

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

## **EXECUTIVE COMMITTEE**

Meeting, Wednesday, 16th October, 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 special meeting held on 2nd October, 2013 (copy attached) (Pages 1-3).
6. Apologies for Absence/Attendance of Substitute Members.

#### **FOR DECISION**

- (D) 7. Budget 2014-15 Assumptions and Timetable (Pages 4-6).
- (D) 8. Capital Programme as at 30th September, 2013 (Pages 7-18).

- (R) 9. Lowsy Point Beach Huts and Piel Island Cottages (Pages 19-20).
- (R) 10. Parishes and Local Council Tax Support Grant (Pages 21-22).
- (D) 11. Pooling Business Rates (Pages 23-27).
- (R) 12. War Pensions Disregard 2014-15 (Pages 28-29).
- (D) 13. Housing Market Renewal Programme – North Central Renewal Area – 287-329 Rawlinson Street (Pages 30-32).
- (D) 14. Energy Company Obligation (Pages 33-35).
- (R) 15. Whitsun Bank Holiday Opening (Pages 36-37).
- (D) 16. Mawflat Lane Car Park Walney (Pages 38-39).
- (D) 17. Land at Goose Green, Dalton (Pages 40-41).
- (R) 18. Licensing Committee Re-Structuring (Pages 42-44).

**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)

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## **EXECUTIVE COMMITTEE**

Special Meeting: Wednesday 2nd October, 2013  
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Garnett, Graham, Guselli, Irwin and Seward.

### **56 – 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 involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute No. 61) of Part One of Schedule 12A of the said Act.

### **57 – Minutes**

The Minutes of the meeting held on 4th September, 2013 were agreed as a correct record.

### **58 – Apologies for Absence**

Apologies for absence were received from Councillors Bell and Richardson.

## **REFERRED ITEMS**

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

### **59 – Changes to the Delegations of the Environmental Health Manager**

The Executive Director reminded the Committee that the Council's Constitution stated that the Environmental Health Manager had delegated authority to determine applications for various licences, renewals, variations and the transfer of licences, subject to no adverse comments from consultees and all relevant criteria being met.

As a result of recent changes in legislation it was recommended that the Scrap Metal Dealers Act 2013 be added to her delegation.

Consequently, there was also a need to delete the Scrap Metal Dealers Act 1964 and Motor Salvage Operators Regulations.

In addition, the Environmental Health Manager had delegated authority to serve various statutory notices and it was recommended that the Water Industry Act 1991, Section 80 be added to the list outlined in the Constitution.

RECOMMENDED:- To recommend the Council to approve the under-mentioned changes to the delegations of the Environmental Health Manager as follows:-

1. To delete Scrap Metal Dealers Act 1964 and Motor Salvage Operators Regulations from Section F of the Environmental Health Manager's delegation in the Constitution; and
2. To add Scrap Metal Dealers Act 2013 and Water Industry Act 1991, Section 80 to Section F of the Environmental Health Manager's delegation in the Constitution.

### **60 – Scrap Metal Dealers Act 2013**

The Executive Director informed the Committee that the Scrap Metal Dealers Act 2013 placed a new duty on Local Authorities to licence scrap metal dealers and collectors and created new regulatory powers which could be used to achieve compliance. To enable implementation of the new legislation it was necessary for the Council to adopt the necessary fees.

RECOMMENDED:- To recommend the Council to adopt the under-mentioned fees:-

	<b>Scrap Metal Site Licence</b>	<b>Scrap Metal Collectors Licence</b>
Application	£306	£225
Variation	£46	£46
Replacement	£10	£10

### **61 – Pay and Grading Review Update**

The Deputy Executive Director reminded the Committee of the on-going financial pressures faced by the Council as a result of continuing cuts to the Grant Settlement meant that additional costs associated with the implementation of a Pay and Grading Review were unaffordable. The report recommended that Council made a formal declaration to the recognised Trade Unions that a Pay and Grading Review should not be progressed under these circumstances. In acknowledging that individual employees should have a route to seek a review of their current grading, it was also recommended that the current grading moratorium, imposed pending implementation of the pay review, be lifted with immediate effect and that a revised Grading Appeals Procedure be introduced.

RECOMMENDED:- To recommend the Council:-

1. To agree that the Council formally notified it's recognised Trade Unions that the Pay and Grading Review be abandoned due to budget restraints;
2. To agree that the moratorium on grading appeals be lifted and replaced with a revised Grading Appeals Procedure; and

3. To agree that Management Board identified any posts which had demonstrably taken on significant additional duties and responsibilities and recommend appropriate upgrades back to this Committee for consideration.

The meeting ended at 2.15 p.m.

<b>EXECUTIVE COMMITTEE</b>		<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>7</b>
<b>Date of Meeting:</b>	<b>16th October, 2013</b>	
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	
<p><b>Title: Budget 2014-15 Assumptions and Timetable</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the budget assumptions that will be applied in estimated 2014-15 and the timetable that has been adopted.</p> <p><b>Recommendations:</b></p> <p>To note the report of the Borough Treasurer.</p>		

### Report

The assumptions used in forecasting the 2014-15 budgets are:

- Staff pay awards 1%
- Employer national insurance contributions 8%
- Employer pension contributions for current staff 12.5%
  
- Grounds maintenance contract 4.5%
- Refuse, recycling and street cleaning contract 4.5%
- Revenues, benefits and customer services contract 4.5%
  
- Utilities and NNDR charges 2.9%
  
- Discretionary income price increases 2.5%
  
- Interest earned on temporary deposits at 0.5%
  
- Interest payable on new borrowing at 4.5%
  
- Revenue Support Grant and retained Business Rates as per the provisional settlement. These will be updated with the actual settlement when it is notified to us in late December.
  
- No additional Business Rate income is assumed.
  
- Council Tax increase 1.9%

- The £100k from economic growth in the Budget Strategy for 2014-15 will not be included as a discrete item in the budget. Additional income from the commercial property portfolio is anticipated to provide this.

The timetable that has been adopted is set out below and follows on from the approval of the Council's Workforce Plan and Key Priorities:

<b>Item</b>	<b>Officer</b>	<b>Completion Date</b>
Budget prepared for all cost centres	Cost Centre Managers & Accountants	25/10/2013
Set the Council Tax base	Borough Treasurer	31/10/2013
Recharges finalised	Chief Accountant & Accountants	01/11/2013
Ensure budget assumptions and guidelines have been adhered to	Chief Accountant & Accountants	06/11/2013
Request Parish precepts	Borough Treasurer	08/11/2013
Finalise proposed revenue budgets	Borough Treasurer & Chief Accountant	08/11/2013
Draft proposed revenue budget to Management Team	Borough Treasurer	18/11/2013
Incorporate Management Team changes	Chief Accountant & Accountants	29/11/2013
Final proposed revenue budget to Management Team	Borough Treasurer	09/12/2013
Capital Programme	Chief Accountant	09/12/2013
Treasury management strategy & prudential indicators	Borough Treasurer	Dec-13
General Fund Revenue Budget		
Medium Term Financial Plan - 1st Draft		
HRA Revenue Budget		
Obtain Parish precepts	Borough Treasurer	07/01/2014
Final budget proposals to Executive Committee	Borough Treasurer	22/01/2014
Housing Forum consultation on HRA revenue budget	Housing Manager & Housing Accountant	16/01/2014
Public consultation	Borough Treasurer	23/01/2014 to 20/02/2014
Overview & Scrutiny examine budget proposals	Borough Treasurer	Feb-14
Budget setting report for Full Council	Borough Treasurer	04/03/2014
Council Tax setting report	Borough Treasurer	04/03/2014
Council receive public consultation feedback, set the budget and set Council Tax	Borough Treasurer	04/03/2014

(i) Legal Implications

The recommendation has no significant implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The assumptions will be applied to produce the 2014-15 budgets.

