**EXECUTIVE COMMITTEE**

Meeting: Wednesday 7th February, 2018

at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook, Burns, Hamilton (Items 1 - 14 only), McLeavy (Items 1 - 10 only), R. McClure, W. McClure, Maddox and Wall.

Also Present:- Phil Huck (Executive Director), Susan Roberts (Director of Resources), Colin Garnett (Assistant Director - Housing) (Items 1 to 7 only), Jon Huck (Democratic Services Manager and Monitoring Officer) and Sandra Kemsley (Democratic Services Officer).

**94 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item**

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

Item Reason

Off Street Parking Places - New To enable the TRO to be advertised

Traffic Regulation Order (TRO) for with the omission included. Council owned Car Parks and Land

(Minute No. 103).

**95 – 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 Paragraphs 1 & 2 (Minute No. 109) of Part One of Schedule 12A of the said Act.

**96 – Declarations of Interest**

Councillor Burns declared an Other Registrable Interest in Agenda Item 10 - Budget Proposals 2018/19. She is the lead Member for Children and Social Care on Cumbria County Council.

**97 – Minutes**

The Minutes of the meeting held on 29th November and the special meeting held on 18th December, 2017 were agreed as a correct record.

**98 – Apologies for Absence**

Apologies for absence were received from Councillors Cassells, Pemberton, D. Roberts and Williams.

Councillors Burns, McLeavy, W. McClure and Wall had substituted for Councillors Cassells, Pemberton, D. Roberts and Williams for this meeting only.

**99 – Housing Management Forum: Recommendations**

The recommendations of the Housing Management Forum held on 18th January, 2018 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 Investment Programme 2018/19**

1. To note progress on achieving and maintaining the Decent Homes Standard;

2. To agree the annual investment profile shown at Appendix B of the report;

3. To agree continued delivery through Procure Plus; and

4. To note the newly arising investment works identified in the report.

**Fire Risk Assessments 2018/19**

1. To agree to install new heat detectors and interlinked smoke alarms to all flats above shops or commercial outlets;

2. To agree a policy to introduce a quarterly inspection regime for communal areas and access walkways including recording and monitoring of refuse storage facilities and enforcement of fire safety prohibition notices;

3. To agree to install new interlinked smoke alarms to all two storey flats with communal or walkway/balcony access arrangements;

4. To install new emergency lighting to all flats with walkway/balcony access arrangements;

5. To agree to install new interlinked smoke detectors to all flats where the bedroom exits into the lounge or where the exit route from a flat was down a stairway which was separated from the hallway;

6. To agree to provide each block of flats serviced by a communal or walkway/balcony access arrangements with an escape route and muster point notice;

7. To agree a policy to replace existing flat entrance door and fire escape route doors with new fire retardant doors that offer a minimum of 30 minutes fire protection when flats become void;

8. To agree a policy not to install firefighting equipment (Extinguishers, Blankets etc.) to blocks of flats with communal or walkway/balcony access arrangements and to advise Residents to sound the alarm, evacuate and ring the Fire Service;

9. To agree that Officers review and discuss these fire safety concerns to the affected shops on a case by case basis; and

10. To endorse Officers’ view that the existing interlinked smoke detection systems were an adequate means of raising the alarm should a fire be detected and that break glass points were not required.

**100 – Council Finances and Performance**

The Committee considered a detailed report of the Director of Resources regarding the Council finances and performance for the period ended 30th September, 2017. The report had included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

RESOLVED:- To note the financial and non-financial performance information contained within the report of the Director of Resources.

**101 – Grant Certification Audit**

The Director of Resources informed the Committee that under the provisions within the Local Audit and Accountability Act 2014 (Act) the Council had opted to join a national collective scheme led by Public Sector Audit Appointments Limited (PSAA), for the appointment of external auditors.

The Council had received confirmation of its appointed auditors on 19th December, 2017, as Grant Thornton (UK) LLP. That contract had covered the audit of the accounts for a five year period, 2018-2019 to 2022-2023. The PSAA audit contract did not cover certification work, such as the Housing Benefit subsidy claim, as the PSAA had no power under the Act to make certification arrangements. The Council must procure its own grant certification auditors within the parameters set by the Department for Work and Pensions (DWP).

