

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

A MEETING OF BARROW BOROUGH COUNCIL of this Borough was held at the Council Chamber at 5.30 pm. on Tuesday, 7th December, 2021.

PRESENT:- Councillor Wall (Mayor in the Chair) and Councillors Assouad, Biggins, Brook, Burley, Burns, Callister, Cassidy, D. Edwards, Gawne, Hall, Hamilton, Johnston, McEwan, McLeavy, Mooney, Morgan, Preston, Ronson, Seward, Shirley, Tyson and Zaccarini.

Officers Present:- Sam Plum (Chief Executive), Susan Roberts (Director of Resources), Steph Cordon (Director of People and Place), Debbie Storr (Head of Legal and Governance & Monitoring Officer), Jon Huck (Democratic Services Manager), Paula Westwood (Scrutiny & Democratic Services Team Leader) and Sandra Kemsley (Democratic Services Officer).

### **50 Apologies for Absence**

Apologies for absence had been submitted from Councillors Barlow, Blezard, H. Edwards, Husband, McClure, Maddox, Nott, Roberts, Robson, C. Thomson and M. A. Thomson.

### **51 Declarations of Interest and Dispensations**

Councillors Cassidy, Hamilton, McEwan and Wall declared an interest in Agenda Item No. 8 – Local Government Reorganisation – Implementation Reserve (Minute No. 56) as they were Members of Cumbria County Council.

### **52 Minutes**

The Minutes of the meeting held on 19th October, 2021 were taken as read and confirmed.

### **53 Announcements**

There were no announcements from the Chair, Leader or Head of Paid Service.

### **54 Public Participation**

No questions, representations, deputations or petitions had been received in respect of the meeting.

### **55 Statement of Gambling Policy**

The Director of People and Place had submitted a report recommending that Council approved the revised Statement of Gambling Policy. It had been noted that only minor amendments had been made to the revised policy; these had been highlighted in the version appended to the report.

Section 349 the Gambling Act 2005 required that the Council developed, consulted on and published a statement of the principles that they proposed to apply in exercising their functions under the Act during the three-year period to which the policy applied.

The six District Councils continued to work together to share best practice to ensure, so far as practicable, consistency of approach across Cumbria. The draft policy broadly aligned with Eden and South Lakeland District Councils' Statement of Gambling Policies.

The report confirmed that the consultation on the revised Statement of Gambling Policy had been undertaken and had concluded on 24th October, 2021. No responses had been received.

The draft policy had been considered by the Executive Committee on 10th November, 2021 who had recommended that the Council approved it.

It was moved by Councillor Brook and seconded by Councillor Assouad and it was,

**RESOLVED:-** To approve the Barrow Borough Council Statement of Gambling Policy 2022 - 2025.

## **56 Local Government Reorganisation - Implementation Reserve**

The Director of Resources had submitted a report summarising the resources required to fund the implementation costs of Local Government Reorganisation (LGR) within Cumbria. The report had requested appropriate delegations to the Council's Section 151 Officer to identify a funding source from reserves held by the Council, in order to contribute up to £1.6m to a County-wide Implementation Reserve.

It had been noted that following the decision of the Secretary of State in July 2021, each Local Authority within Cumbria had been notified that, subject to Parliamentary approval, two new Unitary Authorities would replace the current Local Government structure in Cumbria; with the Barrow, Eden and South Lakeland areas being the footprint for a new Unitary Authority covering the east of the County, and Allerdale, Carlisle and Copeland being the footprint for a new Unitary Authority covering the west of the County, effective from 1st April, 2023. All six District Councils and Cumbria County Council would cease to exist in their current format on 31st March, 2023.

The East/West submission had suggested that estimated annual savings of between £19.4m and £31.6m would be achieved and that the transition (implementation) would require a total one-off investment of between £17.6m and £23.8m.

Following the announcement, the Cumbria Chief Finance Officer's Group, attended by all Section 151 Officers of the seven Cumbrian Authorities, had undertaken a high-level assessment of the financial impact of LGR and provided some indicative figures for implementation which had also been sense checked against other Authorities who had been through the LGR Progress.

The report had provided an update to the indicative cost of implementation covering the establishment of a County-wide LGR Implementation Reserve including governance arrangements, funding proposals and the required scheme of delegation for relevant Officers.

It had been noted that the report had not dealt with the cost of transformation nor how those costs would be funded, nor the level of savings that could be generated, as those would be decisions for the new Shadow Authorities, once established, and would be dealt with at a later date.

