property within North Central Barrow that were due to benefit from the Council's improvement activity in the Renewal Area.

The remaining properties on Rawlinson Street were a mixture of residential and retail properties, and proposals for a suitable programme of enhancement required further development. Works in that section of Rawlinson Street would be of a

different nature to those that had been carried out in previous Group Repair schemes. Accordingly, proposals for the remaining properties on Rawlinson Street and Greengate Street would be brought to future meetings of the Committee.

The Committee was further reminded that the Renewal Area had been declared by Full Council in October 2008 (Minute No. 44 07/01/08 refers).

The Declaration Report had included an indicative ten year programme of improvement works running up to 2017/18. Since that time, Housing Market Renewal Funding and the Private Sector Renewal Grant had been discontinued by the Government, and the scope of works that had been carried out had necessarily been reduced.

RESOLVED:- (i) To note the progress of the project;

(ii) To authorise the Executive Director to extend the current contracts with Arcus Consulting and Thomas Armstrong Ltd to allow the current programme of works in North Central Renewal Area Sub Areas A and E to be carried out to 287-329 Rawlinson Street; and

(iii) To agree that the scope of work to be carried out on 287-329 Rawlinson Street be the same as the Group Repair Scheme currently underway in North Central Renewal Area Sub Areas A and E.

## **69 – Energy Company Obligation**

The Executive Director informed the Committee that the Government had introduced a new policy environment to encourage the improvement of energy efficiency in the building stock, and in particular the housing stock of the country.

The principle meant for delivering energy efficiency improvements was through the “Green Deal”. That allowed energy efficiency measures to be installed at no up-front cost. The costs would be paid for through the electricity bill. The Green Deal could be used where the cost of the measures was less than the savings projected to arise over the lifespan of those measures – the “Golden Rule”.

The Golden Rule would not apply in all cases, for example if properties were particularly expensive to treat, or if fuel consumption (and therefore the scope for savings) was low because of fuel poverty. In these cases, a range of obligations had been placed on energy companies to fund improvements. There were three schemes within the Energy Company Obligation (ECO); Carbon Emissions Reduction Obligation (CERO); Carbon Savings Community Obligation (CSCO) and Home Heating Cost Reduction Obligation (HHCRO).

It was anticipated that around £1.3bn per year would be available through ECO schemes. These schemes would be delivered by installation companies who would work to provide schemes funded by the energy companies.

Through its participation in the Cumbria Warm Homes partnership, the Council had signed a joint Home Energy Conservation Act (HECA) action plan. The main

delivery action was based around an effective ECO programme across all districts of the county.

Carlisle City Council had carried out a procurement exercise on behalf of all the Cumbrian District Councils to identify preferred delivery partners. The partner that had been selected to work in Barrow was Gentoo Group Ltd.

Officers were working with Gentoo to provide property and other socio-economic information for the Borough to allow the qualifying target areas for ECO works to be selected. A service level agreement would also be entered into with Gentoo.

Gentoo would be responsible for all aspects of delivery, including publicity and marketing, responding to customer queries, arranging home surveys and energy efficiency reports, accessing funding and installation of improvement measures.

It was anticipated that ECO scheme delivery should be able to commence in November 2013.

RESOLVED:- To note the report.

## **70 – Mawflat Lane Car Park Walney**

The Executive Director informed the Committee that the Council leased Mawflats Lane Car Park from Walney Island South End Caravan Site Limited.

The lease was for a term of 99 years from 23rd December 1997 at a Peppercorn rent. The lease was considered by the Committee.

Mawflats Lane Car Park was unmaintained but did allow public access to the foreshore and, under the terms of the lease, provided a right of way at all times for pedestrians over the access to and from the foreshore so long and only as the car park and access way continued to be put to the current use.

The Council was responsible for monitoring the vehicular access and the car park and the access in particular was in a very poor state of repair. That had exposed the Council to potential claims.

Due to its isolated location the car park had, over the years proved problematic in respect of fly-tipping and waste disposal and more recently had become an annual venue for Travellers. Recent events saw eight travelling caravans on the site for a period of one month.

Neighbouring landowners had also expressed concerns about the site and the nuisances it gave rise to.

RESOLVED:- (i) To note the report; and

(ii) To agree that the Commercial Estate Manager surrendered the lease on the terms reported.

## **71 – Land at Goose Green, Dalton**

The Executive Director informed the Committee that the Council owned a small plot of land at Goose Green, Dalton.

The land was currently designated as public open space and was used as an informal picnic area. The area had been maintained by Dalton with Newton Town Council and the land was encumbered by a number of utility easements.

The majority of houses in the Goose Green area did not have large gardens and the Goose Green Community Network Group had requested that the area be utilised as a community garden. The Group proposed to cultivate the area collectively rather than divide the area into individual plots. Vegetables, flowers and fruit trees/bushes would be grown.

Provisional terms for occupation were considered by the Committee.

RESOLVED:- (i) To note the report; and

(ii) To authorise the Commercial Estate Manager to complete a legal licence agreement for the occupation of the land by the Goose Green Community Network Group on the terms reported.

