**EXECUTIVE COMMITTEE**

Meeting: Wednesday 1st February, 2017

at 2.00 p.m.

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

Also Present:- Sue Roberts (Director of Resources), Colin Garnett (Assistant Director – Housing) (Minute Nos. 82-86 only), Sharron Rushton (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Apprentice).

**82 – 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. 95) of Part One of Schedule 12A of the said Act.

**83 – Apologies for Absence**

Apologies for absence were received from Councillors Brook, R. McClure and Maddox.

**84 – Minutes**

The Minutes of the meeting held on 30th November, 2016 and the special meeting held on 4th January, 2017 were agreed as a correct record.

**85 – Declarations of Interest**

Councillor Barlow declared a Disclosable Pecuniary Interest in Agenda Item 8 – Budget Proposals 2017-2018 (Minute No. 92) as he was the Treasurer of the Barrow and District Disability Association. He left the meeting during consideration of this item.

**86 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 12th January, 2017 were submitted for consideration.

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

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

**Housing Maintenance and Gas Servicing**

1. To note the contents of the report; and

2. To note that a further report would be presented in late summer to consider whether an extension should be offered in accordance with the Contract arrangements.

**87 – The Council’s Performance Framework**

The Committee was informed that the Council’s framework for delivering performance had been approved by Management Board and would be set out in the Council’s plan.

The Council’s Vision was to enhance the economic and social future of the Borough to meet the needs and aspirations of the community.

To deliver that vision, the Council had agreed a set of priorities to deliver tangible benefits to the community and addressed the headline issues for the Council and its staff. Elected Member had received training and guidance provided by the Local Government Association to enhance their priority setting skills.

Each priority had a number of objectives with actions and outcomes and a member of Management Board was responsible for delivering the objectives. These were set out in the Council’s Priorities document.

Performance against the Council’s priorities was presented to Management Board and the Executive Committee on a six monthly basis.

In addition key service performance indicators had been identified which had been agreed by Management Board and were presented to this Committee.

The Council’s performance indicators were presented to Management Board and this Committee on a quarterly basis. Some of these indicators had been measured against statutory targets or agreed targets with external providers but most indicators had been used to compare current performance with the same period in the previous year.

Strategic and Operational Performance Management Responsibilities were considered by the Committee.

RESOLVED:- To approve the Council’s Performance Framework.

**88 – Funding for Supported Housing - Government Consultation**

The Committee was informed that the Government was introducing a cap on social housing rents. That would set the relevant Local Housing Allowance as the ceiling on the level of rent that could be covered by Housing Benefit. That had particular impact in supported housing, and the Government was consulting on the introduction of a specific funding model to mitigate these impacts. The key points of the proposal were outlined and a proposed response was considered by the Committee.

RESOLVED:- To authorise the proposed response be forwarded to DCLG as the Council’s formal response to the Government consultation.

**89** **–** **Cavendish Park Refurbishment tendering and appointment of professional services**

Members were reminded that the lease of Cavendish Park playing fields and changing rooms to the Barrow Island Community Sports Trust (BICST) had previously been agreed. The lease had been granted with a view to BICST utilising Big Lottery funding to refurbish and extend the changing rooms to create a community hub. The lease had been originally agreed for a term 25 years and subsequently extended to 30 years.

It was further agreed that the Council would act as the named applicant (Locally Trusted Organisation) for Lottery and other funding and would also take the lead on procurement and management of the building works.

The proposed design was now nearly complete, and the works package would shortly be ready to go out to tender. It was proposed that it was tendered in the normal way, using the Council’s procurement portal, and that the Executive Director was authorised to accept the lowest quote that meets the required standards. The estimated works costs were in the region of £500,000. The contract would only be entered into once written confirmation of the grant funding had been received.

To enable the design work to be done, BICST had appointed consultants.

The total fee requirement was approximately £57,000. For the work already carried out, BICST would be invoiced for £37,420. There was approximately a further £20,000 worth of professional services work to be carried out.

