



BARROW BOROUGH COUNCIL

TOWN HALL
DUKE STREET
BARROW-IN-FURNESS

Monday, 28th November, 2022

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 TUESDAY, 6TH DECEMBER, 2022 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Monitoring Officer

Business

1. TO RECEIVE APOLOGIES FOR ABSENCE
2. URGENT ITEMS

To deal with any items of business which the Chair decides should be considered as matters of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972. (Urgent business may only be taken by reason of special circumstances (which will be recorded in the minutes), and if the Chair of the meeting is of the opinion that the item should be considered as a matter of urgency).

3. DECLARATIONS OF INTEREST AND DISPENSATIONS

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda and to consider any dispensations

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).

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

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.

4. MINUTES

To confirm the Minutes of the Council's proceedings held on 18th October, 2022.

5. ANNOUNCEMENTS

To receive any announcements from the Chair, Leader or Head of Paid Service.

6. PUBLIC PARTICIPATION

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 5pm two working days before the meeting. Information on how to make the application can be obtained by viewing the Council's website www.barrowbc.gov.uk or by contacting the Democratic Services Team at jwhuck@barrowbc.gov.uk or by telephone on 07825206525.

(1) Questions and Representations

To receive any questions or representations which have been received from members of the public.

(2) Deputations and Petitions

To receive any deputations or petitions which have been received from members of the public.

7. REDESIGNATION OF INTERIM HEAD OF PAID SERVICE AND APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

To update the Interim Head of Paid Service designation and the appointment of Returning Officer and Electoral Registration Officer for the period from 31 December 2022 to 31 March 2023

8. (A) TO RECEIVE THE MINUTES FROM THE FOLLOWING COMMITTEES AS CONTAINED IN MINUTE VOLUME AND CONSIDER RECOMMENDATIONS (WHERE NOT ALREADY DETERMINED ON THE AGENDA):-

- (1) Planning (25th October and 15th November, 2022)
- (2) Licensing Regulatory (3rd November, 2022)
- (3) Executive (9th November, 2022)
- (4) Audit and Governance (20th October, 2022)
- (5) Overview and Scrutiny (2nd November, 2022)

(B) QUESTIONS TO THE LEADER OF THE COUNCIL

Council has agreed that time be set aside for questions to the Leader of the Council. Standing Order 10.2 and 10.4 set out the procedure for questions to the Leader and the notice period required. The Leader will also take any questions without notice relevant to the reports and minutes detailed on the agenda.

9. NOTICE OF MOTION UNDER RULE 11

To consider the following motion moved by Councillor Callister and seconded by Councillor McEwan:-

This Council is deeply aware of the pressure facing residents and businesses across Barrow in Furness due to the cost of living crisis. Households, schools, health services and businesses are faced with successive and unaffordable price rises in fuel and energy and removal of additional benefit support, with the resultant increases in costs and prices across the board. The Council notes the energy policy announced 8th September, and further notes that the 'typical home' will still be paying more than twice as much this winter for energy compared to last winter. In rural areas the Council notes the increases in fuel costs further impact the costs incurred by residents, farmers and all businesses in travelling to shops, health centres, markets and customers. The Council notes the impact of all these additional costs combined with real terms pay cuts and the steady removal of support for families under pressure.

The Council urges central government further to support our residents, businesses and services;

1. To take immediate action to freeze the price cap at April's rate, stop further increases in the price of fuel, including solid fuel, LPG and fuel oil as well as electricity and gas prices, and to tax energy firm's profits.
2. To immediately reduce VAT, including VAT on energy bills.
3. To bring back the supplement to Universal Credit.
4. To implement for immediate financial help/relief for small businesses to prevent imminent closures and job losses.

The Council calls for a local Cost of Living Emergency Summit building on the work of, for example, the Cumbria Poverty Working Group, with stakeholders, including Citizens Advice, Food Banks, Local Trades Unions, town and parish councils and Chambers of Commerce and local MPs to explore how more local help can be provided for those struggling with the cost of living.

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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 18th day of October 2022.

PRESENT:- Councillor Preston (Mayor in the Chair) and Councillors Assouad, Biggins, Burley, Burns, Callister, Cassidy, D. Edwards, Gawne, Hall, Hamilton, Husband, McEwan, Morgan, Nott, Pemberton, Roberts, Robson, Seward, C. Thomson, M. A. Thomson, Tyson, Worthington and Zaccarini.

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

Also present:- Gareth Kelly form Grant Thornton.

40 – Minute’s Silence

The Mayor requested Members to stand and observe a one minute’s silence as mark of respect for former Councillor, Jeffrey Harold Garnett who had sadly passed away recently.