### **REFERRED ITEMS**

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

## **72 – Lowsy Point Beach Huts and Piel Island Cottages**

The Borough Treasurer reminded the Committee that from 1st April, 2013, the Council had a second homes discount of 0%. Prior to this there was a second homes discount of 10% and before that 50% (prior to April 2005).

When the second homes discount was reduced from 50% to 10%, the Council had reviewed the applications to the beach huts at Lowsy Point and Piel Island cottages. The review had concluded that the 50% discount be continued for these specific properties. Piel Island cottages were closed for up to six months of the year and the services and amenities were restricted. The beach huts at Lowsy Point had similar characteristics.

Council had approved the second homes discount of 50% for these properties on 25th October, 2005 with the conditions that there was a covenant restricting the length of time that the dwelling could be occupied, that vehicular access to the dwelling made it impractical for the Council to deliver key direct services such as the collection of domestic waste and street cleansing, and wheeled vehicular access was prevented at least daily by the tide.

When the second homes discount was set as 0% from 1st April, 2013, the Council reconsidered these properties and the conditions set out above at the Council meeting on 19th March, 2013. The Council had agreed to award a discretionary

discount of 50% to these properties as the access and amenities had not altered since the previous decision had been taken. The discretionary discount of 50% was subject to an annual review.

There were 18 beach huts at Lowsy Point and one was occupied as a main residence. The cost of continuing the 50% discretionary discount on the other seventeen beach huts was £9,153.48, with the Council's share being £1,411.85.

There were eight Piel Island cottages and one was occupied as a main residence. Another one was currently out of rating but had been renovated and was expected to come back into rating as two flats. It was assumed that these would not be main residences, so the 50% discretionary discount figures had been worked out to include that. The cost of continuing the 50% discretionary discount on the eight properties was £4,210.80, with the Council's share being £567.68.

RESOLVED:- To recommend the Council that for 2014-15, the Council awarded the 50% discretionary discount to the properties set out in the report.

### **73 – Parishes and Local Council Tax Support Grant**

The Borough Treasurer informed the Committee that the Financial Settlement for 2013-14 had included the first year of Council Tax Support Grant. Prior to the settlement, the Government had published an indication of the Council Tax Support Grant that authorities would receive and that had included an amount to cover any parishes.

For 2013-14, the precepts had been requested from the parishes and it was calculated that the split between the amount that was to be raised from Council Tax and the remainder was funded from the Council Tax Support Grant:

<b>Parish</b>	<b>Precept</b>	<b>Equates to Council Tax of</b>	<b>Council Tax Support Grant</b>
Dalton with Newton	£73,000	£63,040	£9,960
Askam and Ireleth	£27,000	£24,350	£2,650
Lindal and Marton	£3,500	£3,370	£130
<b>Total</b>	<b>£103,500</b>	<b>£90,760</b>	<b>£12,740</b>

A representative from the Cumbria Association of Local Councils had attended a recent Cumbria Chief Finance Officer meeting and the allocation of grant for future years was discussed. Even within Cumbria the allocation of grant was carried out differently, for example the 10% gap between the cost of the Local Council Tax Scheme and the Council Tax Support Grant had been passed onto parishes in some districts; some districts had a number of parishes.

Given the amount involved and that obtaining the parish precepts was a vital part of the Council Tax setting process, it was proposed that the grant was set by the Borough Treasurer, by 31st October and that the parish precepts were requested as soon as they were available. As the grant and the Council Tax base would be known, together with an indication of the Council Tax that would raise for the parish, the aim was to leave the parish precept process relatively straight forward.



The budget item had been included in the Medium Term Financial Plan.

**RECOMMENDED:-** To recommend the Council to approve the principle of allocating Council Tax Support Grant to parishes so that it would fund the full cost of the impact from the Local County Tax Support Scheme.

#### **74 – War Pension Disregard 2014-15**

The Borough Treasurer reminded the Committee that Local authorities could disregard up to 100% of war pension payments when calculating entitlement to Housing Benefit and the Council Tax support; the first £10 was statutorily disregarded for housing benefit. That included all War Disablement Pensions, War Widow's Pensions, Armed Forces Compensation Scheme payments and any corresponding pensions payable to a widower or a surviving civil partner.

There were around 35 claims a year that the disregard applies to.

The disregard for housing benefit had a £10 statutory disregard, with the remainder split between the DWP and the Council. There were around 23 claims a year that the disregard applied to, estimated to cost £15,423. The DWP funded the first £10 and 75% of the remainder and the Council funded the remaining net 25% £3,798.

The disregard for the Council Tax support scheme was funded by the three main preceptors, proportionate to their precept. The estimated total cost was £5,066 and the Council would fund £860.

**RECOMMENDED:-** To recommend the Council to approve the disregard of war pensions at 100% for Council Tax support and up to 100% for Housing Benefit for 2014-15.

#### **75 – Whitsun Bank Holiday Opening**

The Deputy Executive Director reminded the Committee that the Council had closed for most of its business on the Tuesday and Wednesday after Whit Monday for many years. To facilitate that employees were required to take their two extra statutory day's holiday on these two days.

The inevitable disruption to the delivery of services to customers caused by the extended closure was becoming more apparent; there was no indication that demand for key services reduced on these two days.

