BOROUGH OF BARROW IN

BARROW BOROUGH COUNCIL

TOWN HALL DUKE STREET BARROW-IN-FURNESS

22nd February, 2017

To: The Members of Barrow Borough Council

Madam Mayor, Ladies and Gentlemen

You are hereby summoned to attend a Meeting of BARROW BOROUGH COUNCIL to be held in the COUNCIL CHAMBER at the TOWN HALL, BARROW on THURSDAY the 2ND day of MARCH, 2017 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Executive Director

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

Business

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.

2. MINUTES. To confirm the Minutes of the Council's proceedings held on 17th January, 2017.

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

- 3. TO RECEIVE APOLOGIES FOR ABSENCE.
- 4. ANNOUNCEMENTS To receive any announcements from the Chairman, Leader or Head of Paid Service.
- 5. TO RECEIVE A REPORT FROM THE EXECUTIVE COMMITTEE AND CONSIDER RECOMMENDATIONS CONTAINED THEREIN.
- 6. SETTING THE COUNCIL TAX FOR THE YEAR COMMENCING 1ST APRIL, 2017.
- 7. TO PASS THE FOLLOWING RESOLUTION, THAT IS TO SAY:

That the Council authorises the fixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

BOROUGH OF BARROW-IN-FURNESS

A MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 5.30 p.m. on Tuesday the 17th day of January, 2017 to take into consideration and determine upon the following subjects, namely:-

- DECLARATIONS OF INTEREST.
- 2. MINUTES.
- TO RECEIVE APOLOGIES FOR ABSENCE.
- 4. ANNOUNCEMENTS.
- 5. (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS.
 - (1) PLANNING
 - (2) LICENSING REGULATORY
 - (3) LICENSING
 - (4) EXECUTIVE
 - (5) AUDIT
 - (B) QUESTIONS TO THE LEADER OF THE COUNCIL.
- 6. APPOINTMENT OF MEMBERS TO COMMITTEES.
- 7. NOTICE OF MOTION UNDER RULE 11.
- 8. TO ORDER THE COMMON SEAL TO BE AFFIXED TO DOCUMENTS.

PRESENT:- Councillor Husband (Mayor in the Chair) and Councillors Barlow, Biggins, Blezard, Brook, Burns, Callister, Cassells, Cassidy, Gawne, Hamilton, Harkin, Johnston, R. McClure, W. McClure, McEwan, Murphy, Pemberton, Pidduck, Preston, D. Roberts, L. Roberts, Seward, Sweeney, C. Thomson, M. A. Thomson, Thurlow, Wall and Williams.

Officers Present:- Phil Huck (Executive Director), Susan Roberts (Director of Resources), Jon Huck (Democratic Services Manager and Monitoring Officer), Sharron Rushton (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Apprentice).

The meeting was opened with prayers by the Council's Chaplain.

58 - Minutes Silence

The Mayor requested Members to stand and observe a one minute's silence as a mark of respect for the Former Borough and County Councillor and Former Mayor, Jack Richardson who had recently passed away and Lance Corporal Scott Hetherington, Second Battalion Duke of Lancaster's Regiment who was recently killed in Iraq.

59 - Minutes

The Minutes of the meeting held on 11th October, 2016 were taken as read and confirmed.

60 - Apologies for Absence

Apologies for absence were submitted from Councillors Derbyshire, Gill, Heath, McLeavy, Maddox, Murray and Proffitt.

61 - Announcements

The Chairman (Mayor) made the following announcement:-

"The Sea Cadets had been awarded the Canada Trophy for being the best in the Country. This was the first time Barrow had won the award and a letter of congratulations would be sent on behalf of the Council".

The Leader of the Council made the following announcement:-

"The Council wished to place on record their thanks to all of the Emergency Services, Officers of the Council, the Forum, Nan Tait Centre, local Churches, the Highways Authority, local Hoteliers and all involved for their fantastic help and support during the recent devastating fire at the House of Lords Public House on Abbey Road. Thankfully there were no injuries or fatalities due to the excellent response and actions".

