



BARROW BOROUGH COUNCIL
TOWN HALL
DUKE STREET
BARROW-IN-FURNESS

Monday, 11th May, 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, 19TH JULY, 2022 COMMENCING AT 5.30 PM for the transaction of the business specified below.

Chief Executive

Business

1. 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 meeting held on 22nd March, 2022, and the Annual General meeting and Extraordinary meeting held on 18th May, 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. QUESTION BY A MEMBER OF THE PUBLIC

Dave Brodie to ask the following question:-

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.

8. PRESENTATION OF FORMER MAYOR'S MEDAL - COUNCILLOR HAMILTON

9. ALLOCATION OF COMMITTEE PLACES AND APPOINTMENT OF CHAIR

To consider the allocation of Committee places and appointment of the Chair of the Overview and Scrutiny Committee.

10. AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

To consider approval of the Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) for Barrow.

11. OFFICER DELEGATION SCHEME

To consider a report seeking amendment to the Officer Delegation Scheme.

12. COMMUNITY GOVERNANCE REVIEW

To consider the Draft Recommendations of the Community Governance Working Group (CGWG).

13. (A) TO RECEIVE THE MINUTES FROM THE FOLLOWING COMMITTEES AS CONTAINED IN MINUTE VOLUME 6 (2021/2022) AND VOLUME 1 (2022/2023) AND CONSIDER RECOMMENDATIONS (WHERE NOT ALREADY DETERMINED ON THE AGENDA):-

- (1) Planning (12th April, 24th May and 14th June, 2022)
- (2) Licensing Regulatory (20th April, 19th May and 13th June, 2022)
- (3) Executive (* 22nd March, 2022, **25th May and 22nd June, 2022)
- (4) Audit and Governance (17th March and 27th April, 2022)
- (5) Overview and Scrutiny (24th March, 26th May and 7th July, 2022)

* The items from the Extraordinary Executive Committee held on 22nd March, 2022 were approved by Council on 22nd March, 2022.

**Recommendations from the Executive Committee are dealt with under Agenda Item Nos. 10 and 11.

(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.

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BOROUGH OF BARROW-IN-FURNESS

THE ANNUAL MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 5.30pm. on Wednesday the 18th day of May, 2022.

PRESENT:- Councillor Wall (Mayor in the Chair) and Councillors Assouad, Barlow, Biggins, Brook, Burley, Burns, Callister, Cassidy, D. Edwards, H. Edwards, Gawne, Hall, Hamilton, Husband, Johnston, McClure, McEwan, McLeavy, Maddox, Morgan, Nott, Pemberton, Preston, Roberts, Robson, Ronson, Seward, Shirley, C. Thomson, M. A. Thomson and Worthington.

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), Sandra Kemsley (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Officer).

1 – Election of Chair and Mayor for 2022/2023

The Chair invited nominations for the Office of Chair and Mayor for the ensuing year.

The nomination of Councillor Miss Hayley Preston was moved by Councillor M. A. Thomson and seconded by Councillor Seward.

There being no further nominations, a vote was taken, and Councillor Miss Hayley Preston was declared elected.

RESOLVED:- It was unanimously agreed that Miss Hayley Preston being a Councillor of this Borough, be and hereby is elected Chair and Mayor of this Borough for the ensuing year.

Councillor Miss Hayley Preston having made and subscribed to the Declaration of Acceptance of Office, as required by law, took upon herself the Office of Chair and Mayor.

Councillor Preston placed on record her thanks to fellow Members for her opportunity to have the honour and privilege to serve as the Final Mayor of Barrow-in-Furness Borough Council. She thanked Officers and applauded them for their hard work and also thanked her colleagues at Women's Community Matters and all her family and friends; and hoped to make them all proud.

COUNCILLOR MISS HAYLEY PRESTON (MAYOR) IN THE CHAIR

2 – Apologies for Absence

Apologies for absence had been submitted from Councillors Mooney, Tyson and Zaccarini.

3 – Appointment of Vice-Chair and Deputy Mayor for 2022/2023

The Mayor invited nominations for the Office of Vice-Chair and Deputy Mayor for the ensuing year.

The nomination of Councillor Therese Assouad was moved by Councillor Morgan and seconded by Councillor Maddox.

There being no further nominations, a vote was taken, and Councillor Therese Assouad was declared appointed.

RESOLVED:- It was unanimously agreed that Therese Assouad being a Councillor of this Borough, be and hereby is appointed Vice-Chair and Deputy Mayor of this Borough for the ensuing year.

Councillor Therese Assouad having made and subscribed to the Declaration of Acceptance of Office, as required by law, took upon herself the Office of Vice-Chair and Deputy Mayor.

Councillor Assouad placed on record her thanks to fellow Members for her opportunity to have the honour and privilege to serve alongside Hayley.

4 – Vote of Thanks and Presentation of Former Mayor's Medal

It was moved by Councillor A. Thomson, and

RESOLVED:- That the appreciation of this Council be tendered to Councillor Helen Wall for the able and efficient manner in which she had carried out her duties as Chair and Mayor during the past year.

Councillor Helen Wall, ex-Chair and Mayor placed on record her thanks and appreciation to her colleagues and Council Officers and made a short speech.

5 – Declarations of Interest and Dispensations

No declarations of interest had been received.

6 – Announcements

The Head of Paid Service stated that Elections had taken place on 5th May and the first meeting of the Westmorland and Furness Shadow Authority had taken place on 17th May, 2022.

This was the last Annual meeting of the Borough Council and herself and Officers were here to serve and support in this last year. On behalf of all staff she wished the Mayor and Deputy Mayor a good year.

7 – Election of Leader of the Council for 2022/2023

The Mayor invited nominations for the Office of Leader of the Council for the ensuing year.

The nomination of Councillor Ann Thomson was moved by Councillor Burns and seconded by Councillor C. Thomson.

There being no further nominations, a vote was taken, and Councillor Ann Thomson was declared elected.

RESOLVED:- It was agreed that Councillor Ann Thomson is appointed Leader of the Council for the ensuing year.

8 – Allocation of Committee Places and Appointment of Chairs, Vice- Chairs, Lead Members, Scheme of Delegation and Calendar of Meetings

The Head of Legal and Governance & Monitoring Officer submitted a report to consider the allocation of committee places, appointment of Chairs and Vice-Chairs to these committees, appointment of Lead Members and the confirmation of the Scheme of Delegation, as set out in Part 3 of the Council's Constitution with the additions as detailed in this report and to consider appointments to outside bodies.

Allocation of Committee places and appointment of Chairs and Vice-Chairs

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 grounds, then the membership of its committees and sub-committees must reflect the political balance of the council as a whole. Details of the political membership of the Council had been attached as Appendix 1 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 had been set out in Appendix 1 to the report.

The Council was bound to have regard to the wishes of the political groups in allocating committee places to individual councillors. A list of those councillors had been put forward by political groups for each committee, in addition to nominations received for the Chairs and Vice-Chairs of the appropriate committee, as follows:-

ALLOCATION OF COMMITTEE PLACES

EXECUTIVE COMMITTEE

Councillors Barlow, Biggins, Brook, Hamilton, McClure, Maddox, Morgan, Pemberton, Roberts, Ronson, Shirley and Wall.

Substitute Members

Labour – Councillors Assouad, Burns, McEwan, Nott, Robson, Seward, C. Thomson and M. A. Thomson.

Conservative – Councillors Hall and Zaccarini.

Furness Independent – Councillor H. Edwards.

PLANNING COMMITTEE

Councillors Assouad, D. Edwards, H. Edwards, Gawne, Hall, Husband, McEwan, Mooney, Nott, C. Thomson, M. A. Thomson and Tyson.

Substitute Members

Labour – Councillors Burns, Cassidy, Hamilton, Johnston, Morgan, Preston, Seward and Wall.

Conservative – Councillors Burley, Ronson and Zaccarini.

Furness Independent – Councillor McLeavy.

LICENSING/LICENSING REGULATORY COMMITTEES

Councillors Assouad, Barlow, Biggins, Callister, Gawne, Hall, McEwan, McLeavy, Maddox, Seward, Wall and Zaccarini.

Substitute Members

Labour – Councillors Husband, Johnston, Mooney, Nott, Preston, Roberts, Robson and C. Thomson.

Conservative – Councillors D. Edwards and Ronson.

Furness Independent – McClure.

AUDIT AND GOVERNANCE COMMITTEE

Councillors Assouad, Burns, Callister, D. Edwards, Nott and Worthington.

Substitute Members

Labour – Councillors Morgan, Robson and Seward.

Conservative – Councillor Burley.

OVERVIEW AND SCRUTINY COMMITTEE

Councillors Cassidy, Gawne, Hall, Johnston, McClure, McEwan, McLeavy, Morgan, Preston, Robson, Ronson and C. Thomson.

Substitute Members

Labour – Councillors Assouad, Biggins, Brook, Burns, Roberts and Wall.

Conservative – Councillors Pemberton and Zaccarini.

Furness Independent – Councillor H. Edwards,

LICENSING/LICENSING REGULATORY SUB-COMMITTEE

Councillors Callister, Hall and McEwan.

Substitute Members

Labour – Councillors Assouad, Barlow, Biggins, Maddox, Seward and Wall.

Conservative – Councillors Gawne and Zaccarini.

Furness Independent – Councillor McLeavy.

Appointment of Chairs and Vice-Chairs of Committees

That the Chairs and Vice-Chairs of the under-mentioned Committees be as follows:-

Executive Committee – Chair, Councillor Brook and Vice-Chair, Councillor Roberts.

Planning Committee – Chair, Councillor M. A. Thomson and Vice-Chair, Councillor C. Thomson.

Licensing/Licensing Regulatory Committees – Chair, Councillor Callister and Vice-Chair, Councillor McEwan

Overview and Scrutiny Committee – Chair, Councillor Ronson and Vice-Chair, Councillor Cassidy.

Audit Committee – Chair, Councillor Burns and Vice-Chair, Councillor Assouad.

Housing Management Forum

The Housing Management Forum was made up of nine members with up to four tenant representatives invited to attend. It makes recommendations to Executive Committee on all matters pertaining to the Council's housing stock. It operated under the protocol within the Executive Committee's terms of reference.

Appointment of Chair and Members of the Housing Management Forum

Councillor Hamilton (Chair) and Councillors Barlow, Brook, Burley, Gawne, McClure, McEwan, Morgan and Robson (Labour 6: Conservative 2: Furness Independent 1).

Outside Bodies

The recommended seat allocations in respect of those Outside Bodies to which the proportionality rules had been applied and in respect of Forums, Working Groups and Panels were shown at Appendix 4 to the report. Members were asked to agree the allocation of seats as shown. It was recommended that the Council delegated to Committees the power to make appointments to outside bodies, etc. appropriate to their terms of reference.

Lead Members

Lead Members had been agreed by Council in September 2020. The Lead Members were as follows:-

People

Community – Councillor Derek Brook;

Health and Wellbeing – Councillor Iain Mooney;

Children, Young People and Families and Safeguarding Champion – Councillor Beverly Morgan;

Place

Climate Emergency – Councillor Therese Assouad;

Cleaner and Greener Neighbourhoods – Councillor Ann Thomson;

Heritage and Wildlife – Councillor Helen Wall;

Housing Strategy and Homelessness (Excluding Housing Stock) – Councillor Lee Roberts;

Arts, Culture and Leisure – Councillor Callister;

Prosperity

Economic Development and Strategic Partnerships – Councillor Lee Roberts;

Cross Cutting

Equality, Diversity and Inclusion - Councillor Hayley Preston.

Calendar of Meetings

The Calendar of Meetings for 2022/23 had been agreed by Council at its meeting on 24th February, 2022 as follows:-

That the Council meet on the following Tuesdays in 2022/2023 at 5.30 pm. namely:-

19th July, 18th October and 6th December, 2022 and 24th January and 28th March, 2023.

That the Executive Committee meet on the following Wednesdays at 2.00 pm. namely:-

25th May, 22nd June, 27th July, 14th September, 12th October, 9th November and 14th December, 2022 and 11th January, 8th February and 8th March 2023.

That the Planning Committee meet on the following Tuesdays at 2.30 pm. namely:-

24th May, 14th June, 12th July, 9th August, 13th September, 4th October, 25th October, 15th November and 13th December, 2022 and 17th January, 14th February and 14th March, 2023.

That the Licensing Regulatory Committee meet on the following Thursdays at 2.00 pm. with the Licensing Committee meeting on rising of the Licensing Regulatory Committee as follows:-

19th May, 16th June, 21st July, 8th September, 6th October, 3rd November and 8th December, 2022 and 19th January and 2nd March, 2023.

That the Overview and Scrutiny Committee meet on the following Thursdays (except where indicated) at 2.00 pm. namely:-

26th May, 7th July, 15th September, 2nd November (Wednesday), and 7th December (Wednesday) and 2nd February and 23rd March, 2023.

That the Audit Committee meet on the following Thursdays at 2.00 pm. namely:-

28th July, 29th September and 15th December, 2022 and 16th March, 2023.

That the Housing Management Forum meet on the following Wednesdays at 2.00 pm. namely:-

8th June, 7th September and 30th November, 2022 and 25th January and 1st March, 2023.

It was moved by Councillor Thomson and seconded by Councillor Roberts, and it was,

RESOLVED:-

1. The Committees and Terms of Reference for those committees, as detailed in Table 2, Part 3 and Part 4 of the Council's Constitution be approved for the forthcoming municipal year;
2. The delegation of Council functions and Proper Officer appointments be confirmed as set out in Part 3 of the Council's Constitution;
3. The size of Committees, as detailed in Appendix 1 to the report, be approved;
4. Seats (and substitute seats) of each committee be allocated to political groups in accordance with Appendix 2 to the report;

5. Seats on those committees which were not subject to political balance rules be allocated in accordance with Appendix 1 to the report;
6. Nominations of Councillors to serve on each committee be received;
7. To agree the appointment of Chairs and Vice Chairs as detailed in Appendix 6 to the report;
8. To agree the appointment of Lead members as detailed in Appendix 6 to the report;
9. The calendar of meetings be confirmed as attached at Appendix 3 to the report; and
10. Agree the allocation of seats on Outside Bodies, the number of seats and allocations in respect of Forums, Panels, Working Groups, etc. in accordance with the details at Appendix 4 or the report, and (with the exception of the Housing Management Forum) delegate to the appropriate committees the power to make the necessary appointments.

9 – Regrading Application Scheme

The Director of Resources' report requested that the moratorium placed on the Regrading Application Scheme be lifted; the Scheme had enabled employees to apply for a change in the grading of a role where the level and scope of responsibilities had changed significantly. It was proposed that the Regrading Application Scheme be updated, incorporated HR support to both Panels, and was opened for a fixed period to ensure that all applications were finalised before the end of the financial year.

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

RESOLVED:-

1. To agree to the lifting of the moratorium on the Regrading Application Scheme;
2. To agree that the Regrading Application Scheme be updated and opened for a fixed period; and
3. To note that the updated Regrading Application Scheme would be presented to the Executive Committee.

10 – Annual Report of the Overview and Scrutiny Committee 2021/2022

The report presented the Annual Report of the Overview and Scrutiny Committee for 2021/2022.

It was moved by Councillor McLeavy and seconded by Councillor Cassidy, and it was,

RESOLVED:- That the Annual Report from the Overview and Scrutiny Committee for 2021/2022 be received.

11 – Annual Report of the Audit and Governance Committee 2021/2022

The report was presented to summarise the activities of the Audit and Governance Committee during the 2021/2022 Council year. It detailed how the Audit and Governance Committee had fulfilled its Terms of Reference during this period by delivering the work programme and showed the effectiveness of the Committee.

It was moved by Councillor Burns and seconded by Councillor Nott, and it was,

RESOLVED:- That the Annual Report from the Audit and Governance Committee for 2021/2022 be received.

12 – Annual Reports from Representatives on Outside Bodies 2021/2022

Annual Reports from representatives on Outside Bodies 2021/2022 had been submitted for information. The feedback from Members in key roles and positions to summarise and feedback annually on their activities. The information was representative, accountable, informative and transparent to the Council as a whole.

It was moved by Councillor Preston and seconded by Councillor Thomson, and it was,

RESOLVED:- To receive the annual reports from Members on Outside Bodies, Chairs and Lead Members.

The meeting closed at 6.08 pm.

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 22nd day of March, 2022.

PRESENT:- Councillor Preston (Deputy Mayor in the Chair) and Councillors Assouad, Biggins, Burns, Cassidy, D. Edwards, H. Edwards, Gawne (Minute No's 97 - 109 only), Hall, Hamilton, Johnston, W McClure, McEwan, McLeavy, Morgan, Pemberton, Robson, Ronson, Seward, Shirley, C. Thomson, M. A. Thomson and Tyson.

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 and Monitoring Officer, Jon Huck (Democratic Services Manager), Paula Westwood (Scrutiny and Democratic Services Team Leader) and Sandra Kemsley (Democratic Services Officer).

90 – Minute's Silence

The Mayor requested Members to stand and observe a one minute's silence as a mark of respect for former Councillor and Mayor, Rosemarie Hamezeian who had sadly passed away; and in recognition of the ongoing suffering in Ukraine.

91 – 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 3 and 5 (Minute No. 109) of Part One of Schedule 12A of the said Act.

92 – Apologies for Absence

Apologies for absence had been submitted from Councillors Wall (Mayor), Brook, Burley, Callister, Husband, Nott, Roberts, Worthington and Zaccarini.

Councillors Callister and Wall had approved absences in accordance with Minute No. 68 of the Council meeting held on 25th January, 2022.

93 – Declarations of Interest and Dispensations

Councillor Burns declared an Other Registrable Interest in Agenda Item No. 15 – Service Delivery (Minute No. 109) as he was a member of Cumbria County Council.

Councillor Hamilton declared an Other Registrable Interest in Agenda Item No. 15 – Service Delivery (Minute No. 109) as he was a member of Cumbria County Council and GMB Union.

Councillor McEwan declared an Other Registrable Interest in Agenda Item No. 15 – Service Delivery (Minute No. 109) as he was a member of Cumbria County Council.

Councillor Shirley declared an Other Registrable Interest in Agenda Item No. 15 – Service Delivery (Minute No. 109) as he was a member of Cumbria County Council.

94 – Minutes

The Minutes of the meeting held on 24th February, 2022 were taken as read and confirmed.

95 – Announcements

The Leader made the following announcements:-

Death of former Councillor and Mayor Rosemarie Hamezeian

Rose Hamezeian was a good Labour Councillor for Hindpool and Central wards. The Mayor would pass on condolences to the family at her Funeral tomorrow.

Conflict in Ukraine

Barrow would welcome and support Ukrainian Refugees.

£25M Towns Deal Funding

Final Business Cases had been submitted to Government for the Towns Deal projects and £25M of funding had been awarded. The Leader wished to place on record her thanks to all staff involved for their efforts in compiling the bids and requested the Chief Executive to e-mail all Barrow Borough Council and Cumbria County Council staff involved, thanking them for their hard work.

Appreciation to Staff

The Leader wished to place on record her thanks to all staff for their hard work during Covid and requested the Chief Executive to e-mail all staff advising how much Councillors appreciate their hard work. She made reference to the Pride Awards which were an important element of recognising and continuing to appreciate the hard work of staff.

96 – Public Participation

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

97 – Equality, Diversity and Inclusion Strategy 2022-2024

The Deputy Director of People and Place had submitted a report providing an updated Equality, Diversity and Inclusion Strategy for 2022-2024, along with an Equality, Diversity and Inclusion Action Framework and the Equality, Diversity and Inclusion Pledge for the Borough of Barrow-in-Furness. Copies of each of these documents had been included as appendices to the report.

The Strategy had been developed with reference to the Local Government Association Equalities Framework which sets out best practice. The Strategy and Action Framework set out how the Council would meet the requirements of the Public Sector Equality Duty (PSED), including setting out specific objectives. The Strategy was a public declaration of the Council's commitment to the continued development and improvement of Council services for communities, which are fully accessible and inclusive, combined with recruiting and retaining staff from all sectors of society.

As an employer, the Council embed equality, diversity and inclusion into all aspects of the Council, developing a sustainable culture, promoting personal responsibility for equality, diversity and inclusion rooted in respect and dignity.

The Equality and Diversity Strategy forms part of the Council's Policy Framework. Council last updated the Equality and Diversity Strategy and published its objectives in 2017. The Equality Act 2010 requires public bodies to publish equality objectives every four years. The current Strategy was due for review and brought in line the new Strategy with links to the Council Plan for 2020-2024 and contributes to the Council's Vision and Values: *For the Borough to be a great place to live, work and visit. We will achieve this by being a compassionate Council, putting the residents at the heart of all we do.* The revised Strategy and Action Framework would serve the needs of the Council Plan, the Council's Values and Behaviours and the Growing Forward Report.

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

RESOLVED:-

1. To agree the Equality, Diversity and Including Strategy 2022-2024 as part of the Council's Policy Framework;
2. To agree the Equality, Diversity and Inclusion Action Framework; and
3. To agree the Equality, Diversity and Inclusion Pledge.

98 – Review of Corporate Health and Safety Policy, Framework and Risk Assessment Procedure

The Director of People and Place had submitted a report informing Council that, through its health and safety governance structures, the Council had reviewed the existing Health and Safety Policies and Procedures to ensure that they remained compliant.

In October 2021, Bob Pedley Safety Services (BPSS) had been appointed to provide interim health and safety support to ensure continuity of health and safety management within the Council.

As part of the health and safety review process, BPSS had identified a number of areas of good practice as well as some areas for improvement.

As a result of this review, BPSS had prepared a number of key policies and procedure for consideration and implementation which had been appended the report, including:-

- Health and Safety Policy;
- Managerial Arrangement for Health and Safety; and
- Risk Assessment Procedure.

The revised Health and Safety Policy formed an overarching strategic document which was underpinned by a Health and Safety Management Framework document based on BS ISO 45001:2018. Both documents reflected the Council's recent restructure and looked to ensure Heads of Service would take the lead responsibility for health and safety management within their respective teams.

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

RESOLVED:-

1. To approve the Health and Safety Policy;
2. To approve the Health and Safety Framework; and
3. To approve the Risk Assessment Procedure.

99 – Financial Policy and Strategy Updates

The Director of Resources had submitted a report containing the financial plans and strategies for 2022-2023 based upon the approved revenue budgets. The plans and strategies contained included the Medium Term Financial Plan, the Treasury Management Strategy Statement, the Capital Strategy, the Reserves and Balances Policy and the Pay Policy.