(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 8</b>
<b>Date of Meeting:</b>	<b>16th October, 2013</b>	
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	
<p><b>Title: Capital Programme as at 30th September 2013</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report on the Capital Programme includes the variations since the last report of 26th June, 2013 and the expenditure as at 30<sup>th</sup> September, 2013.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To approve the changes to the Capital Programme;</li> <li>1. To note the expenditure as at 30th September 2013; and</li> <li>2. To note the variation relating to the car park at the Dock Museum.</li> </ol>		

## **Report**

### 1. Ongoing Projects

These specific projects do not have an ongoing budget, but should the opportunity arise, will be brought online:

- The Marina Village: site assembly continues and as future purchases become available they will be funded, subject to valuations being agreed.
- Miscellaneous Properties: strategic acquisitions continue as purchases become available.

These projects remain key for regeneration, however as the timing of expenditure is not certain it is not prudent to include borrowing which has an impact on the General Fund budget.

### 2. Capital Programme

The Capital Programme for 2013-16 was last reported to the Executive Committee on 26th June, 2013.

The major (over £10,000) variations to the Capital Programme since the last report are as follows:

## 2.1 Re-profiling

- Rawlinson Street Corridor, £50,000 re-profiled from 2014-15 to 2013-14.

## 2.2 Budget Transfers

- £50,000 transferred from Roof Top Car Park to Market Hall refurbishment.
- £10,000 underspend transferred from School Street Former Presbyterian Church to Public Conveniences for the demolition of Askam public conveniences.

## 2.3 Revised Funding

- Disabled Facilities Grant revised DCLG funding £4,602 for 2013-14 and £47,456 for 2014-15. The Council's own funding reduced accordingly.
- Refuse and Recycling Containers 2014-15, £250,000 DCLG weekly collection funding added in.

## 2.4 Asset Investment Fund

- Town Hall additional roof works, £103,000 transferred from the Asset Investment Fund.
- Marina Village Land Assembly, £30,000 transferred to Asset Investment Fund.

## 2.5 New Capital Bids

- Forum, £11,520, for the backstage wheelchair lift funded from Asset Investment Fund.

## 3. Capital Programme 2013-16

The summarised Capital Programme is:

<b>Investment</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Public Housing	2,334,332	1,834,000	1,878,000
Private Housing	618,967	600,000	600,000
Housing Market Renewal	1,723,873	134,500	-
Public Buildings	2,640,412	6,000	45,000
Other Public Assets	1,673,627	350,000	100,000
Community Initiatives	844,346	-	-
Retentions	25,000	25,000	25,000
Asset Investment Fund	172,725	250,000	250,000
<b>Total Capital Programme</b>	<b>10,033,282</b>	<b>3,199,500</b>	<b>2,898,000</b>

The proposed financing for the Capital Programme is:

<b>Financing</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Borrowing	2,800,000	485,000	340,000
Government Grants	1,559,100	696,456	399,000
Private Contributions	150,000	-	-
Reserves	2,295,920	1,834,000	1,878,000
Earmarked Reserves	1,128,099	-	-
Capital Receipts	2,100,163	184,044	281,000
<b>Total Capital Programme</b>	<b>10,033,282</b>	<b>3,199,500</b>	<b>2,898,000</b>

The detailed projects are:

### 3.1 Public Housing

<b>Project</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Capitalised planned maintenance	2,295,920	1,834,000	1,878,000
Housing IT	38,412		
<b>Total Investment in public housing</b>	<b>2,334,332</b>	<b>1,834,000</b>	<b>1,878,000</b>

### 3.2 Private Housing

<b>Project</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Disabled facilities grants	600,000	600,000	600,000
Private Sector Housing Condition Survey	18,967		
<b>Total Investment in private housing</b>	<b>618,967</b>	<b>600,000</b>	<b>600,000</b>

### 3.3 Housing Market Renewal

<b>Project</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Central Property Refurbishments	1,417		
North Central Renewal	5,983		
Group Repair - Marsh Street	14,181		
Group Repair - Central Area A & E	1,502,292	34,500	
Rawlinson Street Corridor	200,000	100,000	
<b>Investment in Housing Market Renewal</b>	<b>1,723,873</b>	<b>134,500</b>	<b>0</b>

### 3.4 Public Buildings

<b>Project</b>	<b>2013-14 £</b>	<b>2014-15 £</b>	<b>2015-16 £</b>
Cemetery	277,310		
Crematorium	56,000		45,000
Dock Museum	233,934	6,000	
Forum 28	124,520		

Leisure Centre	600,000		
Market Hall	113,629		
Public Conveniences	21,082		
Roof Top Car Park	410,937		
Town Hall	803,000		
<b>Total Investment in Public Buildings</b>	<b>2,640,412</b>	<b>6,000</b>	<b>45,000</b>

### 3.5 Other Public Assets

<b>Project</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Craven House	600,000		
Play Areas	6,580		
Barrow Park	43,000		
Forge Close/James Freel Close Units	212,099		
Phoenix Court Business Centre	6,934		
Town Centre Shop Front Grants	55,332		
Abbey Road THI	7,886		
104 Abbey Road (Cookes Building)	35,153		
102 Abbey Road	27,182		
School Street Former Presbyterian Church	42,855		
Link Road	78,881		
Marina Village	435,000		
IT Equipment and Development	60,000	60,000	60,000
Refuse and Recycling Containers	12,725	290,000	40,000
CCTV Equipment	50,000		
<b>Total Investment in other public assets</b>	<b>1,673,627</b>	<b>350,000</b>	<b>100,000</b>

### 3.6 Community Initiatives

<b>Project</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Ireleth Road Watercourse	7,695		
Coastal Defence Work West Shore Park	615,000		
Rural Regeneration - Piel Island	10,634		
Rural Regeneration - Roa Island Jetty	183,175		
Rural Regeneration - Coastal Protection	27,842		
<b>Total Investment in Community Initiatives</b>	<b>844,346</b>	<b>0</b>	<b>0</b>

### 4. Capital projects descriptions

**Capitalised Planned Maintenance:** The planned maintenance programme aims to continue improvements to ensure the Council satisfies the Government's requirements for Decent Homes. Where there are planned major works to Council dwellings such as rewiring, heating, bathrooms and kitchens, this expenditure is capitalised and financed by the major repairs allowance. This is funded from the Major Repairs Reserve.

**Housing IT:** This project provides for the updating of the Housing computer system.

**Disabled Facilities Grants:** These are awarded for essential adaptations to give a disabled person better freedom of movement around the house. This work includes widening doors or installing ramps, providing a specially adapted room in which it is safe to leave a disabled person unattended and improving accessibility and facilities around the home. This project is supported by an annual grant from the DCLG.

**Private Sector Housing Condition Survey:** Every 5 years the Council collects information about owner occupied and privately rented properties to inform the Housing Strategy and prioritise actions and investment. The current survey is being carried out as a Cumbria-wide exercise.

**Central Property Refurbishments:** This project is for the refurbishment of Renewal Area properties to a condition fit for their sale on the open market.

**North Central Renewal – Demolition:** This project is for the demolition of Arthur Street and Marsh Street clearance properties.

**Group Repair – Marsh Street, Central Area E and Central Area A and Rawlinson Street Corridor:** These are part of the North Central Renewal Area where the Council is committed to a 10 year programme of works. Group repair schemes are major external renovation and refurbishment of whole streets or blocks.

Central Area A includes 107 properties on Thwaite Street, Brewery Street and Whitehead Street. Area E includes 135 properties within the Renewal Area boundary on Arnside Street, Lindal Street, Harrison Street, Lord Street and Silverdale Street. The proposed works would be similar in nature to those already carried out on Sutherland Street (evens) and Marsh Street (odds). The exact specification will be determined to maximise impact following property surveys and will depend on the condition of the property and the budget available.

The Rawlinson Street Corridor between Abbey Road and Greengate Street is on the boundary of the Renewal Area, and is currently a retail area secondary to the Town Centre core. It is also an important secondary thoroughfare. As such the appearance of the corridor is important to the general vibrancy of the Town Centre. The number of viable retail businesses on Rawlinson Street has reduced in recent years, and it may be appropriate for a number of premises to change use from business to residential. The capital scheme proposed will enhance the Town Centre shop front grant scheme in this area, promote appropriate changes in use and provide discretionary grants for residential fabric improvements.

