

Agenda



HYNDBURN

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Cabinet

Wednesday, 20 July 2016 at 10.00 am,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Miles Parkinson (in the Chair)

Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

This Agenda gives notice of an item to be considered in private, as required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet - 8th June 2016 (Pages 5 - 14)**

To approve the Minutes of the last meeting of Cabinet held on 8th June 2016 (attached).



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4. Minutes of Boards, Panels and Working Groups *(Pages 15 - 16)*

To receive the Minutes of the meeting of the Learning and Development Panel held on 28th June 2016 (attached).

PART B: PORTFOLIO ITEMS

5. Reports of Cabinet Members

To receive reports from Cabinet Members.

Leader of the Council (Councillor Miles Parkinson)

6. Appointment of Replacement Representative on the Cabinet Committee (Scrap Metal Dealers Act 2013) *(Pages 17 - 20)*

Report attached.

7. Regulation of Investigatory Powers Act 2000 - Half Yearly Report *(Pages 21 - 22)*

Report attached.

8. Council Tax Support Consultation *(Pages 23 - 48)*

Report attached.

9. Rhyddings Park Heritage Lottery Bid *(Pages 49 - 52)*

Report attached.

Portfolio Holder for Health and Communities (Councillor Munsif Dad)

10. Draft Hate Crime / Incident Procedure *(Pages 53 - 62)*

Report attached.

11. Proposed Safeguarding Policy *(Pages 63 - 76)*

Report attached.

PART C: EXEMPT ITEMS

12. Exclusion of the Public

- Recommended** - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the Act specified at the item.

Details of any representations received by the Executive about why the following report should be considered in public - none received.

Statement in response to any representations - not required.

Portfolio Holder for Education, Leisure and Arts

13. Surrender of Lease Back Arrangement at Elmfield Hall (Pages 77 - 80)

(The report will contain exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

Report attached.

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CABINET

Wednesday, 8th June, 2016

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

In Attendance: Councillors Tony Dobson, Abdul Khan and Paul Thompson

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

3 Minutes of Cabinet - 23rd March 2016

The Minutes of the meeting of Cabinet held on 23rd March 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

4 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Health and Communities Working Group - 2nd February and 22nd March 2016
- b) Cabinet Public Transport Group - 3rd March 2016
- c) Learning and Development Panel - 15th March 2016
- d) Regeneration and Housing Panel - 21st March 2016
- e) Leader's Policy Development Board - 23rd March 2016

Resolved - **That the Minutes of the above meetings be received and noted.**

5 Reports of Urgent Cabinet Decisions

The Leader of the Council (Councillor Miles Parkinson) submitted copies of signed Urgent Cabinet Decision forms and accompanying reports relating to the following:-

- a) Proposed Licence Agreement with Keepmoat Homes Ltd to Facilitate Site Investigations of the Steiner Street site, Accrington.
- b) Weed Killing of Highways and Back Streets.

Resolved - That the Urgent Cabinet Decisions be noted.

6 Reports of Cabinet Members

There were no reports.

7 Appointment of Cabinet Groups

The Leader of the Council submitted a report proposing the establishment and membership of the following Cabinet Groups:-

- a) Accrington Pals Centenary Commemorations Group
- b) Cabinet Committee (Scrap Metal Dealers Act 2013)
- c) Cabinet Public Transport Group
- d) Cabinet Waste and Recycling Group

The Terms of Reference for all four Groups were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The Groups referred to at (a), (c) and (d) above, acted in an advisory capacity to Cabinet and did not have any delegated or decision making powers. The Cabinet Committee referred to at (b) above, determined whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case might be) had informed the Council that they wished to make oral representations.

There were no alternative options for consideration or reasons for rejection.

Resolved (1) That the following Cabinet Groups be established, and the Terms of Reference, as set out in the Appendix to the report, be approved:-

**Accrington Pals Centenary Commemorations Group
Cabinet Committee (Scrap Metal Dealers Act 2013)
Cabinet Public Transport Group
Cabinet Waste and Recycling Group**

(2) That the membership of the above Groups, as set out in Paragraph 3.6 of the report, be approved.

8 Development Management DPD - Consultation Draft Comments and Actions

The Leader of the Council submitted a report seeking approval of the proposed Council Response to all formal comments received during the consultation period for the Development Management DPD Consultation Draft. The proposed Response, a Summary of the comments received and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) The Development Management DPD formed an important part of the new Local Plan for Hyndburn and would set out the more detailed planning policies to be used in the determination of planning applications for the Borough. It would sit alongside the Core Strategy and Accrington Area Action Plans adopted by the Council in 2012.

(2) The Development Management DPD Consultation Draft was approved by Cabinet and Council in January 2016 for a period of statutory consultation and that process had taken place between 11th February and 24th March 2016. 34 Individuals / organisations had submitted comments which had been reviewed and categorised into comment type. A full Summary of all the comments received, who submitted them, to what aspect of the Consultation Draft they related and the proposed Council response / further action required and associated notes were appended to the current report submitted.

(3) Following further work and the proposed changes, it was anticipated that a revised Development Management DPD Publication version would be submitted to Cabinet in August 2016 for approval for the final round of statutory consultation in September / October 2016. Following that consultation, the Council would be required to submit comments received to the Secretary of State for a Planning Inspector to undertake an independent Examination of the DPD. Following successful Examination, the Council may adopt the DPD as part of the Local Plan for the area and it was anticipated that such would be in 2017.

Alternative Options Considered and Reasons for Rejection

The Development Management DPD had been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012 and there were no alternative options for its preparation.

Resolved - **That the proposed Council Response (as appended to the report) to all comments received during the consultation period of the Development Management DPD Consultation Draft held during February / March 2016, be approved.**

9 Milnshaw Park Play Area

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to lease an area of Milnshaw Park, Accrington to Hyndburn Green Spaces Forum for the installation of a new play area for local children. A Location Plan and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) The play equipment at the Park was over 20 years old and only one piece of useable equipment remained, the rest having been removed due to being beyond economical repair. There was a desire to refurbish the play area and provide play equipment of a modern day standard and a number of funding streams had become available that could be used to co-fund the refurbishment project.

(2) Funding had been secured in part through Section 106 funding and Church and Milnshaw Area Council. The remaining funding was to come from Biffa Award, the Landfill Tax funding element of their business. The Hyndburn Green Spaces Forum had submitted an application to Biffa Award for £50,000 which was now through to Stage 2 of the application process. A condition of the Biffa Award funding was that the applicant (should it not be the landowner) should have at least a 10 year lease of the area of land in question. Although detailed lease terms had yet to be agreed, it was proposed that the Council grant the Forum a 10 year lease of the land shown edged black on the plan at a peppercorn rent for use as a children's play area. The intention was that the Council would continue to maintain, repair and insure the play area under the terms of the lease.

(3) The proposed lease comprised land that was currently public open space and Section 123 of the Local Government Act 1972 required the Council to advertise its intention to dispose of public space and to consider any representations received before making a final decision. Public notice had been given, but the final date for receipt of comments and objections had not yet passed.

(4) Once constructed the play area would have free and open public access in exactly the same way as any other park play area, the lease would place no restriction on public use.

Alternative Options Considered and Reasons for Rejection

The Council could refuse to lease the land to the Hyndburn Green Spaces Forum but this was not recommended because the external funding body contributing to the refurbishment of the play area would withdraw funding which would prevent the project from happening.

Resolved

(1) That the lease of an area of Milnshaw Park (shown edged black on the Plan attached to the report) to Hyndburn Green Spaces Forum for the purpose of installing a new play area for local children be agreed, subject to:-

(i) Biffa Grant Funding being awarded to the Forum; and,

(ii) No objections being received to the proposed disposal of public open space.

(2) That a further report be presented to Cabinet to consider whether to proceed with the proposed lease if objections were received in connection with the proposed disposal of public open space; and,

(3) That subject to Resolution (1) above, authority be delegated to the Acting Head of Community Services, following consultation with the Portfolio Holder for Education, Leisure and Arts, to agree the detailed terms of the lease.

10 Rhyddings Park Heritage Lottery Bid

The Portfolio Holder for Education, Leisure and Arts submitted a report on progress made in relation to the Heritage Lottery Fund (HLF) Parks for People funding bid for Rhyddings Park, Oswaldtwistle. A Customer First Analysis was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) On 3rd December 2013, Cabinet agreed that the Council work with Newground Together to secure Parks for People Funding for refurbishment works at Rhyddings Park, Oswaldtwistle, at no cost to the Council. The funding bid had been successful and the works allowed for were set out in Paragraph 3.8 of the above report.

(2) As Newground Together were co-applicant with the Council in relation to the successful Heritage Lottery Fund Stage 2 Bid, the Council intended to continue to work in partnership with that Organisation to implement and complete the Project. Newground Together would jointly act as project manager with the Council for the duration of the

Project and would employ two staff, funded by the Lottery Fund, to facilitate audience development and improved horticultural skills within the Park.

(3) The Council would take on the responsibility of accountable body and the delivery stage work would commence on site once all permissions had been finalised and secured.

Alternative Options Considered and Reasons for Rejection

The delivery stage of Parks for People Heritage Lottery Fund funding could be discontinued and the Council could try to undertake improvements to the Park via a piece meal approach. That was not recommended as grant funding had now been secured and work could be undertaken as one project over the next two years.

Resolved

- (1) That the refurbishment and improvement of Rhyddings Park, as outlined in the report (“the Project”), be supported and receipt of the Heritage Lottery Funding be welcomed;**
- (2) That it be agreed that the Council be the accountable body in respect of the Project and in accordance with the Heritage Lottery Fund’s terms and conditions in connection with the Project;**
- (3) That authority be delegated to the Acting Head of Community Services to take all reasonable steps to implement and complete the Project, including entering into the necessary agreement with the Heritage Lottery Fund, entering into any necessary agreement with Newground Together, engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents; and,**
- (4) That a further report be received by Cabinet in due course for its consideration and approval in respect of the proposed terms of the lease to the Friends of Rhyddings Park of the Coach House in Rhyddings Park and the proposed arrangements for the management and operation of the Coach House.**

The following item was submitted as urgent business with the Chair’s agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

11 Financial Position 2016-17 - Report to End of April 2016

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report on the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017. The financial detail of the report was appended to the report. The spend against Budget in the first month of the year was £661,693 against a Budget of £689,411 leaving a positive variance of just over £27,000. The forecast spend for the year to 31st March 2017 was £11,164,000 against a budget of £11,283,000. A surplus of almost £118,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 1.0% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Culture and Leisure,

Regeneration and Property Services and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Waste Services, Parks and Cemeteries and Planning and Transportation. Approval of the report was deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017.