The key messages had been; it was likely that 2021-2022 budget pressures would be met from in-year underspends and additional grant funding; the 2022-2023 budget balanced from additional grant funding and once that was removed there would be a core deficit which increased each subsequent year due to inflationary pressures outpacing the increases in the funding that could be generated; the Capital Programme was reliant on expected usable capital receipts and was thereafter fully funded; reserves may be sufficient to fund the Medium Term Financial Plan.

The materialisation of financial plans came from effective monitoring, management and reacting to address/mitigate budgetary pressures. There was more pressure on the budget to perform as there was a core deficit stemming from 2021-2022. The Council's financial plans and strategies would be used in building the budgets for the Westmorland and Furness Authority.

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

RESOLVED:-

1. To approve the Medium Term Financial Plan for 2022-2025;
2. To approve the Reserves and Balances Policy;
3. To approve the Capital Strategy and the Capital Programme for 2022-2025;
4. To approve the Treasury Management Strategy Statement 2022-2023;
5. To set the Authorised Limit for borrowing at £54.9m for 2022-2023; and
6. To approve the Pay Policy for 2022-2023.

100 – Annual Review of the Constitution

The Monitoring Officer had submitted a report requesting Council to consider suggested changes to the Constitution as part of the annual review process.

One of the duties of the Monitoring Officer was to monitor and review on an annual basis, the operation of the Constitution to ensure that its aims and principles were given full effect.

In undertaking the review, the Monitoring Officer had sought the views of Members, Officers, Parish Councils and also the public through the Council's website, on any issues which they wished to raise with regard to the Constitution.

A Member response to the consultation had asked for consideration of membership of the Overview and Scrutiny Committee and queried whether the Leader of the Council should sit on the Committee.

As part of the ongoing procurement review, the Financial Regulations and Contract Standing Orders had also been revised following consultation with Managers and Procurement Officers. The revision had also incorporated the requirements covering the impact on accounting of Barrow Forward Limited. Suggested changes to the Financial Regulations and new Contract Standing Orders had been included at Appendix 1 of the report. It had been noted that training would be provided for appropriate Officers during March, 2022 with a view to the changes being implemented from 1st April, 2022.

It was moved by Councillor Hamilton and seconded by Councillor M. A. Thomson and that the recommendations be agreed. It was further moved by Councillor McLeavy and seconded by Councillor Hall that a named vote be taken.

A named vote was taken and recorded as follows:-

Those in favour; 23 namely: Councillors Assouad, Biggins, Burns, Cassidy, D. Edwards, H. Edwards, Gawne, Hall, Hamilton, Johnston, W McClure, McEwan, McLeavy, Morgan, Pemberton, Preston, Robson, Ronson, Seward, Shirley, C. Thomson, M. A. Thomson and Tyson.

RESOLVED:- It was unanimously agreed:-

1. To note the annual review of the Constitution;
2. To agree that it be clarified in the Constitution that the Leader of the Council should not sit on the Overview and Scrutiny Committee;
3. To approve the revisions to the Financial Regulations and Contract Standing Orders to take effect from 1st April, 2022; and
4. To agree the additional revisions to the Constitution and Officer Delegation Scheme and update to the Planning Panel references, as detailed in paragraphs 3.6 – 3.8 of the report and Appendix 2.

101 – Extension of Public Spaces Protection Order

The Deputy Director of People and Place had submitted a report advising that the Council's current Public Spaces Protection Order (PSPO) was due to expire on 1st April, 2022.

Public Spaces Protection Orders had been introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 and had been designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community; the behaviour must be persistent or continuing and it must be unreasonable.

At any point before the expiry of the Order, the Council can extend it by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. The Council should consult with the local Police and any other community representatives they think appropriate before doing so.

A copy of the current PSPO had been included as an appendix to the report. The report revisited the terms of the Order, reviewed its potential impact, considered the results of the consultation carried out with the Police, and interested community groups and considered the case for extending the Order for a further three years.

The PSPO supports the Council Plan and Growing Forward report and contributes to the Council's Vision and Values: *For our Borough to be a great*

place to live, work and visit. We will achieve this by being a compassionate Council, putting residents at the heart of all we do.

Following a representation through The Kennel Club's feedback from the consultation, it had been recommended to adopt the definition of assistance dogs as follows into the final extension order:-

- The term 'Assistance Dog' shall mean a dog which has been trained to assist a person with a disability; and
- The expression 'disability' shall have the meaning prescribed in Section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of the legislation.

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

RESOLVED:-

1. To note the consultation exercise undertaken on the proposed three year extension of the Public Spaces Protection Order; and
2. To approve the extension of the Order for a further three years as set out in Appendix 1 to the report, with the minor additional wording regarding assistance dogs as outlined above.

REPORTS OF COMMITTEES

102 – Planning

It was moved by Councillor M A Thomson, and

RESOLVED:- That the Minutes of the meetings of the Planning Committee held on 15th February and 15th March, 2022 be received.

103 – Licensing Regulatory

It was moved by Councillor McEwan, and

RESOLVED:- That the Minutes of the meeting of the Licensing Regulatory Committee held on 3rd March, 2022 be received.

104 – Executive

It was moved by Councillor Hamilton, and

RESOLVED:-

1. That the Minutes of the meeting of the Executive Committee held on 9th February and 9th March, 2022 be received and that the recommendations

contained therein had been dealt with under Agenda Item No's. 7 and 11 as outlined in Minute Nos. 97 – 101 above; and

2. That item from the Extraordinary Executive Committee held on 22nd March, 2022 had been dealt with under Agenda Item No. 15, as outlined in Minute No. 109 below.

105 – Overview and Scrutiny

It was moved by Councillor McLeavy, and

RESOLVED:- That the Minutes of the meeting of the Overview and Scrutiny Committee held 3rd February, 2022 be received.

106 – 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.

At the meeting Councillor Shirley asked a question in relation to Minute No. 87 of the Council meeting held on 24th February (Budget Proposals). He asked if the Leader would be happy to meet with Dalton Leisure Centre. The Leader confirmed that she would be happy to meet with them.

107 – Notice of Motion Under Rule 11

The following motion had been moved by Councillor Shirley and seconded by Councillor Ronson, signed and submitted to the Council with Notice under Rule 11:-

That Barrow Borough Council:-

- (i) Acknowledges the efforts that this Council has made to safeguard the wellbeing of future generations;
- (ii) Welcome the opportunities presented by the Government's Towns Deal Funding and Levelling Up Fund and request that Local Authorities are empowered to make long-term decisions that will lead to better outcomes for young people and future generations in the Borough of Barrow-in-Furness;
- (iii) Further recognises support for a Wellbeing for Generations Act and associated impact locally, would ensure that decisions made now take into account future need, and tackle problems such as health, education and opportunity inequalities for the long-term;
- (iv) Notes that this motion recognises that long-term, joined up thinking, which prioritises prevention, amounts to an investment in our future generations to the benefit of our combined prosperity. Such an approach will build up resilience of Barrow-in-Furness and tackle the laws of 'unintended consequence';

- (v) Accordingly resolves to support the Wellbeing of Future Generations Bill, currently supported by a cross-party group of MPs and Peers which, if made law, ensure that decisions made now take into account future need, and tackle problems such as health, education and opportunity inequalities for the long-term; and
- (vi) Further resolves to:
- inform the local media of this decision;
 - write to Simon Fell MP, notifying him of this resolution and to commit to work together with him in support of a Wellbeing of Future Generations bill;
 - write to the organisers of the campaign for the Bill, the Big Issue and the APPG for Future Generations, to pledge our support to the aims of the Bill; and
 - to address the wellbeing of future generations in our town, we call on Councillors to agree to review, yearly, the long-term economic, social, environmental and cultural trends, and to use these trends to publish additional 'future generations' impact assessments' in Council reports for decision.

The motion had been duly seconded by Councillor Ronson, a vote was taken on the motion and it was,

RESOLVED:- To agree to support the motion.

108 – Notice of Motion Under Rule 11

The following motion had been moved by Councillor Shirley and seconded by Councillor Zaccarini, signed and submitted to the Council with Notice under Rule 11:-

This motion calls on Council to acknowledge that if we are to successfully deliver change in football, we need Tracy Crouch MP's excellent fan-led review of Football Governance (Published 25th November, 2021) to be implemented in full, so that the recommended changes become a reality.

This motion also resolves that Barrow Borough Council:-

- (i) Acknowledges the efforts that this Council has made to promote an active lifestyle, and to support Barrow Borough based clubs at all levels, from all sporting codes as a force for good in Barrow's communities;
- (ii) Recognises the value of football in Barrow's communities, and the important role it plays in many people's lives;
- (iii) Supports the principles and objectives of 'Fair Game' which are a band of football clubs and supporters who are striving to change our national game for good. To support the principles of 'Fair Game'

which are Sustainability, Fairness, and Success in the wider interests of football;

- (iv) In order for this motion and Fair Game to be a success we call upon support from all levels. This includes government intervention therefore we will write Cumbria's MP's who have not yet supported Fair Game, calling on them to support these principles too; and
- (v) Write to Simon Fell MP of this motion, and joining him in supporting the principles and objectives of Fair Game; Barrow AFC calling on them to sign up to 'Fair Game'; and to notify the local media of this resolution.

Members had been provided with the following links to further information:-

Fair Game UK

<https://www.fairgameuk.org/about>

Fair Game Manifesto

<https://static1.squarespace.com/static/6047aabc7130e94a70ed3515/t/60dc6ae983aebd19a477a130/1625058036839/Fair+Game+-+Solutions+for+our+National+Game.pdf>

Crouch Report – Government fan led review of football

<https://www.gov.uk/government/speeches/fan-led-review-of-football-governance-final-report-and-recommendations>

The motion had been duly seconded by Councillor Hall, a vote was taken on the motion and it was,

RESOLVED:- To unanimously agree to support the motion.

Local Government Act 1972 - Excluded Items

It was moved by Councillor M. A. Thomson and seconded by Councillor Hamilton that the meeting moved into Part Two, and

RESOLVED:- That the items to be taken in Part Two of the Agenda be dealt with following the exclusion of the press and the public.

109 – Service Delivery

The Director of People and Place's report had provided a Service Delivery update.

RESOLVED:- That the resolutions as set out in the exempt minute be agreed.

The meeting closed at 6.25 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 6.10 pm. on Wednesday 18th day of May, 2022.

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

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), Sandra Kemsley (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Officer).

13 – Apologies for Absence

Apologies for absence had been submitted from Councillors Mooney, Tyson and Zaccarini.

14 – Freedom of the Borough

The conferment of the Freedom of the Borough was the highest honour that the Council can bestow.

Margaret Burrow had devoted many years to Barrow and its residents. She had raised vast amounts of money for the betterment of the town and its people. In 2002 she had been awarded an MBE for outstanding services to the Barrow and District Disability Association.

Margaret had made many outstanding contributions to disabled people, their carers and families and services and had been conferred the badge of the order of mercy in July 2006, as well as being the recipient of numerous other achievements and awards including a special recognition award winner of the 2019 South Cumbria Community unsung heroes awards.

She had evidence of exceptional voluntary service to the Borough and carried the respect of and inspired her peers. Her work was dedicated to significantly improving the lives of those less able to help themselves or suffering disadvantage.

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

RESOLVED:- It was unanimously agreed:-

1. That this Borough Council in pursuance of the provisions of section 249(1) of the Local Government Act, 1972 and in recognition of her eminent services to the Borough, Margaret Ann Burrow MBE be admitted as an Honorary Freewoman of the Borough; and
2. That the Common Seal of the Council be affixed to a certificate to be presented at a date to be agreed.

The meeting closed at 6.17 pm.

PART ONE**Barrow Borough Council****Council – 19 July 2022****Allocation of Committee Places and Appointment of Chair**

Report from: Head of Legal and Governance and Monitoring
Officer

Report Author: Jon Huck

Wards: (All Wards);

1.0 Summary and Conclusions

- 1.1 To consider the allocation of committee places and appointment of the Chair of the Overview and Scrutiny Committee due to changes in Conservative Party membership.

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

- (1) Confirm the appointment of the Chair of the Overview and Scrutiny Committee for the remainder of the council year;
- (2) Note the revised political balance calculations as set out in Appendix 1; and
- (3) Receive nominations for any changes to Councillors to serve on each committee (details to be circulated prior to the meeting);

3.0 Background and Proposals

- 3.1 The provisions of the Local Government and Housing Act (LGHA) 1989 include the requirement that, where Members of the council are 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 are shown in Appendix 1.
- 3.2 Under the LGHA 1989, the number of committee places to be allocated on committees of the Council is proportionate to that of the Council membership. However, the overall allocation must be proportional to the council membership. The Council is required to approve those allocations. The resulting allocation of committee places is set out in Appendix 1.

3.3 Members are 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.

4.0 Consultation

4.1 The Group Leaders have been consulted.

5.0 Alternative Options

5.1 The options are as set out in the report which have arisen as a result of changes to the political balance of the council.

6.0 Contribution to Council Plan Priorities

6.1 The governance arrangements underpin the Council’s decision-making processes.

7.0 Implications

7.1 Financial, Resources and Procurement

7.1.1 There are no additional financial, resources or procurement implications as a result of this report.

7.2 Legal

7.2.1 There are no legal implications to raise, the report has regard to the relevant legislation and constitutional requirements.

7.3 Local Government Reorganisation

7.3.1 N/A.

7.4 Equality and Diversity

7.4.1 Have you completed an Equality Impact Analysis? There are no direct Equality and Diversity implications to raise with this report.

Risk

Risk	Consequence	Controls required
That the committees are not properly constituted.	Challenge to decision making process.	Review constitutional make up.

Contact Officers

Debbie Storr, Monitoring Officer – dstorr@barrowbc.gov.uk

Appendices Attached to this Report – *If none, please state none or delete section*

Appendix No.	Name of Appendix
1	Details of political makeup of the Council and size and seats to be allocated to political groups on committees.

Background Documents Available

Name of Background document	Where it is available
1. Local Government and Housing Act 1989	https://www.legislation.gov.uk/ukpga/1989/42/contents
2. Constitution	www.barrowbc.gov.uk

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APPENDIX

CALCULATION OF POLITICAL BALANCE ON COMMITTEES

STAGE 1 – Percentage Representation on the Council:

Party	Membership	Percentage %
Labour	23	63.89
Conservative	8	22.22
Furness Independent Councillors	3	8.33
Independent	1	2.78
One vacancy	1	2.78

STAGE 1A – Total number of seats on Committees to be Allocated:

Committee	Membership
Executive	12
Planning	12
Licensing Regulatory	12
Overview and Scrutiny	12
Audit	6
Total	54

STAGE 2 – Total Allocation of Seats to Each Party

(To ensue as far as reasonably practicable that the numbers of seats allocated to a group in total is in the same proportion as the number of members of the group on the council as a whole)

Party	Number of seats	Seats (rounded up)
Labour	34.50	35
Conservative	11.99	12
Furness Independent Councillors	4.5	5
Independent	1.5	2

STAGE 3 – Percentage Allocation of Total Number of Seats on Committees:

Party	Number of seats	%
Labour	35	64.81
Conservative	12	22.22
Furness Independent Councillors	5	9.26
Independents	2	3.70

STAGE 4 – Allocations on Individual Committees

To ensure that so far as reasonably practicable the number of seats allocated to a group on each committee is in the same proportion as the number of members of the group on the council as a whole)

Committee	Party	Seats on Committee	Seat Entitlement	Total
		12		
Executive	Labour		7.67	8
	Conservative		2.66	3
	Furness		0.99	1
	Independent Councillors			
		12		
Planning	Labour		7.67	8
	Conservative		2.66	3
	Furness		0.99	1
	Independent Councillors			
		12		
Licensing Regulatory	Labour		7.67	8
	Conservative		2.66	3
	Furness		0.99	1
	Independent Councillors			
		12		
O&S	Labour		7.67	8
	Conservative		2.66	3
	Furness		0.99	1
	Independent Councillors			
		6		
Audit	Labour		3.83	4
	Conservative		1.33	1
	Furness		0.50	1
	Independent Councillors			
			Total Seats	54

Labour	36 (35)
Conservative	13 (12)
Furness	5
Independent Councillors Independent	

Labour and Conservative Group's need to lose a seat

The Council can decide whether to allocate these two seats to the Independent member

SUB-COMMITTEE

Committee	Party	Seats on Committee	Seat Entitlement	Total
		3		
Licensing	Labour		1.99	2
	Conservative		0.75	1
	Furness		0.25	0
	Independent Councillors Independent			0

Committees not subject to political balance¹

Committee	Party	Seats on Committee	Seat Entitlement	Total
		12		
Licensing	Labour		7.67	8
Regulatory	Conservative		2.66	3
	Furness		0.99	1
	Independent Councillors Independent			0

¹ Licensing Committee is not subject to political balance rules. However, the Council, by custom and practice, appoint members in accordance with the political balance of the Council.

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PART ONE

Barrow Borough Council
Full Council
Tuesday, 19 July 2022
Affordable Housing and Developer Contributions SPD

Report from: Helen Houston, Head of Regeneration & Planning Policy

Report Author: Matthew Park, Planning Policy Officer

Wards: (All Wards);

1.0 Summary and Conclusions

1.1 The purpose of this report is 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 has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.0 Recommendation

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

- 1) Note the content of the Affordable Housing and Developer Contributions SPD and the consultation which has been undertaken.**
- 2) Agree that the Affordable Housing and Developer Contributions Supplementary Planning Document be formally adopted.**

3.0 Background and Proposals

3.1 The Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) sets out the Council's proposed approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services.

3.2 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. The type of contributions a developer may be expected to make for other infrastructure and services is set out in Policy I1. This policy links to the Council's Infrastructure Delivery Plan, which sets out as far as possible the infrastructure and services that are required to support the development proposed in the Local Plan.

- 3.3 The SPD will support Policies H14, I1 and other relevant Local Plan policies by providing greater clarity and certainty to developers, landowners and the community on how affordable housing should be delivered and what contributions will be expected from new development for infrastructure.
- 3.4 The SPD does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
 - Highway Infrastructure
 - Cycling and Walking Infrastructure
 - Public Transport
 - Travel Plans
 - School Places
 - Children's Play Areas
 - Green Infrastructure
 - Health Services.

Engagement

- 3.5 Several internal meetings were held with representatives from Planning and Housing during the preparation process to discuss how to implement the affordable housing policy in the Local Plan. This has informed the affordable housing section of the SPD.
- 3.6 The Council's Infrastructure Delivery Plan (IDP) was used as the starting point for the remaining sections of the SPD. The IDP was informed by the results of extensive meetings and consultation with infrastructure and service providers and was considered during the Local Plan Examination. More recently, meetings have been held with the County Council and the Morecambe Bay CCG. In particular, a number of meetings have been held with the Local Highway Authority to discuss contributions for junction improvements.
- 3.7 Informal consultation took place on the SPD with Housing and Planning last year, and the SPD was updated accordingly. Informal consultation with the County Council also took place.

4.0 Consultation

- 4.1 Public consultation took place on the SPD for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.
- 4.2 Responses to the consultation were received from the following bodies:

- CITB
- Cumbria County Council
- Department for Education
- Environment Agency
- Historic England
- Homes England
- Natural England

- 4.3 The main comments received were from Cumbria County Council, who suggested that clarity be provided regarding the general approach to viability. They also expressed concern over the use of thresholds to determine when contributions should be requested (e.g. housing development of more than 10 dwellings may be required to contribute towards highway improvements), preferring for these to be removed. The SPD was therefore updated to accord with these comments. The Consultation Statement is included in Appendix 2.
- 4.4 Members of Planning Policy Working Group have reviewed the document at each draft stage and the consultation responses received. The SPD and appendices have also been considered by Overview & Scrutiny Committee and Planning Committee at their most recent meetings and endorsed by Executive Committee.
- 4.5 Since Executive Committee a point of clarification has arisen resulting in a minor textual amendment to the SPD at paragraph 2.8 to ensure clarity in rounding the calculation of the percentage of dwellings required on each site to align with the minimum requirement of the NPPF.
- 4.6 Members are asked to adopt the SPD as attached to this report as a Local Development Document.

5.0 Alternative Options

- 5.1 That Members do not approve the Affordable Housing and Developer Contributions SPD and rely solely on the policies within the Local Plan.

6.0 Contribution to Council Plan Priorities

- 6.1 The SPD will help to deliver the Council's Place Priority by supporting the delivery of a diverse housing offer, where everyone can expect a decent home they can afford to live in; and also in promoting enhanced greener spaces. It will also help to deliver the Prosperity Priority by supporting the delivery sustainable public transport, walking and cycling to promote and improve active travel.

7.0 Implications

7.1 Financial, Resources and Procurement

- 7.1.1 No financial implications are associated with the proposals set out in this report.

7.1.2 The contributions are held separately within the Council's accounts.

7.2 Legal

7.2.1 No legal implications are associated with the proposals set out in this report.

7.2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the statutory requirements for the adoption of Supplementary Planning Documents. If adopted, in line with statutory requirements the SPD will be a material consideration for the determination of planning applications.

7.3 Local Government Reorganisation

7.3.1 The SPD will have no impact on Local Government Reorganisation, each authority will continue to use their adopted Local Plans and guidance for decision making until such time as joint policy is established for Westmorland & Furness Council.

7.4 Equality and Diversity

7.4.1 The SPD considers contributions for a wide variety of themes as set out in the document, including families and older people, access to education, health and services and provision of sustainable development, cycling and walking infrastructure. Consultation was undertaken with a wide range of stakeholders on the views of the groups and individuals they represent including specialist groups.

Risk

Risk	Consequence	Controls required
Not to approve the Affordable Housing and Developer Contributions SPD.	Developers and officers will lack clarity on the delivery of affordable housing and the seeking of financial contributions.	The SPD may be reviewed if government guidance regarding affordable housing and developer contributions is updated.

Contact Officers

Helen Houston, hhouston@barrowbc.gov.uk

Matthew Park, mpark@barrowbc.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Affordable Housing and Developer Contributions SPD (July 2022)
2	Consultation Statement (May 2022)

Background Documents Available

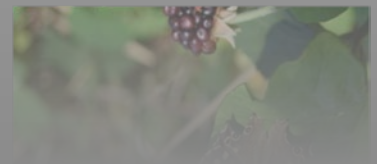
Name of Background document	Where it is available
Barrow Borough Local Plan 2016-2031	https://www.barrowbc.gov.uk/residents/planning/planning-policy/local-plan/

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Affordable Housing and Developer Contributions

Supplementary Planning Document (SPD)



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1.0 Introduction

- 1.1 This Supplementary Planning Document sets out Barrow Borough Council's (the Council's) approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services. The document has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Developer contributions are essential in providing the funds required to provide the necessary infrastructure and services to support new development. Such contributions may take the form of a Planning Obligation by means of a Section 106 agreement (or Section 278 agreement for works to be carried out on the public highway).
- 1.3 This guidance does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
 - Highway Infrastructure
 - Cycling and Walking Infrastructure
 - Public Transport
 - Travel Plans
 - School Places
 - Children's Play Areas
 - Green Infrastructure
 - Health Services.