41 – Apologies for Absence

Apologies for absence had been submitted from Councillors Barlow, Brook, H. Edwards, Johnston, McLeavy, Maddox, Shirley and Wall.

42 – Minutes

The Minutes of the meeting of the Council held on 19th July and Extraordinary Council meeting held on 14th September, 2022 were taken as read and confirmed.

43 – Announcements

The Leader of the Council made an announcement advising that from 10th October, the Council’s Waste Collection and Recycling Services had been brought back in house. She advised that she had met with Staff and they had been overjoyed to return in house. She added that the service had already seen an improvement in recycling figures in just one week.

44 – Public Participation

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

45 – External Auditor’s Statutory Recommendations for Year Ended 31st March 2021

The Mayor had welcomed Gareth Kelly from Grant Thornton (External Audit) to present the report to Council. Gareth advised that as well as their responsibility to give an opinion on the financial statements, the External Auditors were required to consider whether the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The Auditors also had additional powers and duties under the Local Audit and Accountability Act 2014, to make written recommendations to the Council. He explained that recommendations fell into three broad categories as follows:-

- Low level recommendations where improvements are recommended;
- Key recommendations which address significant weaknesses; and
- Statutory recommendations under the Local Audit and Accountability Act 2014.

The report detailed three statutory recommendations made by the External Auditor’s for the year ending 31st March, 2021. Grant Thornton had issued their final report to the Council on 6th October, 2022. Within that, they had made three statutory recommendations as follows:-

Recommendation 1 – Embed and enforce the Council’s updated contract standing orders and procurement rules.

Recommendation 2 – Ensure Members and Officers have robust assurance and reporting arrangements in place, for managing all ongoing contracts to enable appropriate and timely action to remediate any non-compliance or wider deficiencies.

Recommendation 3 – Review the Council’s escalation arrangements up to Full Council and Overview and Scrutiny Committee to ensure an adequate and timely response to address significant contract environment weaknesses.

Internal Audit and External Audit had highlighted over a period of time, significant weaknesses in aspects of the Council’s procurement and contract management arrangements. In their report, Grant Thornton had concluded that it was appropriate for them to use their powers to make written recommendations under section 24 of the Act, due to inadequate arrangements in procurement and contract management and the Council’s capacity to respond to a number of governance related recommendations raised by Internal Audit and Grant Thornton.

The Council was legally required to provide a response that sets out how it would address the recommendations.

The Mayor invited the Section 151 Officer to outline the Management response to the recommendations, which had been noted as follows:-

Recommendation 1

Embed and enforce the Council's updated contract standing orders and procurement rules.

Management's Response – The Council would ensure that regular, refresher training was offered to procuring Officers. The training video would be available on the intranet and the procurement guidance and handbook would be regularly updated with any changes notified to all service managers and updated on the intranet. Spot checking of ordered goods and services made via intranet to ensure the procurement rules were being followed were ongoing. Specialist training on the Chest (ProActis), the Council's e-procurement portal for tenders, would be provided.

Recommendation 2

Ensure Members and Officers have robust assurance and reporting arrangements in place, for managing all ongoing contracts to enable appropriate and timely action to remediate any non-compliance or wider deficiencies.

Management's Response – The schedule of significant contracts would be provided to the Overview and Scrutiny Committee for them to select those contracts to be reported on through the Committee cycle. Regular progress reports to Corporate Programme Board would highlight any issues on the contracts register and action would be determined. A report on the use of the new procurement exemption process would provide assurance to the Audit and Governance Committee.

Recommendation 3

Review the Council's escalation arrangements up to Full Council and Overview and Scrutiny Committee to ensure an adequate and timely response to address significant contract environment weaknesses.

Management's Response – The Council would review the outstanding current and historic Internal Audit recommendations and establish the monitoring scope and reporting route with the Chair of the Audit and Governance Committee. The arrangements for the Audit and Governance Committee to refer and escalate significant governance concerns would be reported.

Improvement Plan

The Council recognised and accepted all of the recommendations within Grant Thornton's report. Action was being taken to address the issues examined by Internal and External Auditors and the Council was committed to prioritising and embedding the improvements across the organisation.

In August 2021 the Council had engaged with an external specialist to review the procurement and contracting framework and address issues highlighted from audits. Improvements had been identified, accepted and implemented

through the new Procurement Strategy adopted in January 2022, revised standing orders and new procurement rules. The new procurement rules had been effective since April 2022, introduced following a month-long period of training with Managers and Officers, supported by a reset of the corporate procurement support role.