It was proposed to end that practice, and recommended that with effect from May 2014, services to the public resumed on Tuesday after Whit Monday.

The two extra statutory day's holiday would be transferred to employee's annual leave entitlement to be taken as and when staff wished.

Unison had been consulted and were in agreement with the proposals.

RECOMMENDED:- To recommend the Council:-

(i) To agree that the Council opened for business on the Tuesday after the Whitsun Bank Holiday Monday; and

(ii) To agree that the two extra statutory holidays used in the past by staff to facilitate closure on the subsequent two days, be transferred to Annual Leave entitlement to be taken as and when staff wished.

## **76 – Licensing Committee Re-Structuring**

The Executive Director informed the Committee that the Council was responsible for a wide range of licensing functions and it was necessary from time to time to review the way licences were processed and determined. In a recent review which had looked at best practice elsewhere in England and Wales it had become clear that it would be beneficial to create an additional Licensing Regulatory Committee to sit alongside the existing Licensing Committee. That new Committee would deal with all licences and associated functions except those covered by the Licensing Act 2003 and the Gambling Act 2005.

It was proposed that a new Licensing Regulatory Committee be created with the following terms of reference:

“To deal with private hire, hackney carriage and other licensing and registration functions (other than Licensing Act 2003 and Gambling Act 2005 functions). This will include functions under all legislation detailed in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (other than Licensing Act 2000 (as amended) other than Licensing Act 2003 and Gambling Act 2005 functions) and all other Licensing functions for which the Council may be responsible. This includes all powers in respect of any approval, consent, licence, permission or registration for which the Committee is responsible including, but not limited to the following:-

- a) To grant, vary, alter, amend, suspend or revoke any approval, consent, licence, permission or registration;
- b) To impose any condition, limitation or other restriction or other terms on any approval, consent, licence, permission or registration;
- c) To determine whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration; and
- d) To amend, vary, modify or revoke any condition, limitation or term imposed on any approval, consent, licence, permission or registration.

Delegation:

To Officers as stated in Constitution.”

The Licensing Regulatory Committee shall consist of 12 Members.

It was also proposed that the terms of reference of the existing Licensing Committee be amended as follows:

“To deal with all functions relating to licensing and registration set out in the Licensing Act 2003 and the Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the Act as being the function of the Council or some other body.

Delegation:

To Officers and also the Licensing Sub-Committee as laid down in the recommended delegation of functions in the Licensing Act 2003 and Gambling Act 2005 policies adopted by the Council”

The existing Licensing Sub-Committee which was established under the Licensing Committee shall remain unchanged and with the same terms of reference and number of Members.

RECOMMENDED:- To recommend the Council:-

(i) To approve the creation of a new Licensing Regulatory Committee and its terms of reference; and

(ii) To agree to the amendment of the terms of reference of the existing Licensing Committee.

The meeting ended at 3.15 p.m.

**BOROUGH OF BARROW-IN-FURNESS**

**EXECUTIVE COMMITTEE**

**13th November, 2013**

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

**RECOMMENDATIONS  
OF THE  
SPECIAL HOUSING MANAGEMENT FORUM  
31ST OCTOBER, 2013**

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

The recommendations of the meeting of the Special Housing Management Forum held on 31st October, 2013 are attached.

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

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

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

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 31st October, 2013</b>	<b>(i)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: Housing Maintenance Contract</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of the report was to seek Member's approval to cease applying liquidated and ascertained damages (penalties) over a 3 month period to allow Vinci the opportunity to utilise additional resources and complete the backlog of repairs.</p> <p><b>Recommendations:</b></p> <p>To agree the suspension of liquidated and ascertained damages to all task orders invoiced between 1st September 2013 and 3rd December, 2013 in line with the contract addendum, shown as an appendix to the report, to allow Vinci sufficient time to address the current backlog of repairs.</p>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 31st October, 2013</b>	<b>(ii)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: Housing Maintenance Contract 2005 – 2011: Closure Of Accounts with Integral</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of the Housing Manager’s report was for Member’s to consider and agree arrangements for the closure of the Housing Maintenance Contract with Integral which ended on 4<sup>th</sup> November, 2011.</p> <p><b>Recommendations:</b></p> <p>To agree a one-off payment of £120,000 to cover outstanding work and settlement of the risk and reward element of the Contract.</p>	

<b>HOUSING MANAGEMENT FORUM</b>	<b>(D)</b>
<b>Date of Meeting: 31st October, 2013</b>	<b>(iii)</b>
<b>Reporting Officer: Colin Garnett, Housing Manager</b>	
<p><b>Title: Reconsideration of Request for Vehicle Crossing on Land in front of 6-24 Middleton Avenue, Barrow</b></p> <p><b>Summary and Conclusion:</b></p> <p>The purpose of the Housing Manager's report was to reconsider a request from a resident to create a vehicle crossing to allow parking of vehicles within the curtilage of his property.</p> <p>This matter was considered by the Housing Management Forum on 13th June, 2013 when the request was turned down. Through a local Elected Representative, the applicant had asked for the matter to be reconsidered.</p> <p><b>Recommendation:</b></p> <p>That the request to construct a vehicle crossing over the land be refused.</p>	