**Cemetery:** This is the project for the new grave section at Barrow Cemetery.

**Crematorium:** This project is to replace the monitoring equipment during 2013-14 and reline the cremators during 2015-16.

**Dock Museum:** This project is for the works required to the land and car parking associated with the sale of the adjacent land.

**Forum 28:** This project comprises the works to the toilets, motorised lighting bars and sound system for the main theatre and backstage wheelchair lift.

**Leisure Centre:** This is the project for the Soccer Centre.

**Market Hall:** There are three projects within this heading. Asbestos removal within the office area of the Market Hall and refurbishment of toilets in the fish hall, creation of additional toilet facilities within the loading bay and refurbishment of the Market Hall.

**Public Conveniences:** This project is for the demolition of the toilets blocks at Duke Street, Askam.

**Roof Top Car Park:** This is the project looking to resolve the waterproofing issues on the roof top car park. Completion of this project will remove the water ingress to the Market Hall and Offices.

**Town Hall:** This is a continuing project addressing the refurbishment of the building and fabric.

**Craven House:** This is two projects, re-roofing and the refurbishment of the 4<sup>th</sup> floor.

**Play Areas:** This is the Dalton Multi Use Games Area project retentions

**Barrow Park:** This project is to resurface the roads and pathways not included in the Lottery funded works and renew sections of deteriorating fencing.

**Forge Close and James Freel Units:** There are three projects within this heading. The project for the sewer and highway remedial works to enable the adoption by Cumbria County Council and United Utilities. Unit 9 roof works and refurbishment works to the business units.

**Phoenix Court Business Centre:** This is the project to expand the capacity of the building to provide extra units for small businesses.

**Town centre shop front grants:** This scheme supports the creation of attractive and customer friendly town centres in Barrow and Dalton which enable shopkeepers to work effectively together to market their town centres in order that they can compete effectively with out of town shopping. The scheme is targeted at small retailers in Barrow Town Centre and Dalton Town Centre and is open to small independent businesses only with less than 50 employees. During the original phase of the scheme Council supported 76 applications, some of which are ongoing.

**Abbey Road THI :** Townscape Heritage Initiative Lottery grant programme for the repair and regeneration of eligible buildings of special architectural character

**104 Abbey Road and 102 Abbey Road:** For 104 Abbey Road the provision in the programme is for the final payment on the project. For 102 Abbey Road there will be work to the front elevation (masonry repairs, including re-pointing all stone and brick in lime and street frontage reinstatement), re-roofing pitched roofs, re-covering flat roofs and the provision of car parking.

**School Street Former Presbyterian Church:** This project is for the purchase and demolition of the property.

**Link Road:** This project was for the construction of the Link Road; retentions and minor outstanding works remain to be paid in 2013-14.

**Marina village:** This long-term project is a continuation of the acquisition and demolition of properties in preparation for the Marina village development.

**IT equipment and development:** This project provides for the updating of the Councils computers and also for the development of systems and hardware to maintain a supportable and robust IT environment.

**Refuse and recycling containers:** This is a continuing project for the replenishment of the refuse and recycling containers in use throughout the Borough.

**CCTV:** This project is for the purchase of replacement CCTV cameras in Barrow and Dalton and new monitoring and recording equipment.

**Ireleth Road Watercourse:** the Council is the owner of the land beneath Abbey Heights and is responsible for the replacement of collapsed pipes alongside A595 Ireleth Road.

**Coastal Defence Work West Shore Park:** This is the project for the installation of 20 year temporary sea defences at the West Shore Park. This project is due to commence in 2013-14.

**Rural Regeneration – Piel Island:** This is the project for the Ship Inn refurbishment. The works relate to the south west elevation where the visitor centre will be. The visitor centre will house the furniture and exhibits from the Barrow by Design project which is managed by Art Gene.

**Rural Regeneration – Roa Island Jetty:** This is the project to replace the degrading precast reinforced concrete jetty with a new shorter timber jetty.

**Rural Regeneration – Coastal Protection:** The Council carried out a condition survey of all coastal defence assets in 2010 which is being used to prioritise capital works to Council maintained defences at three locations in the borough.

**Retentions:** This is a provision for payments that become due once the retention period of a contract has ended and the works are signed off.

**Asset Investment Fund:** This is the balance of capital resources available to finance the programme. It must be noted that the proposed programme contains a level of usable capital receipts which must be realised before all resources can be committed.

## 5. Capital Financing

**Borrowing:** The Councils borrowing is controlled by the Prudential Code which promotes effective financial planning which considers the range of options for revenue funding and capital investment by:

- Establishing whether the Council considers it affordable and prudent to bear additional future revenue costs associated with additional investment;
- Establishing whether the use of existing or new revenue resources to finance capital investment should have precedent over other competing needs for revenue expenditure; and
- Establishing the scope for capital investment to generate future revenue savings or income, taking into account the risks associated with such proposals.

The costs of the borrowing included in the proposed Capital Programme are included in the Medium Term Financial Plan for 2013-16. Throughout the financial year, the variations to the Capital Programme mean that the amount of borrowing required varies as well. However, rather than amend the Prudential Indicator for borrowing with each revised Capital Programme, I will report the actual capital financing to this committee at the end of the year. Borrowing can be reprofiled by the Executive Committee but increases must be agreed by Full Council. Should additional borrowing be required I will report this to Members along with revised Prudential Indicators.

### **Government Grants:**

Disabled facilities grant: This funding is received from the DCLG to be used to help disabled people to live as comfortably and independently as possible in their own homes through the provision of adaptations. Entitlement to a disabled facilities grant is mandatory for eligible disabled people and the grant provides financial assistance for the provision of a wide range of housing adaptations ranging from stair lifts, level access showers and home extensions.

Area Based Grant: This is grant received by the Council in a previous year that is committed to finance the capital programme. It was received as a non-ring fenced revenue grant and is held as an earmarked reserve until it is used to finance the related capital expenditure.

Lottery funding: Lottery funding is project specific and the funding in the programme for 2013-2014 relates to 102 Abbey Road and Abbey Road THI.

Arts Council: This funding is for Rural Regeneration – Piel Island for 2013-14.

DEFRA: This funding is for Coastal Defence Work West Shore Park for 2013-14.

Cumbria County Council and Other Local Authorities: This funding for 2013-14:

- Coastal Defence Work West Shore Park £75,000
- Link Road £57,286



**Private Contributions:** This is funding for the Coastal Defence work at West Shore Park 2013-14, £150,000

**Earmarked Reserves:** This is 2013-14 funding for

- Market Hall £56,000 from Market reserve
- Town Hall £225,000 from Public Buildings reserve
- Craven House £600,000 from Efficiency Support Grant
- Forge Close /James Freel Close Business Units £212,099 from Bradys Account (ring-fenced reserve)
- Marina Village demolition £35,000 from Woodbridge Haven Reserve

**HRA major repairs reserve:** The major repairs reserve is specific to the HRA and will continue to be used for capital financing for the initial years of the HRA self-financing regime. The annual contribution to the reserve from the HRA represents the capital cost of keeping stock in its current condition. This is the same as using the annual cost of replacing building components as they reach the end of their useful life as a reasonable estimate of depreciation.

**Usable capital receipts:** The Council generates capital receipts by disposing of surplus land and buildings plus sales under the Right to Buy legislation. Capital receipts may only be used for financing the Capital Programme or may be set aside to repay debt.

The balance of usable capital receipts brought into 2013-14 was £1,865,207.

The Capital Programme assumes usable capital receipts of:

- 2013-14 £231,000
- 2014-15 £188,000
- 2015-16 £281,000

A total of £700,000 usable capital receipts needs to be realised during the life of the Capital Programme.

Capital receipts are closely monitored as the proposed Capital Programme is reliant on usable capital receipts for financing each year. Where capital receipts are not achieved, projects will be reviewed and prioritised against the financing available.