Barrow Borough Local Plan 2016-2031

- 1.4 Policy I1 of the Local Plan sets out the type of contributions a developer may be expected to make to assist in mitigating the effect of the proposed development in the existing community. The policy states that the types of infrastructure that developments may be required to provide contributions towards include, but are not limited to:
- Utilities and waste;
 - Flood prevention and sustainable drainage measures;
 - Transport (highway, rail, bus and cycle / footpath network and any associated facilities);
 - Community Infrastructure including health, education, libraries, public realm, heritage and geological assets and other community facilities;
 - Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas); and
 - Climate change and energy initiatives through allowable solutions.

- 1.5 This SPD supports Policy I1 by providing greater clarity and certainty to developers, landowners and the community on what contributions will be expected from new development.
- 1.6 The Local Plan contains a number of specific policies which could result in developer contributions being requested. These include:
- Policy I3 – Access to Community Facilities
 - Policy I4 – Sustainable Travel Choices
 - Policy I5 – Travel Plans
 - Policy EC3 – Managing the development of Employment Land
 - Policy H7 – Housing Development
 - Policy H14 – Affordable Housing
 - Policy N3 – Protecting Biodiversity and Geodiversity
 - Policy GI1 – Green Infrastructure
 - Policy GI4 – Green Spaces
 - Policy HC10 – Play Areas
 - Policy HC15 – Education Provision.
- 1.7 It should be noted that some infrastructure and service providers have policies that are relevant to assessing developments and requesting developer contributions. For example, Cumbria County Council will have regard to the Cumbria Planning Obligations Policy when requesting contributions.

Identifying Infrastructure Requirements

- 1.8 The Infrastructure Delivery Plan (IDP) establishes what additional infrastructure and service needs are required to support the level of development proposed in the Barrow Borough Local Plan. This has been produced through engagement with infrastructure and service providers, including the Local Highway Authority and the Local Education Authority. The IDP will be updated to take account of more recent evidence, such as new transport assessments and updated information from service providers. The IDP will help to ensure that the additional infrastructure and services that are needed to support development are identified and delivered in a timely, co-ordinated and sustainable way. It is a mechanism for improving delivery of facilities and services for the benefit of local communities and will provide a robust framework that will support bids for funding and assist decision making.
- 1.9 The IDP is supported by the Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments). This sets out traffic modelling results and recommends a number of improvements at junctions in the Borough, including designs and costs. In 2020, a Stage 3 Assessment was produced which prioritises schemes and provides detailed designs and updated costs. The IDP will be updated to take account of the Stage 3 Study.
- 1.10 The Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments) also sets out recommendations for walking, cycling and public transport infrastructure /

service improvements to support the Local Plan. More recently, a Local Cycling and Walking Infrastructure Plan (LCWIP) is being prepared by Cumbria County Council, in partnership with Barrow Borough Council, and this will include a Cycling Priority Network with infrastructure improvements taking place over several phases. There is an intention to include the routes and improvements within the Barrow LCWIP priority network within the next iteration of the IDP to facilitate delivery

Affordable Housing

- 1.11 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. In line with the NPPF, this policy expects that 10% of dwellings on sites of ten units or over should be affordable. Alternatively, contributions to the provision of affordable housing off-site will be considered where justified. The Council's Strategic Housing Market Assessment is the key evidence in terms of identifying local housing needs. Further clarification on the application of Policy H14 is provided in this SPD.

Approach to Securing Planning Obligations

- 1.12 Paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 state that planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 1.13 Dates will be identified within planning obligation agreements when financial contributions will be provided. These dates are known as 'trigger points'. For larger developments, financial contributions may be linked to each stage of the development. In all cases, the Council will liaise with the developer to agree appropriate trigger points.
- 1.14 Planning obligation agreements will also include dates by which the Council must spend any financial contributions they have received from developers. Any contribution that is not spent by the specified date will be returned to the developer, along with any interest accrued in that time period. For larger improvement schemes that will be delivered over time, this will normally be ten years. For large developments where staged payments are made as the development progresses, the timeframe for spending the contribution will be calculated from the date of the last scheduled payment.

Viability

- 1.15 There may be planning applications where the total cumulative cost of affordable housing provision and / or the requested developer contributions will undermine the deliverability of the development. In such cases, each planning application will be assessed on its individual merits. Paragraphs 2.16, 2.20 and 2.28-2.32 sets out more detail on affordable housing viability and viability appraisals.

- 1.16 In terms of infrastructure, the local planning authority will work with other infrastructure and service providers to determine which infrastructure requirements created by a proposal will take priority, taking account of the relevant policies of the Local Plan. In cases where the applicant is seeking the reduction in the level of financial contributions, an independent viability appraisal will be required from the applicant. The local planning authority will engage with Cumbria County Council in reviewing this appraisal.
- 1.17 If it is determined that viability and deliverability concerns are justified, material and reasonable, joint consideration will be given to the potential to reapportion contributions or seek revision to the proposal. Regard will be had to the most important agreed priorities and outcomes for a locality and the requirement that a scheme suitably and sustainably integrates with local communities and services. Where necessary planning obligations are not provided without an appropriate and demonstrable justification, the planning application will be refused. In such cases, the request for a contribution towards the provision of infrastructure should be recorded for consideration by a Planning Inspector in the event of a planning appeal.

Pre-Application Advice

- 1.18 The Council operates a Pre-Application Advice service, and it is advised that this is used prior to the submission of a planning application. This will help the Council to understand the proposed scheme in advance of a planning application and will enable consultation with the County Council and other key stakeholders, so as to provide an indication of the level of contributions that could be required as a result of the proposed development.

2.0 Affordable Housing

Types of Affordable Housing

2.1 The NPPF Glossary provides the following definition of affordable housing:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

2.2 In May 2021, the government introduced its requirements and guidance for First Homes. First Homes are a specific kind of discounted market sale housing and

should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) Must be discounted by a minimum of 30% against the market value;
- b) Are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) On their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) After the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

Planning Policy Requirements

National Planning Policy

2.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It requires at least 10% of homes for major housing developments to be affordable. Paragraph 62 of the NPPF expects the provision of affordable housing to be met on-site unless:

- a) Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) The agreed approach contributes to the objective of creating mixed and balanced communities.

2.4 See paragraphs 61-64 of the NPPF for further information.

Local Planning Policy

2.5 The Barrow Borough Local Plan 2016-2031 sets out the local authority's planning policies for Barrow Borough. Policy H14 of the Local Plan expects that 10% of dwellings on sites of ten units or over should be affordable as defined in the NPPF. Contributions to the provision of affordable units off-site will be considered where justified.

Exempt Development

2.6 Local Plan Policy H14 Affordable Housing applies to all residential new-build developments and conversions, apart from the following exceptions:

- Residential Care / Nursing Homes (not including Extra Care or similar independent older persons' schemes)

- Hostels (providing supported accommodation)
- Student accommodation – where this is provided by, or directly linked to, a local further or higher education establishment, such as the University of Cumbria or Furness College.

Delivery of Affordable Housing

- 2.7 As set out above, the provision of affordable housing is expected to be met on-site. The delivery of affordable housing provision will be secured through a Section 106 Agreement. Triggers for the delivery of affordable housing will be included in the Section 106 Agreement to ensure their timely delivery. The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase.
- 2.8 The provision of affordable housing will be rounded to the nearest whole unit. For example, a scheme of 27 units would require 2.7 units to be affordable (10%), with this being rounded to a requirement of three affordable units.
- 2.9 The provision should meet the housing need identified in the SHMA and / or any more recent evidence of need. The SHMA Update 2016 sets out affordable housing preferences across the Borough for existing households in need and newly-forming households by tenure. Overall, this gives a tenure split of 27.6% intermediate tenure and 72.4% social/affordable rented across the Borough. It would be appropriate to round this to a 30/70 split.
- 2.10 The introduction of the First Homes requirement means that a minimum of 25% of affordable units should be for First Homes. Paragraph 14 of the MHCLG First Homes guidance states that the social rent should be delivered in the same percentage as set out in local policy. The remaining affordable housing tenures should also be delivered in line with the proportions set out in local policy. Taking account that First Homes are the government's preferred discounted market tenure, it would be appropriate to require 30% First Homes. Subsequently, the required affordable housing tenure split is as follows:
- 30% Intermediate (First Homes)
 - 70% Affordable / Social Rented
- 2.11 For smaller sites it would be difficult to meet the 30/70 tenure e.g. A development of 20 houses would only require two affordable units. It is considered unreasonable to require a 50/50 split i.e. one "First Home" unit and one affordable/social rented unit. Therefore, development of 50 or more units would be required to meet the above tenure split and / or any more recent evidence of need. Development of less than 50 dwellings would require all affordable units to be affordable/social rented.
- 2.12 In terms of discounted provision, the Council is considering introducing a discounted sales scheme to manage the sale of Low Cost Home Ownership (LCHMO)

properties. Such a scheme would relate to new build housing schemes, plus the subsequent resale of a LCHO property. If such a scheme is implemented, guidance will be prepared that will be separate to this SPD.

Off-Site Provision

- 2.13 Off-site provision will only be agreed where it can be robustly justified that there would be obvious benefits in providing the affordable housing on an alternative site. In such cases, the 10% requirement for affordable housing will be applied across both sites to ensure a pro-rata contribution.
- 2.14 The provision must meet the housing need identified in the SHMA and / or any more recent evidence of need. Completed affordable units on the alternative site would need to comply with the equivalent property type and tenure requirements had they been on the application site.
- 2.15 The preferred location for off-site provision is in the same settlement as the proposed development. The site should be identified by the applicant and either:
- Already have planning permission for housing. In such cases, the Council will need to be satisfied that the site can accommodate the off-site provision; or
 - Be acceptable to the Council for housing in principle. In this case, the site will need to be the subject of a concurrent planning application. The two planning permissions will be tied together by means of a Section 106 agreement.
- 2.16 In cases where the value of properties on the application site is considered to be significantly higher than on the alternative site, then an economic viability assessment should be undertaken. This could potentially lead to additional units and / or a commuted sum being required. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.
- 2.17 Affordable units on any alternative site should be completed prior to the completion of development on the application site. If this is not possible, the Council would require a guarantee of an equivalent financial payment towards the delivery of affordable housing. This guarantee would be to an agreed timescale, in case the affordable scheme was not developed for any reason.

Financial Payments

- 2.18 A financial payment would only be considered for one of the following scenarios:
- It had been agreed that the application site was not suitable for affordable housing, but no alternative site was immediately available. In such cases, a financial contribution would be required in lieu of on-site provision; or
 - The provision of affordable housing or off-site provision is robustly demonstrated to be unviable. In such cases, the applicant will be required to submit a viability

assessment to the Council. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.

- 2.19 The Council would only agree to such an arrangement on condition that the Council had up to ten years to spend the payment on an alternative affordable housing provision. In the event of phased payments, this would apply from the date of the receipt of the final payment. The total payment would be equivalent to the cost of providing the affordable units on site.
- 2.20 There may be cases where the provision of affordable housing or off-site provision (completed units or financial contribution in lieu) is robustly demonstrated to be unviable. Where a viability appraisal is considered acceptable, a lesser financial contribution will be negotiated and secured. See paragraph 2.29 – 2.33 for information on viability assessment requirements.
- 2.21 Offsite payments would normally be paid at the commencement of work. However, phasing of payment may be considered where it would enable delivery of the overall development. In such cases, a payment schedule will be agreed with the Council and incorporated into the Section 106 agreement.

Calculating Financial Contributions

- 2.22 The contribution will be based on the affordable housing provision as calculated in paragraph 2.25 and will be the difference between the value of 100% market housing on the site and the value of a policy compliant scheme.

Transfer Values

- 2.23 It is proposed that the Council leaves it to the discretion of Registered Providers of affordable housing to make an offer on affordable housing units being developed as part of new housing schemes. The proposed transfer value must be based on an independent valuation carried out by a suitably qualified (RICS) local valuer, the cost of which should be met by the applicant. It is therefore important that developers discuss the transfer of housing to Registered Providers at early in the process as possible and preferably prior to the submission of a planning application. Where such matters are not resolved to the satisfaction of the Council within the set period for determining an application such proposals will be recommended for refusal unless an extension of time can be agreed.

Calculating the Financial Contribution

- 2.24 Financial contributions will be calculated using the following method:

1. Calculate the Gross Development Value of the scheme with 100% market housing.

Example:

A development of 100 dwellings with the following Gross Development Value:

No. Beds	No. Units	OMV per unit	GDV per dwelling unit type
1 bed	10	£100,000	£1,000,000
2 bed	30	£130,000	£3,900,000
3 bed	60	£160,000	£9,600,000
	100		£14,500,000

2. Calculate the number of affordable units by dwelling type, i.e. 30% First Homes, 70% Affordable / Social Rented.

Example:

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented	First Homes
1 bed	10	1	1	0
2 bed	30	3	2	1
3 bed	60	6	4	2
	100	10	7	3

3. Calculate the development value of the affordable units.

Example:

For the proposed development, the proposed transfer value is based on an independent valuation carried out by a suitably qualified (RICS) local valuer. Both the social rented and First Homes are valued at 70% of OMV.

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	10	1	£70,000	£0
2 bed	30	3	£182,000	£91,000
3 bed	60	6	£448,000	£224,000
	100	10	£700,000	£315,000

4. Calculate the development of a policy compliant scheme.

Example:

Market Homes (90%)

No. Beds	Market Units	Market Value
1 bed	9	£900,000
2 bed	27	£3,510,000
3 bed	54	£8,640,000
	100	£13,050,000

Affordable Homes (30%)

No. Beds	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	1	£70,000	£0
2 bed	3	£182,000	£91,000
3 bed	6	£448,000	£224,000
	10	£700,000	£315,000

GDV of Policy Compliant Scheme: £13,050,000 + £700,000 + £315,000 =
£14,065,000

5. Calculate the Commuted Sum

Step 1 – Step 4 = **£1,450,000**

How the Council will use Financial Contributions

- 2.25 In circumstances where a financial contribution is secured and there is no suitable alternative site, contributions will be paid into a ring-fenced Housing Enabling Fund. This fund will be used to contribute to the overall affordable housing provision in the Borough through a range of projects. The focus will be to bring empty properties back into use. This would take place by means of a housing association who would

purchase empty properties and fund renovation works, before being rented to people in need of social housing.

- 2.26 Where the owner of an empty property does not want to sell, the housing association would help the owner to fund repair works. The housing association will lease the property from the owner and will rent it out at an affordable rate to people on the local authority's waiting list for a set number of years. The housing association will manage the property and the owner will receive rental income, minus management costs.
- 2.27 Funds may also be used for other projects that involves the provision of new affordable housing, such as: enabling specialist housing provision, such as supported housing; use in gap funding schemes; and improving tenure mix / affordability.

Viability Assessments

- 2.28 Paragraphs 2.17 and 2.19 above set out when a viability assessment will be required to accompany a planning application. Where a viability assessment is submitted, this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.
- 2.29 The assessment should include details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision. The developer will send its viability assessment to the Council, robustly justifying why the required affordable housing or contribution (whichever is relevant) is not viable. The Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. The Council will in turn send the viability assessment to its chosen independent surveyor for financial appraisal. If the viability appraisal is considered to be unacceptable by its chosen independent surveyor, then the affordable housing or contribution (whichever is relevant) will be required to be provided, otherwise the planning application will be refused.
- 2.30 The viability assessment will need to include a full financial appraisal with a breakdown of development costs. This should include the following information:
1. The methodology used in the Viability Assessment.
 2. Anticipated sale prices or lease rents with evidence of values of similar schemes in the locality.
 3. Land purchase price/costs and anticipated profit / profit margins and minimum profit level assumptions.
 4. Cost of the land and associated fees including residual land value (RLV) and gross development value (GDV).
 5. Build costs (per sq m), of dwellings and infrastructure supported by independent quantity surveyor estimates.
 6. Full details of any abnormal building costs, for example, unusual ground conditions may mean that deeper and more expensive foundations are needed.

These should be accompanied with supporting reports and independent estimates which justify them design and project management fees.

7. The interest rate / lending costs plus programme and cash flow.
 8. Costs of geotechnical and environmental surveys with a summary of the findings.
 9. Interim development financial calculations with any details from of the loan facility from the provider.
 10. Details of the costs for the provision of local infrastructure / services, and other planning obligations /agreements.
 11. Costs for marketing and sales (including legal fees) as a % of the GDV.
 12. Costs for other professional fees.
 13. References to the sources of data used, including those used for evidence of local property market values. To include market evidence for both market and affordable housing and benchmark or refer to BCIS rates for build costs.
 14. The expected sales price for each dwelling proposed on the site.
 15. Details of whether the land is owned by the applicant or whether it is subject of an option or other arrangement.
 16. Whether any grant / other source of income will be available to augment the finance needed for the affordable units.
 17. Ground rents and service charges for flats if relevant.
 18. Anticipated price paid for the affordable dwellings by the registered provider.
 19. All viability assessments and reports will be published on our website in accordance with the requirements of paragraph 57 of the National Planning Policy Framework.
- 2.31 There is a separate fee payable, in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted. Price will be on a case-by-case basis.
- 2.32 Viability can be reassessed over the lifetime of the development, although the NPPG (Viability, para 009) states that this would be to "ensure policy compliance and optimal public benefits through economic cycles." It adds: "Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."

Design and Tenure

- 2.33 Affordable housing should be well designed to comply with Policy DS5 of the Barrow Borough Local Plan 2016-2031. Such provision must also be integrated with and not visually distinguishable from the rest of the development on the site.
- 2.34 The tenure mix should meet the needs identified in the Council's Strategic Housing Market Assessment, which currently identifies a social/affordable rented and intermediate provision ratio of 70:30 (rounded). If there is clear evidence that no Registered Provider is willing to take the affordable stock with that tenure mix then the Council would explore, alongside the developer and Registered Providers, the possibility of amending the tenure ratio or house types to ensure on-site delivery. Any proposed amendments to the tenure mix should reflect, as far as possible, the need identified in the most up to date Strategic Housing Market Assessment and / or any more recent evidence of need.

Vacant Building Credit

- 2.35 The NPPF states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The accompanying planning practice guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 2.36 This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution for off-site provision is being provided.
- 2.37 The vacant building credit applies where the building still exists and its use has not been 'abandoned'.
- 2.38 The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities are advised to have regard to the intention of national policy.
- 2.39 In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
 - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

Pre-Application Planning Advice

- 2.40 The Council offers a pre-application advice service. It is recommended that anyone intending to submit a planning application makes use of this service in order to rectify any issues or problems at an early stage. Further information on this service can be found on the Council's website at the following link
<https://www.barrowbc.gov.uk/residents/planning/development-control/pre-application-advice/> .

Affordable Housing Statement

- 2.41 Applicants will be required to provide an Affordable Housing Statement with any planning applications that need to provide affordable housing, in accordance with Policy H14 "Affordable Housing" of Barrow's Local Plan.
- 2.42 The Affordable Housing Statement should clearly set out the following:
1. How the proposed development complies with national and local affordable housing planning policies.
 2. The number of dwellings proposed, including the mix and percentage split of market and affordable units (e.g. market housing, affordable rent, intermediate / shared housing etc), along with justification for this provision.
 3. The estimated open market value for the affordable units, ideally provided by a local RICS qualified surveyor.
 4. A site layout plan showing the location and property types of the affordable units. Different affordable housing tenures should be made explicit on the plan.
 5. How the affordable units will be fully integrated within the development, so that the development is "tenure blind" as far as possible.
 6. The arrangements for ensuring that the properties remain affordable to successive occupiers.
 7. How the affordable housing units will be managed, including details of the preferred Housing Association partner involved in the development (where applicable).
 8. Details of affordable units, numbers of bedrooms and property types across all tenures to demonstrate a representative mix of unit types and size.
 9. Details of the affordable unit space standards and floor areas (sq m) for the development.
 10. Details of the type of affordable dwellings in the development (e.g. house, flat, studio, duplex, etc).

- 2.43 All of this information may not be available for Outline Planning Applications, particularly for points 2, 3 and 4 above. In the case of Outline applications, it is recommended that a headline summary of the likely provision should be included in relation to these points, with the final detail then provided with the Reserved Matters application. The Statement should confirm that a legal agreement will be entered into in order to comply with Policy H14 of Barrow Borough Local Plan. It should include details of any discussions with Registered Providers; you are advised to engage with Registered Providers at an early stage.
- 2.44 It may be appropriate, especially for larger schemes, to set the information out in the form of a schedule of accommodation. In some instances it may be helpful to include additional information, for example number of habitable rooms. An example table is set out below:

Table 1: Schedule of Accommodation - Example

Unit	Type	Tenure	Total Bedrooms	GIA (sq m)
1	House	Market	3	85
2	House	Affordable	2	67
3	Bungalow	Affordable	2	68
4	House	Market	3	87

- 2.45 It is expected that the applicant will have thoroughly tested the viability of their scheme to ensure that it can satisfactorily meet the required policy compliant levels of affordable housing, in accordance with paragraphs 2.29 – 2.32 above.

3.0 Highway Improvements

- 3.1 The impact of the development of the sites proposed in the Local Plan will result in a requirement to improve some highways and junctions to achieve safe access into the sites and to ensure that the highway network can accommodate development. Access arrangements would normally be negotiated with the developer at an early stage in the planning process. Where access to a proposed site is particularly difficult, or the highway is not able to accommodate the amount of traffic that would be generated by development, developer contributions may be required to support development.

Section 278 Agreements

- 3.2 The County Council normally requests Section 278 Agreements for works that are required to be carried out on or to a highway. These agreements can be either for the County Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process. A Section 278 Agreement is generally used in lieu of a Section 106 Agreement where the highway improvements to be delivered are associated with a single development, for example, where there are frontage works or a single junction upgrade is to be constructed as opposed to a larger scheme where multiple funding sources are required to be pooled to allow for construction by the County Council at some point in the future. The County Council's Cumbria Planning Obligations Policy contains further information regarding Section 278 Agreements
- 3.3 Section 278 Agreements are normally secured by a condition attached to a planning permission granted by the Borough Council. This will require the agreement of the design of the works by the Borough Council in consultation with the County Council, but also the signing of Section 278 Agreement setting out the funding arrangements directly between the County Council and developer. The condition will normally require the design of the works to be agreed and the Agreement signed before any of the development approved commences. In any event, works associated with any planning proposal will not be permitted by the County Council within the limits of the publicly maintained highway until the Agreement is completed and the bond (if applicable) is secured.