There were no alternative options for consideration or reasons for rejection.

Resolved - **That the report be noted and Corporate Management Team be asked to continue to identify savings and generate a surplus on the 2016/17 Budget to assist with future potential financial pressures on the Council.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

12 Capital Report Outturn 2015-16

The Portfolio Holder for Resources submitted a report on the financial spend on Capital Projects during 2015/16. The full detail of expenditure was set out at Appendix 1 to the report and the proposed list of changes to the 2016/17 Capital Programme which would be funded from the amounts not spent but authorised in 2015/16 was shown at Appendix 2. The figures reported were the latest available and might be subject to change in finalising the draft accounts or after the conclusion of the final accounts audit. If the figures changed significantly from those contained in the report, an update on the overall position would be made to Cabinet in October 2016, at the end of the audit period. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of details relating to the 2015/16 Capital Programme.

There were no alternative options for consideration or reasons for rejection.

Resolved - **That the report be noted and the Audit Committee be requested to approve the Slippage items at Appendix 2 to the report.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

13 Financial Position 2015-16 - Report for the Year Ending 31st March 2016

The Portfolio Holder for Resources submitted a report on the spending of the Council for the Accounting year 2015/16 and on the revenue elements of the Council's Treasury Management for the same financial year. Attention was drawn to the financial detail of the report shown as a table at the end of the document. Spend for the financial year ending 31st March 2016 was £10,572,000 against an Annual Approved Council Budget of

proximity and was eager to take over management of the Centre to ensure those services continued and expanded, further benefitting the local community.

(2) The Council had received an enquiry from another party who had shown tentative interest in leasing the building for a variety of uses including a nursery, after school club, soft play area and health and fitness classes, but that initial interest had not been progressed in any way.

Resolved

- (1) That the acceptance of a surrender of the existing management arrangements for Hippings Vale Community Centre be approved;**
- (2) That the grant of a five year lease of the Hippings Vale Community Centre on a rent free basis, which was below market value, to Hyndburn Arts Limited from 6th June 2016 be approved;**
- (3) That a one-off grant of approximately £47,000 to Hyndburn Arts Limited for the purposes of improvements, repairs and maintenance costs associated with the Community Centre building be approved; and,**
- (4) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Director of Legal and Democratic Services, to agree the detailed terms for the grant of the lease and associated grant funding.**

15 Exclusion of the Public

Resolved

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.

16 Deveron Mill, Great Harwood

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration submitted an exempt report seeking approval to sell Deveron Mill, Great Harwood. A Plan showing the location of the premises was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- **That authority be delegated to the Head of Regeneration and Housing, following consultation with the Leader of the Council, to agree detailed terms for, and to complete, the disposal of Deveron Mill, Great Harwood.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.

17 Disposal of Haworth Street Garage to Accrington Stanley Football Club

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Leader of the Council submitted an exempt report seeking approval to dispose of the commercial premises known as Haworth Street Garage situated at Haworth Street, Altham, Accrington by including it in the 50 year lease to Accrington Stanley Football Club Ltd for the Wham Stadium site off Livingstone Road, Accrington. A Plan showing the location of the Haworth Street Garage was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- (1) **That the disposal of the Haworth Street Garage, at below market value, be agreed provided the Council was satisfied that it furthered the social, economic or environmental well-being of the Borough, by including the site in the lease to Accrington Stanley Football Club Limited, for the Wham Stadium site off Livingston Road (marked black on the Plan attached at Appendix 1 to the report) as a football stadium with ancillary uses on the main terms approved by Cabinet on 23rd March 2016; and,**
 - (2) **That authority be delegated to the Head of Regeneration and Housing, following consultation with the Council Leader, to agree the detailed terms which would be included in the lease.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

LEARNING AND DEVELOPMENT PANEL

Tuesday, 28th June, 2016

Present: Councillor Clare Cleary (in the Chair), Councillors Judith Addison, Stephen Button, Terry Hurn and Paul Thompson

In attendance: Louise Evans (Organisational Development Assistant), Helen Gee (Democratic Services Manager), Claire Beattie (Principal ICT Officer)

1 Minutes of the last meeting

Agreed - That the minutes of the last meeting, held on 15th March 2016, be approved as a correct record.

2 Matters arising, other than those included in the agenda

Essential Training

It was reported that at the last meeting, the Panel had recommended that it should be a requirement for members of the Planning, Judicial (taxi licensing) and Licensing Committees to undergo essential training. This had been approved at the Council's AGM. Since the new members had been appointed, most had now undergone this essential training and those who had not were being followed up to ensure it was done.

3 Member Development Programme 2016/17

It was reported that the Member Development Programme for 2016/17 would be developed, using information about Members' training needs identified in the Personal Development Plan (PDP) process - see the following item. Panel members suggested various topics for "60 minutes" sessions, including:-

- Hyndburn Homes Be with Us Scheme (a partnership between local councils and social landlords offering homes to rent)
- Carers' Link
- Universal Credit
- Child Sexual Exploitation

Agreed - That the Member Development Programme be developed using the suggestions outlined and information for the PDP survey.

4 Personal Development Plan Interviews with Councillors

Members of the Panel discussed the process of carrying out personal development interviews with Elected Members as a way of planning and developing a training programme to meet their training needs. In previous years, one to one discussions had been held with all 35 Councillors. This year, it was proposed to carry out a simpler process, surveying members online.

Agreed - That a survey be carried out to identify Members' training needs and the results be reported back at the next meeting.

5 New Member Induction Programme - Evaluation

Panel members were asked to review the induction programme for newly elected Councillors and the following suggestions were made:-

- to arrange evening sessions
- to make it clear to new Councillors immediately following the election what the arrangements were in terms of dates and times

Otherwise, the content was considered to be acceptable. The new Councillors had been invited to give feedback which would be evaluated in more depth.

Agreed - **That the points made be taken on board for future induction sessions.**

6 Dates of Future Meetings

Agreed - **That future meetings be held on:-**

Tuesday, 13th September 2016 at 2 p.m.

Tuesday, 6th December 2016 at 2 p.m.

Tuesday, 7th March 2017 at 2 p.m.

Agenda Item 6.

REPORT TO:	Cabinet		
DATE:	20 July 2016		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Monica Bell, Senior Democratic Services Officer		
TITLE OF REPORT:	Appointment of Replacement Representative on the Cabinet Committee (Scrap Metal Dealers Act 2013)		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To appoint a replacement representative to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013).

2. Recommendations

- 2.1 That the Leader of the Council (Councillor Miles Parkinson) be appointed to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013) in place of Councillor June Harrison.

3. Reasons for Recommendations and Background

- 3.1 On 8th June 2016, Cabinet agreed the establishment of the Cabinet Committee (Scrap Metal Dealers Act 2013) and appointed Councillor June Harrison as one of the three representatives on that Group. The other two members are Councillors Clare Cleary (Chair) and Paul Cox.
- 3.2 The Terms of Reference for the Cabinet Committee stipulate that the three appointed representatives must be members of Cabinet. Cabinet is therefore requested to agree the appointment of Councillor Miles Parkinson as the replacement representative for Councillor Harrison.
- 3.3 The Terms of Reference for the Cabinet Committee (Scrap Metal Dealers Act 2013) are attached as Appendix 1 to the report.

4. Alternative Options considered and Reasons for Rejection

4.1 None were considered.

5. Consultations

5.1 Consultations took place the Leader of the Council.

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	None.
Assessment of risk	None.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	None identified.

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 Report to Cabinet, 8th June 2016.

<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=1073&Ver=4>

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

APPENDIX 1

CABINET COMMITTEE (SCRAP METAL DEALERS ACT 2013)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act.
- To discharge the Council's functions under paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013.

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Agenda Item 7.

REPORT TO:	Cabinet		
DATE:	20 July 2016		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Executive Director (Legal and Democratic Services)		
TITLE OF REPORT:	Regulation of Investigatory Powers Act 2000. Half Yearly Report		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 At the Cabinet Meeting held on the 14th March 2012 it was resolved that the Executive Director (Legal and Democratic Services) should present a report to the Cabinet each quarter summarising the use of the powers conferred on the Council by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA). Due to the lack of use of these powers it was further resolved by Cabinet on the 4th December 2013 that reports only need to be submitted every six months.
- 1.2 As RIPA has not been used in the last three years it will be recommended that future reports will only be necessary if these RIPA powers are actually used.

2. Recommendations

- 2.1 That the report be noted
- 2.2 That further reports will only be necessary in the event that the powers conferred by RIPA are actually used.

3. Reasons for Recommendations and Background

- 3.1 During the period under review, 1st November 2015 – 31st May 2016 there were no applications for authorisations under RIPA. Furthermore no applications are outstanding. The lack of applications is mainly the result of changes to the RIPA regime that came into effect in November 2012. These changes which were previously

reported to Cabinet on the 19th November 2012, limited the use that could be made of RIPA to the investigation of more serious offences that are punishable by a period of imprisonment 6 months or more.

4. Alternative Options considered and Reasons for Rejection

4.1 N/A

5. Consultations

5.1 N/A

6. Implications

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	None
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	None

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 N/A

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	20 July 2016		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Joe McIntyre, Deputy Chief Executive		
TITLE OF REPORT:	Council Tax Support Consultation		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 This purpose of this report is to seek approval to commence a public consultation on plans to revise Hyndburn Council's Council Tax Support Scheme for 2017/18.

2. **Recommendations**

- 2.1 This report requests that Cabinet:
- 2.2 Authorises the Deputy Chief Executive to commence a public consultation on plans to revise the current Council Tax Support Scheme from April 2017.
- 2.3 Notes that the consultation will run for 12 weeks the 25th July to 14th October 2016 and will guide the final recommendations to be placed before Full Council for approval of the Council Tax Support Scheme by 31st January 2017.

3. **Reasons for Recommendations and Background**

- 3.1 Council Tax Benefit was abolished nationally on 31st March 2013 and replaced with Local Council Tax Support Schemes (LCTS) which were designed and implemented by billing authorities.
- 3.2 After extensive consultation with the public and interested parties on the options open to the Council for 2013/14, it was decided to implement a scheme that required all working age claimants of Council Tax Support to contribute at least 20% towards their annual Council Tax bill and for the Council to provide the remaining 80% via Council Tax Support.