An Improvement Plan had been developed to address all of the recommendations made, a copy of which had been included as an appendix to the report. As well as named Lead Officers responsible and timescales for delivery, the plan also included measures of success so that the Council could track the impact of its activity to ensure actions were addressing the issues identified. These would be taken to Audit and Governance Committee for further review and consideration.

Members had been requested to consider the report and approve the improvement plan to address the recommendations made and to ensure that progress was monitored and managed effectively.

The Chair of the Audit and Governance Committee, Councillor Burns, had thanked Gareth Kelly for attending the meeting and presenting the Grant Thornton report. She stated that it was a serious matter for the Council and confirmed that the Audit and Governance Committee would closely monitor the Improvement Plan.

She added that the Improvement Plan actions outlined by the Section 151 Officer would all be completed by December, 2022. This would be possible because the Council had implemented new procurement rules from April 2022 that had addressed the previous audit concerns.

It was moved by Councillor Burns and seconded by Councillor Assouad and it was unanimously,

RESOLVED:-

1. To receive the statutory recommendations of Grant Thornton made under section 24 of the Audit and Accountability Act 2014; and
2. To approve the Improvement Plan to address the recommendations made and the proposed reporting mechanisms to ensure progress was managed effectively.

46 – UK Shared Prosperity Fund (UKSPF) Investment Plan

The Director of People and Place had submitted a report seeking agreement that the Council would act as the Accountable Body for UKSPF, upon confirmation of the Investment Plan for Barrow Borough until 1st April, 2023 when it would transfer to Westmorland and Furness unitary Authority.

The UKSPF was part of the UK Government's Levelling Up agenda and a significant component of its support for places across the UK. It provided £2.6 billion of new funding for local investment by March 2025, with all areas of the

UK receiving an allocation from the Fund via a funding formula, rather than a competition.

The Fund was launched on 13th April, 2022 and £2,477,528 had been allocated to Barrow Borough Council, with around £8.3m collectively for Barrow, Eden and South Lakeland District Councils.

Investment Plans had been submitted to Government by all three District Councils on 1st August, 2022 setting out how the funding would be spent. The Fund had three investment priorities around with Investment Plans should be based as follows:-

- Community and Place;
- Supporting Local Business; and
- People and Skills

Agreement had been given by Executive Committee in May 2022 to prepare a draft Investment Plan and in July 2022 to submit the prepared Plan. The work had been undertaken in collaboration with Eden and South Lakeland District Councils, in conjunction with local stakeholders.

A Local Partnership Group for Westmorland and Furness had been established who would act in an advisory capacity to ensure the strategic fit and deliverability of the Investment Plan and funded projects.

Government guidance had made specific reference to Local Government reorganisation within Cumbria and stated that consent of Westmorland and Furness Council in shadow form would be needed for the Investment Plans and that plans should include some joint elements, notably delivery arrangements, which would aid transition post vesting day when the District Investment Plans would be merged into plans for the new Council. It had been noted that the Barrow UKSPF Investment Plan had been endorsed by the Westmorland and Furness Shadow Executive on 22nd July, 2022.

It was moved by Councillor Roberts and seconded by Councillor M. A. Thomson and it was unanimously,

RESOLVED:-

1. To receive the update on the UK Shared Prosperity Fund Investment Plan;
2. To confirm that Barrow Borough Council would act as the Accountable Body and to enter into a grant funding agreement with Government; and
3. To confirm authorisation to the Director of People and Place, in consultation with the Director of Resources and the Chair of the Executive Committee, to enter into grant funding agreements with delivery partners for the individual project elements.

REPORTS OF COMMITTEES

47 – Planning

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

RESOLVED:- That the minutes of the meetings of the Planning Committee held on 9th August, 13th September and 4th October, 2022 be received.

48 – Licensing Regulatory

It was moved by Councillor Callister, and

RESOLVED:- That the minutes of the meetings of the Licensing Regulatory Sub-Committee held on 11th July and the Licensing Regulatory Committee held on 8th September, 2022 be received.

49 – Licensing Sub-Committee

It was moved by Councillor Callister, and

RESOLVED:- That the minutes of the meetings of the Licensing Sub-Committee held on 23rd August and 8th September, 2022 be received.

50 – Executive

It was moved by Councillor Roberts, and

RESOLVED:-

That the minutes of the meetings of the Executive Committee held on 27th July, 14th September, 29th September (Extraordinary) and 12th October, 2022 be received and that the recommendations contained therein had been dealt with under Agenda Item No. 8 as outlined in Minute No. 46 above.

51 – Audit and Governance

It was moved by Councillor Burns, and

RESOLVED:- That the minutes of the meeting of the Audit and Governance Committee held on 28th July, 2022 be received.