Section 106 Highways Contributions

- 3.4 Section 106 Agreements are preferable to enable pooling of contributions from multiple developments towards larger improvement schemes or for securing Travel Plans, walking and cycling infrastructure and bus infrastructure and services. The pooling of contributions enables the provision of infrastructure required to meet the cumulative impact of development where a single contribution would not fairly or reasonably be able to meet that cost.
- 3.5 The Infrastructure Delivery Plan (IDP) identifies additional infrastructure and services that are required to support the level of development proposed in the Barrow

Borough Local Plan. In terms of highway infrastructure, the IDP was informed by the Barrow Transport Improvement Study (TIS). The TIS identifies the impacts of future growth and identifies a range of sustainable transport improvements, including potential highways improvements at roads and junctions. The IDP summarises the key findings and recommendations of the TIS, and the two documents are intrinsically linked. New development will be required to contribute towards the delivery of the identified schemes in the IDP / Transport Improvement Study (and / or any more recent evidence of need).

- 3.6 The TIS was produced in three stages. More information on these is provided in the sections below. The Stage 1 and 2 Assessments informed the IDP and the Stage 3 Assessment was undertaken after the preparation and publication of the IDP and effectively provides supplementary and updated information.

Barrow Transport Improvement Study

- 3.7 The three stages of the Barrow Transport Improvement Study comprise of:

- Stage 1 Assessment 2016 – Summary of the traffic modelling results
- Stage 2 Assessment 2016 – Identification of transport schemes
- Stage 3 Assessment 2020 – Detailed design of priority schemes

Stage 1 Assessment

- 3.8 The Stage 1 Assessment, undertaken by Cumbria County Council in 2016, sets out the results of the traffic model of the Barrow urban area and the surrounding district. The model has been used to assess the impact of the Local Plan development proposals on the highway network, and is a SATURN traffic model of the morning and evening weekday peak periods. The model outputs include traffic flows, queues, delays and the ratio of flow to capacity, which is a measure of congestion. The results show that the number of over-capacity junctions is forecast to increase in the future as a result of additional development.

Stage 2 Assessment

- 3.9 The modelling work was followed-up by a Stage 2 Assessment by WSP/Parsons Brinkerhoff (WSP/PB). Baseline sustainable travel infrastructure has been reviewed as part of this study with the aim of identifying potential location specific interventions. Having identified areas for potential improvement on the transport network, a range of sustainable infrastructure measures have been recommended with the target of further improving viable alternatives to car-based trips.
- 3.10 The report sets out the details of the improvement works for each of the junctions along with a cost estimate for each improvement. A breakdown of the costs is also set out in the report. Note that the design and costs are indicative and will be subject to change. The costs also do not take account of land take.

Transport Improvement Schemes – Stage 3 Design Improvement Report 2020

- 3.11 Cumbria County Council identified two schemes for further appraisal, and this was set out in the Stage 3 Design Improvement Report, which was published in 2020. The two schemes, both in Barrow, are:
- Risedale Road
 - Ironworks Road gyratory.
- 3.12 Please refer to the Stage 3 Report for more information about these schemes, including more detailed layout designs and updated costings. Again, note that design and costs are indicative and will be subject to change.

Developer Contributions for Highway Improvements

- 3.13 It is expected that the contributions requested will primarily support the delivery of highway improvements identified in the IDP / Barrow Transport Improvement Study 2016 (and / or any more recent evidence of need), in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it. If the payment of contributions is robustly demonstrated to be unviable, a lesser financial contribution will be negotiated and secured.
- 3.14 Substantial weight will be applied to the IDP and Transport Improvement Study in determining where developer contributions will be sought. The information contained in the IDP and Transport Improvement Study is considered to be a strong basis to meet the statutory tests in paragraph 53 of the NPPF or any document which replaces it.
- 3.15 Contributions will take account of the person trip rate of the development. The person trip rate is based upon the number of cars expected per 100 m² gross floor area, and will be considered in consultation with Cumbria County Council using the TRICS database. Contributions will be secured on a site-by-site basis, taking account of the IDP and Transport Improvement Study (and / or any more recent evidence of need), in consultation with the Local Highway Authority.
- 3.16 The TRICS database utilises a large number of sample / example developments which vary considerably in mix of uses, scale and geographic location. It is important in using the TRICS database to use wholly comparable developments to that which is proposed. Developments in different regions, for example highly urbanised areas, can have significantly different trip characteristics to those which aren't. Similarly, a development with high accessibility to other sustainable modes of transport (walking, cycling and public transport) can have very different trips characteristics to those that don't. It should also be noted that TRICS may not include similar sites for all development types, and some bespoke or unique sites may need to take a different approach to trip generation.

- 3.17 Whilst the TRICS database is used in assessing trip generation and resultant impacts on infrastructure from developments, it is important that appropriate trip rates are established and agreed early in the planning application process. Where trip rates used to support the development proposal are calculated using TRICS, the sample selected within TRICS should be appropriate and in line with best-practice guidance developed by the TRICS Consortium. This would include taking into account development type, size, geographic location, nearby population, and sustainable and active travel accessibility.

4.0 Cycling and Walking Infrastructure

- 4.1 A large proportion of residents within Barrow live and work within the town and surrounding business parks and industrial estates. The compact nature of the town and small travel to work area creates ideal conditions for cycling and walking, with most trips to work occurring within the urban area to a small number of major employers. The greatest density of cycle networks is located in Barrow town centre, however there are notable gaps between Askam, Dalton and other residential areas away from Barrow town centre.
- 4.2 To support the delivery of the Barrow Borough Local Plan, a Barrow Transport Improvement Study: Stage 2 Assessment was produced in 2016. The Study proposes new cycle routes, connecting Local Plan sites throughout the Borough to existing routes and the town centres. This study was followed-up by a Stage 3 Assessment in 2020 which focussed on two of the identified routes, setting out indicative designs and costings.
- 4.3 More recently, Cumbria County Council has been working with the Borough Council and other partners to produce a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow, and this will include a priority network for cycle and walking infrastructure improvements. The LCWIP will be delivered over several phases, and these are expected to be partly delivered by means of government funding (particularly the early Phases) and also through developer contributions where the identified walking and cycling infrastructure supports the development identified in the Barrow Borough Local Plan. Making effective provision to facilitate an increase in the levels of walking and cycling is fundamental to the success of the plan. Further details of both the LCWIP and the Barrow Transport Improvement Study are provided below.

Local Cycling and Walking Infrastructure Plan (LCWIP)

- 4.4 Cumbria County Council and Barrow Borough Council are working together to deliver the shared ambition to increase cycling and walking in the Barrow area in line with the Government's 'Gear Change: A Bold Vision for Cycling and Walking' (July 2020) document. As part of this partnership working the County Council is facilitating a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow. This will identify a

cycling and walking network, with the improvements identified making walking and cycling easier. The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right infrastructure is put in place.

4.5 Delivery of the Barrow LCWIP is planned in the following phases:

- Phase 1: Bridge Road and Michaelson Road (Funding secured through the Active Travel Fund). Delivery by Spring 2022.
- Phase 2: Abbey Road, Roose Road and Barrow Town Centre Improvements (£4m funding investment identified as part of Barrow Town Deal Cycling and Walking Project with a Business Case required to release the funding). Delivery is expected to begin in 2023.
- Phase 3: Delivery of other improvements identified as part of the Barrow Cycling and Walking Infrastructure Plan (Subject to securing funding).
- Phase 4: Delivery of leisure routes (Subject to securing funding).

Barrow Transport Improvement Study: Stage 2 Assessment

4.6 The Barrow Transport Improvement Study: Stage 2 Assessment (2016) identifies new cycle routes to support the proposed housing and employment sites in the Barrow Borough Local Plan.

4.7 The Local Plan employment allocations are heavily concentrated to the North West of the town of Barrow. Whilst the sites in this area are currently served by a cycle route, they would benefit from wider connections to residential areas. The proposed housing allocations are not currently served by nearby cycle lanes. Cycle infrastructure would need to be delivered to provide a coherent link between the town centres and these sites. The Stage 2 Assessment recommends that this should be a requirement of planning permission for new housing sites, through Section 106 agreements.

4.8 To increase the mode share of cyclists in the Borough, the Study identifies a number of new potential cycle routes. The delivery of the new routes has been designed to provide cycle access between the proposed Local Plan sites and the town centres. They have also been designed to connect to the existing cycle network. The improvements are linked to new development sites and therefore are targeted at new trips, for which sustainable behaviours could be influenced at the outset. The new potential network provides completeness to many pre-existing gaps in the network and provides significant expansion to provide near complete connections between all major residential and employment sites in the Borough.

4.9 With the widespread locations of development allocations across the Borough, the Study proposes twelve cycle routes to increase the accessibility by cycling in the area.

Barrow Transport Improvement Study – Stage 3 Assessment

- 4.10 The Stage 2 Assessment, summarised above, was followed by a Stage 3 Assessment which prioritised schemes at Roose Road and Leece Lane. Further details are set out in the Study. Improvements at Roose Road have also been included as part of the LCWIP's Cycle Priority Network, under Phase 2 of the LCWIP.

Developer Contributions for Cycling and Walking Improvements

- 4.11 Contributions received will primarily support the delivery of cycling and walking infrastructure improvements in the Barrow Transport Improvement Study 2016 and / or any more recent evidence of need, in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.
- 4.12 The Barrow Transport Improvement Study recommends that the walking and cycling schemes identified within the Study should be primarily be secured through developer funding mechanisms such as through Section 106 or 278 Agreements. Such contributions will be negotiated on a site-by-site basis in liaison with the local highway authority. Development may also be expected to contribute to schemes identified in the LCWIP's Priority Cycle Network and Core Walking Zones. Account will be taken of cycle and walking infrastructure improvements that have already secured funding, such as through the Active Travel Fund or the Barrow Town Deal.

5.0 Public Transport

- 5.1 Bus travel is a key contributor to economic growth, with many people relying on bus services to access shopping, leisure, work, education and training. Development in the Local Plan may generate a need for bus services to be rerouted or for new routes to be created to serve new development. Also, the frequency of services may also need to be increased where current services are close to capacity.

Barrow Transport Improvement Study: Stage 2 Assessment

- 5.2 The bus stops are made up of shelters, particularly in the town centre with many stops outside of the town centre consisting of no more than a flag pole. Due to the simplicity of the stop, waiting for a bus – particularly in poor weather – is likely to be a key factor that discourages bus use across Barrow. New bus stops would also benefit of real time information which help the traveller to make an informed decision of how, and when to travel.
- 5.3 Bus routes in Barrow are typically radial and pass through the town centre. The list of services are as follows. A list of services is provided in the Infrastructure Delivery Plan, although it should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.

- 5.4 Working alongside the County Council Bus Services Officer, a gap analysis of the existing public transport provision and future development locations has been undertaken with new routes being identified for future consideration. The Stage 2 Assessment proposes that bus services in the area are extended to serve potential developments identified in the Local Plan. In particular, there appears to already be potential demand for a bus route to serve the industrial estates and business parks along Park Road, as currently there is no direct bus route that runs through this area other than a school bus. Service frequency would also expect to increase as buses begin to exceed capacity with greater demand.
- 5.5 As local sites come forward in the planning process, developers should seek to engage with local bus operators to identify the specific requirements of public transport provision to manage sustainable travel. It should be ensured that new development sites are within easy access of a bus stop.
- 5.6 In light of this, and to align with Local Plan development sites, the Stage 2 Assessment recommends that routes 1, 3 and 4 should be extended (or new routes created) to capture the demand from new and existing sites.
- 5.7 To include new bus stops it is anticipated that new stops near Local Plan sites could receive developer contributions. Many of the bus stops across Barrow will also be subject to an upgrade. It has been estimated that this would cost £6k-8k per bus stop (2016). An estimate of cost for a new bus service operating with a 20 minute frequency would expect to cost £240k per annum (2016), however, a diverted service would be anticipated to cost around half of this sum. It should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.
- 5.8 The frequency of service that is achievable will to some extent be dependent on how far a development site is from Barrow Town Centre and will vary across the Barrow Borough Council area. Notwithstanding, it remains broadly the case that in Barrow on a route where two buses are operating, the 20-minute frequency should be achievable during the day Monday to Saturday, with a minimum frequency of a bus every 30 minutes achievable for areas such as Dalton-in-Furness.
- 5.9 A detailed cost breakdown of potential proposed bus infrastructure relating to new bus stops and extensions of existing routes has not been prepared due to the detailed nature of these requirements usually developed during masterplanning or a planning application. It should be required that contributions from developers fund these sustainable bus measures.
- 5.10 The recommendations from the Stage 2 Assessment are as follows:
- Extensions of routes and increase of frequency to allow improved accessibility to current and Local Plan sites.
 - Enhancements to bus stop infrastructure in residential areas, where appropriate they should include upgrading flag poles to shelters and seating, raised curbs for wheelchair and pushchair access.

- Ensure all bus stops have printed timetables and to consider real time information, particularly for major routes, with sustainable funding sources.
 - Secured funding arrangements for ongoing maintenance of new bus infrastructure.
 - New Local Plan sites should be planned with the consideration to have a layout that accommodates easy access to bus stops.
 - Improved bus connectivity to Dalton Rail Station in addition to existing Route 6.
- 5.11 Contributions will be negotiated on a site-by-site basis in liaison with the local highway authority, based upon the Barrow Transport Improvement Study and / or any more recent evidence of need.

6.0 Travel Plans

- 6.1 A Travel Plan is a long-term management strategy for a development that seeks to deliver sustainable transport objectives through positive action. Development which generates a significant amount of movement will require the submission of a Travel Plan, to comply with Policy I5 of the Local Plan. By helping to reduce single occupant car use, Travel Plans can encourage effective use of current highway and transport networks, help support sustainable economic growth, encourage healthy lifestyles, promote social inclusion, manage travel demand, and assist in reducing the impacts of climate change.
- 6.2 Travel Plans will be secured via planning obligations to guarantee the provision of sustainable travel options that will result in social, economic and environmental benefits. The NPPF, paragraph 111, states that “all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”
- 6.3 Where the trip reductions proposed to be achieved through a Travel Plan are to be considered as the mitigation measure in order to make the development impact acceptable, Policy I5 of the Local Plan requires a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond.
- 6.4 In the event that the Travel Plan objectives are not being met, the bond monies will be used to provide the necessary infrastructure. In exceptional circumstances, should a developer be unwilling to commit to including an Action Plan within the Travel Plan, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution.
- 6.5 In line with the Cumbria Planning Obligations Policy, the County Council will seek to secure the implementation of Travel Plans (and the achievement of the stated objectives) through Section 106 Agreements to encourage the effective use of current transport networks and promoting sustainable travel choices. This includes

meeting the targets agreed such as trip reductions in the Travel Plans over a consistent period of time, typically five years, in lieu of providing highway infrastructure improvements to mitigate the impacts of the development. A contribution will be required from a development alongside the Travel Plan to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date. Further information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.

7.0 Schools

- 7.1 Education services in Barrow are managed by Cumbria County Council, which has a statutory responsibility for the provision of sufficient school places in the County. Pressure for additional school places can be created by an increase in birth rate, new housing developments, greater inward migration and parental choice. A new housing development can have an adverse impact on the educational infrastructure of its local community if local schools are close to capacity and unable to meet this demand.

Education Responsibilities

- 7.2 Cumbria County Council, as required by Section 14 of the Education Act 1996, must ensure it has secured the provision of sufficient primary and secondary school places for its area. The provision of these places can be in Education Authority maintained schools or, with their support, academies.
- 7.3 In performing this role, the County Council must ensure it complies with the requirements of the 2006 Education and Inspections Act. This requires that local authorities promote choice and diversity in relation to the provision of school places. In practice, this means parents are able to express a preference for which school they wish their child to attend. Providing there are places available in that school, the admission authority is required to allocate a place.
- 7.4 Linked to these responsibilities, the County Council is required to provide home to school transport where the nearest school with a place available is more than two miles from a child's home where children are under eight, and a distance of three miles for children aged 8 and over, or where there is no safe walking route to school.

Planning Policy

National Planning Policy Framework

- 7.5 Good quality and accessible education is an essential element in the creation of sustainable communities. This principle is reflected in the National Planning Policy Framework (NPPF), paragraph 95, which states:

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education”.

Local Plan

- 7.6 Policy I1 of the Local Plan states that were development will create additional need for improvements or provision of services, contributions will be sought to ensure that the appropriate enhancements / improvements are made, including for education.
- 7.7 Policy HC15 supports proposals for the development or expansion of new educational facilities where they are well related to the catchment that they will serve. Proposals for the development of education facilities should be located within existing education sites where possible. Where there is a need for a new educational site, the location should be close to the intended catchment in order to minimise travel.

Cumbria Planning Obligations Policy

- 7.8 Cumbria County Council has a Planning Obligation Policy which sets out a methodology and approach to assessing the effects of new development upon County Council infrastructure.

Assessing Yield and Capacity

- 7.9 Each year the County Council provides to the Department for Education (DfE) an assessment of surplus capacity in each school it maintains. The latest, agreed ‘net capacity’ figure (based on standard formulae provided by DfE) would be the capacity figure used by the County Council to decide whether the pupil yield from housing development can be accommodated.
- 7.10 New housing development can place additional pressure on school places, either through inward migration from outside the County, or by redistributing the existing population into areas where the schools are full to capacity. When considering whether there is sufficient capacity in schools in the area of any new housing, the anticipated number of school aged children that the development will give rise to must be assessed. This assessment of the “pupil yield” of development has been undertaken using a “population-led” model.
- 7.11 The population-led model uses Census data to calculate the average number of school aged children living in each household in Cumbria. This average figure is then multiplied by the total number of houses in a new development to provide a pupil yield figure. When the County Council considers detailed planning applications, a more refined, “dwelling-led” model is used. This utilises census information to derive a pupil yield based on the size of homes proposed in a scheme. These approaches are established within the Cumbria County Council Planning Obligations Policy, which ensures the effects of development are considered in the most consistent and balanced manner across the County.

Outline Housing Planning Applications

- 7.12 In the case of outline planning applications where there is no indication of the likely dwelling mix, the County Council will provide an estimate of pupil yield based on a population-led model. An example of the population led model, using the Cumbria Planning Obligations Policy, is reproduced below:

Fig 9: Calculation of pupil yield using a dwelling led model

<p>Number of households in Cumbria – 209,027</p> <p>Number of children aged 4-15 living in households in Cumbria = 72,149</p> <p>Number of children per household (72,149/209,027) = 0.345</p> <p>Outline application for 50 units:</p> <p>Pupil Yield (50 units x 0.345 children per unit) = 17.25</p> <p>Primary Yield [(17.25 x 7 primary year groups)/12 total year groups] = 10.06</p> <p>Secondary Yield [(17.25 x 5 secondary year groups)/12 total year groups] = 7.19</p> <p>Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.</p>

Full Housing Planning Applications

- 7.13 The dwelling-led model is used for full housing planning applications and for outline applications where there is an indication of the likely dwelling mix. An example of the dwelling led model, using the Cumbria Planning Obligations Policy, is reproduced below:

Fig 10: Calculation of pupil yield using a dwelling led model

<p>50 Dwellings:</p> <ul style="list-style-type: none"> • 10 2-bed houses • 30 3-bed houses • 10 4-bed houses <p>Pupil yield:</p> <ul style="list-style-type: none"> • 10 2-bed houses x 12.9% = 1.29 school age children • 30 3-bed houses x 39.9% = 11.97 school age children

- 10 4-bed houses x 50.2% = 5.02 school age children

Total Pupil Yield = 18.28 school age children

Primary Yield = 18.28/12 (total year groups) x 7 primary year groups = 10.66 children

Secondary Yield = 18.28/12 (total year groups) x 5 secondary year groups = 7.62 children

Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.

Assessing the Capacity of Local Schools

- 7.14 Together with an assessment of the projected pupil yield associated with a development, in considering whether or not a contribution would be required regard needs to be had to the capacity of local schools.
- 7.15 The County Council provides to DfE each year an assessment of surplus capacity in each school it maintains. That assessment includes the latest, agreed 'net capacity' figure, based on standard formulae provided by DfE. This will be the capacity figure used to decide whether the pupil yield from housing development can be accommodated, taking into account any changes in capacity since the previous measurement was undertaken.
- 7.16 The net capacity of the catchment area school, the average projected pupil numbers (informed by data collected annually from General Practitioner Register showing all children aged 6 and under living in any given school catchment area) and the identified pupil yield of a development will all be considered to determine how many places, if any, will be available and therefore, whether or not a developer contribution would be required. To give a fuller understanding when considering the projected pupil numbers, the County Council will have regard to the school roll across the coming years (for which data is available).

Providing Additional Capacity at Existing Schools

- 7.17 Where housing developments or the cumulative impact of a number of housing developments in an area give rise to the need for extensions, refurbishment and/or remodelling to provide additional capacity (including nursery capacity, as appropriate) at existing schools. The County Council will look to the landowner/developer or a consortium of landowners/developers to fund the full cost of providing the additional capacity at existing schools at the appropriate time, including the cost of acquiring additional land if necessary.
- 7.18 Where developers/landowner(s) are required to fund the cost of additional capacity at existing schools, the County Council will, as a general rule, require the full actual or estimated cost of the specific additional capacity to be used to determine the contribution. This would be subject to appropriate indexation to reflect the cost at the time the additional capacity is built.

- 7.19 It may not always be practicable or desirable to utilise development contributions to provide additional capacity at the school closest to the development. For example, the school site nearest to development may be fully developed, or the expansion of the school may result in an overdevelopment/loss of essential school facilities. In these cases contributions would be sought towards the cost of providing additional capacity through extensions, refurbishment and/or remodelling of existing schools where the need would be best met. The use of contributions would be monitored by the County Council.
- 7.20 Where a school is in a rural location and additional capacity is required but cannot be provided at the school due to site or other constraints, a contribution may be sought towards the provision of school transport and additional capacity at another nearby school which has capacity or may be expanded to provide such capacity. This is to ensure sites are sustainable. As part of this process consideration would be given to the nearest available school and to where children travel to already. The calculation of school transport will be based on that set out in the Highway's and Transport Section of this document. This is not the desired approach however, and should not be considered as appropriate mitigation in every circumstance and should be viewed as a last option.