The indicative and high level budget for implementation of “safe and legal” Authorities on 1st April, 2023 was £18.9m set out as follows:-

<b>East/West Unitary Authorities</b>	<b>£</b>
<b>Indicative Implementation Costs</b>	
Implementation	2,266,667
External Support Costs	5,500,000
Internal Programme Management	4,000,000
ICT Costs	4,000,000
<b>Sub-Total</b>	<b>15,766,667</b>
Contingency (20%)	3,153,333
<b>Total Estimated Implementation Costs</b>	<b>18,920,000</b>

It had been noted that the above costs and assumptions would continue to be updated as the financial modelling developed and the workstreams and themes, established by the LGR Programme Board, commenced their work and identified the level of resources required for delivery. It was likely that the spend may be incurred over three financial years (2021-2022 to 2023-2024) with some costs incurred after vesting day. In order to ensure consistency of approach for any expenditure incurred, detailed definitions for each of the categories of spend outlined in the table above were being developed.

The Director of Resources’ report had proposed that a County-wide Implementation Reserve be established, hosted by Cumbria County Council, in order to effectively and efficiently record, manage and monitor spend on the implementation of the new Authorities. It had been noted that this had been the preferred choice of the LGR Programme Board, supported by the Finance and Commercial Programme Board, especially given the level of contribution being made by the County Council.

The report had also proposed that all seven Cumbrian Authorities contributed to the reserve, with the County Council contributing 50% and the remaining 50% split equally between the District Authorities. The Council’s contribution would therefore be up to £1.6m.

Following approval by the individual Authorities, it had been proposed that the reserve be established for January 2022 and be utilised in accordance with the governance arrangements set out within Paragraph 3.9 of the report and in the associated appendices.

### Questions

Councillor Hamilton asked what would happen if one of the Authorities did not pay their contribution to the implementation reserve and questioned whether that would result in the new Council starting with a budget deficit.

The Director of Resources advised that all Authorities were aware of the requirements and that should a problem arise then it would come back to Council for discussion. She added that the Council’s funds would only be released once the intentions of the other Authorities had been confirmed and that it was now expected that all contributions would be made in February 2022, not January as originally anticipated.

Councillor Shirley had sought assurances that Parish Councils would not be asked to contribute to the implementation reserve.

The Director of Resources confirmed that funding would only be sought from the major Authorities.

It was moved by Councillor Brook and seconded by Councillor Hall and it was,

RESOLVED:-

1. To note the requirement for a County-wide LGR Implementation Reserve;
2. To approve the creation of a reserve containing the £450,000 already identified for LGR and retain that in order to fund any costs which the Council may incur itself which are outwith the eligibility criteria for the Cumbria-wide Implementation Reserve;
3. Approve the creation of an implementation reserve/budget provision of up to £1.6m as the Council's contribution to the LGR implementation costs, subject to contributions being approved by all of the Cumbrian Authorities;
4. Delegate responsibility to the Director of Resources (Section 151 Officer) to identify a funding source for Point 3. (above) from existing financial reserves but initially approve the funding from the Contingency Reserve;
5. Authorise the Director of Resources to pay the contribution (or appropriate proportion thereof) in Point 3. (above) to Cumbria County Council in January, 2022;
6. To note the governance arrangements and scheme of delegation regarding the use of the reserve, as set out in the report (Paragraph 3.9 and associated appendices); and
7. To delegate responsibility to the Head of Legal and Governance (Monitoring Officer) following consultation with the Leader, the Chair of the Executive Committee and the Director of Resources, to agree the terms contained within the Memorandum of Understanding, with all the other Cumbrian Authorities, for the Implementation Reserve and sign the same.

## **57 Community Governance Review and Charter Trustees**

The Chief Executive had submitted a report with the purpose of providing feedback from the Community Governance Review Working Group which had been established to look into conducting a Community Governance Review (CGR) and to consider the practicalities of any such review, Terms of Reference and timetable.

It had been noted that at its meeting on 19<sup>th</sup> October 2021, Council had agreed to look into a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007 for the whole Borough/or the unparished area of the Borough through the establishment of a cross party Working Group comprising of five Members (three Labour and two Conservative).

The report advised that the Working Group had received an update on practicalities for consideration and that since the last Council meeting, discussions had been ongoing with Government Ministers on the draft Structural Changes Order, where the possibility of a CGR had been raised and additional advice had been obtained. The view had been expressed that the CGR process and making Orders etc. might be a significant distraction from the key tasks of closing down the existing Council and establishing the new Unitary Authorities. There were significant implications in undertaking a CGR that needed to be considered both for establishing the Parish Council and the wider programme.

It had been noted that advice had been received that whilst the CGR could be commenced, a decision under the 2007 Act to give effect to the recommendation of the review would be made by the Shadow Executive of the Shadow Council and it would be important to ensure as far as is possible, the exercise enjoyed the support of the Shadow Council.

Having considered the issues and the options that were open to the Council, namely:-

- a) To initiate a CGR to establish one or more Parish Council in the Barrow area;
- b) To recommend that a Charter Trustees Body be established, to take effect from April 2023, allowing the civic and ceremonial elements of the Borough of Barrow to be maintained until such time that a CGR could be successfully undertaken; or
- c) Do nothing and recommend that the new Shadow Authority undertakes a review once established.