- 3.3 LCTS was initially funded by a cash limited grant from Central Government at 90% of the previous year's expenditure. The Government maintained funding levels for the first two years of operation and this allowed the Council to keep the maximum support awarded to working age claimants at 80% during 2013/14 and 2014/15. The Council was also able to maintain the same support rate through the third year of operation in 2015/16 despite a reduction in Revenue Support Grant in 2015/16 of 33% from £3,453,750 to £2,312,430, a fall of £1,141,320.
- 3.4 In 2015, in preparation for the 2016/17 LCTS scheme, the Council consulted for a second time on options to alter Hyndburn's scheme, as maintaining maximum support levels at 80% was no longer sustainable without impacting on the provision of other services or increasing Council Tax for all taxpayers.
- 3.5 The consultation for the 2016/17 scheme presented three main options to residents:
1. Reduce maximum support levels for working age CTS claimants from 80% to 73%
 2. Raise Council Tax for all households by 1%
 3. Make savings by cutting or reducing other services
- 3.6 Following this consultation, which ran from 7 September to 29 November 2015, the 2016/17 Council Tax Support scheme for Hyndburn was introduced on 1 April 2016 with a new maximum support level for working age claimants of 73%.
- 3.7 As the Government is committed to substantially reducing public expenditure over the next four years, it is anticipated that the Council will be faced with further Revenue Support Grant reductions of up to a third or more. Maintaining support at 73% to those claiming Council Tax Support is again no longer sustainable without impacting on the provision of other services or increasing the Council Tax for all taxpayers.
- 3.8 The Council therefore intends to consult on whether the maximum support level should now be reduced or should the same budgetary impact be achieved via additional savings across the Council or additional revenues raised by increasing Council Tax.
- 3.9 It is proposed that the consultation offers three main funding options to residents with the added facility to suggest any alternatives that they would like to have considered.
1. **Reducing maximum support levels for CTS claimants.**
This option proposes to reduce the maximum subsidy level that can be awarded to a working age claimant or household from 73% to 70% making the minimum contribution towards a Council Tax bill 30%. This change would impact all working age claimants of Council Tax Support (currently 4,869 households) and would add between £24 and £33 to an annual Band A Council Tax Bill for claimants of Council Tax Support.
 2. **Raising Council Tax levels for all liable taxpayers.**
Hyndburn Council can raise its proportion of Council Tax by up to 2% without holding a public referendum. To continue to provide Council Tax Support at 73%, £89,022 would need to be raised overall, £13,353 of which is Hyndburn's proportion. Levying an additional £13,353 (which would be under the 2%

referendum limit) would add £1.22 - £1.63 to an annual bill for Taxpayers in Hyndburn. If this option is chosen, other major preceptors would have the option to raise their own levels of Council Tax levied.

3. Making savings by cutting or reducing other services

Savings made would have to be equivalent to the reduction in Council Tax Support grants in other Council services. As above, the funding reduction is expected to be £89,022; Hyndburn's proportion of this is approximately £13,353. Other major preceptors would also face cuts to their services in line with their proportions of Council Tax levied.

- 3.10 In addition to these options being made available to the public, a number of assessment criteria for Council Tax Support claims will be changed to bring the scheme in line with changes being made on a national level to Housing Benefit Regulations. Further details are included in the Proposed Council Tax Support Scheme at appendix 2. These changes will also form part of the proposed consultation.
- 3.11 When preparing these funding proposals, we have accessed research done on a national level on Council Tax Support, in particular the schemes in place and the impact studies that have been produced since 2013. Since 2013, the number of councils with smaller minimum payment levels of 8.5% or less has dropped steadily from 122 in 2013 to 50 in 2016 and the most common minimum payment level is currently 20% (77 councils in April 2016). There are currently 67 CTS schemes with a minimum contribution level over the average of 20%, 52 of which are over 25%. The highest minimum payment level in place in 2016/17 is 45%¹.
- 3.12 More locally, the most common minimum payment level in Lancashire is 20% and schemes range from 0% (Lancaster) to 27.1% (Blackpool).
- 3.13 To date, a handful of other Councils have begun a consultation on funding options for 2017/18 but too few to determine whether or not our funding options are broadly similar. Based on the trend towards higher minimum payment levels in the last two years however, we anticipate that more authorities will look to increase minimum payment levels as alternative funding options become harder to find.
- 3.14 There are currently 8,212 households claiming Council Tax Support in Hyndburn; 3,343 (41%) are pensioners and 4,869 (59%) are working age. Pensioners are protected under Government legislation and continue to receive Council Tax Support to the same level as they did under the Council Tax Benefit rules, up to a maximum of 100%.
- 3.15 Working age claimants can currently claim a maximum of 73% subsidy on their Council Tax bill. Those who qualify for this maximum level of support are asked to pay between £221² and £294 per year (27%) towards a Band A property. Information held confirms that 75% of taxpayers in this category are paying their Council Tax on time with the remainder collected through our normal recovery processes over a slightly longer period.

¹ New Policy Institute, 2016 <http://counciltaxsupport.org/schemes/>

² £221 is a band A property with a 25% Single Occupancy Discount applied.

3.16 It is estimated that the amount of public subsidy in relation to Council Tax Support for Hyndburn Borough taxpayers will reduce in 2017/18 by £89,022. The detail is shown in the table below.

Financial year	Pensioners	Working Age standard claims	Working Age Income Support claims	Total
2016/17 CTS expenditure	£2,783,441	£797,883	£2,169,544	£5,750,868
Proposed Savings from 3% reduction	N/A ³	£23,936	£65,086	£89,022
Projected 2017/18 CTS expenditure based on 3% reduction	£2,783,441	£773,947	£2,104,458	£5,661,846

3.17 The minimum amount payable by each household and the proposed new amount, if adopted, are shown in the table below. Increasing a Band A minimum contribution from 27% to 30% would increase an annual bill by £24 - £33 for households claiming maximum Council Tax Support. This increase does not account for any other potential increases such as percentage rises applied by preceptors.

Financial Year	Band A Minimum Contribution	Band A Council Tax payable annually	Band A Council Tax payable monthly ⁴	Monthly Difference
2016/17	27%	£221 - £294	£18.42 - £24.50	n/a
2017/18	30%	£245 - £327	£20.42 - £27.25	+ £2.00 - +£2.75

3.18 As the amount of Council Tax billed is shared between each of the precepting authorities, the £89,022 estimated funding shortfall from the reduction in subsidy from 73% to 70% would be divided between each major preceptor as shown below.

Proposed Subsidy Reduction	Hyndburn BC	Lancashire County Council	Lancashire Police and Crime Commissioner	Lancashire Fire and Rescue
£89,022	£13,353 (15%)	£64,096 (72%)	£8,012 (9%)	£3,561 (4%)

³ There are no savings from these changes from Pensioners as their benefit payments are protected and cannot be reduced.

⁴ Monthly figures presented are based on a bill being spread over 12 monthly instalments.

4. Alternative Options considered and Reasons for Rejection

4.1 The Council could choose not to consult on its options and the current scheme with a 73% subsidy would continue. This would not allow us to consider the views of the local population or interested parties and this would limit our options to fund the Council Tax Support scheme for 2017/18 to either cutting services or raising Council Tax levels.

5. Consultations

5.1 The Local Government Finance Act 2012 provides that the Council, as the billing authority, must consider whether to revise its Council Tax Support Scheme or replace it with another scheme by the 31st January every year.

5.2 Prior to revising or replacing their scheme the billing authority must, in accordance with Government legislation:

- consult with any major preceptors;
- publish a draft scheme in such a manner it thinks fit;
- consult with such other persons it considers may have an interest in the scheme.

5.3 Plans to revise the Council Tax Support scheme will affect all current working age claimants of which there are currently 4,869. Pensioners will not be affected by changes made to Hyndburn's Council Tax Support Scheme.

5.4 Our duty to consult extends to affected households and major preceptors as well as interested parties. This means our consultation will cover several areas, the main focus being:

- consultations by post,
- online consultation,
- email consultation,
- public information points.

5.5 The Council Tax Support Consultation Strategy is attached to this report at Appendix 1.

6. Implications

Financial implications (including any future financial commitments for the Council)	As detailed in the report, grant income from central government continues to reduce for awards of CTS and action is required to reduce overall expenditure to maintain a balanced budget. The consultation costs will be contained within existing budgets.
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<p>Legal and human rights implications</p>	<p>The legislative and consultation requirements are set out in section 5 of this report.</p> <p>A comprehensive legal review of the revised scheme and all associated policies will be conducted prior to final publication if the scheme is altered.</p> <p>The Council aims to operate a LCTS scheme that is fair, legal and resilient to challenge.</p>
<p>Assessment of risk</p>	<p>A risk assessment has been carried out and identified the following:</p> <p>Timescales: the consultation has a limited period in which it must be conducted in order that any recommendations and decisions can be made by the 31 January 2017.</p> <p>Insufficient Responses received, the Council has previous experience of consulting on this issue and will use a variety of means to gauge public opinion however there is always the possibility that the issue does not engage with the public and we receive very few responses.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report, and in respect of any changes to the LCTS, Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and</p>

	is attached to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

1. [Council Tax Support Scheme 2013-2015](#)
2. [Council Tax Support Scheme 2016](#)
3. [Report to Council, Council Tax Support Scheme 2016/17, 21 January 2016](#)

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.



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CONSULTATION STRATEGY 2017/18

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Introduction

Council Tax Support replaced Council Tax Benefit on 1 April 2013 and forms part of the Government's continuing wider reforms of the welfare system.

The Local Government Finance Act 2012 and the Welfare Reform Act 2012 gave Local Authorities in England until the 31 January 2013 to introduce a Local Council Tax Support (LCTS) scheme to be implemented on 1 April 2013. Local Authorities were compelled before this deadline to conduct a public consultation exercise on their proposed schemes.

The Local Government Finance Act 2012 and the Welfare Reform Act 2012 also included provision for Local Authorities to make changes to their LCTS schemes annually providing that they conduct a public consultation exercise on any proposals and publish a final scheme by 31 January in any given year.

This document sets out Hyndburn Borough Council's Council Tax Support Consultation Strategy for 2017/18.

Consultation 2017/18

The Local Government Finance Act 2012 sets out that billing authorities must:

- consult any major precepting authority, and then;
- publish a draft scheme, and then;
- consult those people who have an interest in how the new scheme will operate.