## 6. Expenditure to date

The expenditure for the 2013-14 programme as at 30th September, 2013, is:

<b>Project</b>	<b>Budget 2013-2014 £</b>	<b>Spend at 30/9/2013 £</b>
Capitalised planned maintenance	2,295,920	550,958
Housing IT	38,412	0
<b>Total investment in public housing</b>	<b>2,334,332</b>	<b>550,958</b>
Disabled facilities grants	600,000	211,763

Private Sector Housing Condition Survey	18,967	0
<b>Total investment in private housing</b>	<b>618,967</b>	<b>211,763</b>
Central Refurbishment Property Swops	1,417	44
North Central Renewal	5,983	5,983
Group Repair Marsh Street	14,181	14,181
Group Repair Central Area A & E	1,502,292	950,062
Rawlinson Street Corridor	200,000	6,026
<b>Investment in Housing Market Renewal</b>	<b>1,723,873</b>	<b>976,296</b>
<b>TOTAL INVESTMENT IN HOUSING</b>	<b>4,677,172</b>	<b>1,739,017</b>
Cemetery	277,310	77,692
Crematorium	56,000	0
Dock Museum	233,934	185,621
Forum	124,520	92,676
Leisure Centre	600,000	405,629
Market Hall	113,629	3,136
Public Conveniences	21,082	290
Roof Top Car Park	410,937	80,376
Town Hall	803,000	91,013
<b>Total investment in public buildings</b>	<b>2,640,412</b>	<b>936,433</b>
Craven House	600,000	96
Play Areas	6,580	0
Barrow Park	43,000	0
Forge Close/James Freel Close Units	212,099	38,345
Phoenix Court Business Centre	6,934	6,096
Town Centre Shop Front Grants	55,332	18,190
Abbey Road THI	7,886	7,886
104 Abbey Road (Cookes Building)	35,153	500
102 Abbey Road	27,182	750
School Street Former Presbyterian Church	42,855	39,977
Link Road	78,881	0
Marina Village Land Assembly	435,000	380,849
IT Equipment and Development	60,000	57,867
<b>Project</b>	<b>Budget 2013-2014 £</b>	<b>Spend at 30/9/2013 £</b>
Refuse and Recycling Containers	12,725	3,686
CCTV Equipment	50,000	0
<b>Total investment in other public assets</b>	<b>1,673,627</b>	<b>554,242</b>
Ireleth Road Watercourse	7,695	7,214
Coastal Defence Work West Shore Park	615,000	7,732
Rural Regeneration - Piel Island	10,634	10,003
Rural Regeneration - Roa Island Jetty	183,175	29
Rural Regeneration - Coastal Protection	27,842	0

<b>Total investment in community initiatives</b>	<b>844,346</b>	<b>24,979</b>
<b>Retentions</b>	<b>25,000</b>	<b>0</b>
<b>Asset Investment Fund</b>	<b>172,725</b>	<b>0</b>
<b>Total</b>	<b>10,033,282</b>	<b>3,254,671</b>

#### 7. Capital Receipts to date

As at 30<sup>th</sup> September, 2013 the asset sales have achieved around £117k:

- Coastguard Station, Walney Island
- 5 dwellings sold under Right To Buy

#### 8. Contract Variations

In accordance with the Council's Contract Standing Orders, where a contract exceeds the original awarded value by 10% or more, this must be reported to this committee.

The works contract for the new car park at the Dock Museum was awarded at a value of £241k. The final contract value has come in at £295k. This has resulted in an increase of £54k for additional works issued through variations from the Council. These items were all essential to the works carried out and the costs involved could not have been better estimated at the outset; the project involved Cumbria County Council and the utility companies.

The main items of additional works were:

- Alterations to upgrade existing electrical to various components: lighting, feeder pillar and ducting.
- Additional Section 278 works at Cumbria County Council's request: ducting works, signage and drainage.
- Altering the timber ramp at entrance.
- Additional utility works.
- Additional Dock Museum signage.

#### (i) Legal Implications

The recommendation has no significant implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The estimated financial implications are identified 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 (R) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>16th October, 2013</b>	
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	
<p><b>Title: Lowsy Point Beach Huts and Piel Island Cottages</b></p> <p><b>Summary and Conclusions:</b></p> <p>There are a small number of properties with particular characteristics where the Council awards a discretionary discount of 50%. The discretionary discount is awarded on an annual basis.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council that for 2014-15, the Council awards the 50% discretionary discount to the properties set out in the report.</p>		

### **Report**

From the 1<sup>st</sup> April, 2013, the Council has 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 reviewed the application of this to the beach huts at Lowsy Point and Piel Island cottages. The review concluded that the 50% discount be continued for these specific properties. Piel Island cottages are closed for up to six months of the year and the services and amenities are restricted. The beach huts at Lowsy Point which have similar characteristics.

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

When the second homes discount was set as 0% from 1<sup>st</sup> April, 2013, the Council reconsidered these properties and the conditions set out above; the Council meeting of 19<sup>th</sup> March, 2013. The Council agreed to award a discretionary discount of 50% to these properties as the access and amenities has not altered since the previous decision was taken. The discretionary discount of 50% is subject to an annual review.

There are 18 beach huts at Lowsy Point and one is occupied as a main residence. The cost of continuing the 50% discretionary discount on the other 17 beach huts is £9,153.48, with the Council's share being £1,411.85.

There are eight Piel Island cottages and one is occupied as a main residence. Another one is currently out of rating but has been renovated and is expected to come back into rating as two flats. It is assumed that these will not be main residences, so the 50% discretionary discount figures have been worked out to include that. The cost of continuing the 50% discretionary discount on the 8 properties is £4,210.80, with the Council's share being £567.68.

Members are asked to recommend that for 2014-15, the Council awards the 50% discretionary discount to the properties set out in this report. There has been no alteration in the access and amenities for these properties.

(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.

The recommendation has no detrimental impact the built environment or public realm.

(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>(R) Agenda Item 10</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Borough Treasurer</b>	
<p><b>Title: Parishes and Local Council Tax Support Grant</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Financial Settlement includes the Council Tax Support Grant for the borough Council and its parishes. This report seeks Members approval to continue funding the cost of the Local Council Tax Scheme impact on parishes.</p> <p><b>Recommendations:</b></p> <p>To recommend the Council to approve the principle of allocating Council Tax Support Grant to parishes so that it will fund the full cost of the impact from the Local Council Tax Support Scheme.</p>	

### Report

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

For 2013-14, the precepts were requested from the parishes and I calculated 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 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 was passed onto parishes in some districts; some districts have lots of parishes.

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

This budget item is included in the Medium Term Financial Plan.

Members are asked to approve the principle of allocating Council Tax Support Grant to parishes so that it will fund the full cost of the impact from the Local Council Tax Scheme. This protects the parishes from the impact of the 10% funding cut for the Local Council Tax Scheme and this is the approach approved when the 2013-14 budget was set.

(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 and are included in the Medium Term Financial Plan.

(iv) Health and Safety Implications

The recommendation has no significant implications.

The recommendation has no detrimental impact the built environment or public realm.

(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>Part One</b>
<b>EXECUTIVE COMMITTEE</b>		<b>(D)</b>
<b>Date of Meeting:</b>	<b>16th October, 2013</b>	<b>Agenda</b>
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	<b>Item</b>
		<b>11</b>
<p><b>Title: Pooling Business Rates</b></p> <p><b>Summary and Conclusions:</b></p> <p>As part of the Business Rates Retention Scheme, local authorities may be designated as pools and therefore treated as a single authority for the purpose of certain calculations under the new scheme. This provides 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 has been discussed and officers from Cumbria County Council have carried out modelling for 2014-15.</p> <p><b>Recommendations:</b></p> <p>To agree to delegate authority to the Borough Treasurer to enter the Cumbria Business Rate Pool and to sign the Agreement which will apply from 1<sup>st</sup> April, 2014, subject to the final verification of data and assumptions underpinning the Pool projections.</p>		

## **Report**

### **The 2013-14 Settlement**

The 2013-14 Settlement set the Council's start-up funding assessment which comprises Revenue Support Grant and retained Business Rates.