Calculating Developer Contributions

- 7.21 Where additional school capacity is to be funded by the landowner/developer, if practical to identify costs, the County Council will seek that the developer/landowner to fund the full actual cost of new provision or a detailed estimate.
- 7.22 Where it is not practical for such information to be derived (e.g. in the case of some outline or smaller scale proposals or in the absence of detailed assessment of what works can be done at a school), the County Council will use Department for Education (DfE) construction cost multipliers (as amended/available/appropriately updated) to determine the cost of providing additional school places and thus the level of contribution to be provided. These multipliers are linked to location factors, which adjust the base multiplier to reflect the differing costs of building nationwide.
- 7.23 In these occasions, the cost of the additional school places will be calculated as follows:

<p>Pupil Yield</p> <p>x</p> <p>DfE primary and/or secondary cost multiplier at the time the additional places are calculated</p>
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- 7.24 The multipliers exclude ICT equipment, site abnormalities, site acquisition, VAT and other associated costs. Where appropriate these costs will be sought in addition to the multiplier applied.

Cumulative Development

- 7.25 For cumulative, separate proposed developments that impact on school places and that are to come forward in conjunction, contributions will be sought that are proportionate to the cost of additional facilities and the expected pupil yield from each individual development, as follows.

Development A – Pupil Yield = 25 primary-age pupils

Development B – Pupil Yield = 50 primary-age pupils

Development C – Pupil Yield = 100 primary-age pupils

Total Pupil Yield = 175 primary-age pupils

- Existing local primary school(s) assessed as requiring an additional 90 places to accommodate all pupils arising from the three developments.

Where actual costs or a cost plan is available the cost multiplier will be determined by dividing the actual cost of funding additional capacity by the number of additional spaces required.

Alternatively, in the absence of such actual cost information, the DfE multiplier may be utilised:

- Developer A Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (25/175) = \text{£A}$
- Developer B Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (50/175) = \text{£B}$
- Developer C Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (100/175) = \text{£C}$

- New 1-form-entry (210 place) primary school required; estimated cost, £Y:

- Developer A Contribution: $\text{£Y} \times (25/175) = \text{£A}$
- Developer B Contribution: $\text{£Y} \times (50/175) = \text{£B}$
- Developer C Contribution: $\text{£Y} \times (100/175) = \text{£C}$

8.0 Children's Play Areas

- 8.1 Policy HC10 of the Barrow Borough Local Plan states that where deemed appropriate through lack of provision or other limiting factor such as access, proposals for residential development will be required to provide well designed and located children's play space. Further detail on the delivery of children's play space is provided below.

- 8.2 A number of housing allocations in the Local Plan are located on the edge of settlements. This may mean that they are located at a significant distance from existing children's play areas within the urban areas. New development may also place additional demand on existing play areas.
- 8.3 Fields in Trust is the operating name of the National Playing Fields Association (NPFA) and offers guidance for practitioners on open space provision. 'Guidance for Outdoor Sport and Play' (2015), published by Fields in Trust, recommends Benchmark Standards as a tool for assisting in the development of local standards. The standards for play areas are set out in the tables below:

Table 2: Accessibility Standards for Children's Playing Space
(Planning and Design for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Walking Distance (metres from dwellings)
Local areas for playing and informal recreation (LAP)	100
Local equipped areas for playing and informal (LEAPs)	400
Neighbourhood equipped areas for play (NEAP)	1000

- 8.4 At this stage it is recommended that the Planning and Design for Outdoor Sport and Play guidance should be used as a basis for requiring provision. Specifically, it is considered appropriate to primarily base the need for new play space on the distance of new development to existing play space, rather than quantity (ha per 1,000 population) guidelines, taking account of the criteria set out in Tables 2 and 4. New development should also provide children's playing space in accord with Table 3.
- 8.5 A judgement should be made as to whether existing play space within the thresholds set out in Table 4 is of good quality at the time a planning application is being determined. For example, there may be play space within the thresholds that is very small or has a very limited amount of play equipment. Is this play space suitable to serve an additional new housing development? Each case will be judged on an individual basis until a detailed open space assessment is undertaken by the local planning authority.
- 8.6 The table below sets out the recommended application of quantity benchmark guidelines, as recommended by Fields in Trust:

Table 3: Quantity Benchmark Guidelines
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
11-200 dwellings	✓	✓	Contribution	Contribution
201-500 dwellings	✓	✓		✓
501+ dwellings	✓	✓	✓	✓

8.7 Recommended minimum sizes for children's play space is set out in the table below:

Table 4: Recommended Minimum Sizes – Formal Outdoor Space
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Minimum Sizes	Minimum Dimensions	Buffer Zones
Local areas for playing and informal recreation (LAP)	0.01ha	10 x 10 metres	5m minimum separation between activity zone and the nearest dwelling
Local equipped areas for playing and informal (LEAPs)	0.04ha	20 x 20 metres	20m minimum separation between activity zone and the habitable room façade of dwellings
Neighbourhood equipped areas for play (NEAP)	0.1ha	31.6 x 31.6 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling
Multi-Use Games Area (MUGA)	0.1 ha	40 x 20 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling

8.8 Account should be taken of the following quality guidelines when planning for formal outdoor space:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Sufficiently diverse recreational use for the whole community.

- Appropriately landscaped.
- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths.
- Designed so as to be free of the fear of harm or crime.

8.9 Developers will be expected to provide a commuted sum for a minimum of five years maintenance, or contributions for off-site provision within a suitable and safe walking distance, in accord with Policy HC10 of the Local Plan.

9.0 Biodiversity Net Gain

9.1 Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

9.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity. Policy N3 of the Barrow Local Plan 2016-2030 states that development proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible. The Council's Biodiversity SPD also supports the delivery of Net Gain, stating that opportunities which provide a net gain in biodiversity should always be sought.

9.3 Mandatory biodiversity net gain as set out in the Environment Act applies in England by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory biodiversity net gain:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections.

9.4 A new Biodiversity Metric 3 was launched in July 2021. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought

about by development or changes in land management. The metric is a habitat-based approach to determining a biodiversity value.

- 9.5 Although development sites will be considered on a case-by-case basis, the expectation is that net gain is provided on-site. Where it has been demonstrated that it is not possible to achieve a 10% Net Gain for biodiversity on-site, there will need to be consideration of off-site measures. There may be instances where it would be appropriate for off-site financial contributions to be provided based on the Biodiversity Units required to deliver the Net Gain. Further local guidance on the delivery of Biodiversity Net Gain will be provided in due course. Such guidance will also help to ensure that Gain is undertaken to a high standard and that habitats are created or enhanced to achieve Net Gain are managed, maintained, and monitored for the long-term.

10.0 Green Infrastructure

- 10.1 In accord with policies GI1 to GI9 of the Barrow Borough Local Plan 2016-2031, new development is required to incorporate green infrastructure as an intrinsic part of the design of new development. Further guidance will be provided in a Green Infrastructure SPD. Contributions may be required for the ongoing maintenance of green infrastructure on a development site.
- 10.2 Contributions may also be required for the maintenance of nearby public open space, including provision / repair of fencing, pathway maintenance and the provision of signage. Contributions will be negotiated on a site-by-site basis in liaison with the Property Services department of the Local Authority.

11.0 Healthcare

- 11.1 In accord with Policy I1 of the Barrow Borough Local Plan, new developments may be required to provide contributions towards community infrastructure, which includes health facilities. The paragraphs below are based upon the Morecambe Bay Clinical Commissioning Group's (CCG) Section 106 Monies & Community Infrastructure Levy Funding Policy for Health Facilities. This sets out how the CCG calculates the contributions which they expect from new housing development, to ensure health infrastructure needs are taken into account when planning applications for new housing development are received. It also highlights the importance of the CCG engaging with Local Planning Authorities during this process.
- 11.2 Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.

Morecambe Bay Clinical Commissioning Group

- 11.3 The Morecambe Bay Clinical Commissioning Group (CCG) is a statutory consultee whose views will be a material consideration in the decision-making process. The CCG will work with the local planning authority to secure contributions and ensure their expenditure in accordance with Section 106 agreements, as set out in the CCG's Section 106 Policy mentioned above.
- 11.4 Healthcare contributions will allow the following improvements to health facilities:
- The reconfiguration or expansion of health premises to provide additional facilities and services to meet increased patient or user numbers;
 - New health premises or services at the local level to provide additional facilities and services to meet increased patient or user numbers;
 - Any new facility required to compensate for the loss of a health facility caused by the development.
- 11.5 Prior to 2013, the processes for allocating Section 106 health funding was via the Primary Care Trust (PCT). The PCT was responsible for maintaining an Estates Strategy and managing any health allocation as a contribution to delivering against that strategy. The process for securing healthcare contributions was based on a simple formula applied to the number of dwellings proposed in each planning application.
- 11.6 In April 2013, PCTs were disbanded and Clinical Commissioning Groups (CCG) were established. NHS England North was made accountable for primary care whilst the CCGs retained responsibility for acute and community care. NHS Property Services (NHSPS) took over all PCTs and Strategic Health authorities estates interests. Where PCT properties were classed as "critical clinical infrastructure" and a Foundation Trust or another NHS provider was the majority occupier, ownership was offered to those NHS bodies initially rather than NHSPS.

Impact of New Development on Health Services

- 11.7 When assessing the impact of new development on healthcare infrastructure, the CCG will undertake a criteria-based assessment for each development proposal. This will be assessed by the Primary Care Committee before being submitted to the NHS Governing Body with a recommendation prior to any submission to the local planning authority.
- 11.8 There will be no distinction between the types of residential provision attracting a contribution. Residential park homes, affordable housing schemes, projects for specialist accommodation for the elderly, extra care homes and assisted living will be subject to obligations. Such forms of housing generate a high percentage of dependent patients reliant upon NHS Services and places high demands on local clinical services where infrastructure needs to respond to such pressures.

Worked Example

- 11.9 The example below has been reproduced from Section 106 Monies and Community Infrastructure Levy Funding Policy for Health Facilities, produced by the Morecambe Bay Clinical Commissioning Group. The example is based on a residential scheme in Lancashire, for up to 480 dwellings. For the purpose of this SPD, the location of the proposed development will be called “Town A.”
- 11.10 The development is based on the average household size in the UK (ONS 2017) of 2.4 per dwelling, which would result in an increased patient population of approx. 980.
- 11.11 The calculation below shows the likely impact of the new population in terms of number of additional consultations per year. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

Table 5: Consulting room requirements

Proposed population	980
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 100% patient use of room	5154.80
Assume surgery open 50 weeks per year	$5154.80/50 = 103.09$
Appointment duration	15 mins
Patient appointment time per week	$103.09 \times 15/60 = 25.77$ hrs per week

Table 6: Treatment room requirements

Proposed population	980
Access rate	5260 x1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 20% patient use of room	$5154.80 \times 20\% = 1030.96$
Assume surgery open 50 weeks per year	$1030.96/50 = 20.61$
Appointment duration	20 mins

Patient appointment time per week	$20.61 \times 20 / 60 = 6.87$ hrs per week
-----------------------------------	--

- 11.12 New residents in the area are likely to register with the GP practice within “Town A.” The “Town A” practice is at full capacity, with any current limited plans to expand surgery facilities focusing on meeting existing deficiencies. An assessment has been undertaken, of the GP surgery based on issues relating to standards, capacity and workload which would impact on the practices ability to manage increased numbers of patients. This has resulted in a rating of Red for the practice.
- 11.13 The practice would be seeking to expand their facility accordingly through internal alterations.
- 11.14 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. For the “Town A” practice to expand to meet their share of the population increase the total cost has been identified below.

Additional patients to be accommodated – 980
X
Standard area m2/person based on total typical list size of approx. 6000 – 0.11
X
Cost of build including fees £/m2 – £1,902
 Total cost $980 \times 0.11 \times £1902 = \mathbf{£205,035.60}$

- 11.15 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. The costs are set out below:

Table 7: Building Costs

Project Types	Gross Internal Floor Area (m ²)		
	<500	500 – 1500	>1500
	£/m ²	£/m ²	£/m ²

Project Types	Gross Internal Floor Area (m ²)		
	<500	500 – 1500	>1500
	£/m ²	£/m ²	£/m ²
New Build excl land	£2,250.00	£2,064.00	£2,094.00
New Build incl land	£3,150.00	£2,964.00	£2,994.00
Extension (Clinical excl treatment rooms)	£1,782.00	N/A	N/A
Extension (Clinical incl treatment rooms)	£1,902.00	N/A	N/A
Extension (Admin areas only)	£1,662.00	N/A	N/A
Alterations (excludes replacement furniture)	£1,002.00	N/A	N/A
Alterations including replacement furniture	£1,044.00	N/A	N/A

- 11.16 In order to release the healthcare contribution (to the CCG) for each Section 106 agreement the CCG will need to submit to the Developer a proposal detailing the works to be undertaken with costs and timescales for implementation and incorporation into the planning obligation.
- 11.17 To enable submission to the CCG, the CCG will request completion of a Section 106 proposal template by the relevant practice(s). Where one or more practices may receive funding from a specific Section 106 agreement the CCG will manage an open and transparent process through discussion with the practices to agree the projects to be supported through the available healthcare contribution. This will not usually involve 'bidding' for a share of the funding. There may be circumstances such as on large new strategic development sites where the development of a new practice or other models of care may be more appropriate. When such circumstances exist, the CCG will conduct a thorough and transparent procurement process to work with new providers for the delivery of such a scenario.

12.0 Section 106 Monitoring Fees

- 12.1 There is a need to use resources to monitor Section 106 (s106) legal agreements in order to ensure that monies are spent on the delivery of the necessary infrastructure. The NPPG (Planning Obligations, paragraph 36) states: "Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime

of that obligation.” Local authorities are also required to report on such obligations at least annually through an Infrastructure Funding Statement.

12.2 Larger scale developments tend to have a greater number and complexity of obligations within an agreement, therefore a set of fees based on a scale of development is considered to be appropriate. The starting point is based on a planning officer spending eight hours per planning obligation, with a percentage increase as the scale of the development increases.

12.3 The following monitoring fees apply:

	1 - 10 dwellings or up to 1 ha of land	11 – 50 dwellings or up to 3 ha of land	51+ dwellings or more than 3 ha of land
% increase	0	40%	80%
Monitoring fee per agreement	£150	£210	£270

12.4 There are two aspects to monitoring Section 106 legal agreements:

- Financial monitoring and management of the monies associated with receiving developer contributions towards local infrastructure and mitigation measures; and
- Physical monitoring of compliance with the terms of the agreement, e.g regarding buildings and infrastructure.

12.5 This monitoring includes:

- Updating and maintaining a planning obligations database;
- Ensuring that all the financial and non-financial obligations in agreements are met;
- Keeping track of site/application progress and dependent S106 triggers;
- Providing calculations of financial contributions, sending invoices and receiving payments;
- Ensuring financial contributions are used for specific purpose outlines in the obligation;
- Keeping and maintaining transparent accounting procedures;
- Providing regular updates for Members, Committees and the wider community
- On-site open space, green infrastructure and bio-diversity quality inspections
- Affordable housing triggers – ensure meeting correct specifications and location.

12.6 The fees set out in the table above are indicative and will be subject to change, in accord with planning officer salaries and the amount of time expected to undertake the required monitoring. Some planning obligations will require monitoring over an extended time period, such as those relating to biodiversity net gain. In such cases

there will be additional fees to enable the local planning authority to recover its costs for the additional monitoring, as set out in the respective Section 106 agreement. Costs will be based on the hourly salary of the planning officer undertaking the monitoring and the expected number of hours that will be required for monitoring.

- 12.4 Monitoring fees for Section 106 agreements should be secured by way of a contractual covenant in the Section 106 agreement itself. Payment shall be made in full at the time of the completion of the Section 106 agreement. A summary of the fees will be published in the Infrastructure Funding Statement.

Unilateral Undertakings monitoring fees

- 12.5 Where an applicant submits a unilateral undertaking, there is an administration and monitoring fee of £200.

Other Monitoring Fees

- 12.6 It should be noted that this SPD relates to monitoring fees that may be sought by Barrow Borough Council. Other authorities, such as Cumbria County Council, may separately seek to charge a monitoring fee.

13.0 Reporting on Developer Contributions

- 13.1 Local authorities are required to produce an Infrastructure Funding Statement each year which summarises the developer contributions obtained, allocated and spent by the Council. This is a new annual reporting requirement that was introduced as part of the recently amended CIL regulations in 2019 (CIL Regulations: Schedule 2).
- 13.2 The first Statement summarises the contributions agreed, received and spent during the period 1st April 2019 to 31st March 2020 for Barrow Borough. It contains information on Section 106 Agreements only. Section 278 Agreements are not considered in this document. Further Statements will be produced in subsequent years. All Statements published to date can be found on the Barrow Borough Council website.

Development Services

Barrow Borough Council
Town Hall
Duke Street
Barrow-in-Furness
Cumbria
LA14 2LD

Website: www.barrowbc.gov.uk/residents/planning/



Working together to support sustainable development within the Borough of Barrow-in-Furness

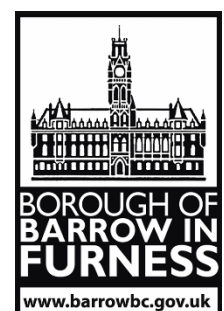


Consultation Statement

May 2022

Affordable Housing and Developer Contributions Supplementary Planning Document

Working together to support sustainable development within the Borough of Barrow-in-Furness



- 1.0 Barrow Borough Council has consulted on the draft Affordable Housing and Developer Contributions Supplementary Planning Document (SPD). The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The draft SPD has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012. This document summarises who was consulted during the consultation, the main issues raised, and how the Council has addressed these issues in the SPD.
- 2.0 The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.
- 2.0 A list of consultees can be found in the appendix. Responses to the consultation were received from the following bodies:
 - CITB
 - Cumbria County Council
 - Department for Education
 - Environment Agency
 - Historic England
 - Homes England
 - Natural England
- 3.0 A response was also received from a local resident who stated that affordable homes on brownfield sites are needed rather than more executive homes on green fields.
- 4.0 The Environment Agency, Homes England and Natural England stated that they do not have any comments on the draft SPD. The comments from the remaining bodies are summarised the table below, along with the Council's response to the comments.

General Comments		
Consultee	Summary of Comments	Council Response
CITB	Having employment and skills included in this SPD (or as a specific SPD) would allow the construction industry locally to create more employment opportunities to better serve the pipeline of projects in the Borough of Barrow and surrounding area, generating economic benefit that stays within the borough. It also provides Barrow people with the opportunity to find employment and training locally, rather than having to travel elsewhere to find work.	Comments noted, however it is considered that employment and skills is beyond the remit of this draft SPD. Nevertheless, the Council will consider the possibility of a separate SPD on this matter.
Cumbria County Council	<p>Consideration needs to be given to including a section about how viability will be considered relative to overall provision of infrastructure and services and how decisions will be made about what infrastructure contributions take priority over others.</p> <p>Consideration should be given to clarifying whether Barrow Borough Council will expect an 'open book' independent development appraisal to be undertaken to support any request for reduced contributions. Additionally, clarity should be provided about whether the County Council would be involved in jointly reviewing the appraisal and consideration of the infrastructure priorities.</p> <p>The County Council would wish to see that appropriate weighting / prioritisation is given to the infrastructure and services it is responsible for when considering viability relative to other infrastructure contributions that are being requested.</p>	A new "Viability" section has been added to the SPD, in accord with the County Council's comments and the Cumbria Planning Obligations Policy, in order to provide greater clarity on how the Council will consider viability. See new paragraphs 1.15 – 1.18 of the updated SPD.
Historic England	Local plan policy I1 in the adopted Barrow Borough Local Plan 2016-2031 provides for the historic environment as being a type of infrastructure that development may be required to provide contributions towards. It is noted that the intention of the SPD is not to set out all circumstances where infrastructure contributions will be sought. Therefore the absence of the historic environment from the document is	Comments noted.

	accepted as it does not preclude contributions being sought on occasion where necessary.	
1.0 Introduction		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Include in the Introduction a statement recognising that other authorities and bodies that are responsible to the delivery of infrastructure and services will have policies that are relevant to assessing developments and requesting developer contributions. For example, the County Council will have regard to the Cumbria Planning Obligation Policy.	A statement has been added to the SPD that recognises the policies of other authorities, in accord with the County Council's comments. See paragraph new paragraph 1.7 of the updated SPD.
Cumbria County Council	Further explanation should be included in the SPD about how the IDP will be applied relative to the TIS, noting that the IDP in large part 'calls up' / links to the TIS in setting out the infrastructure required to support / mitigate the impact of development to be delivered through the Local Plan.	The SPD has been updated to clarify the roles of the IDP and the TIS, in accord with the County Council's comments. See new paragraphs 3.5 and 3.6 of the updated SPD.
Cumbria County Council	Consideration should be given to including a statement that substantial weight will be applied to the IDP / TIS in determining where developer contributions will be sought and that the use of the information contained in the TIS / IDP is considered to be a strong basis to meet the statutory tests.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	In paragraph 1.9 it is suggested that the reference to the "Local Cycle and Walking Infrastructure Strategy" should be changed to "Local Cycle and Walking Infrastructure Plan (LCWIP)" to ensure consistency of terminology within the SPD.	Amendment has been made in accord with this comment (now paragraph 10).
Cumbria County Council	In paragraph 1.13, consideration should be given to including clarification that for larger developments, where staged payments are made as the development progresses, that the timeframe for spending the contribution may be calculated from the date of the last scheduled payment. It is suggested that a timeframe is set for expenditure / refund of contributions	Paragraph has been amended to provide clarity regarding timescales for spending contributions, in accord with the County Council's comments (now paragraph 1.14).

	in the SPD for larger improvement schemes that will be delivered over time (preferably 10 years).	
3.0 Highways		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Earlier comments reiterated regarding the weight that will be applied to the IDP / TIS in determining where developer contributions will be sought.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	Suggest that further clarifying text is provided to clarify the use of Section 278 Agreements. Suggested wording is provided by the County Council.	Paragraph 3.2 is amended in line with the suggested wording from the County Council. See paragraph 3.2 of the updated SPD.
Cumbria County Council	It is suggested that the draft SPD is expanded to provide further commentary about when Section 106 Agreements are preferred to secure highways contributions.	A new paragraph has been added to provide further commentary on the use of Section 106 Agreements, in accord with the comments from the County Council. See new paragraph 3.4 of the updated SPD.
Cumbria County Council	Suggest that Paragraph 3.4 should include a reference to public transport.	This paragraph has been reworked in line with earlier comments, and therefore no longer includes reference to infrastructure types.
Cumbria County Council	It is unclear where the 10 dwelling and 100m2 additional gross floor area thresholds in paragraph 3.12 have come from and how they have been determined. The thresholds are not consistent with any thresholds that are used by the County Council and therefore could fetter the County Council's ability to request a developer contribution. It is therefore requested that the thresholds are removed from the SPD.	Former paragraph 3.12 has been deleted in line with these comments, and therefore no longer includes thresholds. For consistency, the thresholds that were included 11.2 regarding healthcare contributions have also been deleted from the updated SPD.
Cumbria County Council	Detailed comments provided that suggest adding more information and clarity regarding the use of the TRICS database for calculating trip rates and when they should be established in the planning process.	New paragraphs 3.16 and 3.17 added to provide further information about the use of the TRICS database, in accord with the comments from the County Council.