52 – Overview and Scrutiny

It was moved by Councillor Cassidy, and

RESOLVED:- That the minutes of the meeting of the Overview and Scrutiny Committee held on 15th September, 2022 be received.

53 – 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.

No questions had been asked at the meeting.

The meeting closed at 6.10 pm.

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PART ONE

Barrow Borough Council

Full Council

6 December 2022

**Redesignation of Interim Head of Paid Service and
Appointment of Returning Officer and Electoral Registration
Officer**

Report from: Head of Legal and Governance and Monitoring
Officer

Report Author: Debbie Storr

Wards: (All Wards);

1.0 Summary and Conclusions

1.1 Following the Chief Executive taking up her role as Chief Executive for Westmorland and Furness Council this report is presented to consider the appointment of Returning Officer and Electoral Registration Officer for the period from 31 December 2022 to 31 March 2023, to update the Interim Head of Paid Service designation, and to update attestation of Common Seal.

2.0 Recommendation

2.1 **It is recommended that Council:-**

- (1) Appoint David Parr as the Council's Returning Officer and Electoral Registration Officer with effect from 31 December 2022 in accordance with section 35 of the Representation of the People Act 1983;**
- (2) Confirm that from 31 December 2022 the Interim Head of Paid Service is redesignated as Chief Executive and Head of Paid Service; and**
- (3) Note that the Chief Executive and Head of Paid Service has authority to attest the Council's common seal; and**
- (4) Note that the Monitoring Officer will update the Proper Officer appointments and constitution to reflect these changes.**

3.0 Background and Proposals

3.1 Following the Chief Executive taking up her full time role for Westmorland and Furness Council it is necessary to confirm the Returning Officer and Electoral Registration Officer arrangements up until 31 March 2023.

- 3.2 Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. Whilst there are no local elections expected between now and the end of March 2023, there is always the possibility of a snap General Election, and the Electoral Registration Officer (ERO) is also the Acting Returning Officer for UK Parliamentary Elections. Preparatory work will also be undertaken for elections to the new Barrow Parish Council.
- 3.3 The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person and are personal responsibilities, independent and separate from their duties as an employee of the Council.
- 3.4 It is proposed to make the appointment to take effect from 31 December 2022 until 31 March 2023.
- 3.5 Council is also requested to redesignate David Parr from Interim Head of Paid Service to Chief Executive and Head of Paid Service.
- 3.6 Council is also asked to confirm the Interim Chief Executive and Head of Paid Service as signatory to the Council's Common Seal.
- 4.0 Consultation**
- 4.1 Group Leaders are being advised of the proposals.
- 5.0 Alternative Options**
- 5.1 The Council is required to appoint a Returning Officer and Electoral Registration Officer.
- 6.0 Contribution to Council Plan Priorities**
- 6.1 Not applicable
- 7.0 Implications**
- 7.1 Financial, Resources and Procurement**
- 7.1.1 There may be additional time required from the Interim Chief Executive and Head of Paid Service for the period 31 December 2022 to 31 March 2023. This will be partly funded from the substantive Chief Executive salary, partly from the Council's own Local Government Reorganisation reserve, and shall be capped at a maximum of 3 days per week.
- 7.2 Legal**
- 7.2.1 The Representation of the People Act 1985 (s.35) requires the Council to appoint an officer of the Council to be the RO in local elections.

7.2.2 It is a requirement of section 8 of the Representation of People Act 1983 that the Council appoints and Electoral Registration Officer. By virtue of s.28(1) of the Act the ERO may act as Acting Returning Officer in Parliamentary Elections.

7.2.3 Responsibility for appointment of a Deputy Returning Officer rests with the Returning Officer. However, s.52(2) of the Act provides that any Deputy Electoral Registration Officer must also be approved by the Council. It is proposed that there are no changes to Deputy Electoral Registration Officer.

7.2.4 The Council is also required under section 4 of the Local Government and Housing Act 1989 to designate one of their officer as head of their paid service.

7.3 Local Government Reorganisation

7.3.1 The arrangements will be replaced by Westmorland and Furness Council from vesting day on 1 April 2023.

7.4 Equality and Diversity

7.4.1 Have you completed an Equality Impact Analysis? *No – not applicable*

Risk

Risk	Consequence	Controls required
That the Council fails to appoint a Returning Officer or Electoral Registration Officer	Failure to meet statutory duty	The Council should ensure that appropriate appointments are made

Contact Officers

dstorr@barrowbc.gov.uk

Background Documents Available

Name of Background document	Where it is available
1 Constitution	www.barrowbc.gov.uk

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