REPORTS OF COMMITTEES

62 - Planning

It was moved by Councillor M. A. Thomson, and

RESOLVED:- That the report of the special meeting of the Planning Committee held on 11th October, the meetings held on 8th November and 29th November and the special meeting held on 20th December, 2016 be received.

63 - Licensing Regulatory

It was moved by Councillor Callister, and

RESOLVED:- That the report of the meetings of the Licensing Regulatory Committee held on 13th October, the special meeting held on 10th November

and the meetings held on 17th November and 15th December, 2016 be received.

64 - Licensing

It was moved by Councillor Callister, and

RESOLVED:- That it be noted that the Licensing Committees on 13th October, 17th November and 15th December, 2016 had been cancelled.

65 - Executive

It was moved by Councillor Pidduck and seconded by Councillor Sweeney that the report of the meetings of the Executive Committee held on 19th October, 30th November, 2016 be received and that each of the recommendations contained therein be adopted.

There were no recommendations referred to Council from the Special meeting held on 4th January, 2017.

RESOLVED:- That the report of the meeting of the Executive Committee held on 19th October and 30th November, 2016 be received and that each of the recommendations contained therein be adopted, as follows:-

1. Council Tax Support

RESOLVED:-

- (i) To agree to backdate claims for working age claimants for one month in line with the Housing Benefit regulations;
- (ii) To agree the continuation of the current Local Council Tax Reduction Scheme for 2017-2018, in all other aspects; and
- (iii) To delegate authority to the Director of Resources to mirror applicable or relevant changes in Housing Benefit regulations to the Local Council Tax Reduction Scheme.

2. Business Rates Write Off

RESOLVED:-

- (i) To approve the business rate write off; and
- (ii) To amend the delegated authority of the Director of Resources to specify that the limit applied to the Borough share for business rates accounts.

3. Employer Supported Volunteering Policy

RESOLVED:- To approve the Employee Supported Volunteering Policy.

4. Loyalty and Retirement Awards Policy

RESOLVED:-To approve the Loyalty and Retirement Awards Policy.

5. Holiday Purchase Scheme

RESOLVED:- To approve the revised Holiday Purchase Scheme.

6. Licensing Regulatory Committee – Policy relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences

RESOLVED:- To approve the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and adopt as Borough Council Policy effective from 1st April, 2017.

7. Housing Management Forum: Recommendations

Cumbria Housing Partners – Enhancing Social Values

RESOLVED:-

- (i) To agree the proposal for the future delivery of social investment proposed by CHP;
- (ii) To agree that all monies derived from the delivery of the Housing Maintenance Programme be only used for the benefit of the Tenants of Barrow; and
- (iii) To delegate the Assistant Director Housing to approve the detailed process for allocating funds and sign the Fund Agreement when he was satisfied that the appropriate arrangements were in place.

8. Equality and Diversity Strategy

RESOLVED:- To approve the Equality and Diversity Strategy.

9. Essential User Lump Sum

RESOLVED:- To approve the amendment to the Essential User Lump sum with effect from 1st April, 2017.

10. Auditor Appointment

RESOLVED:- To accept the invitation to become an opted-in authority for the purposes of the appointment of the auditor under the provisions of the Local Audit and Accountability Act 2014 and the requirements of the Local Audit (Appointing Person) Regulations 2015.

11. The Forum

RESOLVED:- To designate the Forum as the Polling Station for Polling District DC instead of Grange and Cartmel Crescent for the Hindpool Ward.

66 - Audit

It was moved by Councillor Burns and,

RESOLVED:- That the report of the meeting of the Audit Committee held on 22nd December, 2016 be received.

67 - Questions to the Leader of the Council

There were no questions submitted to the Leader of the Council under Notice as required by Standing Order 10.2 and 10.4.

68 - Appointment of Members to Committees

The Executive Director had submitted a report detailing changes in the appointment of Members to Committees.

Due to Councillor Harkin becoming an Independent Councillor the proportionality of Committees had been amended at Council on 11th October, 2016.

Councillor Harkin was still named as a substitute on the Licensing Committee and Licensing Regulatory Committee and required replacing with a Labour Member.