Cumbria County Council	Paragraph 3.6 – it is suggested that the reference to “the Local Highway Authority” is changed to “Cumbria County Council”.	Change made accordingly (now paragraph 3.8).
4.0 Cycling and Walking		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Wording is suggested to clarify that developer contributions will be required to secure the delivery of cycling and walking infrastructure identified within the LCWIP.	Paragraph 4.3 has been amended in accord with the comments from the County Council.
Cumbria County Council	Reflecting the County Council's role, it is recommended that the word “developing” is changed to “facilitating” in Paragraph 4.4. It is also suggested that the final sentence of this paragraph is amended to read, “The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right <u>infrastructure</u> is put in place.”	Paragraph 4.3 has been amended in accord with the comments from the County Council.
5.0 Public Transport		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Bus services referred to in paragraphs 5.3 and 5.8 have been subject to change.	Paragraphs 5.3 and 5.8 have been amended to take account of the changes to the bus services.
Cumbria County Council	Clarification is provided on the frequency of bus services. Costs were also assessed in 2016 and have been subject to change.	New paragraph 5.8 is added to take account of the frequency of bus services and that the cost of providing bus services has been subject to change.
6.0 Travel Plans		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It is recommended that further explanatory text is included in Section 6.0 about the County Council’s role and that further	New paragraph 6.5 added to provide more information on the County Council’s role in the assessment and approval of

	information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.	Travel Plans.
7.0 Schools		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It is noted that Section 7.0 Schools aligns with the County Council's Cumbria Planning Obligations Policy and therefore there are no further comments at this time.	Comment noted.
Department for Education	The department welcomes the support provided within paragraph 7.7 of this SPD which supports "the development or expansion of new educational facilities where they are well related to the catchment that they will serve", and via Policy HC15 of the local plan	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.9 to 7.11 – We would recommend that the SPD reference the DfE guidance on securing developer contributions for education, in particular paragraph 8 which recommends that pupil yield factors are based on up-to-date evidence from recent local housing developments. Paragraph 34 of the guidance encourages local authorities to take account of the higher pupil yields generated by new housing developments compared to the wider population.	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.14 to 7.16 – When education needs from very large developments are assessed and there are plans to utilise capacity in existing schools, instead of, or in addition to a new onsite school, we recommend that you only consider the capacity of primary schools within the statutory walking distance.	There are no "very large" housing allocations in the Barrow Borough Local Plan, therefore it is not considered necessary to make this amendment.
Department for Education	The provision of SEND places is not addressed. We would recommend that the SPD be amended to include a section outlining how the need for SEND places generated by new developments will be calculated, and how developer	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.

	contributions to support these places will be calculated	
Department for Education	Para 7.5 – the reference to paragraph 94 of the NPPF should be changed to paragraph 95.	Paragraph 7.5 has been amended accordingly.
Department for Education	The department welcomes the policy approach set out within the Cumbria County Council’s planning obligations policy (paragraph 6.2.2) asserts that both land and funding for the provision of schools will be required, and which is in turn the approach advocated by this SPD – this approach accords with our guidance and Planning Practice Guidance.	Comments noted.
9.0 Biodiversity Net Gain		
Consultee	Summary of Comments	Council Response
Cumbria County Council	The approach to biodiversity net gain is supported. There is further guidance expected from Defra to support the national roll-out of LNRS across the whole of England, and which may help further inform development of the “local guidance”.	Comments noted.
10.0 Green Infrastructure		
Consultee	Summary of Comments	Council Response
Cumbria County Council	<p>The provision and enhancement of green networks through developer contributions is supported.</p> <p>The draft SPD indicates that further guidance will be provided in a “Green Infrastructure SPD”. It is important that the further SPD supports a site responsive design approach that in the first instance seeks to retain, as far as is practicable, areas of natural value e.g. vegetation and systems such as riparian areas, in-line with the mitigation hierarchy of avoidance, mitigation and compensation for biodiversity loss. In preparing the guidance it will also be important to integrate flood mitigation / drainage and active transport considerations, including ensuring that the guidance aligns with relevant</p>	Comments noted.

	policies and design standards.	
12.0 Section 106 Monitoring Fees		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It would be beneficial to clearly state that Section 12.0 relates to monitoring fees that may be sought by Barrow Borough Council and that other authorities may separately seek to charge a monitoring fee.	New paragraph 12.6 added to clarify that other authorities may separately seek to charge a monitoring fee.

Appendix

List of consultees

Specific

The specific consultation bodies include:

- Cumbria County Council
- Cumbria Police Authority
- Department for Communities and Local Government
- Environment Agency
- Historic England
- Home and Communities Agency
- Natural England
- North West Regional Leaders Board
- North Western Inshore Fisheries and Conservation Authority
- The Coal Authority
- The Secretary of State for Transport

Neighbouring Local Authorities

- Copeland Borough Council
- South Lakeland District Council

Parish Councils

- Askam and Ireleth Parish Council
- Dalton with Newton Town Council
- Lindal and Marton Parish Council

Neighbouring Parish Councils

- Aldingham Parish Council
- Kirkby and Ireleth Parish Council
- Millom Town Council
- Millom without Parish Council
- Pennington Parish Council
- Urswick Parish Council

Owners/controllers of electronic communications apparatus

- Arqiva Services Limited
- EE
- Three
- Vodafone and O2

Organisations which provide electricity, gas or water, or deal with sewerage

- Electricity North West Limited (ENW)
- Northern Gas Networks
- United Utilities Water Limited

General

The general consultation bodies include:

- Active Cumbria
- Age UK Barrow and District
- Askam Road Resident Group
- Associated British Ports
- AWAZ Cumbria
- Barrow and District Disability Association
- Barrow and District Society for the Blind Ltd
- Barrow Civic and Local History Society
- Barrow Gypsy Group
- Barrow Island Community Trust
- Barrow Tenant's with Disability Forum
- Barrow Tenants' Forum
- Barrow Traders Association
- Bluesky Planning
- Cadet Gas
- Centrica
- Chetwynde School
- Churches together in Barrow
- Churches together in Dalton
- Churches Trust for Cumbria
- CLA North (Country Land and Business Association)
- Cumbria Clinical Commissioning Group
- Cumbria County Council
- Cumbria Deaf Vision
- Cumbria Disability Network
- Cumbria Local Enterprise Partnership
- Cumbria Partnership NHS Foundation Trust
- Dalton Local History Society
- Dalton Residents Stakeholder Group
- Dalton Traders Association
- DARE Dance Studio
- Department for Education
- Devonshire Road Residents and Tenants Association
- Feet First in Furness
- Four Groves Community Association
- Furness Academy
- Furness Building Society
- Furness Multi-Cultural Community Forum
- Furness Ramblers Association
- Furness Rugby Union Football Club
- Grange and Cartmel Crescent Residents and Tenants Association
- Hindpool Community Association
- Keep Our Future Afloat Campaign
- Marine Management Organisation Northern Office

- MIND in Furness
- Morcambe Bay Partnership
- National Federation of Gypsy Liaison Groups
- NHS England
- NHS Property Services Ltd
- North Walney Residents' Association
- North West Ambulance Service
- North West Regional Leaders Board
- Openreach Newsites (British Telecom)
- Ormsgill Youth and Community Association
- OutReach Cumbria
- PC Lettings
- Phil Collier Associates
- Residents of Netherby Drive
- Rosegate Residents and Tenants Association
- St Bernard's Catholic High School
- Stoneleigh Close Residents Association
- Strategic Investment and Property, Cumbria County Council
- Street Voice for Barrow Island
- The National Federation of Liaison Groups
- Thomas Eggar LLP
- United Utilities Property Services
- University Hospitals of Morcambe Bay NHS Foundation Trust
- University Hospitals of Morcambe Bay Trust
- University of Cumbria Head Office
- Vulcan Road Tenants and Residents Association

Other

Other consultation bodies include:

- Accent North West
- Adult and Local Services
- Anchor Trust
- Applethwaite Limited
- Barrow and District Council for Voluntary Service
- Barrow Borough Sports Council
- Barrow Golf Club
- Barrow Sixth Form College
- British Astronomical Association
- British Horse Society
- CALC
- Children's Services
- Citizen's Advice Bureau
- Civil Aviation Authority
- Country Land and Business Association
- Cumbria and Lancashire Community Rehabilitation Company
- Cumbria Constabulary
- Cumbria Fire and Rescue Service

- Cumbria GeoConservation Group
- Cumbria Local Access Forum
- Cumbria Partnership Forum
- Cumbria Playing Fields Association
- Cumbria Tourism
- Cumbria Wildlife Trust
- Design Council
- Diocese of Carlisle
- Eamont Close Sheltered Housing Forum
- Fair oak Housing Association
- Federation of Small Businesses
- FFT Planning
- Fields of Trust
- Friends of the Earth
- Friends of the Lake District (CPRE)
- Furness College
- General Aviation Awareness Council
- Health and Safety Executive
- HM Revenue and Customs
- Home Builders Federation
- Home Group
- Impact Housing Association
- Inspira Cumbria
- Invest in Cumbria (CIIA)
- Jobcentre Plus
- Lake District National Park Authority
- Local Flood Risk Management Team, Cumbria County Council
- Maritime and Coastguard Agency
- National Farmers Union
- National Grid
- National Highways
- Network Rail
- NHS North West
- North of England Civic Trust
- North Western Inshore Fisheries and Conservation Authority
- Office of Nuclear Regulation
- Ramblers Association
- Road Haulage Association – Northern Region
- Royal Mail Group PLC
- Royal Yachting Association
- RSPB
- Sport England
- Street Voice for Lord Street Area
- Sure Start (Cumbria)
- The Campaign for Real Ale
- The Crown Estate
- The Gypsy Council
- The Lawn Tennis Association

- The National Trust
- The Planning Inspectorate
- The Princes Trust
- The Sea Cadets (Barrow)
- The Theatres Trust
- The Woodland Trust
- University Hospitals of Morcambe Bay NHS Trust
- Victoria Junior School
- Voluntary Action Cumbria

Development Services

Barrow Borough Council

Town Hall

Duke Street

Barrow-in-Furness

Cumbria

LA14 2LD

Website: www.barrowbc.gov.uk/residents/planning/



Working together to support sustainable development within the Borough of Barrow-in-Furness



PART ONE

**Barrow Borough Council
Council
19 July 2022
Officer Scheme of Delegation**

Report from: Head of Legal and Governance and Monitoring Officer

Report Author: Debbie Storr

Wards: (All Wards);

1.0 Summary and Conclusions

1.1 This report seeks an amendment to the Officer Scheme of Delegation to reflect the new post of Capital Programme Manager.

2.0 Recommendation

2.1 **That Executive Committee recommend to Council that it:-**

Agrees to the addition to the Officer Delegation Scheme as shown in paragraph 3.1 to this report.

3.0 Background and Proposals

3.1 This report seeks approval to an addition to the delegation scheme to reflect the new post of Capital Programme Manager. Existing delegations are to Heads of Service and the Deputy Director of People and Place. Members are requested to authorise the Capital Programme Manager

“Authority to exercise any power delegated to his/her Director in this Section of Part 3 that relates to his/her Directors’ area of responsibility” and
“Authority to enter into contracts in accordance the contract standing orders within the Council’s Constitution within the agree Management Limits”.

3.2 An extract from the constitution showing the proposed revisions highlighted is attached as appendix 1.

3.2 Members are asked to confirm the amendment to the scheme of officer delegations.

4.0 Consultation

4.1 Not applicable.

5.0 Alternative Options

5.1 Not to agree the delegation, but the recommendation is to ensure that the constitution is up to date and that Officers are appropriately authorised.

6.0 Contribution to Council Plan Priorities

6.1 Good governance underpins the decision making processes.

7.0 Implications

7.1 Financial, Resources and Procurement

7.1.1 There are no financial implications arising from this report.

7.2 Legal

7.2.1 There are no legal implications arising from this report.

7.3 Local Government Reorganisation

7.3.1 Not applicable.

7.4 Equality and Diversity

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

Risk

Risk	Consequence	Controls required
That delegations are not up to date	Challenge to decision making, reputational.	.Regular review of constitution and Officer delegations

Contact Officers

dstorr@barrowbc.gov.uk

Appendices Attached to this Report – *If none, please state none or delete section*

Appendix No.	Name of Appendix
1	Extract from constitution with revised delegation highlighted

Background Documents Available

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

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- 5.19 making decisions re waiving repayment of discount under the Right to Buy after consultation with the Chair of the Executive Committee and s.151 Officer.
- 5.20 To approve or reject nominations for inclusion on the List of Assets of Community Value under s.88 of the Localism Act 2011.
- 5.21 The setting of the following fees and charges, where discretionary, to be set against the Discretionary Income Policy:
- (a) Land Charge fees
 - (b) The setting of charges for the Council's Ordnance Survey Plan printing service.
 - (c) To agree fees and charges for pre-application planning advice.
 - (d) To set and review fees for charging for Environmental Information.
 - (e) To set additional charges and future fees for discretionary activities against the Discretionary Income Policy.
- 5.22 To formally enter into Planning Performance Agreements; agree any subsequent variations or amendments to an approved Planning Performance Agreement; and secure bespoke fees associated with any Planning Performance Agreements (Minute No. 22 Executive Committee 8th July, 2020 refers).
- 5.23 Authority, in consultation with the Chair of Executive Committee to put in place the necessary arrangements to facilitate the establishment, governance requirements and ongoing control of the Local Authority Trading Company for the delivery of Leisure Services (Minute No. 117 Council 21st April, 2021 refers).
6. **To the Deputy Director of People and Place and Capital Programme Manager**
- 6.1 Authority to exercise any power delegated to his/her Director in this Section of Part 3 that relates to his/her Directors' area of responsibility.
7. **To the Heads of Service and Capital Programme Manager**
- 7.1 Authority to enter into contracts in accordance with the contract standing orders within the Council's Constitution within agreed Management guidance limits.

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PART ONE

Barrow Borough Council
Council 19 July 2022
Officer Scheme of Delegation (Addendum Report)

Report from: Head of Legal and Governance and Monitoring
Officer

Report Author: Debbie Storr

Wards: (All Wards);

1.0 Summary and Conclusions

1.1 This report is an addendum to the report on the agenda and seeking confirmation of updates to the banking authorities.

2.0 Recommendation

2.1 **That Executive Committee recommend to Council that it:-**

(1) Agrees to the addition to the Officer Delegation Scheme as shown in paragraph 3.1 to the main report; and

(2) Approve the recommendation with regards to banking signatories as attached to this addendum report.

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

3.0 Background and Proposals

3.1 This report seeks approval for additional confirmation of delegations as set out in the appendix 1 to this report. This follows a request from HSBC with requirements as to updating the bank mandate information.

3.2 In addition an update is also required to reflect the new title for the Democratic Services Manager which is now Democratic and Electoral Services Manager.

3.2 Members are asked to confirm the revised recommendations as above.

4.0 Consultation

4.1 Not applicable.

5.0 Alternative Options

5.1 Not to agree the delegation or revisions to the bank mandate, but the recommendation is to ensure that the constitution is up to date and that Officers are appropriately authorised.

6.0 Contribution to Council Plan Priorities

6.1 Good governance underpins the decision making processes.

7.0 Implications

7.1 Financial, Resources and Procurement

7.1.1 There are no financial implications arising from this report.

7.2 Legal

7.2.1 There are no legal implications arising from this report.

7.3 Local Government Reorganisation

7.3.1 Not applicable.

7.4 Equality and Diversity

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

Risk

Risk	Consequence	Controls required
That delegations are not up to date	Challenge to decision making, reputational.	.Regular review of constitution and Officer delegations

Contact Officers

dstorr@barrowbc.gov.uk

Appendices Attached to this Report – *If none, please state none or delete section*

Appendix No.	Name of Appendix
1	Additional Recommendation for Council

Background Documents Available

Name of Background document	Where it is available
None	

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HSBC Mandate

The Council must refresh the bank mandate and Full Council approval is required.

The mandate must be signed by the Chairperson present at the meeting when the resolution is passed, and the Democratic and Electoral Services Manager in the role of Clerk to the Council.

Recommendations

1. To approve the authorised signatories of the Council for the HSBC mandate as Susan Roberts, Chris Butler and Bridget Hanson; and
2. Agree that the Chairperson and Democratic and Electoral Services Manager be authorised to sign the HSBC mandate.

Resolution

The Council set out below a list of all authorised signatories and certify the following resolutions for entering into the minutes:

- Susan Roberts
 - Chris Butler
 - Bridget Hanson
1. Until the Council cancels this mandate, the Bank is authorised to act on any instruction given by those persons named above.
 2. That any debt incurred to the Bank under the mandate shall, in the absence of written agreement by the Bank to the contrary, be repayable on demand.
 3. That the Democratic and Electoral Services Manager is authorised to supply the Bank, as and when necessary, with lists of all persons who are authorised to give instructions on behalf of the Council, and that the Bank may rely on such lists.
 4. That the Council accepts the account(s) and banking relationships with the bank will be governed by and subject to the Business Banking Terms and Conditions as amended from time to time, together with any terms and conditions in respect of specific products and services requested by the Council.
 5. That these resolutions be communicated to the Bank and remain in force until cancelled by notice in writing to the Bank, signed by the Chairperson (of the Council) or Democratic and Electoral Services Manager from time to time or claiming to act on behalf of the Council and the Bank shall be entitled to act on such notice whether the resolutions have been validly cancelled or not.

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PART ONE

**Barrow Borough Council
Council
19 July 2022
Community Governance Review**

Report from: Head of Legal and Governance
Report Author: Debbie Storr/Samantha Bagshaw
Wards: All wards in the unparished area

1.0 Summary and Conclusions

- 1.1 At its meeting on 7 December 2021, Council resolved to hold a Community Governance Review to establish if there was support in Barrow for the creation of one or more local councils in the unparished area.
- 1.2 The purpose of this report is to consider the Draft Recommendations of the Community Governance Working Group (CGWG), having taken into account the results of the First Stage Consultation with residents, stakeholders and other local authorities.

2.0 Recommendations

- (1) That Council 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) be agreed.**
- (3) That it be noted that any further submissions or representations received as part of the Second Stage Public Consultation will be considered by Council at an extraordinary meeting to be scheduled in September 2022;**
- (4) That as part of the report back, the CGR Working Group will 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;

3.0 Background and Proposals

- 3.1 At a meeting of Council on 19 October 2021, Council agreed to look into conducting a Community Governance Review (CGR) in accordance with the Local Government and Public Involvement in Health Act 2007 and whether this should be for the whole Borough or the unparished area of the Borough.
- 3.2 Also on 19 October 2021, Council agreed to the establishment of a Community Governance Working Group (CGWG)), to consider the practicalities of any such review, the Terms of Reference of the review and timetable for a CGR for recommendation to Council.
- 3.3 The members of the CGWG, Councillors Brook, Edwards, Husband, McClure and Morgan, began to hold regular meetings. The group considered the issues and options open to them, made more complex by the concurrent process of Local Government Reorganisation. Officers advised that in accordance with the terms of the Cumbria (Structural Changes) Order 2022, the power to give effect to a community governance review resulting in the creation of a new Barrow Town Council is vested in the Shadow Unitary Authority of Westmorland and Furness Council, not Barrow Borough Council. Ultimately, therefore, the Shadow Authority will need to decide whether to adopt the outcome of the CGR.
- 3.4 The significant challenges of carrying out a CGR at the same time as going through major local government reorganisation were considered by the group. The working group also considered the merits of appointing Charter Trustees, whose role it is to maintain the continuity of a town or city charter after a district with borough or city status has been abolished, until such time a parish council (which description includes a "town council") can be established.

Community Governance Review

- 3.5 At a full Council meeting on 7 December 2021, the CGR Working Group, made recommendations on the conduct of a CGR. The Council resolved (in essence) to:
 - a) Conduct a CGR in accordance with the Local Government and Public Involvement in Health act 2007, for the unparished area of the Borough;
 - b) Advise the Department for Levelling Up, Housing and Communities (DLUHC) that it supports provision for the establishment of Charter Trustees for the Barrow Area to protect the Borough's Civic history and identify;

- 3.6 The purpose of the Review was to ascertain whether there was support for one, or more, parish councils to cover the whole of the unparished area of the borough.

The CGR Working Group

- 3.7 The CGR Working Group met in January and February 2022 to discuss how to take forward the Community Governance Review.
- 3.8 The group considered the timetable for the review and discussed methodology for an effective public consultation process.
- 3.9 Members had regard to the Guidance on Community Governance Review, published by the then Department for Communities and Local Government, which sets out the recommended approach to holding Community Governance Reviews.
- 3.10 Members were consulted on and reviewed proposals for engagement with the public, partners, stakeholders and third sector groups and interested local authorities.
- 3.11 The Review began on 7 February 2022 with the publication of the agreed Terms of Reference and indicative timetable (**APPENDIX 2**) and map of the unparished area of Barrow (**APPENDIX 3**). Once the Terms of Reference of the Review were published, the principal authority has one year in which to complete the Community Governance Review (CGR) and for a decision to be made on whether to create one or more new parish council(s).
- 3.12 The First Stage consultation ran from 7 February 2022 until 14 April 2022. Details of the consultation process can be found in **APPENDIX 4**, and a summary of comments received as part of the consultation process at **APPENDIX 5**.
- 3.13 Following the close of the first stage of consultation officers met with the working group to consider the consultation response and to draw together a draft set of recommendations.

Electoral Arrangements for the Proposed new Parish Council

- 3.14 Under the Terms of Reference of the CGR the following matters must be taken into account:
- Name and style of the new council including alternative styles e.g. community council
 - Electoral arrangements, including the ordinary year in which elections are held, number of wards and boundaries, number of electors per ward
 - The number of parish councillors for the new council
- 3.15 The details of the CGR Working Group's consideration of proposed electoral arrangements for the new parish council can be found at **APPENDIX 6**.