It was noted that these consultants had been working for and paid direct by BICST up to date. As the Council takes over the procurement and management of the works, these services would need to be contracted to the Council. The appointment of these consultants had not been carried out according to the Council’s Standing Orders. The costs were, in the opinion of Officers, not excessive, and it was clearly the most practical course of action to proceed with the existing consultants, rather than undertake a competitive exercise that may result in the appointment of new consultants.

RESOLVED:-

1. To agree to advertise the works package on the Council’s procurement portal “The Chest” in accordance with Contract Standing Orders;

2. To authorise the Executive Director to accept the lowest tender for the works; and

3. To retain the professional consultants already engaged by the Barrow Island Community Sports Trust.

**90 – Barrow-in-Furness Town Centre Parking and Movement Study**

The Director of Resources informed the Committee that the future vibrancy and commercial viability of Barrow town centre was a key policy objective for the Council, implemented through the Borough Local Plan and a range of other Council services. Council was currently reviewing its long term strategic plan and she anticipated a vibrant town centre would become a key objective.

It was reported that Town centres nationwide were experiencing significant commercial pressures from edge of centre and out of town retail floor space, and the very rapid growth of internet shopping. Barrow was no exception, but did have unique factors, primarily a restricted retail catchment and lower levels of disposable income which impacted more strongly than in other areas.

In December 2015 Mott MacDonald had been commissioned by Cumbria County Council and Barrow Borough Council to identify how traffic moves around the town centre and to develop a prioritised and integrated package of transport and parking improvements that would bring benefits to all town centre users including businesses, residents and visitors.

In April 2016 businesses within Barrow town centre had voted to support a Business Improvement District (BID) and the area of the BID and that covered by the town centre movement study were broadly similar. In addition members of the BID team (now BID Board) had been engaged in drafting the consultants brief, progress meetings and prioritising the first phase of projects.

The Mott MacDonald study had identified a long list of 60 projects which would improve traffic and pedestrian flows around the town centre and these were reduced to a shortlist of 46 projects. These projects would need to be phased and the Borough and County Councils together with the BID had prioritised projects shown on the list considered by the Committee.

Funding these initiatives would clearly be challenging, and the full study had suggested sources of potential financial assistance. Cumbria County Council, Barrow Borough Council and the BID would have to examine their own budgets to see how they could contribute to their implementation.

In that regard the Council had operated a Shop Front Grant Scheme since 2010 and applications to the scheme had slowed considerably. Assuming that all current applications were supported, around £40,000 remained uncommitted and Members may wish to earmark the balance of the fund to works included on the priority list.

RESOLVED:- (i) To agree to support the priorities outlined in the report; and

(ii) To agree to earmark the balance of the Shop Front Grant Scheme to fund works included on the priority list outlined in the report.

**REFERRED ITEMS**

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

**91 – Housing Management Forum: Recommendations**

Consideration was given to the recommendations of the Housing Management Forum held on 12th January, 2017.

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

**Housing Revenue Account 2017/2018**

RECOMMENDED:- To recommend the Council:-

1. To note work and deliberations of the Housing Services Review Working Group and comments at Appendix C of the report;

2. To note the information at point (1) of report;

3. To note the information on balances and Voluntary Repayment Provision at point (2) of the report;

4. To note the information in point (3) and agree 2017/18 budgets as shown in Appendix A of the report;

5. To agree the deletion of Post OHS 270;

6. To agree the Dwelling Rent decrease of 1% at (4) and note the information in Appendix B of the report;

7. To agree the Garage increase of 2% at point (5) of the report;

8. To agree the no rent change to Adelphi Court at point (6) of the report; and

9. To note the information at point (7) of the report.

**92 – Budget Proposals 2017-2018**

The Committee considered a detailed report from the Director of Resources regarding the General Fund Budget proposals for 2017-2018. The General Fund proposed revenue budget had been based on the assumptions reported to the Committee on 30th November, 2016, updated where appropriate. The report also included the proposed Capital Programme for 2016-2017 to 2019-2020 and the estimated position on reserves.