In May 2012, the Government announced that local government would be able to keep 50% of locally collected business rates, and so 50% of any growth, with the other 50% being paid to central government. These shares are called the Local Share and the Central Share. The Local Share being the funding for the Business Rates Retention Scheme.

The start-up funding assessment for the Council is £6,843,241:

- Revenue Support Grant £4,109,382
- Retained Business Rates £2,733,859

The retained Business Rates element is fixed, subject to being uprated by RPI until the next reset in 2020.

The 50% Local Share, less the major precepting authority's share of 10%, gives the Council's Business Rates Baseline of £8,778,716 (40% of the total Business Rates for the borough).

### Tariffs and Top-Ups

Whether a local authority is a tariff or top-up authority is determined by comparing each individual local authority's retained Business Rates and Business Rate Baseline:

- Retained Business Rates £2,733,859
- Business Rates Baseline £8,778,716

The Council's Business Rates Baseline is greater than the retained Business Rates, so we pay a tariff of £6,044,857 for 2013-14.

The tariffs and top-ups have been set to enable a one-off distribution of resources at the outset of the scheme. They ensure that, if business rates income is at the individual authority business rate baseline level, then that authority will receive its baseline funding in 2013-14 and later years. Tariffs and top-ups are fixed until the system is reset, but like business rates, will be updated each year by the increase in RPI in September.

### Levy Rates

A further aspect to the Business Rates Retention Scheme is Levy Rates. The Government is required to calculate for each local authority an individual levy rate to apply where a local authority gains a disproportionate level of benefits from business rates growth.

In November 2012, the Government confirmed its intention to introduce a 1:1 proportionate levy, with an upper limit of 50p in the pound. The actual calculated levy for the Council is:

$$\text{Levy rate} = 1 - \frac{\text{Retained Business Rates}}{\text{Business Rates Baseline}}$$

$$\text{Levy rate} = 1 - \frac{£2,733,859}{£8,778,716} \text{ Which gives a Levy Rate of 68p, but this is capped at 50p.}$$

### Safety Net Thresholds

The Business Rates Retention Scheme also includes a Safety Net Threshold.

The Safety Net provides local authorities with protection against significant decreases in their retained Business Rate income. Income from the Levy will be used in full to fund the Safety Net, which will be fixed at a threshold of 7.5%. This ensures that no local authority's income within the Business Rates Retention Scheme drops below 92.5%.

The Safety Net Threshold for the Council is:

Retained Business Rates: £2,773,859 x 92.5% = £2,528,820

This means that the Council would bear the loss of 7.5% of the retained Business Rate income level before Government support becomes available; this is £205,039 for 2013-14. The Safety Net Threshold will be uprated by the increase in the September RPI.

### **Summary so far**

To recap, for 2013-14 the Council's 40% Local Share of the Business Rates Baseline is £8,778,716. The tariff that the Council pays to the Government out of this is £6,044,857. This leaves £2,773,859 as retained Business Rates income. The levy for retained Business Rates above £2,773,859 is 50p in the pound. The safety net for the Council would kick in after losses of £205,039.

To summarise, the Council can retain 20% of Business Rates above £8,778,716.

### **Pooling**

As part of the Business Rates Retention Scheme, local authorities may be designated as pools and therefore treated as a single authority for the purpose of certain calculations under the new scheme. This provides scope to potentially generate additional growth and smooth the impact of volatility in rates income across a wider economic area.

Applications for pooling for 2014-15 must be with the DCLG by the 31st October, 2013 and only a significant change in the Financial Settlement or the assumptions underpinning the Pool can permit a withdrawal. Withdrawal is possible within 28 days of the Local Government Finance Report being issued (January 2014), but one authority withdrawing will end the whole Pool.

Pools are treated as a single body for the purpose of calculating Tariffs and Top-Ups. Also, the Pool is a single authority for the purpose of Levy and Safety Net payments.

Pools are designated from 1st April and have effect for each subsequent financial year. Pool membership is for the financial year and continues unless the authority wishes to withdraw. There are governance arrangements that set out the timing of reviewing membership.

### **Assumptions and Risks**

Through the Cumbria Chief Finance Officers group, the option of pooling has been discussed and officers from Cumbria County Council have carried out modelling for 2014-15. There are a number of assumptions within the models that Members need to be aware of:

- The modelling is based on estimates for 2014-15 provided by the six districts using the business rate information and projections available as at September 2013.
- The year-end NNDR return that is completed for the DCLG has been cash based up to April 2013. Following discussions between Cumbria County Council and DLCCG it is believed that the NNDR return will be completed on an accruals basis – the benefits of the Cumbrian Pool are greater on an accruals basis as it takes account of all outstanding arrears payments that are from appeals lodged up to the 31st March, 2014. Pooling is still beneficial on a cash basis.
- Due to a high level of appeals, Copeland Borough Council will not be included in the pooling application, but the possibility to opt in will be included in the submission to the DCLG – this will depend on the outcome of the cash or accruals issue.
- There will be an agreement setting out the governance arrangements, signed by all of the Section 151 Officers, to clarify the use of Pool resources.

The modelling that has been carried out for 2014-15 projects additional retained Business Rate income for the Council of £123k.

### **2013-14 NNDR Estimate**

As an illustration of the potential benefit of pooling, I have set out where we would be for this year. The difference between the 2013-14 Business Rates Baseline and the NNDR estimate for the year is £631,672 additional income.

#### **No Pool**

	<b>Government</b>	<b>County</b>	<b>Borough</b>
Initial Shares	50%	10%	40%
Equates to	£315,836	£63,167	£252,669
50p in the pound Levy	£126,334		(£126,334)
<b>Actual distribution</b>	<b>£442,210</b>	<b>£63,167</b>	<b>£126,335</b>
Equivalent to	70%	10%	20%

#### **Cumbria Pool**

	<b>Government</b>	<b>County</b>	<b>Borough</b>	<b>Other districts</b>	<b>Volatility reserve</b>
Initial Shares	50%	10%	40%	0%	0%
Equates to	£315,836	£63,167	£252,669		
50p in the pound Levy			(£126,334)		
• 20% volatility reserve					£25,266
• 40% shared on gross Levy			£50,534		

• 40% shared on retained Business Rates		£42,575	£1,500	£6,459	
<b>Actual distribution</b>	<b>£315,836</b>	<b>£105,742</b>	<b>£178,369</b>	<b>£6,459</b>	<b>£25,266</b>
Equivalent to	50%	17%	28%	1%	4%

### **Recommendation**

Members are recommended to delegate authority to the Borough Treasurer to enter the Cumbria Business Rate Pool and to sign the Agreement which will apply from 1st April, 2014, subject to the final verification of data and assumptions underpinning the Pool projections.

I do not intend to add any of this potential additional income into the budget setting process as the outturn will not be known until April 2015 at the earliest.

(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.

The recommendation has no detrimental impact the built environment or public realm.

(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 (R) Agenda Item 12</b>
<b>Date of Meeting:</b>	<b>16th October, 2013</b>	
<b>Reporting Officer:</b>	<b>Borough Treasurer</b>	
<p><b>Title: War Pensions Disregard 2014-15</b></p> <p><b>Summary and Conclusions:</b></p> <p>Local authorities can disregard up to 100% of war pension payments when calculating entitlement to housing benefit and the council tax support; the first £10 is statutorily disregarded for housing benefit. This includes 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.</p> <p><b>Recommendations:</b></p> <p>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.</p>		

### **Report**

Local authorities can disregard up to 100% of war pension payments when calculating entitlement to housing benefit and the council tax support; the first £10 is statutorily disregarded for housing benefit. This includes 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 are around 35 claims a year that the disregard applies to.

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

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

The Council is required to make an annual decision on the local discretionary scheme and Members are asked to agree to the disregards for 2014-15, awarding

the full 100% for council tax support and up to 100% for housing benefit. Provision for the cost is included within the Council's Medium Term Financial Plan.

(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.

The recommendation has no detrimental impact the built environment or public realm.