Councils could make an appointment through a normal procurement process or directly approach the appointed auditor for the general (accounts) audit to also conduct the grant certification work.

The Council was required to formally inform the DWP of its audit arrangements by 28th February, 2018 (before 1st March, 2018). Failure to appoint by the deadline would lead to the Housing Benefit subsidy being withheld until an appointment was confirmed.

The option to procure through tendering or obtaining quotations had been discounted as it would incur cost and may lead to a second auditor being appointed. The preferred option was a direct appointment which would retain a single external auditor for the Council and provide a more efficient audit service with all work being carried out by the same auditor.

The indicative certification fee for 2017-2018 was £16,168. It was not possible to confirm that figure as final as the audit work for the 2017-2018 subsidy claim was carried out in the Autumn of 2018.

RESOLVED:-

1. To approve the direct appointment of the Council’s appointed auditor, Grant Thornton (UK) LLP, for grant certification work; and

2. To delegate to the Director of Resources the authority to negotiate and enter into a contract with the appointed auditor for the grant certification work for the same term as the contract awarded through Public Sector Audit Appointments Limited.

**102 – Review of Purposes and Use of The Forum**

The Executive Director reminded the Committee that at its meeting on 26th July, 2017 it had resolved to remove The Forum from the Leisure Outsourcing offer and undertake a review of the purposes and use of The Forum building with a view to reducing the subsidy the Council currently provided towards the running costs of the facility.

Following that decision, Officers, Forum staff and Members had met on several occasions to discuss the review and agreed that a booking fee should be charged on all ticket sales and that the discount on room bookings should be reviewed alongside expenditure reductions, concessionary subsidies, recoverable charges and budgeted income from shows.

Following Councils decision to in-source its Revenues and Benefits Service, it was proposed, subject to technical studies, to operate that service from The Forum. Initial assessment was that it would require The Gateway Room, The Green Room, Rydal Room and ancillary storage and facilities. The estimated contribution to The Forum from General Fund for use of that space was £60,000. That income would be offset by reduced income from room bookings. It was also proposed to convert the exhibition space on the ground floor of The Forum to lettable space and undertake changes to the layout of The Studio to maximise room hire income.

The current catering contract had expired in June, 2017 and had been extended on a monthly basis following agreement at this Committee on 28th June, 2017. The current contractor had agreed to extend their contract for the period until 31st March, 2019. That period would allow the catering contract to be re-tendered.

Subject to advice on the specification of the contract, it was proposed to pass more of the operational costs to the contractor, including NNDR, utilities and rent.

To tender the service the Council would need to engage consultants to advise upon:-

(i) The form, term and scope of the tender;

(ii) The minimum level of rent payable;

(iii) The evaluation process; and

(iv) Viability of an income share trigger.

RESOLVED:-

1. To agree to extend the current catering contract with Elior to 31st March, 2019;

2. To agree to tender catering for The Forum with a commencement date of 1st April, 2019; and

3. To agree, subject to technical assessments, to use the areas of The Forum set out in the report for offices.

**103 – Off Street Parking Places - New Traffic Regulation Order (TRO) for Council Owned Car Parks and Land – Supplementary Report**

The Committee was reminded that a report to revise the Traffic Regulation Order had been submitted to this Committee on 29th November, 2017. The report contained an omission, outlined below, that would be added to the consultation papers.

The inclusion of the below tariff on the following car parks: Fell Street; Hall Street; Oldham Street and Whittaker Street:-

Duration Tariff

20 minutes 40 pence

Approval had been given by Full Council on 23rd January, 2018, to revise the current Order (TRO 2013) in accordance with the requirements of the Local Authorities Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996 and authorisation for the Executive Director to make a new Order.

It was intended that the new Order would take effect from 1st April, 2018; TRO 2018.

In making a new Order the Council was required to publish a notice of proposal in the local newspaper, consult with the local Highway Authority and serve notice on all statutory consultees. A minimum of 21 days was required for consultation responses.

Any objections received must be given due consideration and modifications made if necessary prior to the Order being made and brought into force.