- 3.16 The recommendations for Council to consider are set out in **APPENDIX 1** of the report. If Council approve the recommendations, the next stage would be to publish these as agreed draft recommendations and invite further representations as part of a second stage consultation. The requirement to consider the response to consultation, to accommodate the decision-making processes of this authority and the Shadow Authority, necessitates an adjustment to the timetable for CGR. The new timetable is set out at **APPENDIX 2A**.

4.0 Consultation

- 4.1 The consultation process undertaken is as set out in the report and appendices.

The Second Stage of the Public Consultation

- 4.2 If Council approves the Draft Recommendations contained in this report, the next stage in the Community Governance Review is to publish these agreed Draft Recommendations and invite representations as part of a Second Consultation Stage. Any responses received will be considered by the CGR Working Group and reported to an extraordinary meeting of Council in September. If Council approves the Final Recommendations, they will be sent to the Shadow Westmorland and Furness Council meeting in October for approval.

5.0 Alternative Options

- 5.1 As part of the review, the option to create Charter Trustees for Barrow was considered as an alternative, or an interim provision, to creating a new local council. Members supported the decision to inform government that the provision of Charter Trustees may be necessary should it prove impossible to create a town council due to reorganisation of local government. It is intended that a subsequent 'mopping up order' will make provisions to deal with ancillary matters, including the provision for Charter Trustees should they be needed.

6.0 Contribution to Council Plan Priorities

- 6.1 A new local council will help delivery of local governance within the borough and contribute to the priorities and objectives of the Westmorland and Furness Council moving forward.

7.0 Implications

Financial, Resources and Procurement

- 7.1.1 The costs of the Community Governance Review are met by the funds set aside for Barrow Borough Council-specific Local Government Reorganisation costs. Where procurement is required, this is carried out in accordance with Council policy. The Community Governance Review is time intensive and to provide resilience and expertise, the Council has retained a specialist advisor and counsel to work alongside existing Officer and Member resources.

- 7.1.2 If the recommendations are accepted the Shadow Authority will need to issue a precept for the new Town Council.
- 7.1.3 The costs of the election will need to be incurred by Westmorland and Furness Council; those costs may be recovered from the Town Council, and the proposals for this will be recommended in the subsequent report.
- 7.1.4 The purpose of the precept will need to be established and there will need to be consideration whether there are any impacts upon the current Council Tax requirement and harmonisation.

Legal

- 7.1.5 In undertaking a Community Governance Review the Council has a number of statutory duties as set out in the Local Government and Public Involvement in Health Act 2007. Under section 93(3) of the Act, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Borough Council to have an interest in the review. This was complied with as set out in the report.
- 7.1.6 Under section 93(4) of the Act the Council must have regard to the need to secure that community governance within the area under review:-
 - a) reflects the identifies and interests of the community in that area, and
 - b) is effective and convenient.

These are therefore key tests that must be applied when considering representations and proposals as part of the CGR.

- 7.1.7 Under section 93(5) of the Act the Council must take account of other arrangements (other than e.g. parish councils) that have already been made or could be made, for the purposes of community representation or community engagement in the area under review. The review has had regard to the guidance from Government on this, and the Cumbria (Structural Changes) Order 2022 under which Barrow Borough Council will cease to exist from 1 April 2023.
- 7.1.8 A new parish (“town”) council is created by means of a Re-organisation Order. The Re-organisation Order should be made, ideally, in October of any year. The new parish council is created with effect from the 1 April in the year concerned although the first election of the parish council will not take place until the following May. The Order will calculate the budget requirements for the first year of operation of the new parish council.
- 7.1.9 The Shadow Westmorland and Furness Council will be responsible for deciding whether to make a reorganisation order in accordance with the recommendations flowing from the CGR.

Local Government Reorganisation

- 8.1 The process of Local Government Reorganisation was a key factor underpinning actions taken – crucially regarding the timing of the Community Governance

Review given that Barrow Borough Council would cease to exist on 31st March 2023. Knowing that the new Shadow Authority for Westmorland and Furness would make the final decision on whether to create a town council for Barrow, underlined the need for a clear mandate for the creation of a new authority to be given by the people of Barrow.

- 8.2 Council Tax harmonisation must be established as part of the Westmorland and Furness budget setting process; any impacts from the creation of Barrow Town Council must be incorporated and recognised.

Equality and Diversity

- 9.1.1 Have you completed an Equality Impact Analysis?

Yes, the report has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

10 Risk

Attached at **Appendix 7** is a risk matrix for consideration

Contact Officers

dstorr@barrowbc.gov.uk

Appendices Attached to this Report – *If none, please state none or delete section*

Appendix No.	Name of Appendix
1	Draft Recommendations of Stage 1 of the Community Governance Review
2	Terms of Reference of the Review
2A	Timetable for Completion of the Review
2B	Parish and Parish ward electorate figures
3	Map of the unparished area of Barrow
4	Report on the Public Consultation
5	Summary of Comments from the Consultation
6	Report on Draft Recommendations for Electoral Arrangements for any new Parish Council in Barrow
7	Risk Assessment

Background Documents Available

Name of Background document	Where it is available

<p>1 Full Transcript of Comments via Survey</p> <p>2 Full Transcript of Comments Received by email on the CGR</p>	<p>https://www.barrowbc.gov.uk/_resources/assets/attachment/full/0/9808.docx</p>
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APPENDIX 1

Draft recommendations of the Community Governance Review:

- (1) Agree that a new Parish Council be established for the unparished area of Barrow.
- (2) The new Parish be named Barrow.
- (3) The new Parish of Barrow should have a Parish Council and be called Barrow Town Council (noting the name and style of the new council is a matter for the new Parish Council to decide)
- (4) The ordinary year of election will be 2023 and then every 4 years after.
- (5) 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
- (6) 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:

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

APPENDIX 2

BARROW BOROUGH COUNCIL COMMUNITY GOVERNANCE REVIEW TERMS OF REFERENCE

Introduction

Barrow Borough Council currently has 2 Parish and 1 Town Council and would like to consider whether to create any more, particularly for the town of Barrow. This is in the context of the decision of the Secretary of State to create two new unitary authorities within Cumbria. To create a new Town or Parish Council the Borough Council must undertake a Community Governance Review (CGR).

Barrow Borough Council has resolved to undertake a CGR for the unparished area of the Borough.

In undertaking the Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), the relevant parts of the Local Government Act 1972, Guidance on CGRs, issued in accordance with section 100(4) of the 2007 Act, by the Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010 and any other relevant statutory provisions.

Section 81 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") requires the Council to publish its Terms of Reference in a review, clearly setting out the focus of the review. This document will fulfil this requirement.

What is a Community Governance Review?

A CGR can be a review of the whole, or part of the Borough to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of any new parishes;
- The electoral arrangements for parishes, i.e. the ordinary year of election, council size, the number of councillors to be elected and parish warding; and
- Grouping of parishes under a common parish council or de-grouping parishes.

A CGR must:

- Reflect the identities and interests of the communities of that area; and
- Be effective and convenient.

Consequently, a CGR must take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

It is intended that the review will look at the unparished area of the Borough of Barrow-in-Furness as identified on the attached plan with a view to the whole of the Borough being parished.

In conducting a CGR, principal councils must consider other forms of community governance as alternatives or stages towards establishing parish councils.

Who will undertake the Community Governance Review

As a principal council, the Borough Council is responsible for undertaking any CGR in its electoral area. The Shadow/new Westmorland and Furness Council will approve final recommendations before a Community Governance Order is made.

Who to contact in respect of the Review?

Main contacts in respect of the CGR are Jon Huck, Democratic Services Manager who can be contacted on 01229 876312 or by email, jwhuck@barrowbc.gov.uk.

CONSULTATION

How the Council proposes to conduct consultations during the Review

The Council has drawn up and published this Terms of Reference document, which provides the aims of the review, the legislation that guides the process, and the points that the Council views as important in this process.

Before making any recommendations or publishing final proposals, the Council will take full account of the views of the local people and will comply with the statutory consultative requirements by:

- Consulting local government electors for the area;
- Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review;
- Notifying and consulting with Cumbria County Council and the new Westmorland and Furness Shadow Authority;
- Taking into account any representations received in connection with the review;
- Notifying consultees of the outcome of the review; and
- Publishing all decisions taken and the reasons for such decisions.

Information about each stage of the review will be published on the Council's website with key documents available to view at www.barrowbc.gov.uk and at Barrow Town Hall, Duke Street, Barrow LA14 2LD.

We will also publicise the review on our website, through our internal communication channels and on our social media platforms to engage residents, community groups and stakeholders.

Review Timetable

A CGR must generally be completed within a 12 month period from the day on which it commences. The CGR begins when the Council publishes its Terms of Reference and concludes when it publishes the recommendations made in the review.

The provisional timetable is attached as Appendix 1.

ELECTORAL FORECASTS

The electorate and electorate forecasts for Barrow Borough CouncilThe Council has used the Register of Electors as at 1 October 2021 to provide existing parish and parish ward electorate figures (Appendix 2)

In considering the electoral arrangements of the parishes in the area, the Council must consider any likely future change in the number or distribution of electors within five years from the date the review commences.

Electorate forecasts have been prepared using all available information including current planning permissions and the Local Plan (Appendix 3).

PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structure of parish governance in Barrow-in-Furness

There are currently two parishes and one town council within the Borough. The majority of the Borough is currently unparished. Appendix 2 to this document shows the existing parish structure including parishes, parish wards, current electorate, number of councillors, ratios of electors to councils and borough wards.

We will consult on plans to create a new Town Council for Barrow and any other new parish council which emerges from the consultation process. The consultation will not be looking to change any existing parish/town council boundaries.

PARISH AREAS

This part of a review covers the creation of new parishes, the alteration of parish boundaries and the abolition of existing parishes.

Legislation requires that the Council must ensure that community governance with the area:

- Reflects the identities and interests of the communities in the area;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Parishes

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity, ensuring that electors are able to clearly identify with the parish in which they are resident, creating a common interest in parish affairs which will, in turn, encourage participation in parish elections.

The Government expects the creation rather than the abolition of parishes and this Council is intent on retaining the parishes within Barrow-in-Furness, and will look at the potential for creating new parishes.

Boundaries

It is considered by this Council that the current parish boundaries best reflect the areas between communities within the Borough.

The pattern of community representation and community engagement.

During the review, the Council will have regard to any local residents' associations, community forums or area committees, or such other community representation or engagement, that exist who make a distinct contribution to the community of that area.

Viability

The Council wishes to ensure that parishes are viable and that their precept enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. Parishes outside of the main urban areas may have limited capacity to facilitate service provision and effective local government but may have a strong sense of community even in large, sparsely populated areas and arrangements in those areas which are supported by the residents of the parish can provide convenient local government.

This review aims to ensure that the parishes within Barrow reflect community identity and interest and are viable as administrative units.

Names and Styles

The naming of parishes

With regards to the names of parishes, the Council will endeavour to reflect existing local and historic place-names and will consider any ward names proposed by local interested parties.

The Council will be mindful of section 76 of the Local Government Act 1972 with regard to the naming of parishes and subsequent notification along with sections 87 and 88 of the 2007 Act and relevant guidance.

Alternative styles

Alternative styles for parishes were introduced by the 2007 Act which could replace the “parish” style. However, only one of three styles can be adopted, i.e. community, neighbourhood or village. In addition, the style of “town” is still available to a parish but for as long as a parish has an alternative style it will not be able to also have the status of a town and vice versa.

If a new parish is to be created, the Council would make recommendations as to the geographical name of the new parish and whether or not it should have one of the alternative styles.

ELECTORAL ARRANGEMENTS**What are electoral arrangements?**

Electoral arrangements are the way in which a council is constituted for the parish and they are an important part of the review. They comprise:-

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purposes of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward

Ordinary year of election

The ordinary year of election is every four years as stated in the Local Government Act 1972, i.e. 2015, 2019 etc. Parish elections have coincided with the Borough Council elections so the costs of the elections can be shared.

As a result of the establishment of the new Westmorland and Furness Council the elections to a Shadow Authority will take place in May 2022, with the next ordinary elections being 2027. Elections for Parish Councils are currently expected to take place in May 2023.

Regard will be had to the structural changes order and potential changes to dates for elections.

Parish Council or Parish Meeting?

The Council has a duty to create, or not, a parish council and must follow the guidance laid down in legislation as follows:

- Where the number of electors is 1,000 or more a parish council must be created;
- Where the number of electors is 151-999 a parish council may be created, with a parish meeting being the alternative form of governance; and

- Where the number of electors is 150 or fewer a parish council is not created.

What considerations cover the number of parish councillors?

The Government's advice is that, as an important demographic principle, each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when electing parish councillors. This Council agrees with the principle and will take this into account during the review also having regard to the current and historical factors, along with the fact that there should be not less than five councillors for each parish council. There is no maximum number and no rules relating to the allocation of councillors.

Legislation dictates that the Council must have regard to the following factors when considering the number of councillors to be elected for a parish:-

- The number of local government electors for the parish; and
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Parish Warding

The Council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:-

- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- Whether it is desirable that any area or areas, of the parish should be separately represented on the council.

The Government's guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally-located village. Conversely, warding may be appropriate where a parish encompasses a number of villages and separate identities of where there has been urban overspill at the edge of a town into a parish.

The Council will be mindful of community identities in both rural and urban parishes, with the latter possibly more likely to benefit from warding where community identity focuses on an area such as a housing estate and will endeavour to ensure that any warding arrangements reflect local circumstances and are clearly and readily understood by the electorate.

It should be noted that ward elections should have merit, not only should they meet the two tests given above, but should also be in the interests of effective and convenient local government. They should not be wasteful of a parish's resources.

The number and boundaries of parish wards

In respect of the number and boundaries of any parish wards, the Council will take into account the criteria stated above, in particular the community identity and interests in an area, but also whether any particular ties or links might be broken by the drawing

of particular ward boundaries. Parish wards must be easily identifiable and remain so in the future.

Any recommendations which are intended to reflect community identities and links will be supported by relevant evidence.

The number of councillors to be elected for parish wards

The Council will take into account the following when considering the size and boundaries of any parish wards and the number of councillors to be elected for each ward:

- The number of local government electors for the parish; and
- Any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day the review commences.

The guidance advises that, as an important democratic principle, each person's vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the election of councillors. Although there is no provision in legislation that each parish councillor should represent, as near as possible, the same number of electors, the Council considers that it is not in the interests of effective and convenient local government either for voters or councillors, to have significant differences in levels of representation between different parish wards.

Likewise, the Council wishes to avoid the risk that, where one or more wards of a parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the council. Consequently, during the review, the Council will show the ratios of electors to councillors that would result from any proposals.

Naming of parish wards

With regards to the names of parish wards, the Council will endeavour to reflect existing local or historic place-names and will consider any ward names proposed by local interested parties.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND

COMMENCEMENT

Whilst the Borough Council is initiating the review the new shadow authority would be responsible for its implementation through adoption of a Reorganisation of Community Governance Order. Copies of the Order, maps detailing the effects of the Order and the documents setting out the reasons for all decisions made whether for change or not change, will be deposited and published in the same manner as at each stage of

the review, i.e. at, Barrow Town Hall, Duke Street, Barrow LA14 2LD and on its website at www.barrowbc.gov.uk.

In accordance with the Government's guidance, the Council will issue maps to illustrate each recommendation at a scale not less than 1:10,000 wherever possible.

The Order will take effect on a date determined by the new shadow or new unitary authority as appropriate and any changes to electoral arrangements for existing parishes will come into force at the next ordinary elections for the parish council.

A review is required to be concluded within twelve months of its commencement. The review commences when the Council publishes its Terms of Reference and concludes when the recommendations which are made in the review are published. There will have to be reasonable periods for the consultation with electors and stakeholders, for the consideration of any evidence which is presented in the representations and for the decision making.

Any order to establish a Town Council should take effect on 1 April, following the date upon which the order is made. The electoral arrangements for any new Town Council will come into force at the first elections following the making of the order. An order should be made sufficiently far in advance to allow preparations for the conduct of the elections. There may need to be interim arrangements for any Town Council which is created and this may involve the Councillors who sit on the Borough Council for the Barrow wards.

Parish Council elections for Askam and Lindal and Town Council Elections for Dalton with Newton normally take place every four years at the same time as the elections for the Borough Council. The next elections for the Council would have been in 2023. The earliest time upon which a Town Council in Barrow could be established would be 1 April 2023

CONSEQUENTIAL MATTERS

General principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order, including:-

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities; and
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by regulations that have been issued following the 2007 Act including those regarding the transfer of property, rights and liabilities which require that any apportionments shall use the population of the area

as estimated by the proper officer of the Council as an appropriate proportion. The Council also notes Regulation 3 of the Local Government Finance (New Parishes) Regulations 2008 regarding the establishment of a precept for a new parish and their requirements.

The Council may recommend that the Local Government Boundary Commission for England makes alterations to ward boundaries to reflect any changes made at a parish level. The Council notes that it will be for the Local Government Boundary Commission for England to decide if related alterations should be made as there will be a review of boundaries in connection with the creation of the new Unitary Council.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These Terms of Reference will be published on * January 2022

Terms of Reference Appendices**Appendix 2A****Timetable for completion of the Community Governance Review**

Date 2022/23	Actions	Issues and Options
19 July 2022	CGR Working Group submit a report with draft recommendations to Council	
25 July to 26 August	Stage 2 Public Consultation July to end August 2022	Submissions to Barrow BC received
Early September	Consideration of submissions	Submissions from Stage 2 Consultation considered.
20 September (date tbc)	Extraordinary Council meeting	Barrow Borough Council approves final recommendations of the Community Governance Review including draft of the Re-organisation Order
17 October 2022	Meeting of the Shadow Westmorland and Furness Council.	If the recommendations are from Barrow BC, accepted, the Shadow W&FC will publish the Re-organisation Order which brings the CGR to a close. The CGWG consider the practical arrangements in preparation for the creation of a new parish council on 1 April 2023.

Appendix 2B

Parish and Parish ward electorate figures

<u>Parish</u>	<u>Seats</u>	<u>Electors</u>	<u>Per Seat</u>
DALTON WITH NEWTON TOWN COUNCIL - DOWDALES WARD	3	1515	505
DALTON WITH NEWTON TOWN COUNCIL - BECKSIDE WARD	3	2014	671
DALTON WITH NEWTON TOWN COUNCIL - ANTY CROSS AND NEWTON WARD	4	2647	661
ASKAM AND IRELETH PARISH COUNCIL	8	2784	348
LINDAL AND MARTON PARISH COUNCIL	5	568	113

Unparished Area of Barrow

Ward	Seats	Electors	Per Seat
WALNEY NORTH	3	4260	1420
WALNEY SOUTH	3	4041	1347
BARROW ISLAND	1	1664	1664
HINDPOOL	3	4228	1409
CENTRAL	2	2755	1377
ORMSGILL	3	4233	1411
PARKSIDE	3	4155	1385
RISEDALE	3	4467	1489
HAWCOAT	3	4144	1381
NEWBARNS	3	4629	1543
ROOSECOTE	3	3902	1300

Subnational population projections for Barrow-in-Furness

Area	Age Group	2021	2022	2023	2024	2025	2026
Barrow-in-Furness	All Ages	66,504	66,290	66,076	65,848	65,617	65,392

Appendix 3

Map of Unparished Area of Barrow

It is proposed that the new town council will cover the whole of the parish area but does not divide any ward boundaries of the new unitary authority, Westmorland and Furness Council



APPENDIX 4

Report on the Public Consultation Process

1. Introduction

- 1.1 A Community Governance Review requires that the principal authority holds a public consultation with residents and all stakeholders in the borough. Stakeholders are defined as neighbouring authorities, community groups, any existing democratic groups such as residents/tenants associations or other forums, businesses, neighbouring local authorities and third sector organisations.

Consultation Timings

- 1.2 The public consultation ran for an 8-week period from **21st February to 14th April 2022**.

Objectives

- 1.3 To gather robust evidence from residents, stakeholders, other local authorities regarding their views on the proposal to create a new tier of local government in the unparished area of Barrow.

Engagement Process

- 1.4 The engagement process was designed to:
- Establish the profile of respondents in terms of age, gender and location
 - Introduce the concept and implications of a town council
 - Establish views on paying more through council tax for a town council
 - See whether Barrow residents/stakeholders believe a town council would bring any benefits to the town and elaborate on what they may be.
 - Assess general attitudes to creating a town council including whether it will bring about more effective and convenient local government for the town and whether it reflects the identities and interests of the communities in the area, as required by the 2007 Local Government and Public Involvement in Health Act.

2. Public Consultation Methodology

- 2.1 The Community Governance Working Group met in January and February 2022 to discuss how to take forward the Community Governance Review,

starting with considering the timetable for the review and developing ideas for an effective public consultation process.

- 2.2 Members were introduced to the Guidance on Community Governance Review, published by the then Department for Communities and Local Government, which sets out the recommended approach to holding Community Governance Reviews.
- 2.3 Barrow Borough Council engagement/policy officers worked with an external consultant in developing an outline consultation process for members to consider.
- 2.4 Members agreed that the proposed consultation would include the following actions:
 - a) To write to any local authorities who may have an interest in the review to inform them of the council's decision.
 - b) To write to every resident in the unparished area of Barrow to explain what a town council is, what its powers are and what it may cost. Also, to show a map of the currently unparished area to show residents where the proposed new council will cover.
 - c) Design a short survey to find out the views of the community – both in hard copy and online via Survey Monkey.
 - d) Design a methodology to ensure that the consultation is as inclusive as possible in line with Barrow Borough Council's equalities policy.
 - e) Develop a media, and social media, strategy to help publicise the review
 - f) Develop an engagement events programme to contact as many community groups and stakeholders in the town as possible, including events for councillors to engage directly with the community.
 - g) Create a dedicated email address and mailbox for people to write to the Borough Council online to share their views.
 - h) Create limited publicity materials such as a pop-up banner to publicise the consultation.
 - i) Create a webpage for the Community Governance Review on the Barrow Borough Council website. Members of the public, and any stakeholders, could find a range of information on about the Community Governance Review including:
 - Information on the powers of a town council
 - Information local council finances
 - Link to an electronic survey
 - List of consultation events

- Terms of Reference of the Community Governance Review
- Copy of the letter to all residents
- Map of the unparished area
- Frequently Asked Questions

3 Equalities Impact Assessment

- 3.1 In keeping with Barrow Borough Council's policies, the public consultation was designed to be inclusive.