Consulting with interested parties will ensure that Hyndburn Borough Council better understands the impact of any proposals on individuals and certain groups. We will consider the feedback we receive together with all suggestions for improving the draft scheme before we decide upon our final scheme for 2017/18.

This strategy forms part of the Council Tax Support library of documents, all of which are available online at www.hyndburnbc.gov.uk/counciltaxsupport

Our consultation promise

We will conduct a fair, balanced and open consultation which will provide as many people as possible with the opportunity to respond to proposals for Hyndburn's Council Tax Support Scheme.

This consultation will meet our statutory obligations under the Equality Act 2010 and we will take steps to meet the differing needs of people with protected characteristics. Details on how we will take protected characteristics into account during this consultation are outlined on page 5.

We will take all feedback into consideration when we finalise our Council Tax Support Scheme for 2017/18.

Method

We recognise that the rate of subsidy in Council Tax Support is not just an issue for those in receipt of these subsidies, but impacts on all local residents as they are contributing to the subsidiary via the taxes they pay. Our consultation will therefore include tax payers as well as those in receipt of the benefit and other interested parties including the main preceptors.

Consultation will be multi-faceted and will vary in its methods so that we provide a range of opportunities to allow as many people as possible to have their say.

Our methods for consultation will include:

- Online consultation
- Postal surveys to current Council Tax Support claimants
- Postal surveys to a selection of Council Tax taxpayers not in receipt of CTS
- Postal adverts for our consultation to recipients of post relating to Council Tax and Housing Benefit/ Council Tax Support during the consultation period
- A web link on all emails sent to customers during the consultation period
- Email surveys to recipients of Council Tax Support and taxpayers not in receipt of CTS
- Telephone surveys for those unable to access the web or portal form
- Survey response boxes in our main offices a survey to all customers who visit us for an appointment

Advertising

We want as many responses to our consultation as possible:

We will advertise our consultation using:

- press releases to local newspapers,
- our website,
- leaflets sent out with other Council correspondence,
- our telephone queue messages,
- social media,
- email,
- our television screen in our Customer Contact Centre.

Equality Target Groups

The consultation and advertising methods in this strategy are wide ranging and we aim to consult with as many people as possible while giving different groups the opportunity to respond.

We do however recognise this consultation will not be fully effective unless it takes into account the different marketing tools and consultation methods which have the most impact on people in certain groups – failure to do so can contribute to greater inequality and a poorer

outcome. Some groups can be harder to reach than others and the table below illustrates some of the methods we will use with the aim of reaching a specific group.

Target Group	Consultation Methods to suit group	Advertising Methods to suit group
Age – working age from 18-64	<ul style="list-style-type: none"> • Postal • Online • Email • Telephone • Face to face 	<ul style="list-style-type: none"> • Online • Social Networking sites • Telephone messages • Post • Job Centre Plus (posters)
Age – older people 64+	<ul style="list-style-type: none"> • Post • Online • Telephone • Face to face • Large print available 	<ul style="list-style-type: none"> • Telephone messages • Post
People with a disability	<ul style="list-style-type: none"> • Online • Telephone • Face to Face • Large Print Available on request • Braille available on request • Web-reader available • Appointments available for help with forms 	<ul style="list-style-type: none"> • Online • Social Networking sites • Telephone messages • Post
Black and Minority Ethnic groups	<ul style="list-style-type: none"> • Online • Telephone (including some other languages) • Face to face 	<ul style="list-style-type: none"> • Mosques • Community Centres • Online • Social Networking sites • Telephone messages • Post
Homeless people or those under threat of homelessness	<ul style="list-style-type: none"> • Face to Face • Housing advice appointments 	<ul style="list-style-type: none"> • Housing Advice team to promote the consultation • Community Groups and local charities

Length of Consultation

This consultation will run for 12 weeks from 25th July 2016 to 14th October 2016.

Who will we consult?

We will consult with as many people as possible, which include:

- Current Council Tax Support claimants

- Current Council Tax payers
- Working age people
- Pension age people
- Groups who support people with financial advice
- Local Charities, Women's Groups, local Churches and Mosques

This list is not exhaustive.

Responses

We will publish our responses on our website and in documentation produced when our scheme is finalised and published.

Responses received will be considered when finalising a new scheme, if one is to be implemented.

Public Sector Equality Duty

The survey will include an optional section to gather equalities monitoring data. This data will be used to ensure that our consultation has reached as many different people as possible as well as to analyse results.

Hyndburn Borough Council is committed to providing services which are fair and accessible for all. This consultation has considered the public sector equality duty throughout the project and a comprehensive Customer First Analysis has been completed and is available at www.hyndburnbc.gov.uk/counciltaxsupport or by request.



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**PROPOSED COUNCIL TAX SUPPORT
SCHEME APRIL 2017**

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Introduction

Council Tax Support replaced Council Tax Benefit on 1 April 2013 and forms part of the Government's continuing wider reforms of the welfare system, which they believe should:

- improve incentives to make work pay;
- reduce worklessness; and
- end a culture of benefit dependency.

This document sets out Hyndburn Borough Council's proposed changes to the current [Council Tax Reduction Scheme](#) which may be introduced from April 2017.

Background

At the spending review in 2010, the Government announced that it would localise support for Council Tax from 2013 and reduce benefit expenditure by 10%. For Hyndburn Council this meant a reduction in funding of £812,088 in 2013/14.

Local Authorities in England were given a 31 January 2013 deadline to introduce a Local Council Tax Support (LCTS) scheme to be implemented on 1 April 2013. Local Authorities were compelled before this deadline to conduct a public consultation exercise on their proposed schemes. Hyndburn Borough Council's consultation took place over 12 weeks from 13 August 2012 – 4 November 2012 and the 2013 scheme was implemented by the deadlines given and was operational until 31st March 2016.

The Local Government Finance Act 2012 and the Welfare Reform Act 2012 included provision for Local Authorities to make changes to their LCTS schemes providing that they conduct a public consultation exercise on funding options and publish a final scheme by 31 January in any given year.

The Government agreed to fund 90% of LCTS schemes for 2 years only. From 2015/16, the funded element of LCTS was incorporated into the Revenues Support Grant and paid as one grant. The continuing reduction to the Revenues Support Grant is a key factor in the annual consideration of the Council's CTS Scheme. Continued funding reductions force the consideration of a scheme which provides lower levels of subsidy to working age claimants of CTS or which draws on funding from other areas of the Council's finances which could either increase Council Tax or reduce spending in other areas.

In 2015, the Council considered proposals to alter its CTS scheme for 2016/17 and presented funding options to the public as part of a consultation which ran from 7th September to 29th November 2015. Following this consultation, a new CTS Scheme was implemented from 1st April 2016 which was broadly the same as the previous scheme but with a lower level of maximum subsidy available to working age claimants of CTS. From April 2016, working age claimants of CTS can claim up to 73% of their Council Tax bill in Council Tax Support. In

addition, a number of assessment criteria were changed to bring the scheme in line with changes made to Housing Benefit regulations from April 2016.

There are currently (2016/17) 8,212 residents claiming Council Tax Support in Hyndburn; 3,343 (41%) are pensioners and 4,869 (59%) are working age. Pensioners are protected under Government legislation and continue to receive Council Tax Support to the same level as they did under the Council Tax Benefit rules.

Working age claimants are being asked to pay a maximum of between £221 - £294 per year (27%) towards a Band A property. Information held confirms that 75% of Taxpayers in this category are paying their Council Tax on time.

Continued funding reductions and the medium term prospect of local authorities having to become financially self-sustaining in the next five years means that the Council is again considering changes to its CTS scheme.

This document sets out the Council's proposal to revise its Council Tax Support Scheme by reducing the maximum subsidy level for all working age recipients by 3%. The maximum Council Tax Support that can be awarded to working age claimants currently is 73%. This draft scheme proposes that this is reduced to 70%.

This document has been produced prior to a public consultation exercise which will guide the Council's decisions on a final scheme for implementation in April 2017.

Alternative options for funding the Council Tax Support scheme will be proposed as part of our consultation and will be considered again before any final scheme is published.

Proposed Scheme – April 2017

The current scheme sets out the rules for working age claimants.

Eligibility for Council Tax Support will be calculated on a "means tested" basis and we will take account of the income and capital of the claimant and their partner (if applicable).

This proposed scheme is based on the current Council Tax Support scheme as defined by the terms of the existing regulations with the exception of the following:-

Reduction in Council Tax Support

Council Tax Support currently allows for up to 73% of a working age claimant's Council Tax to be paid as support. It is proposed that entitlement to Council Tax Support be reduced by a further 3% for all working age claimants, which means that all claimants, whether in work or in receipt of a passported benefit (as defined overleaf) would have to make an increased contribution towards their Council Tax.

Passported benefits are Income Support, Job Seekers Allowance (Income Based), Employment and Support Allowance (Income Related).

By ensuring that all benefit recipients have to pay a contribution towards their Council Tax, the scheme is fair and does not disadvantage people who are already in work, which would undermine the principles of Universal Credit and welfare reform.

A person in a Band A property entitled to a Single Persons Discount would have to pay an extra £24 a year towards their Council Tax. Households in the same Band A property without a Single Persons Discount would have to contribute a further £33 per year.⁵

Example:

Financial Year	CTS maximum award for band A	Band A Council Tax payable annually	Band A Council Tax Payable over 12 months	Monthly Difference
2016/17	73%	£221 - £294	£18.42 - £24.50	n/a
2017/18	70%	£245 - £327	£20.42 - £27.25	+ £2.00 - +£2.75

Changes to Housing Benefit regulations from April 2017

The current scheme includes a provision to keep the scheme in line with changes being made nationally to Housing Benefit and Universal Credit regulations. From 2017 there will be a number of changes being introduced by the Government on a national level which will alter Hyndburn’s local scheme.

1. Removal of the Severe Disability Premium for Housing Benefit and Universal Credit (Carer’s Element) cases.
2. Limiting dependants’ additions to two for all dependants born after April 2017 – certain exemptions will apply.
3. Removal of the Employment and Support Allowance Work Related Activity Group component for all new claims from April 2017.
4. Removal of the automatic entitlement to Housing Benefit or the housing element of Universal Credit for new claims from 18-21 year olds who are out of work from April 2017 – certain exemptions will apply.

These changes will affect new claims only and will not be applied to existing claims with the exception of limiting dependants’ additions for New Births for existing CTS claims from April 2017.