RESOLVED:- To agree that the omission within The Council of the Borough of Barrow-in-Furness (Off-Street Parking Places) Order 2018 (“TRO 2018”) be corrected prior to the required consultation.

**REFERRED ITEMS**

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

**104 – Housing Management Forum: Recommendations**

Consideration was given to the recommendations of the Housing Management Forum held on 18th January, 2018.

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

**Housing Revenue Account 2018/2019**

RECOMMENDED:- To recommend the Council:-

1. To note the information provided in the report;

2. To note the Expected Outturn Budget for 2017/18 of a deficit of £37,900;

3. To note the balances on the Expected Outturn Budget for 2017/18;

4. To agree the basis on which the 2018/19 draft Budget had been proposed in 3.1 to 3.7 of the report;

5. To agree the creation of an Operational Reserve as described at 4.2 of the report;

6. To agree the garage increase of 2% at point 5 of the report;

7. To agree or note others outlined in 6.1, 6.2 and 6.5 of the report re: changes for resale enquiries;

8. To agree the introduction of administration charges for Leaseholders;

9. To agree the continuation of the Service Level Agreement with ASB Action Ltd and waive the normal procurement requirement in those instances;

10. To agree the ongoing role of the HSRWG to consider action required to maintain a balanced HRA; and

11. To agree the approach to matters raised in 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 of the report.

**105 – Budget Proposals 2018-19**

The Committee considered a detailed report from the Director of Resources regarding the General Fund budget proposals budget proposals for 2018-2019 and the decisions associated with budget setting. The report contained matters relating to the General Fund revenue account, General Fund and Housing Revenue Account establishment matters, the Capital Programme and financial reserves.

RECOMMENDED:- To recommend the Council:-

1. To set the 2018-2019 General Fund revenue budget as £10,520,410 including £104,140 for parish precepts, an increase of 2.99% on all Council Tax bands and the addition to reserves of £171,350;

2. To agree the principle of Council Tax exemption for care leavers and the delegation to the Director of Resources of the Cumbria-wide policy;

3. To agree the introduction of a booking fee for the Forum and the delegation to the Venue Manager of fee setting in line with the current price setting for the Forum;

4. To agree the delegation to the Assistant Director – Community Services of setting the kennel fees;

5. To agree that fees and charges not currently delegated to officers were increased by 2.5%;

6. To agree the creation of a permanent full time Senior Advice Officer on Scale 6/SO1 within the Homeless Section at no additional cost to the General Fund, funded by additional external grant;

7. To agree the creation of a permanent full time Housing Options Support Officer on Scale 4/5 within the Homeless Section at no additional cost to the General Fund, funded by additional external grant;

8. To agree the creation of a permanent full time Leisure Client Officer on Scale PO6, reporting to the Assistant Director – Community Services;

9. To agree the creation of a permanent full time Housing Project Assistant on Scale 3 within the Housing Revenue Account which had no additional cost to the Housing Revenue Account as the addition was compensated by a separate post deletion;

10. To agree the creation of a permanent full time Contract Supervisor on Scale 6/SO1 within the Housing Maintenance Section which had no additional cost to the Housing Revenue Account as the addition was compensated by a reduction in external professional fees;

11. To approve the movements in General Fund earmarked reserves which total a net use of £1,057,470 including the contribution made from the 2018-2019 budget setting;

12. To approve the Capital Programme for 2017-2018 to 2020-2021 which totals £19.28m; and

13. To approve the creation of a General Reserve for the Housing Revenue Account and to establish that in 2017-2018 from the current fund balance would be set as £1m at 31st March, 2018.

**106 – HR Policies / References Policy**

The Director of Resources informed the Committee that HR Policies had been reviewed and updated on a regular basis to ensure they were in line with current legislation and best practice. To speed up the process and to prevent Members being over-burdened with significant amounts of details in relation to HR Policies, it was proposed that the Director of Resources had delegated authority to approve and implement all new and revised HR Policies; reporting these to Management Board.

The Council’s References Policy had been revised to simplify the process and to confirm that the HR Department was responsible for all incoming and outgoing references related to recruitment and employees.

