

Full Council

Thursday, 22 October, 2015, at 1.30 pm or at the conclusion of Question Time, whichever is the later, in the Council Chamber, County Hall, Preston.

Agenda

Index

1. **Apologies and Announcements**
2. **Disclosure of Pecuniary and Non-Pecuniary Interests**
- A. Matters for Decision**
 3. **Confirmation of Minutes from meeting held 2 September 2015** (Pages 1 - 8)
 4. **Report of the Cabinet (Part A)** (Pages 9 - 16)
 5. **Lancashire Local Pension Board - Code of Conduct and Conflict of Interests Policy** (Pages 17 - 36)
 6. **Finding of the Local Government Ombudsman - August 2015** (Pages 37 - 62)
 7. **Police and Crime Panel for Lancashire** (Pages 63 - 64)
 8. **Non-Attendance of County Council Member** (Pages 65 - 66)
 9. **Lancashire County Council Timetable of Meetings 2016/17** (Pages 67 - 70)
- B. Matters for Information**
 10. **Report of Cabinet (Part B)** (Pages 71 - 74)
 11. **Report of Urgent Key Decisions** (Pages 75 - 78)

12. **Report of County Council Committees**

To receive reports from:

- (a) **The Overview and Scrutiny Committees**
(Pages 79 - 86)
- (b) **Audit and Governance Committee** (Pages 87 - 92)
- (c) **Pension Fund Committee** (Pages 93 - 98)
- (d) **Urgency Committee** (Pages 99 - 100)

13. **Report of the Lancashire Combined Fire Authority**
(Pages 101 - 104)

C. Notices of Motion

To consider any Notices of Motion submitted under Standing Order No. 14.2.1.

Jo Turton
Chief Executive

County Hall
Preston

21 October 2015

Agenda Item 3

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston, on Wednesday, 2 September, 2015

Present:

County Councillor Margaret Brindle (Chairman)

County Councillors

T Aldridge	J Fillis	J Oakes
A Ali	J Gibson	M Otter
T Ashton	G Gooch	M Parkinson
A Atkinson	M Green	N Penney
M Barron	J Hanson	S Perkins
L Beavers	Dr M Hassan	C Pritchard
D Borrow	P Hayhurst	S Prynne
I Brown	C Henig	A Schofield
K Brown	N Hennessy	K Sedgewick
T Brown	S Holgate	S Serridge
P Buckley	D Howarth	J Shedwick
T Burns	K Iddon	R Shewan
Mrs S Charles	M Iqbal	D T Smith
A Cheetham	A James	K Snape
A Clempson	M Johnstone	D Stansfield
D Clifford	A Jones	V Taylor
Mrs F Craig-Wilson	A Kay	D Watts
C Crompton	J Lawrenson	D Westley
M Dad	T Martin	D Whipp
B Dawson	J Mein	P White
F De Molfetta	G Molineux	G Wilkins
C Dereli	Y Motala	B Winlow
M Devaney	B Murray	B Yates
G Dowding	D O'Toole	
K Ellard	Mrs L Oades	

1. Apologies and Announcements

Apologies

Apologies were presented on behalf of County Councillors Alyson Barnes, Peter Britcliffe, Geoff Driver, Dorothy Lord, Richard Newman-Thompson, Mark Perks, Paul Rigby, Jeff Sumner, Matthew Tomlinson and Christian Wakeford

Announcements

There were no announcements.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None disclosed.

3. Confirmation of Minutes from meeting held 23 July 2015

Resolved: That the Minutes of the meeting of the County Council held on the 23 July 2015 be confirmed and signed by the Chair.

4. Review of Electoral Boundaries in Lancashire

The report explained that the Local Government Boundary Commission for England (LGBCE) was undertaking an electoral review of Lancashire County Council's electoral arrangements because of electoral imbalances that had arisen since the last review in 2003/04.

The Boundary Commission was consulting on patterns for the County Council Electoral Divisions and the Full Council was now being asked to consider recommendations from the Political Governance Working Group (PGWG) on the County Council's proposal to the Boundary Commission on Electoral Division patterns.

The Chairman recommended that the proposals for each district be considered and voted on in turn, and that any amendments be dealt with as the relevant district was being discussed; all members would be able to speak once on each district proposal should they so wish. The meeting consented to this approach.

In moving the report County Councillor David Borrow, Chair of the PGWG, explained that, whilst the Boundary Commission's consultation on divisional patterns had ended on 31 August, the Boundary Commission had granted the County Council, and also Political Groups, a small extension of time to 3 September to submit proposals.