⁵ All examples are based on amounts for a Band A property in Hyndburn and use 2016/17 Council Tax rates. A higher amount will be payable if the claimant lives in a Band B property or above.

Consultation

The Local Government Finance Act 2012 sets out that billing authorities must:

- consult any major precepting authority, and then;
- publish a draft scheme, and then;
- consult those people who have an interest in how the new scheme will operate.

Consulting with all interested parties will ensure that we better understand the impact of these proposals on individuals and certain groups. We will consider the feedback we receive together with all suggestions before we decide upon a final scheme.

The Council does not intend to consult on all changes proposed for April 2017. The consultation will focus on the options to fund the £89,022 required to continue to make the Council Tax Support scheme financially viable. Other changes being proposed are included in the current scheme's provision to keep it in line with changes being made nationally to Housing Benefit regulations. The changes are introduced in this document on page 5 in order to highlight that 2017 will see a number of changes being introduced by the Government on a national level which will alter Hyndburn's local scheme.

A consultation strategy has been produced and is available on request or to download at www.hyndburnbc.gov.uk/counciltaxsupport

Legislation

The Local Government Finance Act 2012 and the Welfare Reform Act 2012 included provision for Local Authorities to make changes to their LCTS schemes providing that they conduct a public consultation exercise on the changes and publish a final scheme by 31 January in any given year.

Pensioners

The Government is committed to protecting pensioners on low incomes and as such pensioners are not affected by these proposed changes.

In accordance with current legislation, a pensioner becomes eligible for pensioner-related Council Tax Support at the age at which they can qualify for State Pension Credit. From April 2017, the qualifying age will be 64.

Vulnerable People

The Government issued guidance to protect pensioners from increased Council Tax costs but did not prescribe any further action in relation to vulnerable groups. Decisions on how to

support these groups were left to local discretion. Hyndburn Council has regard to the following legislation in designing and updating its scheme.

- The Equality Act 2010 – the public sector Equality Duty in respect of protected characteristics.
- The Child Poverty Act 2010 – duty to reduce and mitigate the effect of child poverty in local areas.
- The Housing Act 1996 – duty to prevent homelessness

Fair and Equitable Council Tax Support Scheme

Hyndburn Council's Council Tax Support Scheme is fair and equitable for all claimants.

The personal allowances and applicable amounts currently used to calculate Council Tax Support are the amounts deemed necessary to provide for basic needs based on household composition and disability. These allowances and applicable amounts already take the claimant's circumstances into account and mean that they are awarded more benefit if their circumstances require it.

The figures used to calculate Council Tax Support are adjusted annually so that applicable amounts and personal allowances are the same as those used to assess Housing Benefit or Universal Credit.

Hyndburn's Council Tax Support Scheme reflects the Government's intention to bring all benefits in-line with the Consumer Price Index and any annual uprating will be in line with Consumer Price Index or any other pricing structure used to uprate Housing Benefit or Universal Credit.

Any annual changes to figures used will take effect from 1 April each year.

Class of Persons

The Government through regulations prescribes certain classes of persons who are not eligible to claim Council Tax Support.

Working Age

Working age claimants are defined as a class of person who has not reached the qualifying age for State Pension Credit, which from April 2017 will be 64.

Applications for Council Tax Support

Our standard application form will have to be completed in respect of all new claims for Council Tax Support. If this proposed scheme is adopted, CTS claims in payment on 31 March 2017 will be automatically adjusted on 1 April 2017; claimants will not have to reapply.

Notifications of Awards

Upon receipt of all relevant information, Hyndburn Council will make a decision on a claim within a reasonable timescale.

Notification of awards will be issued to customers with a detailed breakdown of the calculation used when assessing their Council Tax Support. The decision letter will include information relating to the review and appeals process.

Changes to Entitlement

In addition to the review process, all claimants will have a duty to notify Hyndburn Council of changes in their personal or household circumstances. This must be done in writing and within one calendar month of the change occurring.

Overpaid Council Tax Support

All overpayments of Council Tax Support will be recoverable with the exception of circumstances where the Council believes it would be unreasonable to expect the customer to know they had been overpaid.

A revised Council Tax demand will be issued and any amount of overpaid Council Tax Support which is to be recovered will be included in an adjusted Council Tax bill.

Appeals Process

A formal appeals process has been adopted by Hyndburn Council. Claimants are notified as part of the notification processes how they may appeal a decision and what decisions are appealable.

Hardship Scheme

As prescribed within the Local Government Finance Act 2012, the Council has an established Council Tax Support Hardship Scheme to which claimants can apply in circumstances of exceptional hardship.

Fraud

The Council will investigate cases where it has reason to believe that an amount of Council Tax Support has been awarded as a result of a fraudulent act by the customer or a person acting on their behalf. This will include situations where the customer fails to notify Hyndburn Council of any changes in household composition, income or capital that results in an overpayment of Council Tax Support.

Annual Council Tax Support Scheme Review

The Council Tax Support Scheme is reviewed annually and may be subject to change. The Council will undertake a review of the scheme each year to ensure that the scheme remains fair and equitable as well as affordable.



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COUNCIL TAX SUPPORT CONSULTATION 2017/18

CUSTOMER FIRST ANALYSIS

June 2016

Customer First Analysis

The Council's response to the public sector equality duty is a comprehensive Customer First Analysis.

Purpose

- **What are you trying to achieve with the policy / service / function?**

The Council wishes to consult on options for changes to its Council Tax Support Scheme for 2017/18.

- **Who defines and manages it?**

The Welfare Reform Act 2012 and Local Government Finance Act 2012 provide the scope for Local Council Tax Support Schemes.

The project and any eventual scheme will be designed and implemented by Benefits, Revenues and Customer Contact management team.

- **Who do you intend to benefit from it and how?**

This is a consultation only at this stage. Decision makers will benefit by being informed on public opinion and residents will benefit from having the opportunity to provide their views on options.

- **What could prevent people from getting the most out of the scheme?**

Accessibility could be a barrier to being able to participate in the consultation; however the consultation strategy has considered accessibility and all information provided will be available in several formats.

- **How will you get your customers involved in the analysis and how will you tell people about it?**

Consultation on options for a revised Council Tax Support Scheme will take place between 25th July 2016 and 14th October 2016. The consultation will be made available to as many people as possible using a variety of methods such as web forms, postal surveys and telephone surveys. A consultation strategy has been written which covers this in more detail.

The Council Tax Support project has dedicated web pages on the Council's website: www.hyndburnbc.gov.uk/counciltaxsupport

Evidence

- **How will you know if the policy delivers its intended outcome / benefits?**

The consultation will gather enough responses to enable a meaningful consideration of public opinion to be taken into account if changes are to be made to the 2017/18 Council Tax Support Scheme.

- **How satisfied are your customers and how do you know?**

The proposed consultation will address this.

- **What existing data do you have on the people that use the service and the wider population?**

Data we will use for this consultation includes names and addresses of liable Council Tax payers and current recipients of Council Tax Support.

We hold household and income details of current Council Tax Support recipients but this will not be used as part of the consultation. We have access to wider population statistics which will enable us to assess the range of responses we have received as equality monitoring data will be available (albeit optional) as part of the survey.

- **What other information would it be useful to have? How could you get this?**

It is not possible to future proof a Council Tax Support scheme, our claimant base changes on a daily basis and we cannot always foresee or predict major changes locally or nationally. This is why the scheme is subject to potential change on an annual basis. We will be monitoring the consultations and schemes proposed by other local authorities in order to ensure that our scheme options are broadly consistent with national and local changes.

- **Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?**

Yes – equalities data will be collected throughout the consultation and will be used when analysing data.

- **Are you using partners, stakeholders, and councillors to get information and feedback?**

Yes – the consultation will be as inclusive as we can manage within our resources and we will consult with partners, groups and councillors.

Impact

- **Are some people benefiting more – or less - than others? If so, why might this be?**

No.

Actions

- **If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?**

This consultation is open to everyone.

- **Is it discriminatory in any way?**

No.

- **Is there a possible impact in relationships or perceptions between different parts of the community?**

No, the consultation is open to everyone in our community.

- **What measures can you put in place to reduce disadvantages?**

The consultation will be as accessible as we can make it in order to allow people to have their say.

- **Do you need to consult further?**

Not at this stage.

- **Have you identified any potential improvements to customer service?**

This will be the third Council Tax Support consultation since 2012 and we have learned from both previous consultations how we can communicate with our residents with clarity and how we can gather enough responses to make the consultation meaningful.

We intend to build on our previous consultation successes to gather a wide range of public opinion.

- **Who should you tell about the outcomes of this analysis?**

This analysis will form part of the wider Council Tax Support project and will be included with all documents available to the public as part of our commitment to transparency.

- **Have you built the actions into your Business Plan with a clear timescale?**

Yes.

- **When will this assessment need to be repeated?**

If this project progresses to changes to the Council Tax Support scheme for 2017/18, this assessment will be repeated with any changes to the scheme taken into consideration.

Agenda Item 9.

REPORT TO:	Cabinet		
DATE:	20 July 2016		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Craig Haraben (Acting Head of Community Services)		
TITLE OF REPORT:	Rhyddings Park Heritage Lottery Bid		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. PURPOSE OF THE REPORT

The purpose of this report is to update members on the situation regarding the Heritage Lottery Bid for Rhyddings Park in Oswaldtwistle

2. RECOMMENDATIONS

It is recommended that:

1. The contents of this report be noted
2. Cabinet decide whether to continue with the landscape plan as originally agreed by the National Heritage Lottery Board or whether they wish to recommend that the plan is changed in respect of the sequoia tree

3. BACKGROUND

- 3.1 In 2012 the Parks & Cemetery Service started working with the Friends of (FO) Rhyddings Park to explore the possibility of applying for Parks for People funding administered via the Heritage Lottery Fund (HLF).
- 3.2 The outcome of a consultation with the FO Rhyddings Park showed that local residents would like to see the refurbishment of park facilities, the re-building of the coach house to provide a community base within the Park and the walled garden area refurbished and brought back into use as a community food growing area. This way forward was also supported by the local schools and GP surgeries that returned the consultation document.
- 3.3 In addition to the refurbishment work, there was a desire to have staff in place for two years after construction work had been completed to encourage participation and develop the audience of people who use the Park, including engaging with hard to reach groups. After examining the criteria for Parks for People funding it was clear that funding would be available for both the capital and revenue elements of this project.

