



ARTICLE NO: 1A

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY
COMMITTEE:**

**MEMBERS UPDATE 2013/14
ISSUE: 1**

Article of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor Sudworth

**Contact for further information: Mrs. J.A. Ryan (Extn 5017)
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**SUBJECT: MINUTES OF LANCASHIRE COUNTY COUNCIL'S HEALTH SCRUTINY
COMMITTEE**

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1** To advise Members of the Minutes in connection with Lancashire County Council's Health Scrutiny Committee held on 5 March 2013, at County Hall, Preston for information purposes.

2.0 BACKGROUND AND CURRENT POSITION

- 2.1** To keep Members apprised of developments in relation to Adult Social Care and Health Equalities Overview and Scrutiny in Lancashire.

3.0 SUSTAINABILITY IMPLICATIONS

- 3.1** There are no significant sustainability impacts associated with this update.

4.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 4.1** There are no financial and resource implications associated with this item except the Officer time in compiling this update.
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Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Minutes of the Health Scrutiny Committee – 5 March 2013

Lancashire County Council

Health Scrutiny Committee

Minutes of the Meeting held on Tuesday, 5th March, 2013 at 10.30 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillor Maggie Skilling (Chair)

County Councillors

K Bailey	P Mullineaux
Mrs R Blow	M Otter
M Brindle	N Penney
J Eaton	M Pritchard
C Evans	M Welsh
A Kay	

Co-opted members

Councillor Brenda Ackers, (Fylde Borough Council Representative)
Councillor Julia Berry, (Chorley Borough Council Representative)
Councillor Bridget Hilton, (Ribble Valley Borough Council representative)
Councillor Tim O'Kane, (Hyndburn Borough Council representative)
Councillor Mrs D Stephenson, (West Lancashire Borough Council representative)
Councillor M J Titherington, (South Ribble Borough Council representative)
Councillor David Whalley, (Pendle Borough Council representative)
Councillor Dave Wilson, (Preston City Council representative)

1. Also in Attendance

Also in attendance, at the Committee's invitation, were County Councillor Mike Calvert, Cabinet Member for Adult and Community Services and County Councillor Fabian Craig-Wilson, Chair of the Dementia Pathway Task Group (Item 4 on the agenda). The Chair welcomed them and, in accordance with Procedural Standing Order 19(1) she obtained the Committee's consent for them to speak at this meeting.

2. Apologies

Apologies for absence were presented on behalf of County Councillor M Iqbal and Councillors T Harrison (Burnley), L McInnes (Rossendale), R Newman-Thompson (Lancaster) and J Robinson (Wyre).

3. Disclosure of Pecuniary and Non-Pecuniary Interests

None disclosed

4. Minutes of the Meeting Held on 15 January 2013

The minutes of the Health Scrutiny Committee meeting held on the 15 January 2012 were presented and agreed.

Resolved: That the minutes of the Health Scrutiny Committee held on the 15 January 2013 be confirmed and signed by the Chair.

5. Cabinet Member Response to the Dementia Pathway Task Group

County Councillor Mike Calvert, Cabinet Member for Adult and Community Services had provided a formal response to the recommendations of 'Living Well with Dementia in Lancashire', the Dementia Care Pathway Task Group report. A copy of the response was attached at Appendix A to the report now presented. He presented this item accompanied by Dawn Butterfield, Head of Commissioning (North), Adult and Community Services Directorate.

Three of the five recommendations made by the Task Group fell within County Councillor Calvert's area of responsibility and it was those recommendations, set out below, on which he focused:

- "The Cabinet Member for Adult & Community Services is asked to consider an investment in basic training for all front line staff dealing with dementia in Lancashire."
- "The Cabinet Member for Adult & Community Services is asked to consider the promotion of positive messages of 'living well with dementia' in Lancashire to encourage people to seek early support. (The Communications Team could promote positive messages of living with dementia and it might be useful to do some promotional work around myth busting – from conclusions)"
- "The Cabinet Member for Adult & Community Services is asked to review the information provided on the Preferred Provider (PP) list and consider what improvements could be made to enable people to make informed choices about residential and nursing home provision."

Councillors were invited to comment and ask questions, and a summary of the discussion is provided below:

- The importance of appropriate training for those providing care to dementia sufferers had been emphasised and acknowledged; one member suggested that the potential for sufferers to become aggressive and cause harm should be covered as part of this training. It was confirmed that training for staff in dealing with complex and challenging behaviour was being made available.
- It was confirmed that, whenever possible, staff from different sectors were trained jointly, however, in some cases more targeted training was necessary.
- It was acknowledged that, increasingly, care was being provided to people in their own homes and it was therefore necessary for those people to be able to find and access good, affordable care. The Lancashire Workforce Development Partnership, which was owned by the county council, provided a vast range of training for the private sector who provided much domiciliary care.
- There was immense pressure on carers who sometimes found it hard to admit they were struggling, and an important part of dementia training would be to ensure that professionals were equipped with the skills to recognise when this was the case.
- It was suggested that Healthy Living Pharmacies might provide an opportunity to spot the early signs of dementia through regular contact with people on certain medication which might provide an alert, and the staff at these could be usefully incorporated into training programmes.
- Safeguarding was recognised as a most important issue particularly in the private sector and as long-term demand was increasing. Much work was ongoing with Lancashire Care Association to change how fees were paid and to encourage re-investment.
- The Committee was assured that contracts with private care homes were being reviewed to ensure that standards of care met those deemed necessary by the county council. It was emphasised that the Care Quality Commission (CQC) was ultimately responsible for monitoring private sector care homes.
- There was some discussion about end of life care with particular reference to the 'Liverpool Care Pathway' and concern that dementia sufferers were especially vulnerable. CC Calvert agreed this was something that should be high on the agenda for the Health and Wellbeing Board (HWB) and an appropriate issue for inclusion on the future work plan of the Health Scrutiny Committee.
- The Committee was assured that dementia care was among the Health and Wellbeing Board's top five priorities. Members' view that more should be done, through a range of methods, to spot the early signs of dementia and to de-stigmatise dementia would be passed on to the Cabinet Member for Health and Wellbeing, who was also the Chair of the HWB.
- There was a view that GPs should be doing more to spot the signs of dementia and offering tests (and perhaps speaking to relatives) when patients presented for other reasons. The Task Group report had been sent to Clinical

Commissioning Groups (CCGs), which included GPs among their membership, and their responses would be reported back to the Committee when received.

- It was suggested that Help Direct could offer useful advice to someone exploring possible sources of support. (Help Direct is a support and information service for all adults aged 18 and over across Lancashire. The service was designed to help people get the right practical support, information and advice that they need before a small problem becomes a crisis.) It was recognised that the prospect of approaching the Alzheimer's Society at the outset of concerns might be regarded as somewhat frightening for some people.
- People looking for care providers could be also be signposted to the Safe Trader List and the CQC website.
- The county council was also working jointly with 'Carers Lancashire' to give easy access to advice and information to people in a caring role. The ['Time for Me'](#) pages on the Lancashire County Council Website directed people to sources of help.
- It was felt that communication needed to improve to help overcome the fear and stigma associated with dementia so that people might be more willing to seek help. It was not just the patient who was fearful, but loved ones also struggled to come to terms with a (possible) diagnosis of dementia.
- The cabinet member believed that the Preferred Provider list embraced all that the county council deemed essential in terms of care; however, it had to be recognised that this might not be consistent with what some patients themselves regarded as necessary. By way of an example the cabinet member referred to one resident who felt that the view of his house from the care home window was more important than the standard of care he was receiving. The same difficulties could also arise with domiciliary care; for example there would be some patients who would prefer that their carer spent time chatting with them rather than making their bed.
- It was suggested that the county council should concentrate on improvements that it could actually do something about and the Preferred Provider list was one such priority; the system for inspections had to be robust and providers should be incentivised to get on the list. It had to be accepted that some people needing care might, for a variety of reasons, choose to ignore the Preferred Provider list.
- It was recognised that hospitals were not the best place for the effective care of dementia sufferers and it was suggested that the HWB could concentrate on improving joint working with the NHS and social care providers to ensure that people were not left in hospital unnecessarily. The responsibility for ongoing care would fall to social care and voluntary groups. Discharge arrangements from hospital and continuum of care needed particular attention.
- It was felt that more education generally about dementia was necessary to inform representatives and communities about dementia. It was suggested that much could be learned from examples of dementia-friendly environments in

Europe and the Joseph Rowntree Trust, and there was scope for a range of bite size briefings for councillors on this subject.

