

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 pm. on Tuesday the 19th day of July 2022.

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

Officers Present:- Sam Plum (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 Katie Pepper (Democratic and Electoral Services Officer).

15 – Apologies for Absence

Apologies for absence had been submitted from Councillors Barlow, Biggins, Burley, Johnston, Mooney, Nott, Ronson, Seward and Shirley.

16 – Minutes

The Minutes of the meeting of the Council held on 22nd March, the Annual General meeting and Extraordinary Council meeting held on 18th May, 2022 were taken as read and confirmed.

17 – Announcements

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

18 – Public Participation

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

19 – Question by the Public

The Mayor advised Members that questions by members of the public did not give rise to debate or voting.

Mr Brodie was not in attendance at the meeting.

The question was as follows:-

“How many decades do Central Ward residents have to suffer before action is taken against derelict property owners? Number 16 Brown Street and number 19 Storey Square are of particular concern”.

The Deputy Leader of the Council responded that Councillor Robson had been involved with this case and had spoken to both Mr Brodie and local residents

and believed significant progress had been made. Councillor Robson would contact him to provide an update and keep him informed.

20 – Presentation of Former Mayor’s Medal

The Mayor presented the former Mayor’s Medal on behalf of the Borough Council to Councillor Kevin Hamilton in recognition of the duties he had carried out on behalf of the Borough as Mayor from May 2019 to April 2021.

21 – Allocation of Committee Places and Appointment of Chair

The Head of Legal and Governance & Monitoring Officer reported that following the resignation by Councillor Ronson from being a Member of the Conservative Party it was appropriate to review the political balance arrangements under the Local Government and Housing Act 1989. The report dealt with that review and requested changes to Committee membership and appointment of the Chair of the Overview and Scrutiny Committee due to changes in Conservative Party membership.

The provisions of the Local Government and Housing Act (LGHA) 1989 had included the requirement that, where Members of the Council were divided into political groups, then the membership of its committees and sub-committees must reflect the political balance of the Council as a whole. Details of the updated political membership of the Council following the resignation by Councillor Ronson from being a member of the Conservative Party was set out in an appendix attached to the report.

Under the LGHA 1989, the number of committee places to be allocated on committees of the Council was proportionate to that of the Council membership. However, the overall allocation must be proportional to the Council membership. The Council was required to approve those allocations. The resulting allocation of committee places was set out in an appendix attached to the report.

Councillor M A Thomson reported that since the report had been published there had been a further change to the Labour Party membership as Councillor Ronson had joined the Labour Party. The revised allocation of committee places had been circulated prior to the meeting.

Members were requested to note the revisions to the political balance and agree the revised appointments to Committees and confirmation of appointment of the Chair of the Overview and Scrutiny Committee which under the Constitution should be a member of the largest opposition political group.

It was moved by Councillor M A Thomson and seconded by Councillor C Thomson and it was,

RESOLVED:-

1. To appoint Councillor Shirley as the Chair of the Overview and Scrutiny Committee;

2. To note that Councillor Ronson had joined the Labour Group;
3. To note the revised political balance calculations as set out in the revised appendix; and
4. To agree that the Group Leaders provide the Monitoring Officer the revised nominations to Committees where necessary, to be circulated with the Minutes.

22 – Affordable Housing and Developer Contributions Supplementary Planning Document

The purpose of the report was to seek approval of the Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) for Barrow. The SPD sets out the Council's proposed approach to the delivery of affordable housing and to seeking financial contributions from developers for infrastructure and services. The document had been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.

Since Executive Committee a point of clarification had arisen resulting in a minor textual amendment as detailed in Paragraph 4.5 of the report, and that had been incorporated into the final version.

It was moved by Councillor Brook and seconded by Councillor Morgan, and

RESOLVED:-

1. To note the content of the Affordable Housing and Developer Contributions SPD and the consultation which had been undertaken; and
2. To agree that the Affordable Housing and Developer Contributions Supplementary Planning Document be formally adopted.

23 – Officer Scheme of Delegation (plus addendum report)

The Head of Legal and Governance & Monitoring Officer's report sought an amendment to the Officer Scheme of Delegation to reflect the new post of Capital Programme Manager and the change of title of the Democratic and Electoral Services Manager, together with approvals required with regards to banking signatories for HSBC as attached to the addendum report.