(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>(D) Agenda Item 13</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>Title: Housing Market Renewal Programme – North Central Renewal Area – 287-329 Rawlinson Street</b></p> <p><b>Summary and Conclusions:</b></p> <p>It is proposed to extend the current contracts for Group Repair management and building work in the North Central Renewal Area to include the properties in the block 287-329 Rawlinson Street.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To note the progress of the project;</li> <li>2. 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</li> <li>3. 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.</li> </ol>	

## **Report**

Members have previously authorised:

- (i) 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);
- (ii) the appointment of Arcus Consulting surveyors to assist with the design and management of the project and;
- (iii) the appointment of Thomas Armstrong Ltd to carry out the specified building works.

Minute 143 18/04/12 refers to (i) and (ii) above and Minute 83 12/12/12 refers to (iii) above.

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

Work commenced on site in February 2013, and the programme of works is expected to be complete by the end of November 2013. This is a large



undertaking that involves works being carried out to around 240 privately owned properties.

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

This report estimates 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 is considered that appropriate provision can be made in the Capital Programme to accommodate this in the current financial year, and a separate report on this agenda recommends that the appropriate adjustments to the Capital Programme are made.

Members should note that the completion of the amended contract will 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 are due to benefit from the Council's improvement activity in the Renewal Area.

The remaining properties on Rawlinson Street are a mixture of residential and retail properties, and proposals for a suitable programme of enhancement requires further development. Works in this section of Rawlinson Street will be of a different nature to those that have been carried out in previous Group Repair schemes. Accordingly, proposals for the remaining properties on Rawlinson Street and Greengate Street will be brought to future meetings of this Committee.

I would remind Members that the Renewal Area was declared by Full Council in October 2008 (Minute 44 07/01/08 refers). A link to the Renewal Area Declaration Report is shown below.

<http://www.barrowbc.gov.uk/pdf/NCNRADeclarationReportSep2008.pdf>

The Declaration Report included an indicative 10-year programme of improvement works running up to 2017/18. Since that time, Housing Market Renewal Funding and the Private Sector Renewal Grant have been discontinued by the Government, and the scope of works that we have been able to carry out has necessarily been reduced. However, we are on target to complete works in the Renewal Area well ahead of schedule.

(i) Legal Implications

The existing contracts with Arcus Consulting and Thomas Armstrong will be amended to include the addition work proposed.

(ii) Risk Assessment

No significant corporate risk has been identified.

(iii) Financial Implications

These works are fully financed within your Capital Programme.

(iv) Health and Safety Implications

This project is subject to the Construction Design and Management (CDM) Regulations 2007. Arcus Consulting have been appointed as CDM Co-ordinators to ensure that all matters related to Health and Safety are effectively managed.

(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 Wellbeing of users of this service by improving housing conditions.

Background Papers

Arcus Consulting feasibility report held by Housing Renewal Manager

<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 14</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>Title: Energy Company Obligation</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Government's policies on energy efficiency require energy companies to deliver a range of assistance to households to improve energy efficiency, reduce energy consumption and reduce carbon emissions. This report describes a mechanism for delivering these improvements in the Borough.</p> <p><b>Recommendation:</b></p> <p>To note the report.</p>	

## 1. Background

- 1.1. The Government has 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.
- 1.2. The principal means for delivering energy efficiency improvements is through the "Green Deal". This allows energy efficiency measures to be installed at no up-front cost. The costs will be paid for through the electricity bill. The Green Deal can be used where the cost of the measures is less than the savings projected to arise over the lifespan of those measures – the "Golden Rule".
- 1.3. The Golden Rule will not apply in all cases, for example if properties are particularly expensive to treat, or if fuel consumption (and therefore the scope for savings) is low because of fuel poverty. In these cases, a range of obligations are placed on energy companies to fund improvements. There are three schemes within the Energy Company Obligation (ECO);
- 1.4. **Carbon Emissions Reduction Obligation (CERO)** This is designed to complement the domestic Green Deal in a number of areas. For some of the most effective carbon saving measures, Green Deal finance alone will not be able to cover the upfront cost of the measures. CERO targets older, hard to treat properties in all tenures.

- 1.5. **Carbon Savings Community Obligation (CSCO)** will focus on low income households and areas and will contribute to removing families from fuel poverty through ensuring that their properties receive energy efficiency measures. The areas of low income that will be eligible for ECO support have been selected using the Indices of Multiple Deprivation (IMD). The lowest 15% of areas ranked in the IMD will qualify for inclusion within the CSCO element of ECO. There are 14 Lower Super Output Areas in Barrow that fulfil this criterion. In addition, up to 20% of activity under CSCO may be undertaken in areas adjoining those in the lowest 15% IMD. Furthermore, 15% of all CSCO funding must be spent on low-income households in rural areas (defined as a household within a **settlement** under 10,000 homes). CSCO is available in all tenures.
- 1.6. **Home Heating Cost Reduction Obligation (HHCRO)** replaces Warm Front and provides energy efficiency and heating improvements to those in private housing tenures who are in receipt of a range of qualifying benefits.
- 1.7. It is anticipated that around £1.3bn per year will be available through ECO schemes. These schemes will be delivered by installation companies who will work to provide schemes funded by the energy companies.

## **2. ECO in Cumbria**

- 2.1. Through its participation in the Cumbria Warm Homes partnership, the Council has signed a joint Home Energy Conservation Act (HECA) action plan. The main delivery action is based around an effective ECO programme across all districts of the county.
- 2.2. Carlisle City Council has carried out a procurement exercise on behalf of all the Cumbrian District Councils to identify preferred delivery partners. The partner that has been selected to work in Barrow is Gentoo Group Ltd.
- 2.3. Officers are 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. We will also enter into a service level agreement with Gentoo.
- 2.4. Gentoo will 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.
- 2.5. It is anticipated that ECO scheme delivery should be able to commence in November 2013.

(i) Legal Implications

There are no legal implications.

(ii) Risk Assessment

No significant corporate risk has been identified.

(iii) Financial Implications

No costs other than officer time are required.

(iv) Health and Safety Implications

There are no Health and Safety implications for the Council.

(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 Wellbeing of users of this service by improving housing conditions.

Background Papers

Papers held by Housing Renewal Manager

<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 15</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Deputy Executive Director</b>	
<b>Title: Whitsun Bank Holiday Opening</b>	
<b>Summary and Conclusions:</b>	
This report recommends that the practice of closing Council offices for two days after the Whitsun Bank Holiday Monday be discontinued with effect from May 2014.	
<b>Recommendations:</b>	
To recommend the Council:-	
<ol style="list-style-type: none"><li>1. To agree that the Council opens for business on the Tuesday after the Whitsun Bank Holiday Monday; and</li><li>2. 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 wish.</li></ol>	

**Report**

The Council has closed for most of its business on the Tuesday and Wednesday after Whit Monday for many years. To facilitate this employees are required to take their two extra statutory day's holiday on these two days.

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

We therefore propose to end this practice, and recommend that with effect from May 2014, services to the public resume on the Tuesday after Whit Monday.

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

Unison have been consulted and are in agreement with the proposals.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no 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>(D) Agenda Item 16</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Commercial Estate Manager</b>	
<p><b>Title: Mawflat Lane Car Park Walney</b></p> <p><b>Summary and Conclusions:</b></p> <p>The report details the lease, held by the Council, of Mawflats Lane Car Park, Walney Island.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To note the report; and</li> <li>2. To agree that the Commercial Estate Manager surrenders the lease on the terms reported.</li> </ol>	

### **Report**

The Council lease Mawflats Lane Car Park from Walney Island South End Caravan Site limited.

The lease is for a term of 99 years from 23rd December 1997 at a Peppercorn rent.

The lease is attached at **Appendix 1**.

Mawflats Lane Car Park is unmaintained but does allow public access to the foreshore and, under the terms of the lease, provides 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 continue to be put to the current use.

The Council is responsible for monitoring the vehicular access and the car park and the access in particular is in a very poor state of repair. This exposes the Council to potential claims.

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

Neighbouring landowners have also expressed concerns about the site and the nuisances it gives rise to.