<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 8</b>
<b>Date of Meeting: 13th November, 2013</b>	
<b>Reporting Officer: Borough Treasurer</b>	
<p><b>Title: Council Finances Quarter 2 2013-2014</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report provides a summary of the Council's finances for the first half of 2013-2014. The report includes all revenue, capital and treasury items.</p> <p><b>Recommendations:</b></p> <p>To note the report of the Borough Treasurer and approve the movements in reserves.</p>	

### Report

#### A. General Fund

The General Fund revenue budget was last reported on 4th September, 2013 as £12,443k, referred to in the following table as the 'Previous' budget. The Previous budget and the Current budget position are set out below:

	<b>Previous budget £000</b>	<b>Current budget £000</b>	<b>Movement £000</b>
Direct costs	9,400	11,459	2,059
Indirect costs	855	855	-
Treasury activities	1,595	1,433	(162)
Contribution to capital outlay	600	1,123	523
Payments to the pension fund	1,165	1,165	-
Statutory adjustments	(1,817)	(3,191)	(1,374)
Contribution to/(from) reserves	645	(401)	(1,046)
<b>Net revenue budget</b>	<b>12,443</b>	<b>12,443</b>	<b>0</b>
Council tax	(3,846)	(3,846)	-
Government grants	(8,597)	(8,597)	-
<b>Total revenue financing</b>	<b>(12,443)</b>	<b>(12,443)</b>	<b>0</b>

The movement includes the revenue effects of capital accounting for non-Council assets that is usually added at year end, however to avoid the need to report this as a year-end variance the budget has been adjusted in-year. The following table sets out the movement against the relevant items above.

Item	Direct costs £000	Treasury activities £000	Revenue contribution to capital outlay £000	Statutory adjustments £000	Contribution to/(from) reserves £000	Total £000
<b>Capital Accounting</b>						
Revenue expenditure financed from capital under statute (REFFCUS)	1,743			(1,743)		0
<b>Committed Reserves</b>						
Insurance excesses	20				(20)	0
Public Buildings major works	34		225		(259)	0
Ring-fenced properties	2		247		(249)	0
<b>Earmarked Revenue Reserves</b>						
Festivals Fund	3				(3)	0
Market Hall			51		(51)	0
<b>Restructuring Reserve</b>	201	(162)			(39)	0
<b>Efficiency Support Grant</b>	35				(35)	0
<b>Revenue Grants Reserve</b>	21			369	(390)	0
<b>Movement during quarter 2</b>	<b>2,059</b>	<b>(162)</b>	<b>523</b>	<b>(1,374)</b>	<b>(1,046)</b>	<b>0</b>

**Capital Accounting** – this is the capital expenditure on private sector housing and shop front grants. The expenditure is capital under statute and for accounting purposes is moved to the revenue budget at year-end as it cannot be moved to the asset register (this is the register of Council-owned assets). The total expenditure is £2,406k, with £663k of grants netted off and £1,326k of borrowing & £417k of usable capital receipts. There is no impact on the General Fund as the expenditure is neutralised in the statutory adjustments.

**Committed Reserves** – the estimated use of £20k insurance excesses was reported in quarter 1 and is now included in the budget. The public buildings major works £34k relate to essential works at the Town Hall (heating), Dock Museum (smoke vents) and Emlyn Hughes House (heating); the £225k relates to the Town Hall roofing and stone works which was reported in quarter 1 and is now included in the budget. The £2k from the ring-fenced properties account relates to professional fees and the £247k relates to the funding of capital projects for the ring-fenced properties.

**Earmarked Revenue Reserves** – the £3k from the festival fund was reported in quarter 1 and is now included in the budget. The Market Hall project in the capital programme requires the £51k in reserve to finance the expenditure.

**Restructuring Reserve** – the £39k is the net call on the Restructuring Reserve after the (£127k) saving from the capital re-programming and (£35k) projected additional investment income that will be achieved for the year. The £201k for direct costs is made up of various items:

- £150k for discretionary housing payments; reported in quarter 1 and now included in the budget.
- £33k for an Empty Homes Review which will lead to an increase in New Homes Bonus.
- £7k for licensing professional fees.
- £5k for an ombudsman decision relating to Planning.
- £60k relating to the benefit subsidy claim for 2011-2012 which has been finalised in October 2013.
- (£54k) for all other items including lower than expected inflation on some of the main contracts.

**Efficiency Support Grant** - £35k has been used to progress the efficiency projects.

**Revenue Grants Reserve** - £21k of revenue grants received in previous years have been released to fund expenditure incurred and £369k of the grants reserve is included in the capital programme. The revenue grants for capital financing appear as part of the statutory adjustments. There is no impact on the General Fund bottom line as the resources are going towards the capital programme financing; these entries reflect the accounting treatment.