RECOMMENDED:- To recommend the Council:-

1. To approve the delegation of approval and implementation of HR Policies as set out in the report; and

2. To approve the revised References Policy and Procedure.

**107 – Revision to the Development Service Manager (Planning) Delegation**

The Committee was informed that recent legislation had placed greater emphasis upon Planning Authorities to improve determination rates for all types of planning applications. To meet that challenge the Planning Section had carried out an extensive overall of its back office systems and made substantial efficiency savings. As local resources became tighter, and the planning system more complex, it was necessary to reconsider the current Scheme of Delegations for the Development Services Manager (Planning), the role of the Planning Panel, and whether redefining the Planning Panel role would aid future determination rates.

In the current Agreement, planning applications could only be reported to the Panel where non material comments were made and in the case of submissions for Prior Approvals or Larger Homes Extensions, where any representation was received. That had resulted in a number of planning applications, mainly householder submissions for modest proposals that had attracted material comments from neighbours, (which were often rooted in private interests or neighbour disputes) going before Committee.

Additionally such applications could exceed their statutory eight week limit due to the committee meeting cycle.

Conversely there were occasions when Major applications may attract no objections and no adverse consultee representations, and these had been determined by Officers. Following a meeting with the Chairman and Vice Chairman of the Planning Committee it had been agreed that it was more appropriate for Members to make these determinations. In the interests of transparency, the Planning Committee should be aware of these Major applications, together with the issues around the proposals, which could have wider implications associated with the Councils broad objectives as published in the Council Plan (2017-2020). These issues could be robustly debated thus increasing Member involvement in the process and making better use of Committee time.

Allowing objectors and applicants to speak at Committee was recognised as a fundamental part of the democratic process and there was no proposal to alter that part of the system. The “Calling In” procedure available to Members also remained unchanged.

Recently, there had been a limited number of Panel meetings due to the constraints of the Agreement. It was proposed to redefine the role of the Panel, not only in order to improve determination rates, but also to free up Committee time. The improvements were fairly modest but should help towards raising determination times in line with government targets.

The amended delegation was considered by the Committee.

RECOMMENDED:- To recommend the Council approve the amendments to Section G Part 3(2) Responsibility for functions Scheme of Delegations to Officers within the Constitution of the Council for the Development Services Manager (Planning).

**108 – Review and Appointment of Hackney Carriage Stands in the Borough – Licensing Regulatory Committee**

The Committee were informed that at the Licensing Regulatory Committee on 7th September, 2017 Members had agreed the proposed hackney carriage stands outlined in a report, subject to any representations and / or objections received during the consultation period.

The recommendation had been referred to this Committee from the meeting of the Licensing Regulatory Committee held on 25th January, 2018, where Members had considered the objections and consultation responses.

A Local Authority could adopt areas on streets or private land as stands for hackney carriages under section 63 Local Government (Miscellaneous Provisions) Act 1976 (“the Act”), subject to consent being given from the highway authority, notification to the Chief of Police and the consideration of any objections or representations received within the consultation period.

Cumbria County Council had given consent to appoint the hackney carriage stands as proposed, with the exception of a new stand on Market Street, Dalton in Furness.

The Chief of Police had noted the Council’s intentions to appoint the Hackney Carriage Stands but made no objection.

A notice of proposal had been placed in the North West Evening Mail on Friday 3rd November, 2017 providing a 28 day consultation period, running until Friday 1st December, 2017.

The Committee considered an amended schedule of Hackney Carriage Stands.

RECOMMENDED:-To recommend the Council to approve the proposed Hackney Carriage Stands as detailed in the amended schedule.

**109 – Establishment Matters**

The Director of Resources submitted a report that set out the posts to be deleted which had been identified as part of the budget setting for 2018-2019.

RECOMMENDED:- To recommend the Council:-

1. To delete post ITD008 IT Support Officer from the Council’s establishment;

2. To delete post HOP007 Operations Project Officer from the Council’s establishment;

3. To delete post HOP010 Housing Officer from the Council’s establishment;

4. To delete post HOP011 Housing Officer from the Council’s establishment;

5. To delete post HOP018 Housing Officer part time from the Council’s establishment; and

6. To delete post HSG002 Community Involvement Manager from the Council’s establishment.

The meeting closed at 3.50 p.m.