Approval is sought, therefore, for the Commercial Estate Manager to open talks with Walney Island South End Caravan Site limited with a view to surrendering the lease and returning the land back to the freeholder.

(i) Legal Implications

The surrender of a leasehold interest.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

No financial implications.

(iv) Health and Safety Implications

The recommendation has minor 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

(48!) CO27  
5/5/94  
5/11

C40

Dated 23rd December 1997

WALNEY ISLAND SOUTH END CARAVAN SITE LIMITED

to

THE COUNCIL OF THE BOROUGH OF BARROW-IN-FURNESS

**LEASE**

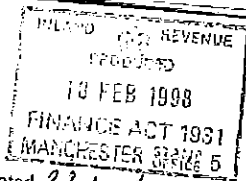
of

a car park and access to the shore at Mawflat Lane,  
South Walney, Barrow-in-Furness, Cumbria

-----

Poole Townsend  
Barrow-in-Furness

[Stamp and signature area]  
13/12/97  
C0134307



E2 L  
0 12/2/98

LEASE dated *23rd - December* 1997

between

- (1) 'THE Landlord' WALNEY SOUTH END CARAVAN SITE LIMITED whose registered office is at South End Farm, Walney Island, Barrow-in-Furness, Cumbria
- (2) 'THE Tenant': THE COUNCIL OF THE BOROUGH OF BARROW-IN-FURNESS of Town Hall, Barrow-in-Furness

1 IN this lease:

1.1 WHENEVER there is more than one tenant, all their obligations can be enforced against all of the tenants jointly and against each individually

1.2 NO-ONE has any liability as landlord under this lease for anything done or not done after parting with all interest in the property

1.3 AUTHORITY given to a person to enter the property after giving notice, extends, in the circumstances justify it, to entry after giving less notice than specified or without giving any notice

1.4 PLAN means the plan attached to this Lease

2 IN exchange for the obligations undertaken by the Tenant:

2.1 THE Landlord lets (i) the car parking area and (ii) the right of way leading to the car park over the land situate to the west of Mawflat Lane, South Walney, Barrow-in-Furness shown coloured pink on the plan to the Tenant for 99 years starting on the date of this Lease on the Tenant agreeing to pay a peppercorn in each year (if demanded)

3 THE Tenant agrees with the Landlord:

3.1 TO pay the rent if demanded

3.2 TO comply with the regulations in the Second Schedule for the use of the property

3.3 TO give the Landlord promptly a copy of any notice received concerning the property

3.4 (a) IN this clause, 'to deal with' means to assign, sublet, mortgage or charge

(b) Not (except as mentioned below) to deal with all or any of the rights granted by this lease



(c) The Tenant may assign this lease to the owner or owners of the whole of the neighbouring property if the Landlord previously approves (and the Landlord is not entitled to withhold approval unreasonably)

3.5 WITHIN one month of every change of ownership of this lease, and of every subletting, to give notice of it to the Landlord

3.6 TO pay the Landlord's costs incurred as a result of the Tenant applying for the Landlord's consent or approval whether or not it is granted

3.7 TO pay the legal fees which the Landlord incurs in preparing and granting this lease, including expenses, and stamp duty charged on the counterpart of this lease

3.8 To yield up the said car parking area and access way to the Landlord in good and tenable condition (natural damage excepted) at the end of the term (however that may come about)

4 THE Landlord agrees with the Tenant:

4.1 SO long as the Tenant does not contravene any term of this lease, to allow the Tenant to use the property in accordance with its terms without interference from the Landlord, anyone who derives title from, or any trustee for, the Landlord

5 THE parties agree:

5.1 THE Landlord is entitled to forfeit this lease by entering any part of the property whenever the Tenant no longer uses the demised premises for a car park and/or access way

The forfeiture of this lease does not cancel any outstanding obligation which the Tenant owes the Landlord

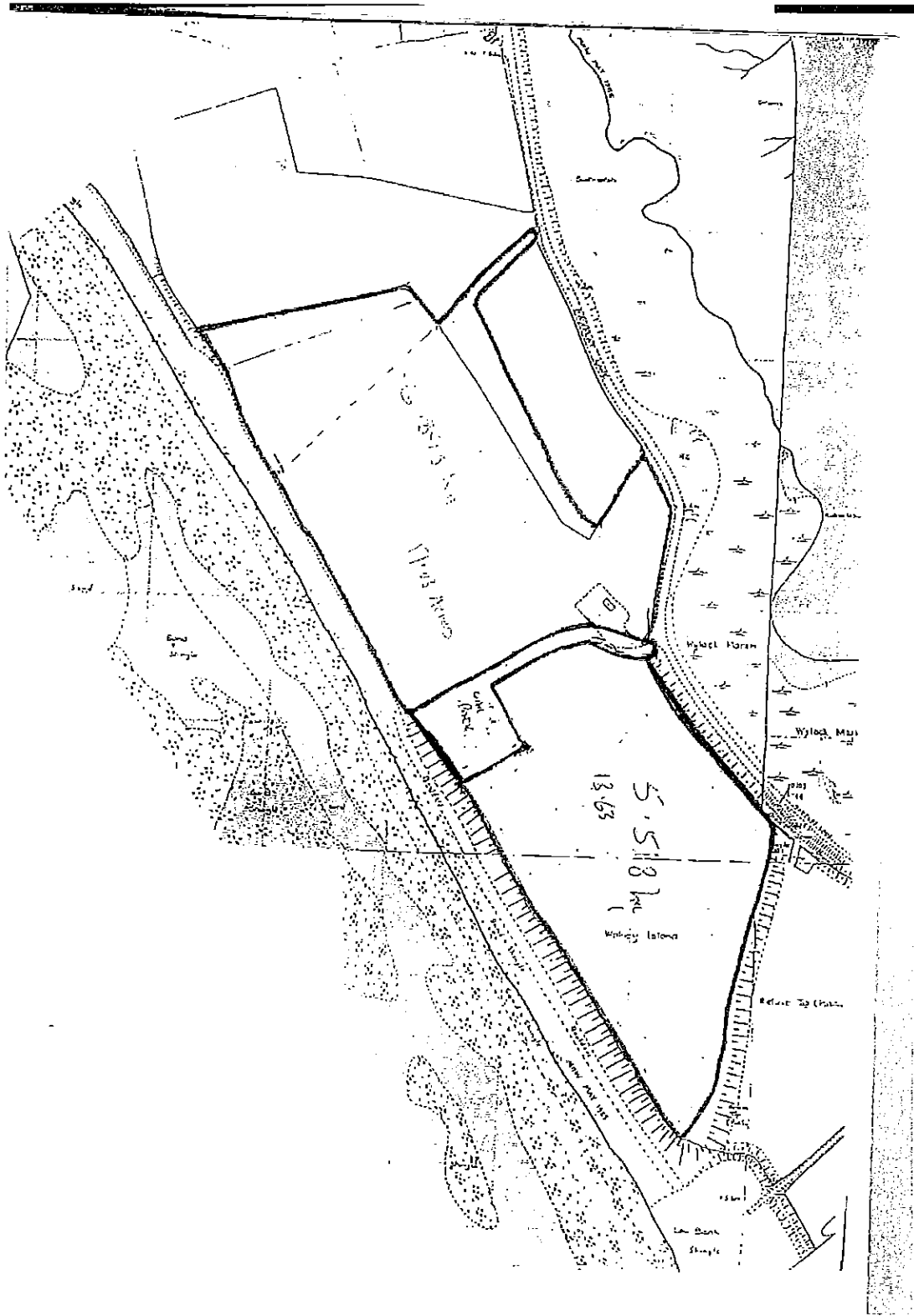
5.2 ANY disputed matter referred to arbitration under this lease is to be decided by arbitration under Part I of the Arbitration Act 1996 by a single arbitrator appointed by the parties to the dispute. If they do not agree on that appointment, the then President of the Royal Institution of Chartered Surveyors may appoint the arbitrator at the request of any party

5.3 THE rules as to the service of notices in section 196 of the Law of Property Act 1925 apply to any notice given under this lease