It was moved by Councillor Brook and seconded by Councillor Roberts, and

RESOLVED:-

1. To agree to the addition to the Officer Delegation Scheme as shown in paragraph 3.1 to the main report;
2. To approve the recommendation with regards to banking signatories as attached to the addendum report; and

3. To note reference in the Proper Officer appointments to Democratic Services Manager will be updated to show the new title of Democratic and Electoral Services Manager.

24 – Community Governance Review

The purpose of the Head of Legal and Governance's report was to consider the Draft Recommendations of the Community Governance Working Group (CGWG), having considered the results of the First Stage Consultation with residents, stakeholders and other local authorities.

The consultation process undertaken to date had been set out in detail in the report, and the recommendations put forward had been fully considered by the Working Group. Appendix 1 set out the recommendations with regards to the creation of a Barrow Parish/Town Council, and if these were approved by Members, then a second stage public consultation would commence. A report would also be taken to the Shadow Westmorland and Furness Cabinet to update them on the process.

The complexities with regards to the undertaking of the review alongside the transitional arrangements of a new Westmorland and Furness Council could not be underestimated and if the recommendations were approved then the Working Group would continue to look at the requirements for any reorganisation order, and a special council meeting was likely in September to consider the final stages ahead of a final report to the Shadow Westmorland and Furness Cabinet.

It was moved by Councillor Brook and seconded by Councillor Morgan, and

RESOLVED:-

1. To note the Consultation Process and work undertaken by Officers and the Member Working Group on the Community Governance Review following publication of the Terms of Reference in February 2022;
2. That the draft recommendations as set out at Appendix 1 of the report be agreed and published as part of a Second Stage Public Consultation process commencing on Monday 25th July and closing on Friday 26th August 2022 inclusive and that the revised timetable to the Terms of Reference (attached as Appendix 2A to the report) be agreed;
3. To note that any further submissions or representations received as part of the Second Stage Public Consultation would be considered by Council at an extraordinary meeting to be scheduled in September 2022; and
4. That as part of the report back, the CGR Working Group would also consider and make recommendations to Council, on the provisions of a Re-organisation Order, the Community Governance Review final recommendations and such other matters as may be required to be considered in drafting final recommendations for the Shadow Westmorland and Furness Council and the potential formal creation of a Barrow Town Council.

REPORTS OF COMMITTEES

25 – Planning

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

RESOLVED:- That the minutes of the meetings of the Planning Committee held on 12th April, 24th May, 15th June and 12th July 2022 be received.

26 – Licensing Regulatory

It was moved by Councillor Callister, and

RESOLVED:- That the minutes of the meetings of the Licensing Regulatory Committee held on 20th April, 19th May and 13th June, 2022 be received.

27 – Executive

It was moved by Councillor Brook, and

RESOLVED:-

1. That the minutes of the meetings of the Executive Committee held on 22nd March, 25th May and 22nd June, 2022 be received and that the recommendations contained therein had been dealt with under Agenda Item Nos. 10 - 12 as outlined in Minute Nos. 22 - 24 above; and
2. That item from the Extraordinary Executive Committee held on 22nd March, 2022 had been approved by Council on 22nd March, 2022.

28 – Audit and Governance

It was moved by Councillor Burns, and

RESOLVED:- That the minutes of the meetings of the Audit and Governance Committee held on 17th March and 22nd April, 2022 be received.

29 – Overview and Scrutiny

It was moved by Councillor Cassidy, and

RESOLVED:- That the minutes of the meetings of the Overview and Scrutiny Committee held on 24th March, 26th May and 27th July, 2022 be received.

30 – 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.

The meeting closed at 5.45 pm.

BOROUGH OF BARROW-IN-FURNESS

AN EXTRAORDINARY MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 5.30 pm. on Wednesday the 14th day of September, 2022.