Resolved: That the responses of the Cabinet Member to the Dementia Care Pathway Task Group Report be noted.

6. Health Scrutiny - Legacy and Future Work Plan

The Steering Group of the Health Scrutiny Committee had recently met to discuss the overall impact of the work of the Committee over the last 4 years. They had agreed to produce a report detailing some of the successes achieved and to consider what the key priorities for health scrutiny should be over the coming months. A summary of all the topics discussed by both the Committee and the Steering Group was attached at Appendix A to the report now presented.

Members felt that they had considered a wide range of issues which had focused on the people of Lancashire and the Committee had been robust in its approach; it had referred two issues of concern to the Secretary of State for Health.

In terms of future priorities and topics for inclusion in a work plan, members considered priorities for additional or new scrutiny and the following topics were suggested:

- University Hospitals of Morecambe Bay Trust
- Health reforms
- Restructuring within the NHS
- The Liverpool Care Pathway
- Training for the provision of dementia care and care homes for the elderly
- Dementia friendly councils and cities (within and outside the UK)
- Communication - ensuring that people knew where to get help
- Clinical Commissioning Groups and how they fulfil their new roles

It was explained that much work had been ongoing through the Steering Group, on behalf of the Committee, with the CCGs, Acute Trusts and other providers to build relationships moving forward. It was also intended to explore the opportunity to have an independent expert to offer advice and insight to the Committee, which would be helpful when the Committee was considering information provided by the NHS.

Resolved: That the topics suggested above be used as a basis for developing the future work plan of the Health Scrutiny Committee.

7. Report of the Health Scrutiny Committee Steering Group

On 8 January the Steering Group had met to discuss the consultation on specialised services currently being undertaken by the NHS Commissioning Board. A summary of the meeting was at Appendix A to the report now presented.

On 29 January the Steering Group had met to discuss and provide a response to the consultation on the short breaks strategy carried out by the Children & Young People's Directorate. A summary of the meeting was at Appendix B to the report now presented.

It was reported also that on 26 February the Steering Group had met with representatives from Lancashire North CCG, Fylde and Wyre CCG and West Lancs CCG to discuss how best they could share information and work together with scrutiny in the future.

Resolved: That the report of the Steering Group be received.

8. Recent and Forthcoming Decisions

The Committee's attention was drawn to forthcoming decisions and decisions recently made by the Cabinet and individual Cabinet Members in areas relevant to the remit of the committee, in order that this could inform possible future areas of work.

Recent and forthcoming decisions taken by Cabinet Members or the Cabinet can be accessed here:

<http://council.lancashire.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

Resolved: That the report be received.

9. Minutes of the Joint Lancashire Health Scrutiny Committee

The Joint Lancashire Health Scrutiny Committee had met on 22 January 2013. The agenda and minutes of that meeting were available via the following link for information.

<http://council.lancashire.gov.uk/mgCommitteeDetails.aspx?ID=684>

Resolved: That the report be received.

10. Urgent Business

No urgent business was reported.

11. Date of Next Meeting

It was noted that the next meeting of the Committee would be held on Tuesday 11 June 2013 at 10.30am at County Hall, Preston.

The Chair noted that this was the last meeting of the Health Scrutiny Committee in this municipal year and the last meeting before the County Council elections in May. She took this opportunity to thank all members for their service to the Committee and thanked also Wendy Broadley, Scrutiny Officer for her support.

In response members congratulated the Chair, County Councillor Maggie Skilling for her effective chairmanship.

I M Fisher
County Secretary and Solicitor

County Hall
Preston



ARTICLE NO: 1B

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY
COMMITTEE:**

**MEMBERS UPDATE 2013/14
ISSUE: 1**

Article of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor Sudworth

**Contact for further information: Mrs. J.A. Ryan (Extn 5017)
(E-mail: jill.ryan@westlancs.gov.uk)**

SUBJECT: MINUTES OF THE LANCASHIRE POLICE AND CRIME PANEL

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To advise Members of the Minutes in connection with the Lancashire Police and Crime Panel held on 29 January 2013 and 12 February 2013 for information purposes.

2.0 BACKGROUND AND CURRENT POSITION

2.1 To keep Members apprised of developments in relation to the Lancashire Police and Crime Panel in Lancashire.

3.0 SUSTAINABILITY IMPLICATIONS

3.1 There are no significant sustainability impacts associated with this update.

4.0 FINANCIAL AND RESOURCE IMPLICATIONS

4.1 There are no financial and resource implications associated with this item except the Officer time in compiling this update.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Minutes of the Lancashire Police and Crime Panel – 29 January 2013 -

Appendix A

Minutes of the Lancashire Police and Crime Panel – 12 February 2013 –

Appendix B

Police and Crime Panel for Lancashire

Minutes of the Meeting held on Tuesday, 29th January, 2013 at 10.00 am in Meeting Room A at the Town Hall, King William Street, Blackburn

Present:

Chair

Councillor K Hollern, Blackburn with Darwen Borough Council

Committee Members

County Councillor G Driver, Lancashire County Council
Councillor A Barnes, Rossendale Borough Council
Councillor P Barton, Hyndburn Borough Council
Councillor S Blackburn, Blackpool Council
Councillor R Boswell, Preston City Council (replaced Councillor P Rankin)
Councillor A Bradley, Chorley Borough Council
Councillor M Chew, Fylde Borough Council (replaced Councillor L Oades)
Councillor J Cooper, Burnley Borough Council
Councillor M Foxley, Pendle Borough Council
Councillor P Gibson, Wyre Borough Council
Councillor I Grant, West Lancs Borough Council
Councillor M Ranson, Ribble Valley Borough Council
Councillor M Smith, South Ribble Borough Council
Councillor M Thomas, Lancaster City Council
Mr P Richardson, Independent co-opted member
Mr S Vali, Independent co-opted member

Also in attendance

- Mr I Fisher, County Secretary and Solicitor - Lancashire County Council
- Mr R Jones, Assistant County Secretary - Lancashire County Council
- Mr G Graham, Deputy County Treasurer - Lancashire County Council
- Mr C Grunshaw, Police and Crime Commissioner for Lancashire.
- Ms M Carruthers-Watt, Chief Executive - Office of the PCC.
- Ms L Kitto, Chief Finance Officer - Office of the PCC.

1. Apologies

Apologies for absence were presented on behalf of Councillor D Smith (Lancaster) and Councillor M Brindle (Burnley) and were received from Councillor D Eaves (Fylde).

2. Minutes of the Last Meeting

Resolved: That the Minutes of the meeting held on the 17th December 2012 are confirmed as an accurate record and signed by the Chair.

3. Report from the Police and Crime Commissioner

The Commissioner presented a report which summarised the formal decisions and key activities undertaken between the 22nd November 2012 and 14th January 2013.

He reported that the small team who had previously managed the business of the Police Authority had transferred to the Office of the Police and Crime Commissioner and that since the election in November he had reviewed what support was needed to enable him to fulfil his wider role and deliver his priorities. As a result a Deputy Commissioner had been appointed, which the Panel had approved at the previous meeting.

The Commissioner also reported that he had agreed with the Chief Constable to appoint a joint Audit Committee on an interim basis and had seconded an Assistant Chief Executive from the Probation Service and appointed three Assistant Commissioners on an interim basis.

The Commissioner informed the Panel that with the range of skills, knowledge and expertise that his new team provided he would be able to deliver on the priorities and pledges which he had made.

In considering the report the following points were raised by members of the Panel.

- Further information was requested regarding the additional contributions from revenue which the Commissioner had agreed in order to fund particular items in the 2012/13 capital programme which had been identified during the course of the year. In response the Commissioner reported that additional contributions had been made in relation to the following items.