On Planning Committee the Labour party were required to lose a named substitute due to the reduction of Members of the Committee from 12 to 11.

RESOLVED:- To agree that Council confirmed the under-mentioned appointments:-

- Councillor Husband be appointed as a substitute Member on the Licensing Committee and Licensing Regulatory Committee in place of Councillor Harkin; and
- 2. Councillor Williams be removed as a substitute Member on the Planning Committee to reflect proportionality.

69 - Notice of Motion Under Rule 11

The following motion had been signed by Councillors Sweeney and McEwan and had been provided to the Council with notice under Rule 11:-

Council notes that Northern Rail:-

• Charges 20% more for a Barrow to Manchester return than it does for split tickets, Barrow-Lancaster and Lancaster-Manchester.

- Has an appalling record of cancellations and delays.
- Has failed to offer student discounts to 16-18 year old students coming to Barrow.
- Fails to offer discounts to students at FE colleges.
- Fails to run promotional schemes in Cumbria that runs elsewhere on its network.
- Has poor quality rolling stock and has now announced delays to upgrading this.
- Is using very elderly Class 37 diesel engines that are very noisy and completely fail modern exhaust emissions standards
- Runs these noisy engines late at night and through the early hours of the morning keeping residents awake with the noise and vibration and putting fumes into their homes.

Council regards Northern Rail's performance and attitude as completely unsatisfactory and instructs the Leader of the Council to:-

- · Write to the Managing Director and Chairman of Northern Rail
- Write to Transport for the North
- Write to the Secretary of State for Transport
- Write to the Office of Rail Regulation
- Raise the problems with Northern Rail with the Cumbria Leaders Group with a view to jointly lobbying.

Council instructs the Executive Director to contact the Furness Line Action Group on the issues raised above and authorises the Executive Director to offer support to the Furness Line Action Group, should they be prepared to campaign on the split ticket issue.

A vote was taken on the motion and it was;

RESOLVED:- To unanimously agree that this Council notes that Northern Rail:-

- Charges 20% more for a Barrow to Manchester return than it does for split tickets, Barrow-Lancaster and Lancaster-Manchester.
- Has an appalling record of cancellations and delays.
- Has failed to offer student discounts to 16-18 year old students coming to Barrow.
- Fails to offer discounts to students at FE colleges.
- Fails to run promotional schemes in Cumbria that runs elsewhere on its network.
- Has poor quality rolling stock and has now announced delays to upgrading this.
- Is using very elderly Class 37 diesel engines that are very noisy and completely fail modern exhaust emissions standards
- Runs these noisy engines late at night and through the early hours of the morning keeping residents awake with the noise and vibration and putting fumes into their homes.

Council regards Northern Rail's performance and attitude as completely unsatisfactory and instructs the Leader of the Council to:-

- Write to the Managing Director and Chairman of Northern Rail
- Write to Transport for the North
- Write to the Secretary of State for Transport
- Write to the Office of Rail Regulation
- Raise the problems with Northern Rail with the Cumbria Leaders Group with a view to jointly lobbying.

Council instructs the Executive Director to contact the Furness Line Action Group on the issues raised above and authorises the Executive Director to offer support to the Furness Line Action Group, should they be prepared to campaign on the split ticket issue.

70 - Common Seal

RESOLVED:- That the Council authorises the affixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

The meeting closed at 6.32 p.m.



COUNCIL	Agenda	
Date of Meeting:	2nd March, 2017	Item
Reporting Officer:	Executive Director	5

REPORT OF THE EXECUTIVE COMMITTEE

The following recommendations are submitted for consideration by the Council.

Executive Committee -1st February, 2017

The recommendations set out below are those determined by the Executive Committee on 20th January, 2016.

1.0 The Housing Revenue Account 2017-18

1.1 Recommendations:-

To recommend the Council:-

- 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;
- 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.

2.0 Budget Proposals 2017-18

2.1 Recommendations:-

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.

3.0 Unacceptable Behaviour Policy

3.1 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.

3.2 Recommendations:-

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.