PRESENT:- Councillor Preston (Mayor in the Chair) and Councillors Assouad, Barlow, Biggins, Brook, Burley, Burns, Callister, Cassidy, Hamilton, Husband, Johnston, McEwan, Morgan, Nott, Pemberton, Robson, Ronson, Seward, Shirley, C. Thomson, Tyson, Wall and Worthington.

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

31 – Minute’s Silence

The Mayor requested Members to stand and observe a one minute’s silence as a mark of respect for Her Majesty, The Queen Elizabeth II who had passed away peacefully on 8th September, 2022.

32 – Tributes to Her Majesty, The Queen Elizabeth II

The Mayor and Representatives of the Group Leaders in attendance paid tribute to Her Majesty, The Queen Elizabeth II.

33 – Apologies for Absence

Apologies for absence had been submitted from Councillors D. Edwards, H. Edwards, Gawne, Hall, McClure, McLeavy, Maddox, Roberts and Thomson.

Councillors D. Edwards, H. Edwards, Gawne, McClure, McLeavy had requested the reason for their non-attendance to be recorded as a matter of respect for the passing of Her Majesty, The Queen Elizabeth II.

34 – Declarations of Interest and Dispensations

There were no declarations of interest or Dispensations.

35 – Announcements

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

36 – Public Participation

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

37 – LGR – Update and Appointment of Interim Head of Paid Services

The Chair of the Executive Committee congratulated the Chief Executive on her confirmed role with Westmorland and Furness Council.

The report brought forward an update on resource requirements as the Council heads towards vesting day for the new Westmorland and Furness Council and sought confirmation of appointment of an interim Head of Paid Service to support the Chief Executive and Senior Management Team between now and the end of March 2023.

The report also requested Council to consider changes to the delegations to the Chief Executive to cover the Interim Head of Paid Service so that the Interim was able to exercise the same functions as the current Chief Executive. Some revisions were also proposed to the Proper Officer appointments.

The recommendation followed a process which concluded with interviews undertaken by the Chief Officer Appointment Panel. The recommendation was that David Parr, OBE be appointed as the Interim Head of Paid Services, his details had been circulated in the addendum report which had been circulated to Members.

It was moved by Councillor Brook and seconded by Councillor Burns, and

RESOLVED:-

1. To receive the update;
2. To agree the appointment of David Parr, OBE as the Interim Head of Paid Service as detailed within the report on a temporary basis, with immediate effect, for a period to 31st March, 2023; and
3. That the Constitution be amended to include delegations to the Interim Head of Paid Service and updates to the Proper Officer appointments as detailed within the report.

38 – Community Governance Review

At its meeting on 19th July 2022, Council had resolved that the draft recommendations be agreed and published as part of a Second Stage Public Consultation process, along with the revised timetable for the consultation. This report updated Members on the responses to the Second Stage Public Consultation process and consequently, the draft final recommendations from the CGR Working Group. The report also set out the provisions of a Re-organisation Order and which, once approved, would be forwarded to the Shadow Westmorland and Furness Council to consider for the formal creation of a Barrow Town Council.

In presenting the report Councillor Brook highlighted the work that had gone into the review which had concluded that a Parish (Town) council for Barrow would be effective and efficient and bring the benefit of a local, democratically elected voice for the town.

Councillor Brook drew members' attention to recommendation (3) which recommended the budget for a parish council for the 2023/24 financial year. That was important for the reorganisation order since the parish could not calculate an amount that was greater than the amount stated for the first year. Once it was up and running then it had the right to decide on their future budgets. The work had concluded that a sum of £387,700 be recommended, and that was broken down as set out in Appendix 3 to the report.

Since Westmorland and Furness Council was also in transition, transfer of land, property or liabilities was not proposed at this stage, except for certain ceremonial chains, etc. as identified in the related chattels list.

A request was however recommended to be made to Westmorland and Furness for a new Parish Council to be accommodated in the Barrow Town Hall and that the Council be further asked to make such accommodation available initially at a peppercorn rent subject to such other terms and conditions as the parties may agree.