£18,000 – Desktop Replacement for the central ticket office

£202,000 – Miscellaneous minor works including Wyre Operating Centre (£37,000), Morecambe Police Station conversion of custody/canteen area (£15,000) and Moor Farm car park and garages (150,000)

£430,000 - vehicle replacement programme

£30,000 – purchase of counter terrorism equipment

- Clarification was sought in relation to the costs of the restructured Commissioners support team and how this would be met from within existing budgets.

The Commissioner reported that the total budget available for both the staff and members of the previous Police Authority had been £788,000 per annum and whilst the final costs of the new arrangements were still being evaluated he anticipated that the cost of all new posts would be met from within the existing budget and would not add any further pressure on the Police and Crime budget.

It was also noted that the Assistant Chief Executive and three Assistant Commissioners who had been appointed on an interim basis would all be accountable to the Chief Executive within the Office of the PCC.

- In response to a query regarding engagement with the public the Commissioner reported that since the election in November he had met with a number of Leaders of

local authorities across the County and Community Safety/Criminal Justice partners. He added that a number of initiatives were being pursued in order to identify public priorities and he intended to continue to consult widely with local communities.

It was also noted that greater emphasis was being placed on casework as the Office of the PCC had received 300 contacts since November, which represented a significant increase on that received by the previous Police Authority.

- With regard to some of the decisions set out in the report it was suggested that the inclusion of additional information, including specific costs would be of assistance to the Panel. The Commissioner noted the suggestion and confirmed that future updates on decisions would include more detailed information.
- Reference was made to the sale of police properties, including former rural police stations, would have generated capital receipts and further information regarding this was requested. In response the Commissioner undertook to provide details to the members of the Panel in the future.
- The intention to allocate funding for community safety activity to the three top tier authorities at the same level as in 2012/13 was noted. It was reported that previously the Police Authority had made funding generated from second homes in certain Districts available to the respective Community Safety Partnership though this had subsequently been withdrawn. In response to a query as to whether such funding would be reinstated Ms Kitto, Chief Finance Officer from the Office of the PCC, informed the meeting that discussions were still underway which would continue to inform the development of the final budget.
- It was recognised that there were a number of uncertainties in relation to new grants and existing funding streams and the Panel noted that the Police and Crime budget was based on the information which was currently available and would be refined as clarification was received from the Home Office.

With regard to the earlier request for more detailed information the Secretary suggested that Officers, together with the Chair, discuss the matter further with a view to establishing the nature and level of information which the Panel would wish to see in the future.

The Chair congratulated the Commissioner and his staff on the work which had been done to date.

Resolved:

1. That the report be noted.
2. That arrangements be made for the Chair to meet with Officers from the Secretariat and the Office of the PCC in order to discuss the nature and level of information which the Panel would wish to see included in future reports.

4. Police and Crime Commissioners Budget 2013/14

The Commissioner presented a report on the proposed budget for 2013/14 and informed the meeting that in order to ensure a stable resource base was provided over the coming year, and that the Constabulary had the resources needed to continue to deliver high quality services he proposed to increase council tax by 2% which for an average Band 'D' property would increase the annual precept by approximately £3 from £149.93 in 2012/13 to £152.93 in 2013/14.

The Commissioner also reported that he intended to reject the offer of a two year only 1% Government grant for freezing the policing precept, as he believed that acceptance of such a grant would hurt the police service in the long term by storing up greater financial pressures for the future.

Mrs Kitto, Chief Finance Officer from the Office of the PCC, outlined the contents of the proposed budget and reminded the Panel that there were still a number of uncertainties regarding funding and final council tax base figures and clarification was being sought from the Home Office, local authorities and other partners in order that the budget could be finalised.

The Panel was informed that £31.3m of savings had already been delivered in the first two financial years of the current Comprehensive Spending Review and that a further £6.4m would be delivered in 2013/14 and that these had been factored into the overall 2013/14 budget proposals. With regard to the future it was noted that further savings of £22m would be required between 2014/15 and 2016/17, of which £2m had already been identified. In total £60m of savings, representing more than 20% of the budget, would be required between 2011/12 and 2016/17.

When considering the proposed budget the following points were raised by members of the Panel.

- With regard to the efficiency savings set out in the report it was suggested that clarification was needed as to how the savings were divided between operational and 'back office' budgets.

In response the Chief Executive informed the meeting that in view of the small number of staff employed by the Office of the Police and Crime Commissioner certain functions such as Human Resources or legal advice were provided by the constabulary for both the Office of the PCC and Lancashire Constabulary. The Chief Executive also stated that some functions were carried out by third party organisations under shared service or collaboration agreements. It was also reported that any further efficiencies which were identified by the ongoing review of management costs would be applied to both the Office of the PCC and the Constabulary.

- In view of the need to secure further savings in the future it was suggested that consideration be given to 'back office' support functions being provided by other local authorities and the Commissioner acknowledged that this was something which could

be explored.

- In response to a suggestion that more information be provided regarding the separation of costs associated with the Constabulary/Office of the PCC the Commissioner informed the Panel that this detail would be finalised before the budget is set in February. However, with regard to future budgets the Commissioner acknowledged that more detailed information and clarification of the respective budgets of the Constabulary/Office of the PCC would be of assistance to the Panel.
- It was noted that as part of the finance settlement the government had set the limit which would be used to determine whether a council tax increase was excessive as being 2% and that any decision to increase in excess of 2% would trigger a referendum. The Chief Finance Officer reported that the Commissioner was proposing to increase council tax by 2% and that this equated to approximately £3 on an average Band 'D' property. The final precept amount would however be finalised once all the funding uncertainties had been resolved to ensure that the 2% limit would not be exceeded, thereby avoiding the need for a referendum.
- It was also noted that the government had announced that a higher threshold had been set for those PCCs whose council tax was in the lower quartile where a referendum would only be triggered if the PCC increased their basic level of council tax by more than 2% and there was a cash increase of more than £5 in the relevant basic amount. However, the Commissioner reported that as Lancashire had the 11th lowest council tax for all PCC areas (and the 6th lowest for the shire Authorities) this flexibility did not apply.
- In response to a suggestion that reserves be used to dampen the current level of uncertainty regarding funding the Commissioner informed the meeting that such a move would still require future efficiency savings to be made and that he preferred to hold reserves for any unforeseen circumstances which may arise.

Following consideration of the proposed 2013/14 budget as set out in the report it was MOVED and SECONDED that the Panel do not agree the proposal to increase the council tax precept by 2% for 2013/14 and should instead recommend the Commissioner to accept the Council Tax Freeze Grant which was available for two years only and would be the equivalent of a 1% increase in council tax.

On being put to the VOTE the motion was LOST and it was.

Resolved: That the Police and Crime Panel for Lancashire -

1. Note the details of the provisional 2013/14 police finance settlement and the overall impact on Lancashire's budget, as set out in the report presented.

2. Note the remaining funding gap of £1.5m in 2013/14 and the planned efficiency measures set out in the report which are required in order to deliver a balanced budget in 2013/14.
3. Agree to the Commissioner's proposed increase in the council tax precept by 2% for 2013/14 and that he be informed in writing of the decision by the Chair before the 8th February 2013.
4. Recommend the Commissioner to explore the possibility of 'back office' support functions being provided by other local authorities in order to secure efficiency savings.
5. Note the level of uncertainty around some of the key strands of funding for 2013/14 and that the final information will be incorporated into the budget setting report to be presented to the Commissioner in February in order to formally set the 2013/14 budget and the council tax precept.

5. Urgent Business

There were no items of urgent business for discussion at the meeting.

6. Date of Next Meeting

It was noted that the next scheduled meeting would be held at **6.30pm** on the 12th February 2013 in Cabinet Room 'C' at County Hall, Preston.