The CGR Working Group had considered that there was cross party support to consider parishing the unparished areas of the Borough, with a view in particular to see if there would be support for a Barrow Town Council and had therefore recommended that a CGR be commenced; a draft Terms of Reference had been appended to the report for consideration.

It had been recognised that the protection and continuation of the Borough's Civic History was of importance to many Members. In England and Wales, Charter Trustees maintain the continuity of a Town Charter or a City Charter, after a District with the status of a Borough or City has been abolished, until such time as a Parish Council is established. Duties would be limited to ceremonial activities such as the election of a Mayor and various other functions, depending upon local customs and laws which would be catered for in supplementary legislation and create a group of Trustees from whose number a Mayor would be elected each year. The Trustees would be non-elected and initial appointments would likely be made from the Borough Councillors by the relevant Order. Government Ministers had indicated that a mopping up Order could be made to deal with such matters.

Members had been requested to consider whether they wished to advise the Department for Levelling Up, Housing and Communities (DLUHC) that the Council supported provision being made for the establishment of Charter Trustees for the Barrow area, to protect the Borough's Civic History whilst a Parish or Town Council was being considered.

Members had been requested to recognise that the final decision on the recommendations of a Community Governance Review would be for the new Westmorland and Furness Council to determine, but the CGR Working Group believed that it was important to consult now and to feed in the outcome of the review to the new Authority.

It was moved by Councillor Brook and seconded by Councillor Tyson and it was unanimously,

**RESOLVED:-**

1. To receive the report from the Community Governance Review Working Group (CGWG);
2. To agree to conduct a Community Governance Review (CGR) in accordance with the Local Government and Public Involvement in Health act 2007, for the unparished area of the Borough;
3. To advise the Department of Levelling Up, Housing and Communities (DLUHC) that Council supports provision for the establishment of Charter Trustees for the Barrow Area to protect the Borough's Civic history and identity;
4. To agree the Terms of Reference for the review as set out in Appendix 1 to the report and delegate to the Chief Executive, in consultation with the Chair of the CGWG, the power to make any necessary amendments to the Terms of Reference prior to publication;
5. To instruct the Chief Executive to publish the final Terms of Reference for the CGR and delegate to the Chief Executive, in consultation with the Chair of the CGWG, the power to determine the nature, form and methodology of the consultation and authorise the commencement of the CGR consultation;
6. To confirm the Terms of Reference for the Working Group as attached at Appendix 2 to the report; and
7. To authorise a budget as detailed within the report to undertake the CGR to include consultation and specialist activity associated with undertaking a CGR, including authority to the Chief Executive for the direct appointment of Contractors/external resource to carry out the process and consultation elements of the CGR on behalf of the Council, to be resourced from the reserve set aside for Local Government Reorganisation.

## **REPORTS OF COMMITTEES**

### **58 Planning**

In the absence of the Chair and Vice-Chair of Planning Committee, the Mayor moved, and it was

**RESOLVED:-** That the minutes of the meetings of the Planning Committee held on 26th October and 16th November, 2021 be received.

## **59 Licensing Regulatory/Licensing**

The Mayor advised that the meeting of the Licensing Regulatory Committee scheduled to take place on 4th November, 2021 had been cancelled.

It was moved by Councillor Callister, and

RESOLVED:- That the minutes of the meeting of the Licensing Committee held on 4th November, 2021 be received.

## **60 Executive**

It was moved by Councillor Brook, and

RESOLVED:- That the minutes of the meeting of the Executive Committee held on 10th November and the Extraordinary meeting held on 30th November, 2021 be received and that the recommendations contained therein from the meeting on 10th November had been dealt with under Agenda Item No. 7 as outlined in Minute No.55 above.

## **61 Overview and Scrutiny**

It was moved by Councillor McLeavy, and

RESOLVED:- That the minutes of the meeting of the Overview and Scrutiny Committee held on 28th October and 2nd December, 2021 be received.

## **62 Questions to the Leader of the Council**

No questions had been submitted to the Leader of the Council under notice as required by Standing Order 10.2 and 10.4.

In the absence of the Leader, the Mayor advised that any questions raised at the meeting would be forwarded to her for a written response.

At the meeting Councillor Hall had asked a question in relation to a children's play area at Sherbourne Avenue. He understood that one of the planning requirements for the development had been that money should be provided to the Council by the Developer for the provision of a play area but instead, the Developer had installed a play area themselves. The current situation was that a two metre high fence surrounded the play area which was full of overgrown weeds. Councillor Hall understood that the Developer had since provided funds to the Council and questioned whether this money had been ring-fenced or spent elsewhere.

The meeting closed at 5.52 pm.