Councillor Shirley asked the following question:-

“Referring to Page 25 Appendix 3 1.11 and Page 26 Appendix 3 1.18

As part of the CGR Appendix 3 - the proposal suggests the costs of elections will be £100,000. As this request is part of the overall local government reform piece, has the council requested that these initial costs be offset using the reserves that will be carried forward by the Borough Council into the new Unitary? This would mean a 28% saving on the precept in year one and would allow for an election reserve to be built up over the 5 years between elections; and

The largest cost on the budget is staffing. The current proposal is for £103,500 in year one to be allocated to staffing - what proposed staffing model is being adopted as part of the CGR?”

The Chair of the Executive replied that election costs were being raised with the Shadow Authority and that this was something that was being explored. The staffing model would be for the parish council to determine but were intended to cover the first year, and include recruitment of a Clerk and support staff.

Councillor Ronson also asked the following question:-

“With funding being made available for a prospective Barrow Town/Parish Council election, what, if any, funding will be made available to the existing parish councils within the Barrow Borough to support the one-off election costs in 2023. The estimated election costs for the three parishes will greatly exceed the 10% yearly limit on the precept increase for those parish councils and so if an election is called, funding will be required from outside the parish councils. Can this matter be explored along with the funding allocation for Barrow's new council elections?”

The Head of Legal and Governance replied that there were ongoing conversations taking place with Westmorland and Furness as part of the budget setting process.

It was moved by Councillor Brook and seconded by Councillor Husband, and

RESOLVED:- It was unanimously agreed to recommend to the Shadow Authority for Westmorland and Furness that they:-

1. Agree that a new Parish Council be established for the unparished area of Barrow;
2. Subject to Agreement of (1) above that the following be agreed:-
 - (a) The new Parish be named Barrow;
 - (b) The new Parish of Barrow should have a Parish Council and be called Barrow Parish Council (noting the name and style of the new council is a matter for the new Parish Council to decide - the Council cannot confer the title of "Town Council" as, under legislation, that is a matter to be resolved by the new parish council once formed);
 - (c) The ordinary year of election will be 2023 and then every four years after;
 - (d) The new Parish of Barrow be comprised of the existing eleven wards of Barrow Borough Council covering the unparished area of the borough, namely: Walney North, Walney South, Barrow Island, Hindpool, Central, Ormsgill, Parkside, Risedale, Hawcoat, Newbarns and Roosecote;
 - (e) The electoral arrangements that should apply for the new Parish of Barrow will be that:
 - (i) The Parish be divided into wards;
 - (ii) The Wards for the Parish shall be those which apply for the Borough Council namely: Walney North, Walney South, Barrow Island, Hindpool, Central, Ormsgill, Parkside, Risedale, Hawcoat, Newbarns and Roosecote;
 - (iii) The number of Parish Councillors to be elected for each Ward shall be: 21 made up of:-

Walney North	2
Walney South	2
Barrow Island	1
Hindpool	2
Central	2
Ormsgill	2
Parkside	2

Risedale	2
Hawcoat	2
Newbarns	2
Roosecote	2

3. That in accordance with regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008), the recommended budget to be incorporated in the Reorganisation Order for the Parish Council for the financial year 2023/24 is £387,700;
4. That Council note the draft reorganisation order attached to the report and that the Monitoring Officer be authorised to take such steps as may be requested of it by the Westmorland and Furness Shadow Authority or Council (as the case may be) to finalise the Order and implement a decision to create a Barrow parish council; and
5. That the (Shadow) Westmorland and Furness Council be asked to agree that a new Parish Council shall be accommodated in the Barrow Town Hall and that the Council be further asked to make such accommodation available initially at a peppercorn rent and subject to such other terms and conditions as the parties may agree.

39 – Medium Term Financial Plan

The Director of Resources reported updates to the Medium Term Financial Plan for 2022-2025.

The revisions covered the energy market price pressures, the April 2022 pay award, the direct delivery of the waste service, and the impact on financial reserves.

It was moved by Councillor Brook and seconded by Councillor C. Thomson, and

RESOLVED:- It was unanimously agreed:-

1. To approve the revised Medium Term Financial Plan for 2022-2025;
2. To approve the movements in earmarked reserves as at 31st March 2022;
3. To approve the use of the General Fund balance as set out in the report; and
4. To endorse the revised lease arrangements for the future depot as specified in the report.

The meeting closed at 5.50 pm.