Ian Fisher
Secretary to the Police and Crime Panel

Lancashire County Council
County Hall
Preston

Police and Crime Panel for Lancashire

Minutes of the Meeting held on Tuesday, 12th February, 2013 at 6.30 pm in Cabinet Room 'D' - County Hall, Preston

Present:

Chair

Councillor Kate Hollern, Blackburn with Darwen Borough Council

Committee Members

County Councillor G Driver, Lancashire County Council
Councillor A Barnes, Rossendale Borough Council
Councillor P Barton, Hyndburn Borough Council
Councillor S Blackburn, Blackpool Council
Councillor R Boswell, Preston City Council (replaced Councillor P Rankin)
Councillor A Bradley, Chorley Borough Council
Councillor M Foxley, Pendle Borough Council
Councillor P Gibson, Wyre Borough Council
Councillor I Grant, West Lancs Borough Council
Councillor S M Hussain, Burnley Borough Council (replaced Councillor J Cooper)
Councillor L Oades, Fylde Borough Council
Councillor D Smith, Lancaster City Council
Councillor M Smith, South Ribble Borough Council
Councillor M Thomas, Lancaster City Council
Councillor R Thompson, Ribble Valley Borough Council (replaced Councillor M Ranson)
Mr P Richardson, Independent co-opted member

Also in attendance

- Mr I Fisher, Secretary to the Police and Crime Panel
- Mr R Jones, Assistant Secretary to the Police and Crime Panel
- Mr C Grunshaw, Police and Crime Commissioner for Lancashire.
- Ms M Carruthers-Watt, Chief Executive - Office of the PCC.

1. Apologies.

Apologies for absence were presented on behalf of Mr S Vali, Independent Co-opted member.

2. Minutes of the Last Meeting.

Further to the discussion at the last meeting in relation to the sale of police properties the Commissioner reported that as part of the Estate Organisation Review properties in Cliviger, Gisburn and Over Kellet, together with the former Bacup Police Station had all been sold generating total capital receipts of £662,000.

Resolved: That the above update is noted and the Minutes of the meeting held on the 29th January 2013 confirmed as an accurate record and signed by the Chair.

3. Police and Crime Commissioner's Police and Crime Plan 2013-2018

The Commissioner presented a report on the draft Police and Crime Plan and informed the meeting that the Plan represented a strategic overview of his aims and priorities over the next five years and reflected the responses received following consultations with the Chief Constable, the public and partner organisations. Mr Grunshaw stated that he would continue to work with partners in order to develop the Plan in such a way as to be able to deliver on the identified priorities.

When considering the draft Plan the following points were raised by members of the Panel.

- The proposals to develop the role of Special Constables and Volunteers, together with the roll out of a Cadet scheme were all welcomed and the Commissioner reported that whilst budgetary constraints represented a challenge, his consultations with the public had identified protecting frontline policing as a priority.
- Reference was made to discussions at previous meetings in relation to the ongoing joint funding of Police and Community Support Officers (PCSOs) by local authorities across Lancashire. In response the Commissioner reiterated his commitment to match fund those PCSOs who were currently part funded by local authorities, though he cautioned that whilst he would try to fill many of the current vacancies for other PCSOs the need to secure further savings meant he could not give the same commitment in relation to those posts.

In response to a query the Commissioner also made it clear that if any local authority were to withdraw its funding for PCSOs then he would be unable to take on the full cost of providing those posts.

- Concern was expressed that the draft Plan represented a number of aspirations without providing details of specific measures which would be implemented in order to achieve those aspirations. In response the Chair reminded the members of the Panel of the limited timescale since the election in November in which the Commissioner had been required to prepare a budget and draft Police and Crime Plan. The Commissioner reiterated his previous comments regarding the draft Plan being an overarching strategic document that would develop over time.
- Further information was requested in relation to the work done by the Commissioner and Chief Constable to establish a series of measures which would enable the Constabulary's performance to be monitored.

The Commissioner reported that following discussions with the Chief Constable in relation to the priorities set out in the draft Plan a number of targets had been established against which performance could be measured. In the future this would enable the Commissioner to show what was being delivered against those priorities/targets and identify any areas where performance was not as expected.

- As the Commissioner would be working with a number of partner organisations in order to deliver the priorities set out in the draft Plan it was suggested that partners be given clear indications as to what would be required/expected of them. In response the Commissioner reported that he had already met with a number of organisations in the Voluntary, Community and Faith Sector in order to establish what contribution they could make towards achieving the objectives. He added that all partners would be given a clear indication of what was required in order to ensure a consistent service provision across Lancashire.
- Concern was expressed in relation to the potential effectiveness of the proposed Multi Agency Safeguarding Hubs. The Commissioner expressed his support for the two pilot schemes which he felt would work effectively to manage demands across the front line of all partner agencies and added that he would welcome an opportunity to discuss the establishment of additional Hubs elsewhere in Lancashire.
- It was noted that the draft Plan included reference to a capital programme scheme for the replacement of the existing Police Station on Bonny Street in Blackpool, though there was some concern that if the associated Courts did not also relocate the possibility of having a key site in the Town Centre available for redevelopment would be compromised.

The Commissioner recognised that there was a need to replace the existing Police Station in Blackpool and undertook to meet with the Leader of the Borough Council and representatives from the Constabulary and Ministry of Justice in order to discuss the matter further.

- As the Police and Crime Plan covered a five year period clarification was sought as to how often the Panel would receive updates. In response the Commissioner reported that the Plan would be reviewed and amended in the light of further consultations and changing priorities and he suggested that an update report would be brought to the Police and Crime Panel in six months time.
- It was suggested that lighter sentencing by the Courts was leading to an increase in reoffending and there was concern that external pressures such as the recently announced changes to the Probation Service would have an impact on the delivery and achievement of the priorities set out in the draft Plan. In view of the concerns the Commissioner undertook to look into whether there was any correlation between sentencing and reoffending and would bring a report back to a future meeting of the Panel.

The Commissioner also informed the meeting that, overall, the level of crime across Lancashire was falling, though he recognised that there were specific crimes/areas which had seen an increase. He referred to the link between deprivation and crime and suggested that the draft Plan would be flexible in order to adapt to future circumstances.

- In response to a query regarding cross border crime the Commissioner reported that serious/organised crime had featured little in the consultations he had with the public.

However, he acknowledged that in some areas this was an issue and assured the Panel that whilst the draft Plan would prioritise some areas it would not mean others were neglected.

The Commissioner also reported that he had been given private briefings regarding some of the issues/challenges associated with tackling organised crime and suggested that it would be helpful if the Panel could receive a similar briefing.

- With regard to community safety it was noted that the draft Plan referred to each local authority area having a plan which would assist with the delivery of services. The Commissioner informed the meeting that he would be meeting with representatives of District Councils on the 21st February to discuss this further and would bring an update report to the next meeting of the Panel.
- Clarification was sought as to how the proposed Community Action Fund would operate. Ms Carruthers Watt, Chief Executive from the OPCC, reported that the Fund would provide grants to local communities for projects/initiatives which would tackle neighbourhood issues and contribute to the priorities as set out in the draft Plan.

It was noted that when developing the Fund the Commissioner would draw on the experience of organisations such as the Lancashire Partnership Against Crime and local authorities which provided grants to community groups and Ms Carruthers Watt suggested that a report be brought to a future meeting of the Panel to clarify how the Fund would operate.

- The issue of Domestic Violence was discussed and it was recognised that service provision across Lancashire varied. The Commissioner informed the meeting that he would seek to identify current provision, establish the level of need and seek to provide a consistent level of service across Lancashire.

The proposal was generally welcomed though it was suggested that in seeking to achieve consistency the Commissioner should strive towards the highest level of service possible.

As there were no further questions the Chair thanked the Commissioner for his attendance and contributions.

Resolved:

1. That the draft Police and Crime Plan for 2013-2018, as presented, be noted.
2. That a progress report in relation be presented to the Panel once the Police and Crime Plan 2013-2018 has been in operation for six months.
3. That the Commissioner explore the possible link between lighter sentencing by the Courts and reoffending rates, together with the potential impact of changes to the Probation Service, and bring a report to a future meeting of the Panel.

4. That a report be presented to the next meeting of the Panel in relation to the development of specific community safety plans for each local authority area in Lancashire.
5. That a report be presented to a future meeting of the Panel in relation to how the Community Action Fund will operate.
6. That arrangements be made for members of the Panel to receive a private briefing in relation to the issues/challenges associated with tackling organised crime

4. Urgent Business.

There were no items of urgent business for discussion at the meeting.