- 3.4 Cabinet agreed on 3 December 2013 for the Council to work towards securing Parks for People funding via the HLF for Rhyddings Park in Oswaldtwistle.
- 3.5 In early January 2016 the Council received the fantastic news that the Parks for People funding bid relating to Rhyddings Park in Oswaldtwistle had been successful. The project had been allocated £1,461,900 for the delivery stage of the project by the HLF. The total value of the project, including in-kind funding and volunteer work, is £2 Million.
- 3.6 The funding secured from the HLF will allow for:
- The restoration of the Coach House as a community venue;
 - Returning the derelict walled garden to its traditional use of food growing, including the construction of Victorian style greenhouses;
 - Working with Bootstrap Enterprises to develop a social enterprise based in the restored former Coach House, generating income for the Park from meeting rooms, a cafe and a training kitchen;
 - Creating a performance space area and develop a programme of community arts working with Hyndburn Arts at the nearby Civic Arts Theatre;
 - Establishing a training and volunteering programme linked to park management, community engagement and health promotion;
 - Providing education resources and opportunities for local schools;
 - Developing programmes of guided walks and family fun activities.
- 3.7 In addition to the funding to enable the park refurbishment, revenue funding will also be made available to employ two HLF funded staff to facilitate audience development and improved horticultural skills within Rhyddings Park.
- 3.8 In late January 2016 a petition was started on Facebook due to some local opposition to one element of the parks refurbishment, the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park.
- 3.9 It was agreed that an independent arboricultural consultant's report would be commissioned in respect of the tree and the issue opened up for debate at Council.
- 3.10 The Issue was debated at Council on 7 July 2016 and an advisory vote taken on the subject. The results of the advisory vote were 5 voted to continue with the original plan as agreed by the national heritage lottery board, 8 voted to change the plan and retain the tree and 17 abstained.

4.0 CONSULTATIONS

- 4.1 As agreed a debate has taken place at Council on 7 July 2016

5.0 IMPLICATIONS

Financial implications (including any future financial commitments for the Council)	Outlined in the report to Council dated 7 July 2016
Legal and human rights implications	Outlined in the report to Council dated 7 July 2016
Assessment of risk	Outlined in the report to Council dated 7 July 2016
Equality and diversity implications	Not applicable

6.0 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985:

List of Background Papers

- 6.1 [Council Report dated 7 July 2016 titled Rhyddings Park Heritage Lottery Bid](#)
- 6.2 [Cabinet report dated 8 June 2016 titled Rhyddings Park Heritage Lottery Bid](#)
- 6.3 [Cabinet report dated 3 December 2014 titled Rhyddings Park Heritage Lottery Bid](#)

7.0 FREEDOM OF INFORMATION

- 7.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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REPORT TO:		Cabinet	
DATE:		20 July 2016	
PORTFOLIO:		Cllr Munsif Dad - Health and Communities	
REPORT AUTHOR:		Kirsten Burnett, Head of HR	
TITLE OF REPORT:		Draft Hate Crime / Incident Procedure	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

1.1 To present a draft Hate Crime / Incident Procedure.

2. Recommendations

2.1 That Cabinet approves the draft procedure.

3. Reasons for Recommendations and Background

3.1 The current Hate Crime / Incident Policy and Procedure was approved in May 2008. It is 24 pages long, including 8 appendices. Some of the details are out of date. For example, it refers to old legislation, the Community Advice Centre is listed as a third party reporting centre, and the Community Safety Manager is the nominated officer.

3.2 Procedurally, the current document is more or less sound. However, the length of it and the detail it goes into mean that it is not easily readable or understood. If the aim of the procedure is to help employees and elected members understand what hate crimes and incidents are, and what they should do if they are told of or witness any, then there is room for improvement.

3.3 The draft procedure attempts to explain, very simply, the steps employees or elected members should take if they receive a report or witness a hate crime / incident.

3.4 The introduction of a revised document provides an opportunity to update employees and elected members so that they are aware of their responsibilities in relation to this and the Council's commitment to tackling hate crime. While the Council is not listed as a third party reporting centre, it is foreseeable that Council staff and elected members will be made aware of, or witness, hate crimes or incidents

4. Alternative Options considered and Reasons for Rejection

4.1 We could retain the existing document with a few revisions to bring it up to date.

5. Consultations

5.1 An earlier draft was subject to consultation via the Health and Communities Working Group and the Community Safety Partnership in 2015. The draft has changed in response to feedback from this and to ensure that definitions and contact details are up to date.

6. Implications

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	The proposed procedure helps us to signpost others to services that can help protect their legal and human rights. Reporting of incidents and crimes supports the police and contributes to more accurate recording of hate crimes and incidents.
Assessment of risk	No risks have been identified.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	See attached CFA.

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 The previous policy / procedure from Cabinet meeting of 14 May 2008
http://www.hyndburnbc.gov.uk/site/scripts/meetings_info.php?attachmentID=2890

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Customer First Analysis Hate Crime / Incident Procedure

1. Purpose

- What are you trying to achieve with the policy / service / function?
 - ✓ Clear guidance on how employees and elected members should deal with reports of hate incidents and crimes and what to do if they witness these.
 - ✓ Clear accountability for co-ordinating and reporting within the Council.
 - ✓ Signposting information to ensure people can get the support they need and access the available reporting channels.
- Who defines and manages it?
 - ✓ The nominated officer within the procedure is the Head of HR.
- Who do you intend to benefit from it and how?
 - ✓ Actual or potential victims of hate crimes and incidents and anyone who witnesses or becomes aware of such crimes or incidents.
- What could prevent people from getting the most out of the policy / service / function?
 - ✓ Lack of awareness or understanding.
- How will you get your customers involved in the analysis and how will you tell people about it?
 - ✓ We will inform staff and elected members through the usual communications channels.

2. Evidence

- ✓ How will you know if the policy delivers its intended outcome / benefits?
 - ✓ By looking at how individual cases are dealt with.
 - ✓ By checking awareness.
- ✓ What existing data do you have on the people that use the service and the wider population?
 - ✓ We have very little information. It is for the police and third party reporting centres to keep proper records and statistics but the Council should also keep simple records. There was a recent incident which was reported to the police by a manager: the nominated officer was also a witness. This was dealt with appropriately but it is not known how many other incidents there have been.

- ✓ There has been a recent increase reported in hate crimes and incidents following the EU referendum.
- ✓ Are you using partners, stakeholders, and councillors to get information and feedback?

The Council is part of the Community Safety Partnership. The Head of HR has joined the Lancashire Strategic Hate Crime and Cohesion Group. Within the Council, the Health and Communities Working Group considers these matters.

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
 - ✓ Not known.

4. Actions

- ✓ Revise procedure which gives simple and easy to understand guidance to staff and elected members on what to do.
- ✓ Monitor the number of hate crime / incidents reported to the Council.

Kirsten Burnett, Head of HR
June 2016

Hyndburn Borough Council

Draft Hate Crime / Incident Procedure

1. The aim of this procedure is to provide guidance to all Council employees and elected members on how to recognise and respond to hate crimes / incidents and to ensure that they are dealt with promptly and appropriately.
2. **What do we mean by Hate Crime / incident?**
 - 2.1 A **hate incident** is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability; or motivated by hostility or prejudice against a person who is transgender or perceived to be transgender. Hate incidents cause alarm, distress or harassment.
 - 2.2 Not all hate incidents will amount to criminal offences, but those that do become **hate crimes**.
 - 2.3 Hate incidents / crimes can include:
 - physical attacks – pushing and shoving to serious assaults;
 - verbal abuse – using derogatory or insulting words;
 - threatening behaviour, bullying and intimidation;
 - damage to property – including offensive graffiti, leaflets and posters, the dumping of rubbish outside homes or through letterboxes;
 - harassment;
 - malicious communications – threatening or offensive mail, texts or emails or other online communications;
 - damage to property and violence; and
 - hate can also be directed at whole communities – for example, vandalism of places of worship, or offensive graffiti in public places.
3. **What to do if someone reports a hate / crime incident to you**
 - 3.1 The nominated coordinator for Hyndburn Borough Council is the Head of HR.
 - 3.2 If anyone makes you aware that they believe a hate crime / incident has been committed against them, you should explain that the following options are available to them:
 - (i) to report the crime/incident themselves to the police or a third party reporting centre (see Appendix A). This can include making the report anonymously;
 - (ii) to give you the details so that you make a report on their behalf – use the form at Appendix B; or
 - (iii) not to do anything at this stage.
 - (iv) whichever option the person chooses, including doing nothing, you should make a record, even if you only have very few details, using the form at Appendix B. Return the form to the nominated coordinator.

4. If you witness a hate crime / incident

- 4.1 If you witness a hate crime / incident, you should report it directly to the police by telephone (see [Appendix A](#)). You should inform the nominated coordinator of this. If possible (and safe to do so) you should make the person (victim) aware that you have to inform the police about the incident and ask the person if they want to be involved. However, you must take care of your own health and safety.
- 4.2 A case could be made stronger by evidence from a number of witnesses about one alleged perpetrator. Therefore, details of what may seem to be minor incidents should still be recorded.
- 4.3 Where documents or letters form part of the incident /crime, they should be collected and passed to the Police or the nominated coordinator as soon as the complaint is made. If the victim is in receipt of abusive written material, handle the document with care as the police can check for forensic evidence.
- 4.4 You should always inform the nominated coordinator of any hate crime / incident witnessed or reported by you and what action you have taken. You should also tell your line manager.

5. What the nominated coordinator will do

5.3 The Head of HR, as nominated coordinator, will:

- ensure that all incidents that could be classed as criminal are referred to the police;
- signpost both victims and elected members or employees involved to access guidance and support (such as the organisations detailed in [Appendix A](#));
- ensure any evidence is stored securely;
- provide updates to Corporate Management Team on hate crimes/incidents; and
- liaise with partner agencies as required.

Appendix A – Contacts

Police Contacts

Hate crimes can be reported to the Police at the True Vision website - <http://www.report-it.org.uk/home>

Alternatively, contact 999 for emergencies or 101 for non-emergency situations.