## A1. Spend to date

The spend for the period 1st April to 30th September, 2013, excluding housing benefits and REFFCUS, is set out below:

<b>Quarter 2</b>	<b>Actual £000</b>	<b>Budget £000</b>	<b>Year to date</b>
Staff pay	2,218	4,502	49%
Staff other costs	41	114	36%
Transport costs	52	108	48%
Property costs	1,061	1,998	53%
Supplies and services	1,314	2,984	44%
Contracts	3,227	6,599	49%
External income	(3,260)	(6,953)	47%
<b>Direct costs</b>	<b>4,654</b>	<b>9,352</b>	<b>50%</b>

As previously reported, apart from staff pay and contracted services, the direct costs are not incurred a straight profile, so rather than compare against a calculated profile, I will report significant items and identify where there are significant over or under spends.

For quarter 2 there are no significant over or under spends to report. Utility costs are currently under review and any budget changes will be reported with the next quarterly report.

Staff pay – this includes the 1% pay award from April 2013.

Staff other costs – training costs are usually incurred in the second half of the financial year, in line with term times and the organisation of management training.

Property costs – these include NNDR paid at the start of the year and utilities that are typically 1-2 months behind on invoicing. The utilities are currently under review and all other headings are in line with expectations.

Supplies and services – this heading includes items such as discretionary NNDR relief and software maintenance that are paid in quarter 4.

## B. Main Income Streams

The Council's main income streams in terms of value are:

**Commercial property rents** (excluding ring-fenced properties) – the income budgeted for the first half of 2013-2014 has been achieved and in addition changes in tenancies has resulted in a net saving of £31k.

**Cemetery and Crematorium services** – the income for the first half of 2013-2014 is £367k. At this point last year the income was £308k.

**Car parking pay and display sales** – the income for the first half of 2013-2014 is £296k. At this point last year the income was £303k.

**Park Leisure Centre facilities** – the income for the first half of 2013-2014 is £342k. At this point last year the income was £318k.

### C. Treasury Management

The capital programme for 2013-2014 was approved on 16th October, 2013, as £10m and includes borrowing of £2.8m.

The Council's existing borrowing of £39.5m is all fixed rate PWLB loans maturing over the mid to long term. The debt belongs to the General Fund £13.4m and the HRA £26.1m. No loans are maturing in 2013-2014.

The interest on these loans is payable in six monthly instalments, linked to the drawdown of the principal:

<b>Date</b>	<b>Interest £000</b>	<b>General Fund £000</b>	<b>HRA £000</b>
28 <sup>th</sup> September 2013	236	-	236
1 <sup>st</sup> October 2013	489	292	197
28 <sup>th</sup> March 2014	236	-	236
1 <sup>st</sup> April 2014	489	292	197
<b>Total</b>	<b>1,450</b>	<b>584</b>	<b>866</b>

The limit for external debt for 2013-2014 is £58m and this has not been exceeded.

The interest received on matured temporary surplus cash deposits for the first half of 2013-2014 is £35k. The full year budget has been increased to £55k; during the second half of the year funds are generally used rather than reinvested. As at 30th September, 2013, the Council's funds were placed with:

<b>Financial institution</b>	<b>£m</b>
<b>Building Societies:</b>	
• National Counties	2
• Nationwide	2
• Newcastle	1
• Nottingham	1
• West Bromwich	2
• Cambridge	1
• Manchester	2
• Leeds	2
• Cumberland	2
<b>Total of fixed term deposits</b>	<b>15</b>
HSBC overnight deposit account	2
<b>Total funds invested</b>	<b>17</b>

D. Core Reserves

**Committed reserves**

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
Exempt VAT limit	(250)				(250)
Insurance excesses	(80)			20	(60)
Uninsured losses	(500)				(500)
MMI scheme of arrangement	0				0
Public buildings major works	(725)			259	(466)
Pay and grading review	(176)				(176)
Ring-fenced properties	(516)	(160)		255	(421)
Cremator relining	(46)				(46)
<b>Total committed revenue reserves</b>	<b>(2,293)</b>	<b>(160)</b>	<b>0</b>	<b>534</b>	<b>(1,919)</b>

These reserves are being used for:

- £20k estimated insurance excesses paid in 2013-14.
- £259k public buildings - £225k Town Hall capital project and £34k for works to the Town Hall (heating), Dock Museum (smoke vents) and Emlyn Hughes House (heating).
- £255k ring-fenced properties - £247k capital works, £6k electricity charges and £2k for sale fees.

**Earmarked revenue reserves**

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
Festivals and events	(12)			12	0
Market Hall refurbishment	(51)			51	0
Park Vale (sports facilities)	(56)				(56)
<b>Total earmarked revenue reserves</b>	<b>(119)</b>	<b>0</b>	<b>0</b>	<b>63</b>	<b>(56)</b>

These reserves are being used for:

- £12k food festival.
- £51k Market Hall capital project.

#### Uncommitted revenue reserves

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
General reserve	(1,000)				(1,000)

No change in the general reserve is expected.

#### E. General Fund Balance

The General Fund balance is held for potential emergencies, unexpected events or unbudgeted statutory expenditure. The balance also serves to cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing.

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
General Fund Balance	(2,000)				(2,000)

No change in the General Fund is expected.