6 THE parties certify that there is no agreement to which this lease gives effect

#### First SCHEDULE

Car Parking and access way



1. The right for the Tenant and those authorised by the Tenant to enter upon and use the car parking area for the parking of motor cars or motor cycles belonging to persons visiting the foreshore and for that latter purpose :

a right of way at all times for pedestrians over the access to and from the foreshore so long only as the car park and access way continue to be put to the current use

## Second SCHEDULE

### Regulations

The Tenant will use its best endeavours to ensure that persons using the car park and access way will:

- 1 Not to use any vehicle other than a family style of motor car or a motorcycle upon the car park;
- 2 Not park caravans or trailers thereon
- 3 Not drop litter or dump or abandon anything

The Tenant will further:

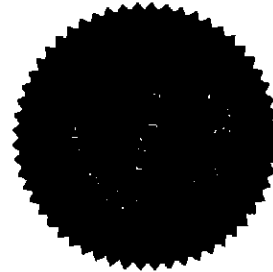
- 4 Provide litter bins on the car parking area
- 5 Ensure that litter is regularly removed from the car parking area and access way
- 6 Keep the two areas clean, safe and tidy
- 7 Indemnify the Landlord from and against all claims of whatsoever nature arising out of the use by the public of the car parking area and access way

EXECUTED as a deed and delivered by )  
the Landlord by affixing its common seal in )  
the presence of: )

*M Mulgrew* Director

*M Mulgrew* Secretary

EXECUTED as a deed and delivered by )  
the Tenant by affixing its common seal in )  
the presence of: )



Director/Solicitor

<b>EXECUTIVE COMMITTEE</b>	<b>(D) Agenda Item 17</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Commercial Estate Manager</b>	
<p><b>Title: Land at Goose Green, Dalton</b></p> <p><b>Summary and Conclusions:</b></p> <p>The report details a request by the Goose Green Community Network Group to occupy land at Goose Green, Dalton.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. To note the report; and</li> <li>2. 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.</li> </ol>	

### **Report**

The Council own a small plot of land at Goose Green Dalton, as shown edged on the attached plan at **Appendix 2**.

The land is currently designated as public open space and is used as an informal picnic area. The area is maintained by Dalton with Newton Town Council.

The land is encumbered by a number of utility easements.

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

Provisional terms for occupation are detailed below:-

Tenant            Goose Green Community Network Group

Tenancy          Annual licence

Rent              A Peppercorn

(i) Legal Implications

The granting of a licence agreement.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

The recommendation has minor 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

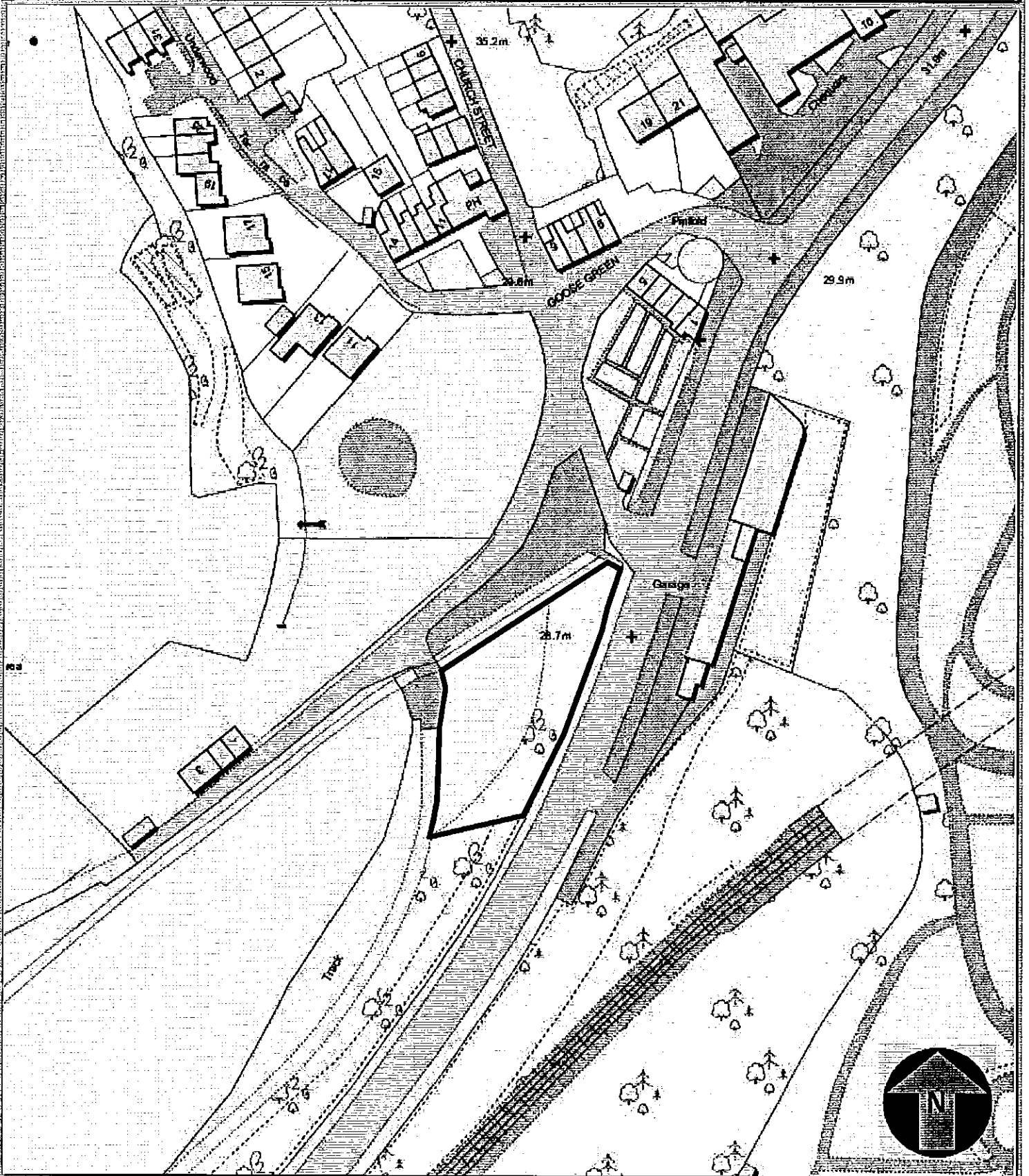
The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil



COMMUNITY GARDEN

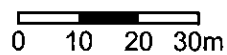


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<b>EXECUTIVE COMMITTEE</b>	<b>(R) Agenda Item 18</b>
<b>Date of Meeting: 16th October, 2013</b>	
<b>Reporting Officer: Executive Director</b>	
<p><b>Title: Licensing Committee Re-Structuring</b></p> <p><b>Summary and Conclusions:</b></p> <p>Following a recent review of the Council's licensing function it is proposed that a new Licensing Regulatory Committee be created to sit alongside the existing Licensing Committee.</p> <p><b>Recommendations:</b></p> <p>To recommend that Members:-</p> <ol style="list-style-type: none"> <li>1. To approve the creation of a new Licensing Regulatory Committee and its terms of reference; and</li> <li>2. To agree to the amendment of the terms of reference of the existing Licensing Committee.</li> </ol>	

### Report

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

The following table summarises the proposals for each Committee:-

<b>Committee</b>	<b>Functions</b>	<b>Delegations</b>
Licensing Committee	All functions under Licensing Act 2003 and Gambling Act 2005 (except those prohibited by legislation to be delegated to Licensing Committee)	Licensing Sub-Committee and/or Officers as detailed below

Licensing Regulatory Committee	Private Hire, Hackney Carriage, Street Trading, Scrap Metal and all other licensing functions	Officers as detailed below
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The following provides more detail as well as the proposed terms of reference for the abovementioned Committees.

- 1) It is 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.

- 2) It is 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”

- 3) The existing Licensing Sub-Committee which is established under the Licensing Committee shall remain unchanged and with the same terms of reference.

This shall consist of three Members of the Licensing Committee.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no 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