Local police contacts:

Accrington: 01254 353103, email accrington.NPT@lancashire.pnn.police.uk
Great Harwood: 01254 353361, email greatharwood.NPT@lancashire.pnn.police.uk

Our local contact for Hate Crime is:

PS1892 Ben Hodgkinson,
East Division Hate Crime and Cohesion Unit (HCCU),
Greenbank and Burnley Police Stations.
Telephone: 01282 472650 / 01254 353610
Email: 1892@lancashire.pnn.police.uk

Support Organisations

For a full list, visit this website: http://www.report-it.org.uk/organisations_that_can_help

Victim Support	0845 303 0900
Age Concern	020 8765 7576
Crimestoppers	0800 555 111
Immigration Advice Line	12pm-4pm Mon, Wed & Fri 0808 808 7398
Polari (Works for better services for older lesbians, gay men and bisexuals)	020 7255 4480
Preston and Western Lancashire Racial Equality Council	01772 906422 Email: admin@prestonrec.org.uk www.prestonrec.org.uk
Lancashire Council of Mosques	01254 589699 or www.lancashiremosques.com/
Stonewall- Working for equality and justice for lesbians, gay men and Bisexuals	020 7881 9440
Childline	0800 1111 and online at www.childline.org.uk
Citizens Advice Bureau	www.citizensadvice.org.uk
Equality Advisory Support Service	www.equalityadvisoryservice.com

Reporting Centres in Hyndburn

Hyndburn Homes, 1a Enterprise Way, The Globe Centre, Accrington, BB5 0FL - 0345 6751131

Accrington and Rossendale College, Broad Oak Road, Accrington, BB5 2AW - 01254 389933

East Lancs Advocacy, 54 Blackburn Road, Accrington, BB5 1LE - 01254 301030

Appendix B: Hate Crime / Incident Reporting Form

Hyndburn Borough Council

Details of Council employee / elected member completing this form	
Your name:	
Your job title (if employee):	
Your work contact telephone number:	

Incident details	
Time of incident	
Date of incident	
Description - what happened?	<i>Please describe as fully as you can what has happened. If you know or suspect who was responsible, please include this.</i>
Is there any evidence – photos? Video? Written evidence?	<i>Please attach or briefly describe the available evidence</i>
Where did the incident happen?	<i>Include address and postcode if possible</i>
Were there any witnesses?	<i>Please answer and give details if you have them.</i>

Details of the person making the report					
Are you: <i>Tick the one that applies</i>	The victim		A witness		Other (<i>describe</i>): _____
First name					
Surname					

Gender			
Date of birth			
Contact details	Telephone number		Email
If someone else is the victim, please tell us about them	<i>Please give the name, address or any other details you know about the victim</i>		
Is there anything else you want to include?			

Send a copy of this form to the police:

- if an individual wishes you to do this; or
- if you have witnessed a hate crime / incident.

Send a further copy to the nominated coordinator:

Kirsten Burnett (kirsten.burnett@hyndburnbc.gov.uk)
 Head of HR
 Hyndburn Borough Council
 Scaitcliffe House
 Ormerod St
 Accrington
 BB5 0PF

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Agenda Item 11.

REPORT TO:		Cabinet	
DATE:		20 July 2016	
PORTFOLIO:		Cllr Munsif Dad - Health and Communities	
REPORT AUTHOR:		Kirsten Burnett	
TITLE OF REPORT:		Proposed Safeguarding Policy	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

1.1 To present a proposed new Safeguarding Policy.

2. **Recommendations**

2.1 That Cabinet approves the draft policy.

3. **Reasons for Recommendations and Background**

3.1 The current policy dealing with our approach to safeguarding is the Child, Young Person & Vulnerable Adult Policy. This has been in place for a number of years, with minor amendments made to keep up to date with legislation and guidance.

3.2 A recent audit report found that on the whole our arrangements were satisfactory. However, of 20 staff who responded, 4 indicated that they had received no training and were not aware of a specific policy.

3.3 The current policy does not reflect Child Sexual Exploitation or the Prevent Duty. It is also fairly detailed. The review and updating has given us an opportunity to simplify and shorten the policy, cutting the word count / pages by around 40%. It includes a flowchart. Hopefully this will make it easier to understand and follow and people will be more likely to read it or refer to it when needed.

3.4 A number of internal and external colleagues have commented on proposed drafts and their feedback has been incorporated where relevant.

3.5 A new Policy also gives us the opportunity to raise awareness amongst staff and elected members.

3.6 There were 12 safeguarding cases in the year 2015/16 and these were looked at as part of the audit process and found to have been dealt with properly.

4. Alternative Options considered and Reasons for Rejection

4.1 N/a

5. Consultations

5.1 A number of internal and external colleagues have commented on proposed drafts and their feedback has been incorporated where relevant.

6. Implications

Financial implications (including any future financial commitments for the Council)	Any training needs will be financed through the corporate training budget.
Legal and human rights implications	The Council has statutory responsibilities under S11 of the Children’s Act and Part 1 of the Housing Act 2004
Assessment of risk	The risks associated with safeguarding are included on the Council’s risk register.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	See CFA, attached.

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 Internal audit report on safeguarding, May 2016

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Customer First Analysis

Safeguarding Policy

1. Purpose

- What are you trying to achieve with the policy / service / function?

A clear policy on how we deal with concerns relating to safeguarding, to cover both children and adults at risk.

Clear guidance for staff and elected members on how to report concerns.

- Who defines and manages it?

The Council has a Designated Safeguarding Officer. This is currently the Head of HR.

- Who do you intend to benefit from it and how?

People who are vulnerable / at risk. Staff, as they need to act appropriately to safeguard themselves from any allegations of abuse or failure to act.

- What could prevent people from getting the most out of the policy / service / function?

Lack of awareness or confidence to report issues and deal with them appropriately.

- How will you get your customers involved in the analysis and how will you tell people about it?

There has been a recent audit which included asking a sample of staff some questions. We will need to ensure there is ongoing briefing / training as appropriate.

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?

Through cases being reported and acted upon properly.

Feedback from colleagues within LCC and Police who deal with cases we have been involved in.

- How satisfied are your customers and how do you know?

In terms of members of the public, we don't know because where there are concerns we normally refer these to police or social services. We sometimes get feedback via a social worker, for instance.

We let staff know of any outcomes, but sometimes there is no information to pass back to them regarding progress.

- What existing data do you have on the people that use the service and the wider population?

We know the number of concerns which are reported and subsequently passed on. There were 12 cases in 2015/16.

- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?

No. This information is included where known in social services referrals. Our role is in passing these concerns on.

- Are you using partners, stakeholders, and councillors to get information and feedback?

Yes. We discuss issues with the police (especially the Licensing Team) and at meetings with partners.

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?

Not known, but all cases are reported on to the relevant agency if there is a concern.

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?

N/a

- Is it discriminatory in any way?

There is no evidence to suggest this.

- Is there a possible impact in relationships or perceptions between different parts of the community?

Given recent high profile cases of CSE in other boroughs in our region, there are sensitivities around groups like taxi drivers / take-away staff, who may be from particular ethnic backgrounds, but we do not allow these to prevent us from reporting any concerns.

- What measures can you put in place to reduce disadvantages?

Ongoing training and communication,

- Do you need to consult further?

No.

- Have you identified any potential improvements to customer service?

Yes, the need for a clearer, easier-to-read, safeguarding policy.

- Who should you tell about the outcomes of this analysis?

Management Team and Cabinet, as they will have to approve a new draft.

- Have you built the actions into your Business Plan with a clear timescale?

Build into our risk planning and recommendations of internal audit.

- When will this assessment need to be repeated?

When the policy is next reviewed or if any of our cases show that changes should be considered.

Name: Kirsten Burnett, Head of HR

Dated: 21 June 2016

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Hyndburn Borough Council Safeguarding Policy

Everyone who works for the Council is responsible for applying this Policy.

It is not up to you to decide if abuse has taken place.

It is up to you to report ANY concerns. We have a duty of care to respond to any issues that may concern us, even if they don't involve our staff or services.

1. Introduction

- 1.1 All children and adults at risk irrespective of their age, culture, disability, gender, language, ethnicity, socio-economic status, religious belief and/ or sexual orientation have the right to protection from abuse.
- 1.2 It is not our job to establish whether or not abuse is taking place. It is everyone's responsibility to report any concerns we have over the welfare of children, young people or adults at risk. This responsibility includes: spotting signs of abuse; poor practice by elected members or employees; and handling allegations made by a member of the public.
- 1.3 We will:
- respect and promote the rights, wishes and feelings of children and adults at risk;
 - have and follow appropriate procedures, including our recruitment and selection procedures, to safeguard the well-being of children and adults at risk and to protect them from harm;
 - recruit, train, and support staff, elected members and volunteers to adopt best practice to safeguard and protect children and adults at risk, and minimise risk to themselves;
 - respond to any allegations of misconduct or abuse of children or adults at risk including, where appropriate, implementing the relevant disciplinary procedures;
 - process personal data in accordance with the requirements of the Data Protection Act 1998; and
 - maintain confidentiality, only sharing information on a need to know basis.