5. Date of Next Meeting.

The Chair reported that the next scheduled meeting would be held on the 13th March 2013 at the Town Hall in Blackburn and suggested that the subsequent meeting in July be held in Blackpool.

Resolved:

1. It was noted that the next meeting of the Panel would be at 10.00am on the 13th March 2013 in Meeting Room 'A' at the Town Hall, King William Street, Blackburn.
2. That arrangements be made for the meeting on the 8th July 2013 to be held at the Town Hall in Blackpool.

Ian Fisher
Secretary to the Police and Crime Panel

Lancashire County Council
County Hall
Preston



ARTICLE NO: 1C

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY COMMITTEE**

**MEMBERS UPDATE 2013/14
ISSUE: 1**

Article of: Transformation Manager

Relevant Managing Director: Managing Director (Transformation)

**Contact for further information: Ms S Lewis (Extn. 5027)
(E-mail: Sharon.lewis@westlancs.gov.uk)**

**SUBJECT: DRAFT REGULATIONS TO AMEND THE LOCAL AUTHORITIES
(STANDING ORDERS) (ENGLAND) REGULATIONS 2001 – CONSULTATION
RESPONSE**

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To notify members that the Borough Council has responded to a consultation exercise issued by the Department of Communities and Local Government (DCLG) in relation to (“the 2001 Regulations”), which require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters.

2.0 BACKGROUND

2.1 In November 2012 DCLG announced that, prior to laying regulations before parliament, they would consult on their proposal to remove the requirement to appoint a Designated Independent Person (DIP) prior to taking formal disciplinary action or dismissing a Head of Paid Service, Monitoring Officer or Chief Finance Officer (section 151).

2.2 A letter encouraging comments on the draft amendments has been received by the relevant officers through their professional bodies. North West Employers Organisation has also forwarded this directly to Leaders/Mayors, Chief Executives and local authorities and offered to co ordinate a regional response to be forwarded to the Local Government Association (LGA).

- 2.3 The 4 week consultation period has a **deadline of 14 March 2013** for comments to be received, and in view of this time frame North West Employers have asked colleagues at to provide comments by **11 March 2013**.

3.0 CURRENT POSITION

- 3.1 On 1 March 2013, the Council's Human Resources Advisor, on behalf of the Transformation Manager, alerted all Councillors to the DCLG's consultation exercise and provided an opportunity for Members to contribute to the Council's overall response to the consultation exercise.
- 3.2 Responses on behalf of the Council have now been collated and the Transformation Manager following consultation with the HR Portfolio holder provided a response to North West Employers in advance of the closing date, in accordance with the Scheme of Delegation. The amendments and Council responses are appended as Appendix A for information.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. The article has no significant links with the Sustainable Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 There are no significant financial or resource implications arising from this article.

6.0 RISK ASSESSMENT

- 6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

The Article is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix A – copy of DCLG amendments and Council responses to the consultation

Appendix A

The Proposed Amendments

These draft Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”), which require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters.

Regulation 2 removes regulations 6 and 7 of, and Schedule 3 to, the 2001 Regulations. Those required the standing orders of county, district, and London borough councils, the Common Council of the City of London and the Isles of Scilly to include certain steps before such a council could dismiss or discipline its head of paid service, monitoring officer or chief finance officer. Regulation 3 also removes the transitional provisions in regulation 10 of the 2001 Regulations.

Amendments relating to designated independent persons

1. Subject to regulation 5, the following provisions in the 2001 Regulations are revoked—
 - (a) regulation 6 (standing orders in respect of disciplinary action);
 - (b) regulation 7 (investigation of alleged misconduct);
 - (c) regulation 10 (transitional and consequential provisions); and
 - (d) Schedule 3 (provisions to be incorporated in respect of disciplinary action).

Council's Response

The Council does not support the removal of the requirement for a Designated Independent Person from the disciplinary and dismissal process involved in Chief Officer Terms and Conditions. It is considered by the Council that this is a very important role, which provides a level of independence, objectivity and unbiased input to these sensitive procedures. This serves to protect the probity and integrity of any investigation or dismissal process. This protection is provided to the individual officer at the heart of the process, but also protection for Council members in relation to ensuring that a fair and just process has been used that can be defended in an employment tribunal etc should the need arise.

Regulation 3 amends Schedule 1 to the 2001 Regulations to require that the dismissal of an authority’s monitoring officer or chief finance officer, as well as that of their head of paid service, must first be approved by the full council of the authority.

Amendments relating to approval of dismissal

- 1.(1) Schedule 1 to the 2001 Regulations (provisions to be incorporated in standing orders

relating to staff) is amended as follows.

(2) For paragraph 4(1) of—

- (a) Part I (authority with mayor and cabinet executive); and
- (b) Part II (authority with leader and cabinet executive),

in each case substitute—

(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of—

(a) the appointment of an officer designated as the head of the authority's paid service; or

(b) the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that appointment before an offer of appointment is made to that person or, as the case may be, must approve that dismissal before notice of dismissal is given to that person.

(3) For paragraph 4 of Part IV (authority operating alternative arrangements), substitute—

4. Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of—

(a) the appointment of an officer designated as the head of the authority's paid service; or

(b) the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that appointment before an offer of appointment is made to that person or, as the case may be, must approve that dismissal before notice of dismissal is given to that person.

Council Response

The Council is satisfied with this amendment.

Regulation 4 makes amendments to the 2001 Regulations consequential on Part 3 of the Local Government and Public Involvement in Health Act 2007, which provided for the discontinuance of the mayor and council manager form of executive, and Part 1 of the Localism Act 2011, which provided for local authorities to adopt either executive arrangements or the committee system.

Amendments consequential on the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011

1.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definitions of “alternative arrangements” and “council manager”;
 - (b) after the definition of “chief finance officer” insert—
“committee system” has the same meaning as in Part 1A of the 2000 Act;
 - (c) in the definition of “elected mayor”, “executive”, “executive arrangements” and “executive leader” for “Part II” substitute “Part 1A”.
- (3) In regulation 3 (executive arrangements – standing orders relating to staff, proceedings and business)—
- (a) in paragraph (1)—
 - (i) for “Part II” substitute “Part 1A”;
 - (ii) in sub-paragraph (a) for “11(2)” substitute “9C(2)”;
 - (iii) in sub-paragraph (b) for “11(3)” substitute “9C(3)” and at the end of the sub-paragraph insert “and”;
 - (iv) omit sub-paragraph (c);
 - (v) in sub-paragraph (d) for “(a), (b) and (c)” substitute “(a) and (b)”; and
 - (b) in paragraph (2) omit “(c)”.
- (4) In regulation 4 (alternative arrangements – standing orders relating to staff)—
- (a) in the heading for “Alternative arrangements” substitute “Committee system”; and
 - (b) for “committee system under Part II” substitute “alternative arrangements under Part 1A”.
- (5) In Schedule 1—
- (a) in Part 1—
 - (i) in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”;
 - (ii) in paragraph 3(f) for “paragraph 6 of Schedule 1” substitute “paragraph 5 of Schedule A1”;
 - (b) in Part II in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”;
 - (c) omit Part III; and
 - (d) in Part IV in the heading for “Alternative Arrangements” substitute “Committee System”.
- (6) In Schedule 2—
- (a) in Part 1—
 - (i) in the heading omit “or Mayor and Council Manager Executive”;
 - (ii) in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”; and

(b) in Part II in paragraph 1 in the definition of “executive” and “executive leader” for “Part II” substitute “Part 1A”.

Council Response

The Council is satisfied with this amendment.

Regulation 5 makes transitional provisions in relation to regulations 2 and 3.

No impact has been prepared in relation to these Regulations because no impact on the private or voluntary sectors is foreseen.

Transitional provision relating to designated independent persons and approval of dismissal

1.—(1) Where, before the date on which these Regulations come into force, anything was being done in respect of an allegation of misconduct in accordance with—

(a) regulation 7 of the 2001 Regulations, including that regulation as applied by regulation 10(1)(b) of the 2001 Regulations; or

(b) the provisions set out in—

(i) paragraph 4 of Part 1 of Schedule 1 to the 1993 Regulations; or

(ii) Schedule 3 to the 2001 Regulations,

(or provisions to the like effect) incorporated in the local authority’s standing orders, the provisions mentioned in paragraphs (a) and (b) shall continue to apply in respect of the allegation of misconduct in question.