4.0 Introduction of Fixed Penalty Notices for Fly Tipping

4.1 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.

4.2 Recommendations:-

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.

5.0 Establishment Matters

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

5.2 Recommendations:-

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.

Background Papers

Nil.

COUNCIL	Agenda	
Date of Meeting:	Item	
Reporting Officer:	Director of Resources	6

Title: Setting the Council Tax for the year commencing 1st April 2017

Summary and Conclusions:

The purpose of this report is to calculate and set the Council Tax for the year 2017-2018.

Recommendations:

To recommend the Council to approve the formal Council Tax resolutions as detailed in Section VII of the report.

Report

I. Calculating and setting the Council Tax for 2017-2018

i. Introduction

The calculation and setting of the Council Tax for the Borough area is closely prescribed by legislation. This report sets out the individual components of the calculation and concludes with the formal resolution in accordance with the statutory requirements.

ii. Budget

At this meeting the Council is considering the approval of the 2017-2018 General Fund revenue budget of £9,729,940; this includes £100,340 of Parish Council precepts. The Council's budget is the amount required to meet the years estimated expenditure net of any income raised in fees and charges or service specific grant funding. The budget includes the following precepts issued by the Parish Councils for 2017-2018:

Precept	£
Dalton with Newton Town Council	72,120
Askam and Ireleth Parish Council	25,370
Lindal and Marton Parish Council	2,850
Total parish precepts	100,340

The Council Tax Requirement for the Borough is £4,149,800 made up as follows:

Item	£
General Fund revenue budget	9,629,600
Less general grants	(5,396,000)
Less the Collection Fund surplus	(83,800)
Council Tax Requirement excluding parish precepts	4,149,800
Plus the parish precepts	100,340
The Council Tax Requirement	4,250,140

The legislation requires the Council's revenue budget to be grossed up to show the estimated total expenditure and income for 2017-2018:

Item	£
Total gross expenditure	61,306,920
Total gross income	(57,056,780)
The Council Tax Requirement	4,250,140

iii. Council Tax Base

The following Council Tax Bases for the Borough and the parished areas have been set for 2017-2018 as notified to the Executive Committee on 1st February 2017:

Whole Area	18,697.88
Dalton with Newton	2,273.65
Askam and Ireleth	1,048.99
Lindal and Marton	255.77

II. Calculation of the Basic Council Tax for the Borough Council

The Council's Basic Amount of Council Tax for Band D dwellings is calculated as follows:

The Council Tax Requirement excluding parishes	£4,149,800
Divided by the Council Tax Base for the Whole Area	18,697.88
Gives the Basic Amount of Council Tax	£221.94

This Band D rate of Council Tax is, in effect, an average across the parished and unparished areas of the Borough. The statutory calculation then arrives at the Basic Amounts of Council Tax (for Band D dwellings) for the individual areas as follows:

Area	Basic Amount
Barrow (unparished)	£221.94
Dalton with Newton Parish	£253.66
Askam and Ireleth Parish	£246.12
Lindal and Marton Parish	£233.07

Table 1 in **Section VII.4** shows the tax amounts for each band and parish in the Council's area.

III. Cumbria County Council and the Police and Crime Commissioner for Cumbria precepts and amounts of Council Tax

Cumbria County Council set its budget for 2017-2018 resulting in a precept of £23,952,358. The Police and Crime Commissioner for Cumbria set its budget with a precept of £4,127,931. See Table 2 in **Section VII.5** for the banded amounts of Council Tax.

IV. Setting the Council Tax

The calculated Borough, Police and Crime Commissioner for Cumbria and Cumbria County Council elements are added to calculate the composite Council Tax. The Council Tax for each category of dwellings is shown in Table 3 in **Section VII.6**. After setting the Council Tax, the Council is required to advertise the amounts within 21 days in at least one local newspaper.

V. Schedule of precept instalments

The precepts issued by Cumbria County Council and the Police and Crime Commissioner for Cumbria are payable in equal monthly instalments on dates to be agreed with the two authorities. The Borough Council's demand will be paid to the General Fund by instalments on the same dates. The three parish precepts will be paid over in full on the April precept payment date.