RECOMMENDED:- To recommend the Council:-

1. To set the 2017-2018 General Fund revenue budget as £9,729,940 including £100,340 for parish precepts, an increase in the Borough Band D Council Tax of £5 applied proportionately across all Bands (2.3%) and the use of £198,970 from Reserves;

2. To approve transfers between Reserves for the MMI Scheme of Arrangement and Welfare Support;

3. To approve the payment of full grant to Barrow Citizen’s Advice Bureau and Barrow and District Disability Association up to and including 2020-2021;

4. To agree the deletion of vacant post DES115 part time Playgrounds Team Supervisor;

5. To agree the creation of a full time Building Control Technician on Scale 5; and

6. To approve the Capital Programme for 2016-2017 to 2019-2020.

**93 – Unacceptable Behaviour Policy**

The Committee considered the Council’s Unacceptable Behaviour Policy. The Policy had been draw together by the Health & Safety Adviser following consultation with various front line officers and colleagues.

The document sets out the Council’s Policy Statement and then goes into further detail regarding defining and managing unacceptable behaviour.

The Council was committed to putting customers at the heart of service delivery, to meet customer’s needs and to the standards expected.

Dealing effectively with service requests, providing advice and information and dealing with complaints was an essential part of what the Council does.

Most of the contact the Council had with customers was positive. However in a minority of cases the contact was not positive and customers pursued their requests for a service or complain in a way that was unreasonable. That could have a negative impact on the way their request or complaint was handled. It could also have a negative impact on the Council’s ability to provide services to other customers.

The Council respected its customers but would not tolerate unacceptable behaviour.

RECOMMENDED:- To recommend the Council:-

1. To include a reference to spitting in the Unacceptable Behaviour Policy; and

2. To approve the amended Unacceptable Behaviour Policy.

**94 – Introduction of Fixed Penalty Notices for Fly Tipping**

The Committee was informed that the unauthorised depositing of waste commonly known as fly tipping was an offence under Section 33 of The Environmental Protection Act 1990. The legislation had recently been amended by The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 to allow fixed penalty notices (FPNs) to be served as an alternative to prosecution.

Prior to 9 May 2016 there was no fixed penalty option in dealing with fly-tipping offences and in cases where offenders were identified the only available option was prosecution proceedings in Court.

For the most serious of cases or where repeat offences had been committed there was still the option to prosecute an individual or business who would be liable for a fine not exceeding £5,000 if they were convicted by a Magistrates’ Court or an unlimited fine in the Crown Court. The option of serving a fixed penalty notice would be, in many cases, a more appropriate course of action. When deciding the most appropriate course of action officers refer to the Acting Principal Legal Officer and the decision was taken in consultation with the Director of Resources.

From 9th May the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 amended Section 33 of the Environmental Protection Act 1990. That provision allowed Authorised Officers to serve fixed penalty notices between £150 to £400 for small scale fly-tipping offences as an alternative to prosecution which would ultimately save the authority money and negate the need for a formal prosecution. The fixed penalty notices may be served on identified suspects such as householders and business owners as a criminal penalty in lieu of prosecution for a criminal offence.

The Council may decide the amount of fixed penalty payable between a range of not less than £150 and not more than £400 otherwise it was automatically set at £200. A reduced fee for early payment may also be considered but the Council may choose not to do so if it wished.

In the period 1st April, 2016 to 22nd December, 2016 there were 21 cases of small scale fly-tipping for which fixed penalty notices would have been suitable. It should be noted that a similar number of cases were being processed in relation to offences of the Christmas period.

Legal costs for prosecutions could vary dependent upon the complexity of the case, but were generally between £500 and £1,500. Costs awarded to the Council on conviction rarely cover the full costs incurred.

RECOMMENDED:- To recommend the Council:-

1. To adopt the new provision in legislation to issue fixed penalty notices for environmental offences relating to fly-tipping; and

2. To set the amount of fixed penalty notice for offences under Section 33(1) (a) of the Environmental Protection Act 1990 at £400 with no reduction for early repayment.

**95 – Establishment Matters**

The Committee considered establishment matters which had been included in the General Fund budget proposals for 2017-2018.

RECOMMENDED:- To recommend the Council:-

1. To agree the slotting in of Postholder DEH230 to the new Building Control Technician position from 1st April, 2017; and

2. To approve the out of hours homeless service payments plus lieu time when on call on bank holidays.

The meeting closed at 3.40 p.m.