(2) A local authority must modify its standing orders in accordance with the amendments made to Schedule 1 to the 2001 Regulations by regulation 3 no later than the first ordinary meeting of the local authority falling after the day on which these Regulations come into force.

(3) Anything which, before the date on which the local authority incorporated or modified provisions in standing orders in accordance with regulation 3, was being done by, to or in relation to an officer in accordance with a provision mentioned in regulation 3, may be continued after that date by, to or in relation to that officer in accordance with that provision.

Council Response

As the Council does not support the removal of the Designated Independent Person, it does not support the amendments to the transitional provisions.



ARTICLE NO: 1D

**CORPORATE OVERVIEW &
SCRUTINY COMMITTEE**

**MEMBERS UPDATE 2013/14
Issue: 1**

Article of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

Contact for further information: Mrs J Denning (Extn. 5384)
(E-mail: jacky.denning@westlancs.gov.uk)

SUBJECT: PETITIONS UPDATE

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To provide an update on the petitions received under the Council's Petition Scheme in 2012/13.

2.0 BACKGROUND AND E-PETITIONS FACILITY

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 required every local authority, from 15 June 2010, to have adopted a 'Petition Scheme' which set out how it would handle petitions, and by 15 December 2010 that every local authority had to have an on-line petition facility, under which any one may set up a petition on the Council's website, and other petitioners may 'sign up' to the petition on-line.
- 2.2 The Council at its meeting held in May 2010 approved a 'Petition Scheme' in line with Regulations and the statutory guidance created an e-petitions facility on 15 December 2010
- 2.3 In April 2012 under the Localism Act 2011, Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) was repealed meaning that there is no longer a requirement to provide either a facility for making petitions electronically or to have a Petitions Scheme.
- 2.4 The Council, at its meeting held in July 2012, agreed to continue with a Petition Scheme and also providing an e-petition facility. The Scheme was amended to ensure that the Council still responds to petitions in an efficient and effective manner without the process being resource intensive. A copy of the revised Scheme can be found in Section 18.2 of the Council's Constitution.

3.0 PETITIONS RECEIVED

3.1 Details of those petitions received and dealt with under the petitions scheme in 2012/13 are contained in Appendix 1 to the report.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 Petitions are another method to enable local people to raise concerns with the Council providing a feedback mechanism for the community and improving access for all.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 The cost of the stand-alone BMG E-Petitions module was £1500 which was funded from the ICT development programme 2010/11, as part of the web improvement plan. There is also an annual charge of £300 which includes any upgrades and support for the system, this is met from existing budgets.

6.0 RISK ASSESSMENT

6.1 The Council is no longer required to produce a Petition Scheme, however providing a formal mechanism for the public and interested parties to submit petitions could be considered as good practice.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Petitions received - 2012/13

PETITIONS 2012/13 – UPDATE

No.	Lead Petitioner	Petitioners	Received	Petition Details	Steps Taken
1.	Rosie Cooper MP on behalf of residents in Bickerstaffe	41	5 March 2012	To oppose the loss of Bus Services for Bickerstaffe (319 service)	Written response sent to Rosie Cooper 15 March 2012 from the Managing Director (Transformation) and copy of petition forwarded to Lancashire County Council
2.	Mr J McCormick Skelmersdale	222	22 November 2012	To oppose the proposed introduction of Car Parking Charges at Sandy Lane	Written response sent to the Lead Petitioner on 7 December 2012 from the Assistant Director Community Services.
3.	Mrs C McKenna Bath Springs Court	40	21 May 2013	To raise concern over the lack of lighting in the Car Park at Bath Springs Court	Written response sent to the Lead Petitioner on 13 June 2013 from the Assistant Director Housing and Regeneration.
4.	Mrs D Hughes Beechwood Court Skelmersdale	36	21 May 2013	New Lift – Beechwood Court	Written response to be sent from the Assistant Director Housing and Regeneration by 25 June 2013.



ARTICLE NO: 2A

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY
COMMITTEE**

**MEMBERS UPDATE 2013/14
ISSUE: 1**

Article of: Transformation Manager

Relevant Managing Director: Managing Director (Transformation)

**Contact for further information: Mr S Walsh (Extn. 5262)
(E-mail: Shaun.walsh@westlancs.gov.uk)**

SUBJECT: EXEMPTION OF CONTRACT PROCEDURE RULE

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To notify Members that the Managing Director (Transformation) has approved under her delegated authority, an exemption of Contract Procedure Rule No.6 to allow officers to enter into a contract with Socitm to allow them to provide independent technical advice and assistance in respect of the Shared Services contract the Council has with Lancashire County Council for the provision of ICT services.

2.0 BACKGROUND

2.1 The Council has a Shared Service Contract with Lancashire County Council (LCC) under which LCC provides ICT services to the Council. That contract commenced on 1/10/11 and LCC sub-contracted the service provision to One Connect Limited (OCL). The contract required that certain arrangements were set up during the initial part of the contract period and as this required independent technical advice, Socitm were engaged and proved most useful in ensuring that this advice was available.

2.2 The ICT services have now been successfully delivered to the Council under the terms of the contract and experience has shown that for the contractual relationship to work effectively there are some limited

instances where the Council needs access to independent technical advice in relation to certain ICT projects.

3.0 CURRENT POSITION

- 3.1 Initial negotiations with Socitm revealed that their proposed daily consultancy rate to provide specific limited advice was competitive and reflected value for money.
- 3.2 The current EU threshold for contracts for the engagement of ICT consultants is £173,934. As the likely cost of the Socitm arrangement will be around £10,000 pa for 3 years giving a total cost over the three years of around £30,000 which is well below the EU threshold, there is no legal necessity to conduct a full EU compliant tender exercise. However, CPR No. 6 requires that all contracts between £10k and £50k in value are only entered into after receipt of three written quotations.
- 3.3 To allow Council officers to negotiate with Socitm and enter into the required contract it was necessary to have an exception to CPR No. 6. The Managing Director (Transformation) subsequently granted this exception.
- 3.4 At the end of the period of engagement of Socitm (3 years) it will be necessary to re-assess the position and establish whether access to independent technical advice will be needed for the remainder of the contract period of the ICT Shared Services contract.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. The article has no significant links with the Sustainable Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 The budget for the provision of the service by Socitm is held by the Borough Treasurer.

6.0 RISK ASSESSMENT

- 6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.
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Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

The Article is for information only and does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None.



ARTICLE NO: 2B

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY COMMITTEE**

**MEMBERS UPDATE 2013/14
ISSUE: 1**

Article of: Transformation Manager

Relevant Managing Director: Managing Director (Transformation)

**Contact for further information: Ms S Lewis (Extn. 5027)
(E-mail: Sharon.lewis@westlancs.gov.uk)**

**SUBJECT: EXEMPTION OF CONTRACT PROCEDURE RULE 6 –
OCCUPATIONAL HEALTH SERVICE**

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To notify members that the Managing Director (Transformation) has approved under her delegated authority, an exemption of Contract Procedure Rule No. 6, in respect of the procurement of Occupational Health Services for the Council's workforce.

2.0 BACKGROUND

2.1 The Council has had a contract with Lancashire County Council (LCC) for Occupational Health Services (OHS) since July 2010. That contract ended on 31 March 2013. LCC have tendered their OHS requirements and whilst the intention was to name WLBC in the tender exercise as a body who could use the LCC contract to engage the LCC provider (ATOS). This unfortunately did not happen. This omission means that WLBC are essentially without OHS provision from 1 April 2013.

2.2 LCC have offered to provide the OHS to WLBC using their contractual provider, at the same price to WLBC as ATOS would charge LCC.

- 2.3 The engagement of ATOS by LCC is the result of a tender exercise and therefore reflects good value for money. The annual cost of the LCC/WLBC OHS contract would be between £10 K and £15K.