#### F. Restructuring Reserves

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
Restructuring	(1,456)	(711)	(351)	302	(2,216)
Budget support	(1,800)	600			(1,200)
Grants to external bodies	(241)	107			(134)
CCTV	(137)	50			(87)
<b>Total restructuring reserves</b>	<b>(3,634)</b>	<b>46</b>	<b>(351)</b>	<b>302</b>	<b>(3,637)</b>

The Restructuring Reserve additions are for:

- (£116k) new burdens grants received.
- (£127k) from capital re-programming (treasury savings).
- (£35k) external interest earned on invested temporarily surplus cash.
- (£68k) inflation on contracts lower than budget expectations.
- (£5k) increased recharge to the HRA for IT services.

The Restructuring Reserve is being used for:

- £173k welfare reform support.
- £10k work in default.
- £33k empty homes review fees to generate new homes bonus.
- £21k professional fees.
- £5k KOFAC subscription.
- £60k recovery of benefit subsidy for 2011-2012 administration errors.

#### G. Efficiency Support Grant

The Council has received (£1,175k) of Efficiency Support Grant for 2013-2014. (£600k) has been allocated to fund the works at Craven House. (£575k) has been added to reserves to fund the cost reduction streams previously identified.

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
ESG	0		(575)	35	(540)

#### H. Grants and Contributions

Grants and contributions for revenue purposes are recognised as income immediately and carried forward as earmarked grants (reserves) where they are unspent at the year-end date:

	<b>Balance at 1/4/13 £000</b>	<b>Original budget movement £000</b>	<b>Added in the year £000</b>	<b>Used in the year £000</b>	<b>Projected balance 31/3/14 £000</b>
Grants and contributions					
Committed Reserves	(1,070)	28		478	(506)

These grants are being used for:

- £369k for capital projects.
- £109k released to revenue to match the associated expenditure.



## I. Housing Revenue Account

The HRA budget was approved by full Council on 26th February, 2013. The budget for 2013-2014 was a balanced budget and has not been varied so far in 2013-2014; it is referred to as the Original budget.

	<b>Original budget £000</b>	<b>Current budget £000</b>	<b>Movement £000</b>
<b>Income</b>			
Dwelling rents	(9,870)	(9,815)	55
Other income	(542)	(1,271)	(729)
<b>Expenditure</b>			
Supervision and management	3,126	3,800	674
Repairs and maintenance	2,967	2,967	-
Capital charges	4,319	4,319	-
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

£55k has been vired from dwelling rents as it relates to leaseholder service charges. £674k has been added to other income and supervision and management for the tenant's water service charges. There has been no change to the bottom line and the HRA budget remains balanced.

### I1. Spend to date

The spend for the period 1st April to 30th September, 2013, is set out below:

<b>Quarter 2</b>	<b>Actual £000</b>	<b>Budget £000</b>	<b>Year to date</b>
<b>Income</b>			
Dwelling rents	(5,110)	(9,815)	52%
Other income	(801)	(1,271)	63%
<b>Expenditure</b>			
Supervision and management	1,207	3,800	32%
Repairs and maintenance	1,482	2,967	50%
Capital charges	-	4,319	-
<b>Total</b>	<b>(3,222)</b>	<b>0</b>	<b>-</b>

The other income is ahead of the half year budget as leaseholder service charges are all raised in April and some of the tenant's water service charges have been raised for the full year.

The supervision and management budget includes internal charges from the General Fund Support Services, the HRA share of corporate items and the HRA bad debt provision; these are entered at year end. Excluding these items from the £3,800k gives £2,568k and a year to date of 47%. This item includes the 1% staff pay award from April 2013.

For quarter 2 there are no significant over or under spends to report. There is a settlement with the previous housing maintenance contractor currently being agreed and at the moment it is expected that this can be met from the existing repairs and maintenance budget.

J. Collection Fund

**Council Tax** – the percentage of Council Tax collected at 30th September, 2013, is 56.76%. For the previous year this was 57.05%.

**NNDR** – the percentage of NNDR collected at 30th September, 2013, is 61.20%. For the previous year this was 59.88%.

K. Write Offs

The write offs approved under delegated authority for the period 1st April to 30th September, 2013 are:

	<b>Quarter 1 £000</b>	<b>Quarter 2 £000</b>	<b>Total £000</b>
Housing rents	2	16	18
NNDR	17	(6)	11
Council Tax	-	97	97
<b>Total</b>	<b>19</b>	<b>107</b>	<b>126</b>

The NNDR quarter 2 has a net credit due to the amounts being written on to accounts exceeding the amounts being written off. Writing on occurs when an account is in credit and we are unable to trace the ratepayer or they have become bankrupt and a rating appeal has been finalised afterwards.

The council tax write offs consist mainly of uncollectable amounts where all recovery action has taken place, bankruptcy has occurred or we have not been able to trace the taxpayer.

The bad debt provisions remain sufficient to cover the remaining debts.

L. Discretionary Housing Payments

The Council received £100k from the DWP to fund applications for Discretionary Housing Payments. At the Executive Committee on 20<sup>th</sup> March, 2013, Members agreed to top up the grant by £150k (limited by regulation).