The following measures were put in place:

- Everyone would have an equal opportunity to take part irrespective if they are online or not. Every household received a hard copy of the letter explaining the background to the review. And every ward had at least one location, widely publicised, where hard copies of the survey were available and a ballot box left for the completed reviews.
- All materials were available in a range of languages and in different sizes for those who may be partially sighted.
- A range of engagement activities were organised to suit those online and those who prefer face to face engagement.
- Newspapers and social media were used to reach as many people as possible.
- Face to face events were organised to reach different groups such as working parents with young families, people with disabilities, excluded teenagers, school pupils, elderly, third sector groups. The value of face to face engagement was recognised as being helpful in assisting people understand the issues being considered in the Community Governance Review – and occasionally help people fill in the surveys if they were blind or partially sighted.

3 Consultation Activities

3.1 Stakeholders Contacted by letter/email

All local authorities with an interest in the Community Governance Review were informed in writing of Barrow Borough Council's intention to consult with residents regarding their support for creating a town council in the unparished area of the borough – or some other form of lower tier authority.

Councils written to were:

Cumbria County Council, South Lakeland District Council, Eden District Council, the Shadow Westmorland and Furness Council, Dalton with Newton Town Council, Askam and Ireleth Parish Council, Lindal and Marton Parish Council and Simon Fell, MP

3.2 **Other Consultees/Stakeholder in Barrow**

The following organisations also received a formal written notification of the intention of Barrow Borough Council to consult on attitudes towards creating a town council. Consultees were encouraged to respond to the online consultation and to encourage their staff/colleagues/communities to also respond to the consultation.

- Barrow Chamber of Commerce
- Business Improvement District
- Barrow Civic Society
- Housing Association/Tenants' Fora
- NHS Partnership Trust
- Future Board Team U25
- BAE Systems
- Cumbria Police, Barrow
- Furness Multicultural Forum
- Women's Community Matters
- Drop Zone
- Age UK
- Cumbria CVS

3.3 **Engagement Sessions with Councillors and other Stakeholders**

As part of the review, officers met (both in person and via Zoom) with a range of stakeholders. The objectives were to explain about the implications of creating a town council, to answer questions about the review and to encourage them and their organisations to respond to the consultation.

The following 7 briefing/engagement sessions were held:

- Online briefing for Barrow Borough Council members before the start of the consultation

- Online briefing for community partners including BAE Systems, South Cumbria Superintendent of Barrow Police, Love Barrow Families, Women's Community Matters and The Well
- Online briefing for members of Cumbria County Council's Barrow Local Committee
- In person presentation to students from Barrow 6th Form campus of Furness College
- In person engagement with a group at Women's Community Matters
- In person presentation to students at the Drop Zone
- In person presentation to members of Grange and Cartmel Crescent Tenants Forum

3.4 **Engagement with the Public**

To highlight the start of the Community Governance Review and to announce the start of the 8 week public consultation period, two events were held:

- a. Public launch online with councillors with guest, Jackie Weaver. Jackie Weaver, Chief Officer of the Cheshire Association of Local Councils joined the on-line launch event to help promote the public consultation. Jackie drew on her many years of experience of working with town and parish councils, as well as her first-hand knowledge of local government reorganisation, to set out why she believes that first tier authorities have a role to play in building thriving communities.
- b. Face to face public launch of the consultation at the Forum. The face-to-face launch of the consultation, was poorly attended and it informed the commitment to go to where the people are and not expect them to come to the officers.

3.5 **Activities**

A series of public drop-in events were arranged where the team had a stand with a highly visible pop-up banner. They were planned to cover every ward in the unparished area of the borough – and local councillors were invited/encouraged to come along if they were available. We were pleased to see that many councillors did and spoke to many local residents about what the possible creation of a town council could mean for the unparished area of Barrow.

The officers also answered questions about what a town council can do (its powers) and encouraged people to respond to the public consultation by

handing out hard copies of the survey or by highlighting the online survey. They also answered questions about the timing of the review, the wider reorganisation of Cumbria and the creation of the Westmorland and Furness Council. Maps of both the unparished area of Barrow and of the two new unitary authorities were very helpful in explaining the issue. Officers also engaged members with the complete list of parish and town councils across Eden and South Lakeland District Council areas.

At every event, hard copies of the surveys were handed out and information on where to respond online too.

3.51 Drop-in events were held at the range of locations below:

- Ormsgill Community Centre
- Rampside Village Hall
- Hawcoat Community Centre
- The Round House, Walney
- Bram Longstaffe, Farm Street
- Barrow Park Leisure Centre
- St Mary's Centre, Walney
- Roose Library
- Barrow Market Hall
- The Forum
- Greengate Children's Centre
- Beacon Hill Methodist Church
- North Scale Community Centre
- the Dock Museum
- The Forum Idealities Expo – the #Brilliant Barrow Town Centre Hub taster event
- The Forum Barrow Funding Fair (organised by Barrow CVS) at the Forum

3.52 In total, 29 on-line and face to face engagement events took place in locations all around the unparished area of the borough.

3.6 Media Strategy

3.61 Members agreed that using a range of methods of engaging with residents was essential. This was achieved by the following:

- Creating Community Governance Review webpages on the Barrow Borough Council website, with a direct link from a banner headline on the home page.
- Using social media, the local press and media. Weekly social media posts promoted the time and location of each engagement activity on Barrow Borough Council's social media channels. Press releases were written to announce the publication of the Terms of Reference of the review, to promote the online launch with Jackie Weave and to encourage people to complete the survey before the consultation closed.
- Setting up an interview with Jackie Weaver with Mike Zeller at BBC Radio Cumbria to publicise the start of the public consultation

3.62 Distribution of the Surveys

In line with the agreed approach, both a digital survey and hard copies of the survey were created. The digital version was using Survey Monkey on the Barrow Borough Council Community Governance Review webpages, whereas hard copies were distributed across the unparished area of the borough at the locations listed below. Regular trips were made to every location to top up hard copies of the surveys and to collect in completed ones. In total 350 paper copies of the survey were completed.

3.63 Location of 16 printed survey collection and drop off points in Barrow and Walney. Paper copies of the survey were left in the following locations plus a secure box in which to put them once completed. The copies were topped up and the completed surveys regularly collected throughout the consultation.

- The Round House, Walney
- North Scale Community Centre, Walney
- Bram Longstaffe, Barrow Island
- The Forum, Barrow
- Barrow Market, Barrow
- Greengate Children's Centre, Barrow
- Barrow Library, Barrow
- Ormsgill Community Centre, Barrow
- Barrow Park Leisure Centre, Barrow
- Salthouse Post Office, Barrow
- Lesh Lane Post Office, Barrow
- Hawcoat Community Centre, Barrow
- Hawcoat Park Sports Club, Barrow
- Roose Library, Barrow
- Yarlside Stores, Barrow
- Rampside Village Hall, Barrow

3.64 Submissions and Representations

A community governance review email address was set up to ensure that the public could email Barrow Borough Council at a specific address for the Community Governance Review. Over the course of the 8 week public consultation, a number of submissions were received via email or post.

3.65 Everyone who has written to the Borough Council has received a response to their emails and letters if an address was given. A transcript of the comments from these submissions is included at **Appendix 4**

3.66 Surveys Received

Total number of hard copies of the survey received:	350
Total number of electronic copies of the survey received:	512
Total	862

3.67 Survey Results**Question 1**

Do you think that having a town council for Barrow would do any of the following?

- 69% agreed that a town council would benefit the community by providing a local voice, for example on planning applications
- 55% agreed a town council would get more people involved in running Barrow.
- 59% agreed that a town council would support more effective delivery of services
- 52% agreed that a town council would support more convenient delivery of services
- 51% agreed that a town council would increase civic pride.

Question 2

Would you be in favour of creating a town council for the whole of the unparished area of Barrow?

79% were in favour of creating a town council for the whole of the unparished area of Barrow.

19% were not in favour of creating a town council for the whole of the unparished area of Barrow.

Question 3

If you answered no to the question above, would you be in favour of creating alternative arrangements for your neighbourhood or community in Barrow (for example a smaller parish council, separate to the town council)?

13% were in favour of creating alternative arrangements ie a smaller parish council for their neighbourhood

24% were not in favour of creating smaller parish councils

Question 4

Do you think a smaller parish council, covering your neighbourhood or community, would bring benefits?

42% thought a smaller parish council would bring benefits

47% thought a smaller parish council would not bring benefits

Question 5

Would you be willing to pay more through your council tax for a town or parish council?

53% were in favour of paying more through their council tax for a town or parish council

43% were not in favour of paying more through their council tax for a town or parish council

3.68 Draft Recommendation

Having considered the findings of the public consultation, the working group draft recommendation to Council is to create a single parish council covering the whole of the unparished area

APPENDIX 5

Summary of Transcripts of Survey Comments

A selection of comments, grouped thematically, collected through the survey questions

Questions 1 and 4 on the survey asked respondents to give reasons for their answers. Below is a transcript of the comments received from both the hard copies and the digital copies of the survey.

A synopsis of comments from both questions are grouped thematically below followed by the full transcript of consultation responses.

Benefits of one larger Local Council - synopsis

More effective at creating local pride in the community and at addressing local need

- Ownership and responsibility for Barrow - shops, community. I was brought up in Barrow in the 1950s - when we lost Lancashire to Cumbria - we can't lose again. Barrow is superb, I came back here from Devon in 2021. No regrets - I would just like to do my bit to help Barrow in the future. Furness is unique we need to preserve this identity.
- Deal with local issues for our town/area/parish. INSTIL SOME PRIDE IN THE AREA AGAIN!
- Askam, Ulverston, Dalton have town or parish councils and they're much brighter and cleaner than Barrow in Furness. Litter pickers and beautiful hanging baskets etc better and cleaner shopping areas - which these councils deal with.
- It is vital that a local council over sees the problems in our area. Eg grass verges, pot holes, shopping facilities to stop people shopping elsewhere.
- Bring back pride. Hopefully tidying up the streets, taking care of residents and doing a better job of improving the disgusting town centre.
- Things that are delivered by delivered by a local council are not perfect but done well for example the park and the gardens always look cheerful and well kept. I don't think there'd be as much civic pride if organised from a distance. Eg town centre managed by Cumbria County Council and always weeds.
- It would help local communities work together, share resources in a democratic society and the people's voice should be heard
- The new reorganisation will create a huge mixture of needs. The different areas are very different. A Specific town council for Barrow will help focus on the needs for Barrow which are vastly different to those elsewhere

The Importance of Very Local Governance Arrangements

- They would also bring a voice for Barrow and a local representation
- A Town council must listen to all areas of the town and make strong, fair decisions. Barrow MUST NOT be sidelined in the new set-up. And we must not be seen as a poor relation and the last one to receive any benefit.
- As long as the town council fairly and equally represents all the areas of Barrow, then a town council should and must succeed in ensuring that Barrow is not a forgotten area at the end of the longest cul-de-sac in Britain. This area has a lot to give and is home to the vital BAE Systems. We must still have a voice, stronger than before.
- It would be useful for the neighbourhood to have a contact to whom you can report local problems who could then represent the community at meetings
- A more direct level of governance by people with a knowledge of and passion for the local area. A more personal service.
- I would like to think that a town council would be a good spokesperson for Barrow and its community, making sure that Barrow isn't too forgotten in any major decisions taken.
- Barrow needs a voice!
- Without a town council Barrow would have no voice at all in what happens in our area. Local charities would be disadvantaged and I feel we would be at the end of the list for the budgets on such things as roads, care for the elderly etc
- Keep things local
- If there has to be a split - which has obviously been decided, then Barrow must have a very strong voice. But there must be strong representation from all areas in Barrow. Therefore - a strong town council is a definite necessity
- It is absolutely vital that Barrow's voice is heard - strong and loud - in this new local government reorganisation, and we need a strong town council to do this - as long as it represents the voices of all the areas of Barrow . Hopefully it is a good opportunity for Barrow to really shine!
- A Town Council could concentrate on Barrow alone. The Westmorland and Furness Council represents a huge mostly rural area. Barrow is a 'proper' town and mostly not rural. It has different needs and problems to most of the rest of the area covered by the new council.
- People living and experiencing the issues in the town should be the people who make the decisions to correct and improve the issues
- Provide a voice for Barrow outside the area - both regionally and nationally
- We have a unique heritage with a history of innovation and autonomy. It's apparent that our voice will be removed with the Unitary Authority and this is why we need a town council

- A local council wouldn't leave locals feeling far away from a bigger council. More likely to be aware of local issues. ACCESSIBILITY
- A more responsive voice for local concerns. Bringing democracy nearer to the people

Smaller councils – some responses were in favour of smaller parish councils

- Whilst answering yes to a town council, which I believe would benefit Barrow as a whole, I think a smaller parish council would benefit Rampside more as it has different problems ie bus service to the rest of the borough
- (in favour of smll parish council) although part of Barrow, where I live we are 3 - 4 miles outside of the town and is an area that seems to be forgotten. We have no unified voice at all, not even a village committee. A small parish council could give us that voice.
- The unparished area is larger than all the existing parishes
- Roose community has different needs to a town centre
- To retain councillors in the various areas of Barrow ie Risedale, Roosecote, Newbarns etc. So that they can raise issues in their local area to the town council and be available to people in the community that they serve in person, via a telephone contact, (not online as people with sight loss are not able to use a computer unless another person does it for them)
- I'm concerned about Barrow Island as I live there and it is so small it seems to be forgotten
- I live on Barrow Island, a very local community where everyone looks after each other. I think we would do a fantastic job of making Barrow Island thrive but we often get forgotten about or we are underestimated. (age 25 - 34)

Some were not in favour of a new town council and saw few benefits

- I have not ticked any of the boxes because I do not agree with a parish tax. We already pay our council tax and we pay extra tax to have our garden waste taken away (a stealth tax). This is just another stealth tax, the cost of living is a 20 year high. Why do we have to pay yet more tax for services that are entitled to through our normal council tax? In my view this parish tax is not welcome, whichever way you try to dress it up.
- Would the Town Council have sufficient control and influence to get things done and provide an efficient interface between residents and Westmorland and Furness Council?

Further Details

The complete transcripts of comments received from the respondents to the survey are available as background documents at xxxx

The complete transcripts of emails received as part of the consultation are available as background documents at xxxx

APPENDIX 6

Proposed Electoral Arrangements

1 Electoral Arrangements for the Proposed New Parish Council

- 1.1 Under the Terms of Reference of the Community Governance Review, the following matters must be taken into account:
- Name and style of the new council including alternative styles eg community council
 - Electoral arrangements, including the ordinary year in which elections are held, number of wards and boundaries, number of electors per ward
 - The number of parish councillors for the new council
- 1.2 When considering electoral arrangements, it is required by legislation that any new arrangements must:
- Reflect the identities and interests of the communities of that area; and
 - Be effective and convenient
- 1.3 Consequently, the following must be taken into account:
- The impact of community governance arrangements on community cohesion
 - The size, population and boundaries of of a local community or parish and ensure that any new parishes are viable as administrative units.

2 The Naming of Parishes

- 2.1 The 2007 Local Government and Public Involvement in Health Act allowed for 'alternative styles' for parish councils.
- 2.2 Consideration must be given to whether any of the 'alternative styles' ie community, neighbourhood or village would be preferable for any new parish to be created. However, if one of these new styles is recommended then the new local authority cannot take the style of 'town'.
- 2.3 If a new parish is to be created, the geographical name, and whether or not it should adopt one of the alternative styles, can be considered by the group but ultimately it is a decision for the new local council to decide.

3 Electoral Arrangements

- 3.1 Electoral arrangements are the way in which a council is constituted for the parish and they comprise:
- a) The ordinary year in which elections are held
 - b) The division (or not) of the parish into wards for the purposes of electing the councillors
 - c) The names of any such ward
 - d) The number and boundaries of any such wards
 - e) The number of councillors to be elected to the council
 - f) The number of councillors to be elected for any such ward
- 3.2 Ordinary Year of election is every four years as stated in the Local Government Act 1972. Parish elections have coincided with the Borough Council elections so the costs of the election can be shared.
- 3.3 As a result of the establishment of the new Westmorland and Furness Council, the elections to the Shadow Authority took place in 2022, with the next ordinary elections being held in 2027. Elections for parish councils will take place in 2023.

Draft Recommendation that:

The ordinary year of election is 2023 and then every four years.

4 The Electorate and Electorate Forecasts for Barrow Borough Council

- 4.1 The Council has used the Register of Electors as at 1 October 2021 to provide existing parish and parish ward electorate figures
- 4.2 In considering the electoral arrangements of the parishes in the area, the Council must consider any likely future change in the number or distribution of electors within five years from the date the review commences.
- 4.3 Electorate forecasts have been prepared using all available information including current planning permissions and the Local Plan

5 Parish Warding

- 5.1 The unparished area of Barrow is already warded for Borough Council elections. It is warded in a manner which takes into account the different identities of communities. The review must also take into account that any warding arrangements must be in the interests of effective and convenient local government and not be wasteful of the parish's resources.
- 5.2 However, as of 2022, the wards in the Borough have been reorganised to create fewer, larger wards for the new Westmorland and Furness Council.

5.3 The new Westmorland and Furness Council Wards covering the unparished area are:

- Walney Island Ward
- Ormsgill and Parkside Ward
- Old Barrow and Hindpool Ward
- Risedale and Roosecote
- Hawcoat and Newbarns

5.4 Current Barrow Borough Council Wards:

- Walney North
- Walney South
- Barrow Island
- Hindpool
- Central
- Ormsgill
- Parkside
- Risedale
- Hawcoat
- Newbarns
- Roosecote

5.5 The CGR also requires that future population projections are also taken into consideration when looking at possible warding arrangements for areas. The table below show a small but steady population decline across the coming 5 years.

5.6 Population Projections for Barrow-in-Furness

Area	Age Group	2022	2023	2024	2025	2026
Barrow-in-Furness	All	66,290	66,076	65,848	65,617	65,392

5.7 Given the challenging timescales of the CGR, consideration has to be given to recommending options based around existing warding arrangements. Either the larger number of wards of the current Barrow Borough Council or the smaller number of larger wards of the Westmorland and Furness Council.

5.8 With both of these options, as the new parish council ward boundaries would be coterminous with existing ward boundaries, there would be no requirement to seek permission from the Local Government Boundary Commission for

England (LGBCE) to review the arrangements. However, at a future point, the LGBCE can be invited to carry out a review of warding arrangements in the new parish council if that is considered necessary. The new local council can also undertake a review of warding arrangements themselves as long as no principal authority boundaries are affected.

- 5.9 Below are examples of warding arrangements in similar size town councils to the one proposed for the unparished area of Barrow.

Name	Councillors	Electorate 2022	Number of Wards	Electors per seat
Kendal TC	28	22,901	10	818
Aylesbury TC	25	45,382	13	1815
Northampton TC	25	92,917	21	3717
Folkstone TC	18	34,810	7	1934
Keighley TC	30	40,338	15	1344
Macclesfield TC	12	40,846	7	3404
Bracknell TC	27	42,361	7	1569
Kidderminster TC	18	42,853	6	2380
Averages	22		11	2201

- 5.10 When considering the number of seats per ward, it should be noted that there is a trend towards smaller numbers of councillors on town councils. Keighley Town Council is currently undergoing a CGR to reduce the number of seats on its town council. Penrith Town Council, with an electorate of approximately 12,000, and 19 seats found that, on creation of the town council they had several uncontested seats and a couple that they failed to fill. It is their wish to move to 15 seats. The most recently created council on the list above is Northampton Town and it has the largest per seat ratio of all the examples. Therefore, the ratio of electors per seat should be considered carefully alongside other factors such as how many committees the town council may wish to have (so there are enough members to share the workload out). Ensuring that democracy is served by having every seat contested is another issue to consider.

5.11 Draft Recommendation:

That, should a new parish council for Barrow be created, that its ward boundaries be based on the old borough council ward boundaries

6 Number of Parish Councillors to be elected to the new council

6.1 There is no maximum number of parish councillors that can be elected, but there should be no less than 5.

6.2 Legislation requires that the Council must have regard to the following factors when considering the number of councillors for a parish:

- The number of local government electors for the parish
- Any change in the number which is likely to occur in the next five years.

6.3 Government also advises that, wherever possible, each person's vote should be of equal weight when electing parish councillors. Equally, it is important that no ward is over-represented by councillors which could lead to allegations of undue influence. Careful consideration of ratios of electors to councillors is needed, reflecting parity across wards as far as is practicable.

6.4 Councillor and elector ratios

The table below shows two possible sets for the number of councillors per ward and the ratio of seats to electors (with three councillors being in brackets):

Ward	Seats	Electors	Per Seat
Walney North	2 (3)	4260	2130 (1420)
Walney South	2 (3)	4041	2020 (1347)
Barrow Island	1	1664	1664
Hindpool	2 (3)	4228	2114 (1409)
Central	2	2755	1377
Ormsgill	2 (3)	4233	2116 (1411)
Parkside	2 (3)	4155	2077 (1385)
Risedale	2 (3)	4467	2233 (1489)
Hawcoat	2 (3)	4144	2072 (1381)
Newbarns	2 (3)	4629	2314 (1543)
Roosecote	2	3902	1951
Total	21 (29)	42,478	

6.5 With 21 Councillors, the ratio of electors per councillor goes from 1377 – 2314.

However, excluding the outliers of Central and Barrow Island, the range would be 1951 – 2314.

6.6 If the following wards serving over 4,000 electors all had 3 seats (29 in total):

Walney N, Walney S, Hindpool, Ormsgill, Parkside, Risedale, Hawcoat, and Newbarns

The range would go from 1377 – 1951 elector per councillor.

6.7 **Options:**

With 29 Councillors, the average number of electors per councillor is 1465

With 21 Councillors, the average number of electors per councillor is 2022

6.8 **Draft Recommendation:**

That the number of Councillors for any new parish council for Barrow be 21, with an average number of electors per councillor of 2,022.

APPENDIX 7**Risk Matrix**

Risk Ref	Date	Risk	Consequences	Mitigation	Action Plan
1	July 2022	That a parish council is not created for the unparished area of Barrow borough.	As the only remaining unparished area in the new unitary authority, the community in the unparished area of Barrow will not have a local voice through a town or parish council as is available to other communities in the wider new council area	That a realistic timetable is set to ensure the new authority can be created within the required timeframe.	Follow agreed mitigation
2	July 2022	That recommendations may not be adopted by the new Westmorland and Furness Council.	Recommendations not implemented, leading to no new parish council.	Ensure full engagement and consultation around the process.	Follow agreed mitigation
3	July 2022	That no parish council be created in time for elections in 2023.	That the unparished area is unable to maintain civic, ceremonial and other functions that are connected with Borough status.	In the event of no parish council being created, that Charter Trustees are established as an interim measure until such time that a parish council is created. Charter Trustees can ensure that civic, ceremonial and other functions are continued.	Follow agreed mitigation

End

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