3.0 CURRENT POSITION

- 3.1 The annual cost under the previous contract was £11,172, plus mileage, per annum. It is anticipated that the contract will be with LCC for 3 years, with a total cost be between £30K and £45K. However, Contract Procedure Rule No. 6 requires that all contracts between £10K and £50K are the subject of 3 written quotations.
- 3.2 Given that the Council is currently without OHS provision, and urgent action is required to secure an OHS contract, it was decided that the time taken to obtain 3 quotes and any required analysis of this, would be prohibitive, especially given that there is an offer available from LCC that already demonstrates value for money.
- 3.3 Consequently the Managing Director (Transformation) has approved an exemption to this Contract Procedure Rule No.6 to allow the Council to enter into a contract with LCC for OHS provision at as soon as possible.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. The article has no significant links with the Sustainable Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 As detailed in the report.

6.0 RISK ASSESSMENT

- 6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

The Article is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None.



ARTICLE NO: 2C

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY
COMMITTEE**

**MEMBERS UPDATE 2013/14
Issue: 1**

Article of: Managing Director (Transformation)

Relevant Managing Director: Managing Director (Transformation)

Contact for further information: Ms. K Webber (Extn. 5005)

(E-mail: kim.webber@westlancs.gov.uk)

Mr. B. Livermore (Extn. 5200)

(E-mail: bob.livermore@westlancs.gov.uk)

SUBJECT: DISCRETIONARY HOUSING PAYMENTS

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1 To advise Members of the guidance which Officers consider in awarding Discretionary Housing Payments.
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2.0 BACKGROUND

- 2.1 The background to this article is that the Government, as part of the Welfare Reform Programme, have instituted changes to the Housing Benefit System and have, in the Social Housing Sector, brought in regulations regarding size criteria from 1st April 2013.

3.0 CURRENT POSITION

- 3.1 These changes in Housing Benefit affect Social Housing Tenants of working age, who are in receipt of Housing Benefit and who are occupying property which is deemed too extensive for their needs. Those Tenants who have 1 surplus bedroom will see a reduction in their Housing Benefit of 14%, and those Tenants that have 2 or more surplus bedrooms will have their Benefit reduced by 25%. (Separate size criteria arrangements are in place for tenants in receipt of rent allowance in the privately rented sector).

- 3.2 The Government has a scheme known as Discretionary Housing Payments (DHP), which allows Local Councils to provide assistance to tenants where there is a shortfall between the level of Housing Benefit (or rent allowance) and the amount of rent charged. The Council has operated a DHP scheme for a number of years.
- 3.3 The Government awarded West Lancashire Borough Council £158,909 in 2013/14 to help claimants who were affected by these changes, an increase of £91,260 from the previous year. The general guidance used by WLBC for assessing and making payments have recently been reviewed and amended under delegated authority, to take into account the recent changes to Housing Benefit which will affect Social Housing Tenants and also Tenants renting in the Private Sector who receive rent allowance. The revised WLBC guidance is set out in Appendix A to this report, and reflects Department of Work and Pensions Guidance on this matter.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 Tenants who are affected by these changes will have choices regarding what they decide to do. Tenants have been visited and some Tenants have indicated that they wish to remain in their current accommodation and will pay the additional charge. Some Tenants have indicated that they do not feel that they could afford to stay in their current accommodation and have pursued a preference to move to smaller accommodation of which the rent would be covered by Housing Benefit. Some Tenants have indicated that they will find employment and not remain on Welfare Benefit. Some are considering allowing a lodger to stay in their home as a way of raising money to afford the charges.
- 4.2 At this stage, it is difficult to assess fully what the impact will be from a sustainability perspective. If Tenants do not pay the additional charges and wilfully refuse to pay, there could be an implication for them in terms of facing eviction.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 The Government have given the Council a grant of £158,909 to provide DHP. The payments will be made in accordance with, and within this budget.

6.0 RISK ASSESSMENT

- 6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix A - Discretionary Housing Payments: General Guidance

Discretionary Housing Payments: General Guidance

1. Purpose

The purpose of this document is to provide general guidance on Discretionary Housing Payments and to highlight considerations that may apply when determining who may qualify.

2. Background

Discretionary Housing Payments (DHP) are administered by Councils and are paid to customers who are in receipt of, or may be entitled to, Housing Benefit and where there is a shortfall between the level of Housing Benefit and the amount of rent charged.

From April 2013 councils are no longer permitted to use DHP to meet the costs of Council Tax; this is consequential from the abolition of Council Tax Benefit and replacement with localised schemes.

Discretionary Housing Payments are typically provided on a temporary basis to help tenants over a difficult period or to find alternative accommodation.

The Government provides an annual Discretionary Housing Payment contribution to each Council. Councils can use local funds to top up this contribution up to a maximum of 250% of the Government allocation. Historically West Lancashire Borough Council has not added to the government funding.

To support Welfare Reform changes the Government has significantly increased its Discretionary Housing Payments contributions to Councils for 2013/2014. West Lancashire's Government contribution for 2013/2014 is £158,909 (rising from £67,649 in 2012/2013).

The government's additional contribution recognises that Councils may wish to provide additional help to some customers affected by welfare reform including the social sector size criteria which is effective from April 2013 and the 'benefit cap' which is effective from 15th July 2013.

3. The Under Occupation Penalty

Restrictions on housing benefit for claimants in social sector tenancies have taken effect from April 2013. These affect working age customers living in accommodation that is deemed to be too large for their needs. The following size criteria reductions in Housing Benefit apply:

- 14% where there is one bedroom more than required
- 25% where there are two or more bedrooms more than required.

Around 1,300 households are affected in West Lancashire. The bulk of these (circa 1,200) are Council tenants.

In applying the restrictions, Councils have to determine the number of bedrooms required by the claimant and their family. This is done using a fixed national formula known as 'size criteria'. The size criteria calculation allows one bedroom for each person or couple living as part of the household with the following exceptions:

- Children under 16 of the same gender are expected to share a bedroom;
- Children under 10 are expected to share a bedroom regardless of gender;
- A disabled tenant or partner who needs a non-resident overnight carer is allowed an extra room.

There are some exemptions including:

- 'Exempt' supported accommodation; this includes accommodation where a significant degree of care, support and supervision is provided by the landlord on a non-profit making basis;
- Shared ownership properties and sheltered housing;
- Mooring charges and mobile home or caravan site rents ;
- Temporary accommodation including Council homelessness hostels.

In March of 2013 the government introduced additional exemptions. These relate to customers who require a room for a child to be fostered. The second exemption relates to a room which is retained for an adult child who is member of armed forces personnel serving elsewhere.

The DWP has recently confirmed in an 'urgent information bulletin' that an additional bedroom may be allowed for children with a severe disability. This is not a change to the legislation but has been established through recent case law.

The DWP guidance states:

' When a claimant says that their children are unable to share a bedroom, it will be for LAs to satisfy themselves that this is the case, for example, a claim is likely to be supported by medical evidence and many children are likely to be in receipt of Disability Living Allowance (DLA) for their medical condition. In addition LAs must consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. In all cases this will come down to a matter of judgement on facts of each individual case.

It should be noted that the judgment does not provide for an extra bedroom in other circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom or where an extra room is required for equipment connected with their disability.'

4. General Guidance

All Discretionary Housing Payment applications must be assessed on individual and household circumstances and take account of levels of income and benefit received.

Each application is considered on a range of criteria including:

- How much is the rental liability?
- What is the Housing Benefit entitlement?
- What is the shortfall between the liability and the award?
- Has the property been adapted?
- What is the household composition?
- Does the customer have any available income?
- Any relevant imminent changes of circumstance.
- Is the customer vulnerable?
- Does any member of the household have relevant medical issues?
- Are there any specific needs or expenses associated with disability?
- Are there any particular needs associated with children or other caring responsibilities?
- Is the customer in rent arrears?

5. Exclusions

There are a number of exclusions that are not covered by Discretionary Housing Payments including:

- Council Tax
- Ineligible service charges (these are charges which Housing Benefit cannot legally support)
- Increases in rent due to outstanding rent arrears
- Certain sanctions and reductions in benefit (this might relate, for example, to a sanction applied by the Department of Work Pensions in relation to seeking employment or a counter fraud punishment).