The awards from the fund made for the period 1<sup>st</sup> April to 30<sup>th</sup> September 2013, are:

	<b>Number of awards</b>	<b>Amount awarded £000</b>
Under occupancy	69	12
LHA restrictions	43	11
Other assistance	39	9
<b>Total</b>	<b>151</b>	<b>32</b>

The availability of Discretionary Housing Payments, together with all financial support available through the Council was advertised in the Evening Mail and on the Council's website in October. A similar advert has been included in the Housing Matters newsletter and the Housing Department have begun to re-contact all the tenants affected by the under occupancy changes to assist them in completing a Discretionary Housing Payment application. There will also be some targeted campaigns over the next couple of months.

M. Medium Term Financial Plan

It is important to keep the Medium Term Financial Plan updated where there are impacts that flow through from decisions taken and changes that occur.

The Efficiency Support Grant, the Workforce Strategy and the quarterly financial information all impact on the Plan. The Workforce Strategy supports staff in the delivery of the Plan but has no direct financial implications to reflect at the moment. The Efficiency Support Grant itself does not need to be added into the Plan as it has been received in this year and is reflected in the quarterly financial information, however the sustainable savings that are achieved through the use of the Grant do need to be reflected in the Plan projections as they are achieved. The sustainable financial implications from the budget variations reported each quarter also need to be reflected.

The following table shows the impact of the sustainable budget changes for the Medium Term Financial Plan as at 30<sup>th</sup> September 2013:

	<b>2014-2015 £000</b>	<b>2015-2016 £000</b>
Planned projected call on reserves	344	410
Saving from capital re-programming	(257)	(351)
Saving from lower inflation on contracts	(68)	(68)
<b>Current projected call on reserves</b>	<b>19</b>	<b>(9)</b>

2015-2016 now results in a small contribution to reserves, however this is an on-going projection and the review of utilities and general review as we build up the 2014-2015 budgets may have a negative impact on the projections.

It is also important to note that these projected calls on reserves are after £600k from the budget setting support reserve is used and also assumes that all of the policies within the Budget Strategy are implemented and achieved.

The Medium Term Financial Plan will be fully updated and presented with the budgets for 2014-2015. It will continue to be updated quarterly to reflect any major changes as far as possible.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

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

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

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

Background Papers

Nil.

<b>EXECUTIVE COMMITTEE</b>		<b>Part One (D) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>13th November, 2013</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: The Bathing Water Regulations 2013 : De-designation of Bathing Waters</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council review the designation of bathing waters in the Borough in line with the Bathing Water Regulations 2013 and on advice from the Environment Agency and Duddon Inshore Rescue rationalise the designation of bathing waters on Walney island and de-designate bathing waters at Roanhead and Askam which are inappropriate due to safety concerns and low usage.</p> <p><b>Recommendation:</b></p> <p>To agree that the Council makes an application to Defra under the Bathing Water Regulations 2013 for:</p> <p>(a) the amalgamation of the designation of Biggar Bank and Sandy Gap; and  (b) the de-designation of Roanhead and Askam as bathing beaches.</p>		

**Report**

**Background**

The Turning Tides Partnership is considering the de-designation of bathing waters which are little used. Sites being considered for de-designation should be considered on grounds of low usage or safety reasons. De-designations cannot be made on quality grounds.

The Bathing Water Regulations 2013 (2013 No. 75) Regulation 3 states that bathing waters are identified where "...the Secretary of State expects a large number of people to bathe, having regard in particular to past trends and any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters".

The Environment Agency has undertaken a review of the coastal Cumbrian bathing waters as these are the least used in the North West Region. The table below shows the bather and beach users numbers collected by the Agency over 13 years (2000 to 2012) for beaches in the Borough.

Bathing Water	During bathing water sampling window			
	Total bathers 2000-12	Average bathing season bathers	Total beach users 2000-12	Average bathing season beach users
Walney Biggar Bank	76	6	1136	95
Walney Sandy Gap	98	8	1006	84
Walney West Shore	400	33	1933	161
Roan Head	107	9	2276	190
Askam	10	1	416	35

#### Environment Agency data 2000-2012

The Council also collected data during May- June 2011 and this is summarised below.

Bathing Water	Number of observations	Total bather count
Walney Biggar Bank	6	0
Walney Sandy Gap	6	1
Walney West Shore	6	1
Roan Head	6	0
Askam	5	0

#### Barrow Borough Council bather data (May-June 2011)

Data collected during an Environment Agency project by Cascade Consulting further backs up this information.

Designation of beaches should be considered on bather numbers and safety grounds and I have therefore consulted with the Environment Agency, Duddon Inshore Recue, The National Trust (who own land at Roanhead) and the Maritime and Coastguard Service.

#### Walney West Shore

This is by far the most popular beach for bathing and should remain designated as a Bathing Water.

#### Walney Biggar Bank and Sandy Gap

Biggar Bank and Sandy Gap are very close together – on GIS this is only 850m. In terms of facilities there are more ‘attractions’ at Biggar Bank – two playgrounds and 3 car parks which attract families as well as being close to residential properties. The Environment Agency has suggested amalgamating the two bathing waters into one bathing water designation. Due to the nature of the coastline of Walney Island the body of water is effectively the same for Walney Biggar Bank as for Sandy Gap. The distance between 2 bathing waters is not specified anywhere in the Directive or English

Regulations. The important aspect in the regulations is that the sampling point should be in the place where most bathers are located.