2. Who to tell

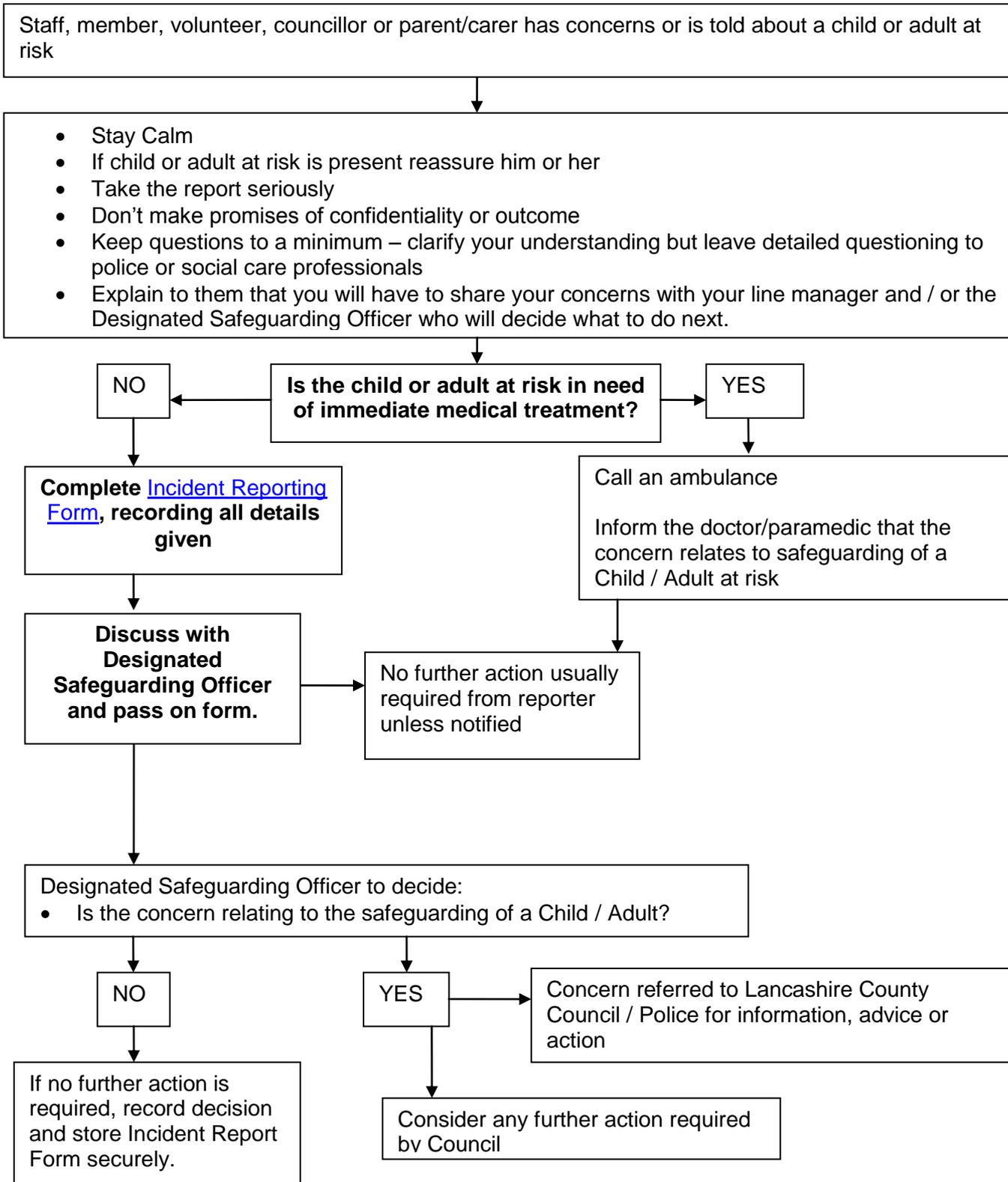
- 2.1 All suspicions, concerns and disclosures have to be reported immediately to a Designated Safeguarding Officer or one of the others named below:

Designated Safeguarding Officer (DSO)	Kirsten Burnett, Head of HR	01254 380694
Deputy DSO	Mark Beard, Head of Audit and Investigations	01254 380634
Executive Director (Legal and Democratic)	Jane Ellis	01254 380146

- 2.2 If you think it is urgent and none of the above is available, do not delay. Contact:

Lancashire County Council Adult Social Care	0300 123 6721
Lancashire County Council Children's Customer Care	0300 123 6720 (8am - 8pm).
Lancashire Police	0845 125 3545 or 999 in an emergency

3. Process for reporting and dealing with concerns



4. Definitions and supporting information

Child, or young person	Anyone under the age of 18 years
Adult at risk	A person aged 18 years or over, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.
Parent	Parent, carer or guardian.
Staff, elected members and volunteers	Anyone working on behalf of, delivering a service for, or representing the Council.
Abuse	Any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm.
Physical Abuse	Actual or likely deliberate physical injury, or neglectful failure to prevent injury or suffering, to a child or adult at risk. It may include broken limbs and head injuries and could involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm.
Emotional Abuse	Actual or likely severe adverse effect of the emotional and behavioural development of a child or adult at risk caused by persistent or severe ill treatment or rejection. It may involve causing a child or adult at risk to feel that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children or adults at risk to frequently feel frightened or in danger, or the exploitation or corruption of children.
Sexual Abuse and Child Sexual Exploitation (CSE)	<p>Actual or likely sexual exploitation. The child or adult at risk may be dependent and/or developmentally immature.</p> <p>Sexual abuse involves forcing or enticing a child or adult at risk to take part in sexual activities, whether or not they are aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery) or non- penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.</p> <p>Child Sexual Exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. It involves offenders grooming youngsters and using their power to sexually abuse them. It can take many</p>

	forms, whether it occurs through a seemingly “consensual” relationship with an older partner, or a young person having sex in return for attention, gifts, alcohol or cigarettes.
Neglect	Persistent failure to meet basic physical and/or psychological needs, likely to result in the serious impairment of their health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect from physical harm or danger, or failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child, or adult at risk’s basic emotional needs.
Financial Abuse	Fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits.
Domestic abuse	<p>Domestic abuse can be defined as the abuse of power or control over one person by another. It can be in many forms including physical, psychological, sexual, emotional, verbal and financial abuse between adults who are or have been intimate partners or family members. It can happen to anyone, regardless of their social group, class, age, race, disability, sexuality or lifestyle.</p> <p>The Council has a policy which outlines how it will respond to reports of domestic abuse and this may include safeguarding issues. It includes forced marriage, female genital mutilation (FGM) and so-called “honour-based” violence.</p>
Prevent / Counter-terrorism	Prevent is part of the UK’s counter terrorism strategy to safeguard people and communities from the threat of terrorism and aims to prevent people from becoming involved in terrorism or supporting terrorism. This can be a safeguarding issue if people with vulnerabilities are “groomed” and manipulated to take part in criminal activity. People in this situation are usually in need of support. The Council offers training on Prevent Awareness and the internal reporting process is the same as for any other safeguarding issue.
Whistleblowing	The Council has a Whistleblowing procedure which allows people to report concerns. If these concerns are about safeguarding issues, they will be dealt with under the Safeguarding Policy.
Criminal Record Checks	Our Recruitment and Selection procedures include considering whether staff need criminal record checks, through the Disclosure and Barring Service or other bodies. The procedures also explain how we will deal with making decisions around employing ex-offenders and also our Duty to Refer employees if we believe there has been or is a risk of harm to child or young person while they have been conducting regulated activity.
Local Authority Designated Officer	The LADO is located within Children’s Services at Lancashire County Council and will be alerted to all cases in which it is alleged that a person who works

(LADO)	<p>with children has:</p> <ul style="list-style-type: none"> • Behaved in a way that has harmed, or may have harmed a child • Possibly committed a criminal offence against, or related to, a child; or • Behaved towards a child or children in a way that indicates they may pose a risk of harm to children <p>The LADO for Lancashire is Tim Booth, 01772 536694.</p>
Lancashire Safeguarding Children Board	<p>The <u>Lancashire Safeguarding Children Board</u> has a key role to play in ensuring that children and young people in Lancashire are kept safe and that all agencies do what they can to promote their welfare. LSCB has policy / guidance documents on its website:</p> <p>http://www.lancshiresafeguarding.org.uk/resources/key-guidance-policy-documents.aspx</p> <p>There is a separate Safeguarding Adults board.</p>

5. Decisions about sharing concerns

5.1 If an adult at risk does not want concerns to be followed up, we will take their wishes into account before deciding what to do, considering:

- the perceived level of risk to the individual and/or others; and
- their capacity to understand the matter in question and to make decisions relating to it.

5.2 This decision will be made by the Designated Safeguarding Officer.

5.3 In some circumstances it would be important to talk to parents or carers to clarify any concerns (but not the alleged abuser). For example if a child seems withdrawn, there may be a reasonable explanation, which a parent can provide.

5.4 However, sharing the concern may sometimes seem to present a greater risk, e.g. where the parent/carer is the one who may be responsible for the abuse. In these circumstances, or where concerns still exist despite an explanation from parents/carers, any suspicion, allegation or incident of abuse must be reported to the Designated Safeguarding Officer and recorded.

6. Support for anyone reporting concerns

6.1 It can be difficult to deal with safeguarding matters and sometimes people need support following the incident. Managers are advised to hold a “de-brief” with team members who have been involved in or reported an incident to check how they are feeling and whether there are any lessons to be learned or shared. Remembering the need for confidentiality, they should approach their line manager, the DSO, HR or the Employee Assistance programme. This might include:

- emotional support;
- amendments to procedures; or
- learning and development so that they or others are better equipped to deal with future incidents.

7. Guidelines when working with children or adults at risk

a. Always be publicly visible when working with children or adults at risk.

- b. Never engage in inappropriate rough, physical or sexually provocative games, including horseplay.
- c. Never allow or engage in any inappropriate touching of any form.
- d. Never make sexually suggestive comments to children, young people or vulnerable adults even in fun, or as part of a joke.
- e. If a member of staff or volunteer accidentally hurts or distresses a child, young person or vulnerable adult in any way, or if there is misunderstanding about something that the person has said or done then this must be reported.

8. Contracts and services provided by people who are not Council employees

- 8.1 Robust safeguarding procedures must be applied when entering into contracts and service level agreements. It is the responsibility of the officer managing the agreement to make sure that the organisation concerned has appropriate policies and procedures relating to safeguarding, and that their staff have relevant training and are Disclosure and Barring Service (DBS) checked where necessary.

9. Statutory Responsibilities

- 9.1 As a District Council, we have specific responsibilities under Section 11 of the Children's Act 2004, including:
- a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children;
 - a senior board level lead to take leadership responsibility for the organisation's safeguarding arrangements;
 - a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services;
 - clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed;
 - arrangements which set out clearly the processes for sharing information, with other professionals and with the [Local Safeguarding Children Board](#) (LSCB);
 - a designated professional lead for safeguarding.;
 - safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check;
 - appropriate supervision and support for staff, including undertaking safeguarding training; and
 - clear policies in line with those from the LSCB for dealing with allegations against people who work with children.
- 9.2 Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions. Housing authorities also have an important role to play in safeguarding vulnerable young people, including young people who are pregnant, leaving care or a secure establishment.

**Appendix 1
Safeguarding Incident Report Form**

Your Details

Name of person making report	
Position	
Date / Time of report	

Details Of The Person You Are Concerned About

Name of child(ren) / vulnerable adult(s) concerned	
DOB / Age(if known)	
Gender	
Disability – if known please specify	
Address	
Telephone	

Details Of Parent / Carer Of The Person You Are Concerned About

Name of parent / carer (if known)	
Address	
Telephone	

Other Information, If Available

GP details – if known	
School / nursery / college attended	

Why Are You Concerned?

Date and time of incident	
Location of incident	

Key Areas Of Concern – Give All The Known Facts

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Are the parents / carers aware of concerns? If not, please explain.

--

Are any other agencies involved? Give details if known.

--

To Be Completed By Person Receiving Report

Name

--

Role

--

Any further information

--

Action taken

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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