6. Factors for Consideration

It is clear that assistance cannot be provided for every customer who has had a reduction in benefit. Nor can any general guidance cover every set of circumstances.

It is also clear that as the fund is cash-limited that the priority for awards will be affected by the volume of demand.

In most instances a DHP would provide a temporary solution to enable customers to meet a particular need or overcome a difficult period. There may be longer-term DHPs but all awards must be awarded for a fixed period to be reviewed periodically, based upon prevailing demand and the available funding and remaining budget.

However, certain vulnerable groups can be prioritised for awards and factors that could be considered in determining need and priority would include:

- Whether anybody in the household has particular needs associated with disability or ill-health
- Whether the accommodation has been adapted because of a disability
- Whether anybody in the household has a caring responsibility and consequential accommodation needs
- Whether the household needs specific accommodation due to fostering
- Whether anybody in the household has a relevant medical need
- Whether there is a young child in the household attending school
- Whether it is possible or practical for the claimant to look for alternative accommodation.



ARTICLE NO: 3A

**CORPORATE &
ENVIRONMENTAL OVERVIEW
& SCRUTINY COMMITTEE**

MEMBERS UPDATE 2013/14

Article of:	Borough Treasurer
Relevant Managing Director:	Managing Director (People and Places)
Contact for further information:	Mr M Kostrzewski (Extn. 5374) (E-mail: Mike.kost@westlancs.gov.uk)

SUBJECT: ANNUAL VAT REPORT 2012/2013

1.0 PURPOSE OF ARTICLE

- 1.1 To inform Members of developments and performance in relation to Value Added Tax (VAT).
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2.0 BACKGROUND

- 2.1 The Accountancy Service has the following objectives for accounting for VAT:
- minimise the Council's VAT liabilities
 - raise the profile of VAT within the Authority
 - develop and improve VAT processes and procedures.
- 2.2 One of the means of achieving these objectives is the production of an Annual VAT Report for Members.

3.0 ACCOUNTING FOR VAT

- 3.1 The Council pays VAT to its suppliers for most of the goods and services it procures. The Council also charges VAT for most goods and services provided to its customers for business reasons. Any VAT paid to suppliers is recovered from Her Majesty's Revenue and Customs (HMRC) and any VAT received on the Council's supplies is paid to HMRC. This is done by the completion of a monthly VAT Return.
- 3.2 Responsibility for the Council's VAT function is incorporated within the Accountancy team and its staff aims to continually minimise the Council's VAT liabilities. This includes ensuring fines, interest, and assessments are minimised and VAT recovery is maximised. To achieve this, every effort is made to ensure

that VAT is accounted for correctly throughout the Authority and that all staff are aware of relevant changes in VAT Regulations.

4.0 VAT MANAGEMENT AND PERFORMANCE

VAT Returns

- 4.1 The Council generally expends more on VAT than it collects from its own activities. This is because most of its own activities are not classed as being carried out for business purposes and VAT is, therefore, not applicable. As such, the monthly VAT Returns reclaim the net VAT from HMRC by the Council. During 2012/2013, the Council paid a total of £4,914,371 to suppliers and received a total of £1,094,431 VAT from its own customers. This resulted in a net total of £3,819,940 being reclaimed from Revenue and Customs. The average VAT return for 2012/2013 was £318,328 comprising, £409,530 due from Revenue and Customs and £91,202 due to them. Table 1 shows how these values compare to the previous financial year of 2011/2012:

Table 1 - VAT Return Comparison: 2012/2013 to 2011/2012		
	2012/2013 £'000	2011/2012 £'000
Total VAT:		
Paid to Suppliers	4,914	4,051
Received from our own Customers	1,094	897
Reclaimed from Customs and Excise	3,820	3,154
Average Monthly VAT:		
Paid to Suppliers	409	338
Received from our own Customers	91	75
Reclaimed from Customs and Excise	318	263

VAT Penalties

- 4.2 If there are mistakes within the VAT return or if something is missed from it the Council is liable to fines, interest charges, and other financial penalties. A voluntary disclosure is declared when errors are above a threshold of £10,000. This limit has been increased by HMRC from £2,000 as from 1 July 2008. To date we have not been required to register a voluntary disclosure as the Council has not breached this threshold. As from 1 April 2009 a new penalty regime has been implemented by HMRC, which could have an impact on the Council due to the way that fines, interest charges and other penalties are to be calculated, as this could result in a greater percentage of fine being levied to the Council. However, currently this new regime has had no impact on the Council, which is due to no fines etc being imposed.

De Minimis Calculation (Partial Exemption)

- 4.3 Exempt activities for VAT purposes are defined in the VAT Act 1994 and cover 15 categories. Local Authorities can only reclaim VAT paid to their suppliers for its exempt activities providing that this is less than 5% of the total VAT paid to suppliers. For this Council, this is usually in the region of £200,000 per year. If this threshold is exceeded, the Council would be liable to pay the full value of its exempt VAT to Revenue and Customs, i.e. around £200,000.
- 4.4 The Vat team monitor exempt expenditure throughout the year to ensure that the Council does not exceed the 5% margin. In recent years the percentage has not been greater than 2% and for 2012/13 the vat de minimis level was 1.13%.
- 4.5 The Council will take specialist advice, if appropriate, when projects that may affect its vat position substantially are undertaken, for example large scale capital projects. In addition such issues are raised with HMRC to inform them of the project and the proposed vat approach the Council is undertaking.

VAT Manual and Training

- 4.6 The Council has a VAT manual, which is available on the Council's intranet, updated as at February 2013. Details on vat issues are also included in the Finance Budget Manual which is published on the Intranet.

Overall Performance

- 4.7 Management of the VAT function within the Authority is a well established process. For 2012/13 the monthly vat return to HMRC was always completed on time. HMRC inspections in previous years have been undertaken with the result that the Council's processes and procedures have been given a clean bill of health. The Authority is part of a Lancashire wide Council networking group whereby, Vat topics and issues of a common interest can be raised. This promotes good practice across the Councils and the latest VAT topics are discussed in order to maximise performance.

5.0 RECENT VAT DEVELOPMENTS

- 5.1 The Vat Team continually review developments in the sector in order to identify any implications for the Council. Some of the current issues are highlighted below.

VAT on Off-Street Car Parking

- 5.2 Local Authorities can provide off-street parking where for the purpose of relieving or preventing congestion of traffic it appears to be necessary to provide within their area suitable parking places for vehicles. The output VAT levied for this

function has been subject to legal proceedings by a group of Councils, commonly referred to as the Isle of Wight case. It is a complex and technical issue, which may result in the Council not levying output VAT for this service area. This may mean that the amount of Vat levied to date by the Council may be repaid to the Authority at some future date. Protective claims are submitted to HMRC annually to safeguard the Council's Vat position, and the sum involved to the end of the 2012/13 financial year is £1.329m.

- 5.3 On the 16th October 2012 a First Tier (Tax) Tribunal found in favour of HMRC with regards this case, ie that VAT is applicable to Off-Street Car Parking charges. However, an appeal was lodged by Isle of Wight Council and others with the Upper Tribunal and although no hearing date had been set at the time of writing, Councils are still able to submit requests to stand over further appeals.

Trade Refuse – January 1978 to March 2010

- 5.4 The Council has submitted a VAT claim to HMRC in respect of Trade Refuse Collection income for a sum in the region of £180,000 plus interest. This activity has been reclassified as non business, as advised by HMRC and therefore vat is not chargeable to Clients. A decision on the claim is expected over the coming year.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 There are no significant sustainability impacts or Community Strategy implications associated with this Update.

7.0 RISK ASSESSMENT

- 7.1 The formal reporting of performance on VAT is part of the overall management and control framework that is designed to minimise the financial risks facing the Council.

8.0 SUMMARY

- 8.1 Value Added Tax is a technical and complex area and mistakes can be costly to the Council. The Accountancy team strive to ensure that the Council's VAT liabilities are minimised and VAT recovery is maximised by developing and improving VAT processes and procedures.
- 8.2 The possibility of recovering VAT in relation to car parking and trade refuse claims, would, if successful, provide a significant benefit for the Council in these difficult financial times.
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Background Documents:

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

The Article is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices:

None.