These are the only two bathing waters in the North West located this close together – approximately 850m between designated sampling points. The distance between Walney West Shore and Sandy Gap is longer at just over 2km. Other bathing waters in the North West which could be considered ‘close’ are Blackpool South, Central and North where there is 1.3km between sample points at Blackpool South and Central, with 1.5 km between Blackpool Central and North. There are, however, different impacts at the bathing waters in terms of riverine impacts and discharges to the coastline. Therefore these would not be considered at the moment for potential amalgamation.

Amalgamation of Sandy Gap with Biggar Bank would still mean that the Environment Agency would take samples from two bathing locations on Walney Island during the bathing season from May to September (20 samples). This would have minimal impact on Agency resources, reducing from 3 to 2 sample points.

De-designation is highly unlikely to alter the Environment Agency’s improvement plans and those of United Utilities, so the level of environmental protection will remain unchanged for Walney Island as the bathing water locations are in close proximity.

### Roanhead

Whilst Roanhead is obviously one of the more picturesque bathing locations in the North West and is also a tourist/visitor location for the North West and Barrow – as reflected by beach user numbers, bather numbers are low and there is a warning sign about swift currents and gullies. Duddon Inshore Rescue consider safety on the beach is paramount and have long felt warning signage of danger to users is inadequate. They support the de-designation. The National Trust own the site and undertook 14 beach surveys during 2012 at weekends, bank holidays and school holidays see results below:

<b>Date</b>	<b>No. of bathers</b>	<b>No. of paddlers</b>	<b>No. of other beach users</b>	<b>No. of dogs on beach</b>
<b>Mon 04 June</b>	0	4	19	10
<b>Mon 04 June</b>	0	11	32	5
Thurs 19 July	0	1	4	1
Thurs 26 July	0	3	42	2
Thurs 26 July	0	0	52	2
Fri 27 July	0	0	4	0
Tues 31 July	0	6	37	2
Thurs 02 August	0	3	32	1
Mon 06 August	4	0	53	1
Weds 08 August	8	6	89	8
Thurs 16 August	0	3	24	1

Thurs 23 August	0	7	85	2
<b>Sat 25 August</b>	0	0	2	1
<b>Sun 26 August</b>	0	0	16	2
<b>Total</b>	<b>12</b>	<b>44</b>	<b>491</b>	<b>38</b>

The National Trust also carried out 128 face to face surveys with beach users during the 2012 bathing season. The most popular reason for a visit was to walk a dog (33%) followed by attendance at an organised event (16%). 43% considered the beach unsafe for swimming, with 32% unsure, 21% considered it quite safe and 4% very safe. Only 19% of users had checked the tide times before their visit and more than half (53%) had not read the safety information signs in the car park.

Getting people into the outdoors and closer to the natural world is a key strategic priority for the National Trust, and therefore any move which is seen to be restricting the public's contact with natural places is not something which they would normally support. However they do accept that Roanhead is not a typical seaside beach and that bathing is not the most significant part of Roanhead's attraction for visitors. They agree that its designation as a bathing beach has caused a mixed message when held against the safety concerns of the Duddon estuary as flagged up on very prominent safety signage on the approach to Roanhead car park. They also note Duddon Inshore Rescue's support for de-designation of the beach and therefore will not be opposing an application to de-designate Roanhead as a bathing water.

### Askam

This is the least used bathing water in Cumbria with 10 bathers recorded over 13 years during Environment Agency bathing water sampling visits (260 visits of around 20 minutes). There are also few facilities beyond a car park, view finder/bench and access steps. *Spartina* grass is evident – which is a sign of the formation of salt marsh - which would not be conducive to bathing. This, alongside the warning sign regarding swift currents and gullies, the rocky substrate (including bricks) and the cable gabions, are a concern. It is almost impossible to swim at Askam as the depth of water is frequently less than 50 cm (the depth for taking a bathing water sample is 100cm). Therefore whilst paddling can take place swimming is not possible unless the bather wades to a considerable distance (~500m) to find the Duddon Channel. Duddon Inshore Rescue consider safety on this beach is paramount and support de-designation. If it is not de-designated they have requested warning notices be installed at the pier, Duddon Inshore Rescue boathouse, Duddon Road car park, Marsh Farm campsite and Dunnerholme.

### Process of de-designation

1. The Council would have to consult the public on the proposal – this would be done through the Council website.
2. A formal application would be made to Defra to de-designate Roanhead on safety grounds, Askam beach on safety and low usage



grounds and to consolidate the bathing waters at Biggar Bank and Sandy Gap into one bathing water designation.

3. Defra would then hold a 6 week consultation on the application on their website.
4. Defra would then consider all the evidence and make the final decision.

(i) Legal Implications

If the Council wishes to de-designate beaches for the 2014 bathing season, an application must be made to Defra.

(ii) Risk Assessment

Roanhead and Askam are too dangerous for swimming and if not de-designated there could be a serious incident.

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

Roanhead and Askam are too dangerous to be designated as bathing waters

(v) Equality and Diversity

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

(vi) Health and Well-being Implications

The recommendation has a positive effect on the health and well-being of residents and visitors to the Borough's beaches.

Background Papers

Correspondence held by the Executive Director.