VI. Instalment dates

Council Tax and NNDR bills are payable in ten instalments. The payment dates, which will maximise cash flow, are as follows; these may have to be adjusted in the event of any delay in issuing bills:

Instalment	Date	Instalment	Date
1	1st April 2017	6	1st September 2017
2	1st May 2017	7	1st October 2017
3	1st June 2017	8	1st November 2017
4	1st July 2017	9	1st December 2017
5	1st August 2017	10	1st January 2018

VII. Resolutions

Members are recommended to adopt the following resolutions:

- 1. It be noted that on 1st February, 2017, the Council calculated the Council Tax Base for the year 2017-2018 in accordance with Regulations made under Section 33(5) of the Local Government Finance Act 1992, as amended (the Act):
 - a. for the whole Borough area as 18,697.88 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulation 1992, as its Council Tax Base for the year;
 - b. for dwellings in those parts of the Borough area to which a Parish Precept relates; being the amounts calculated by the Council, in

accordance with Regulation, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate:

Dalton with Newton	2,273.65
Askam and Ireleth	1,048.99
Lindal and Marton	255.77

- That the Council Tax Requirement for the Council's own purposes for 2017-2018 (excluding Parish Precepts) is £4,149,800.
- 3. That the following amounts be calculated for the year 2017-2018 in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992:
 - a. £61,306,920 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b. £57,056,780 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A (3) of the Act;
 - c. £4,250,140 being the amount, by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year.
 - d. £227.31 being the amount at 3(c) above, all divided by the item at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the Basic Amount of its Council Tax for the year (including Parish Council precepts).
 - e. £100,340 being the aggregate amount of all special items (Parish Council precepts) referred to in Section 34(1) of the Act.
 - f. £221.94 being the Basic Amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates as set out in Section 52ZX of the Act.

4. **Table 1** – Council Tax for parts of the Council's Area:

Band	Ratio	Barrow	Dalton with Newton	Askam and Ireleth	Lindal and Marton
Α	6/9	£147.96	£169.11	£164.08	£155.38
В	7/9	£172.62	£197.29	£191.43	£181.28
	8/9	£197.28	£225.48	£218.77	£207.17
D	9/9	£221.94	£253.66	£246.12	£233.07
F	11/9	£271.26	£310.03	£300.81	£284.86
<u></u> F	13/9	£320.58	£366.40	£355.51	£336.66
G	15/9	£369.90	£422.77	£410.20	£388.45
H	18/9	£443.88	£507.32	£492.24	£466.14

5. That it be noted that for the year 2017-2018, Cumbria County Council and the Police and Crime Commissioner for Cumbria have issued precepts to

the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown in **Table 2** as follows:

Band	Cumbria County Council	Police & Crime Commissioner for Cumbria
Α	£854.01	£147.18
В	£996.35	£171.71
С	£1,138.68	£196.24
D	£1,281.02	£220.77
E	£1,565.69	£269.83
F	£1,850.36	£318.89
G	£2,135.03	£367.95
Н	£2,562.04	£441.54

6. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in **Table 3** below as the amounts of Council Tax for the year 2017-2018 for each of the categories of dwellings:

Band	Barrow	Dalton with Newton	Askam and Ireleth	Lindal and Marton
A	£1,149.15	£1,170.30	£1,165.27	£1,156.57
В	£1,340.68	£1,365.35	£1,359.49	£1,349.34
С	£1,532.20	£1,560.40	£1,553.69	£1,542.09
D	£1,723.73	£1,755.45	£1,747.91	£1,734.86
Е	£2,106.78	£2,145.55	£2,136.33	£2,120.38
F	£2,489.83	£2,535.65	£2,524.76	£2,505.91
G	£2,872.88	£2,925.75	£2,913.18	£2,891.43
Н	£3,447.46	£3,510.90	£3,495.82	£3,469.72

7. Determine that, in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, the Council's Basic Amount of Council Tax for 2017-2018 of £221.94 compared to £216.94 for the previous year is not excessive.

Background Papers

Nil.