Appendix A to the report now presented summarised each of the recommendations of the PGWG for which there was a corresponding map setting out:

- existing and proposed divisional boundaries,
- the projected electorate and relative variance for each proposed division by 2021,
- the number of councillors recommended for each proposed division, and
- recommended divisional names.

The detailed proposals, including the maps referred to above are available to view [here](#).

In some cases the PGWG had recommended more than one proposal.

Burnley

The PGWG had recommended one proposal. Upon being put to the vote it was:

Resolved: that the proposed divisional pattern for Burnley, as set out in the report now presented, be approved for submission to the Boundary Commission.

Chorley

The PGWG had recommended two proposals as presented by Chorley Borough Council. Upon being put to the vote it was:

Resolved: that the two proposed divisional patterns for Chorley, as set out in the report now presented, be approved for submission to the Boundary Commission.

Fylde

The PGWG had recommended two proposals; a preferred proposal 1 to retain the status quo and a proposal 2 as an alternative for the Boundary Commission to consider if it was not minded to agree proposal 1. Upon being put to the vote it was:

Resolved: that the two proposed divisional patterns for Fylde, as set out in the report now presented, be approved for submission to the Boundary Commission and that, of these, proposal 1 be submitted as the preferred option.

Hyndburn

The PGWG had recommended one proposal. Upon being put to the vote it was:

Resolved: that the proposed divisional pattern for Hyndburn, as set out in the report now presented, be approved for submission to the Boundary Commission.

Lancaster

The PGWG had recommended one proposal.

CC Gina Dowding moved an **Amendment** which was seconded by CC Liz Oades. The amendment was submitted in the form of a map which had been circulated in advance to all members, a copy of which is attached to these minutes.

On being put to the vote the amendment was lost. The original motion was then put to the vote and was carried and it was:

Resolved: that the proposed divisional pattern for Lancaster, as set out in the report now presented, be approved for submission to the Boundary Commission.

Pendle

The PGWG had recommended one proposal. Upon being put to the vote it was:

Resolved: that the proposed divisional pattern for Pendle, as set out in the report now presented, be approved for submission to the Boundary Commission.

Preston

The PGWG had put forward two proposals; both options recommended a reduction from 10 to 9 divisions, but each achieved this in a different way. The PGWG recommended proposal 1 with a second preference for proposal 2.

Resolved: that the two proposed divisional patterns for Preston, as set out in the report now presented, be approved for submission to the Boundary Commission and that, of these, proposal 1 be submitted as the preferred option.

Ribble Valley

The PGWG had put forward two proposals; proposal 1 recommended four divisions and proposal 2 recommended two single-member divisions and one two-member division. The PGWG recommended proposal 1 with a second preference for proposal 2.

It was moved by CC Albert Atkinson and seconded by CC Alan Schofield that the recommendation be **amended** and that only proposal 2 be submitted to the Boundary Commission. On being put to the vote the amendment was lost.

It was then moved by CC David Whipp and seconded by CC Bill Winlow that the recommendation be **amended** and that only proposal 1 be submitted to the Boundary Commission. On being put to the vote the amendment was lost.

The original motion was then put to the vote and was carried and it was:

Resolved: that the two proposed divisional patterns for Ribble Valley, as set out in the report now presented, be approved for submission to the Boundary Commission and that, of these, proposal 1 be submitted as the preferred option.

Rossendale

The PGWG had put forward three proposals each with a different approach to correcting the electoral imbalances in Rossendale.

It was moved by CC David Stansfield and seconded by CC Clare Pritchard that the recommendation be **amended** and that only proposal 1 be submitted to the Boundary Commission. On being put to the vote the amendment was carried and therefore became the substantive motion, which on being put to the vote was carried and it was:

Resolved: that the proposed divisional pattern for Rossendale, as set out in proposal 1 in the report now presented, be approved for submission to the Boundary Commission.

South Ribble

The PGWG had put forward two proposals; proposal 1 recommended eight single-member divisions, proposal 2 recommended five single-member divisions and one three-member division. The PGWG had recommended proposal 1 with a second preference for proposal 2.

It was moved by CC David Watts and seconded by CC David Howarth that the recommendation be **amended** and that only proposal 1 be submitted to the Boundary Commission. On being put to the vote the amendment was carried and therefore became the substantive motion, which on being put to the vote was carried and it was:

Resolved: that the proposed divisional pattern for South Ribble, as set out in proposal 1 in the report now presented, be approved for submission to the Boundary Commission.

West Lancashire

The PGWG had recommended one proposal. Upon being put to the vote it was:

Resolved: that the proposed divisional pattern for West Lancashire, as set out in the report now presented, be approved for submission to the Boundary Commission.

Wyre

The PGWG had recommended one proposal. Upon being put to the vote it was:

Resolved: that the proposed divisional pattern for Wyre, as set out in the report now presented, be approved for submission to the Boundary Commission.

5. Full Council Meetings 2015/16.

A number of changes to the timetable of Full Council meetings for 2015/16 had been proposed, as set out on the agenda.

In moving the recommendation the Leader proposed that the request to change the date of the meeting scheduled for 25 February to 24 February be withdrawn. It was therefore moved and seconded that the:

- Meeting scheduled for 1 October 2015 now be held at 1.30pm on 22 October 2015; and
- Budget meeting scheduled for 11 February 2016 now be treated as the ordinary meeting and the meeting scheduled for 25 February 2016 now be treated as the Budget meeting.

County Councillor David Whipp moved the following Amendment which was seconded by County Councillor David Howarth:

To delete the recommendation that the:

- Budget meeting scheduled for 11 February 2016 to now be treated as the ordinary meeting and that the meeting scheduled for 25 February 2016 be treated as the Budget meeting.

On being put to the vote the Amendment was carried and became the substantive motion, which on being put to the vote was carried and it was therefore,

Resolved: That it be agreed the Full Council meeting scheduled for 1 October 2015 now be held at 1.30pm on 22 October 2015.

6. Notice of Motion

Notice of Motion submitted under Procedural Standing Order 14.2.1(a).

It was moved by County Councillor Bill Winlow and seconded by County Councillor Paul Hayhurst that:

"Over the last few weeks we have witnessed United Utilities struggle to contain an outbreak of *Cryptosporidium*. Apart from the obvious public health risk, this has led to business damage and great inconvenience for over 300,000 residents in Lancashire. The prolonged period for which this situation has continued appears to have been due to a failure of inspection and regulatory procedures and an apparently inadequate contingency plan for dealing with such an outbreak.

Lancashire County Council therefore instructs the Chief Executive to write to the Prime Minister, the Secretary of State for Environment, Food and Rural Affairs, the Minister for Health and to the Minister for Energy and Climate Change drawing their attention to the inadequacy of regulation in major industries, particularly in the light of the 14th round of onshore oil and gas licence awards covering much of England. We also request that Central Government should put in place rigorous, independent regulatory and inspection regimes for industries which affect Public Health, above all improved purification of domestic water supplies, and the treatment and disposal of contaminated waste water."

County Councillor Azhar Ali moved the following **amendment** which was seconded by County Councillor Marcus Johnstone:

Add the following words between the first and second paragraphs:

"Lancashire County Council recognises the work of the multi-agency strategic coordination group that is chaired by Lancashire County Council's Director of Public Health and includes a number of district councils and government departments. This Council further recognises the work of LCC's Emergency Planning and Public Health Teams in preventing any major sickness outbreaks."

County Councillor Winlow accepted the amendment to his motion which combined became the substantive Motion, which on being put to the vote was carried and it was:

Resolved: That,

"Over the last few weeks we have witnessed United Utilities struggle to contain an outbreak of *Cryptosporidium*. Apart from the obvious public health risk, this has led to business damage and great inconvenience for over 300,000 residents in Lancashire. The prolonged period for which this situation has continued appears to have been due to a failure of inspection and regulatory procedures and an apparently inadequate contingency plan for dealing with such an outbreak.

Lancashire County Council recognises the work of the multi-agency strategic coordination group that is chaired by Lancashire County Council's Director of Public Health and includes a number of district councils and government departments. This Council further recognises the work of LCC's Emergency Planning and Public Health Teams in preventing any major sickness outbreaks.

Lancashire County Council therefore instructs the Chief Executive to write to the Prime Minister, the Secretary of State for Environment, Food and Rural Affairs, the Minister for Health and to the Minister for Energy and Climate Change drawing their attention to the inadequacy of regulation in major industries, particularly in the light of the 14th round of onshore oil and gas licence awards covering much of England. We also request that Central Government should put in place rigorous, independent regulatory and inspection regimes for industries which affect Public Health, above all improved purification of domestic water supplies, and the treatment and disposal of contaminated waste water."

Jo Turton
Chief Executive

County Hall
Preston

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None

Report of the Cabinet
(Appendix A refers)

Contact for further information:
Josh Mynott, (01772) 534580, Democratic Services Manager,
Josh.mynott@lancashire.gov.uk

Executive Summary

This report presents the recommendation of Cabinet made at its meeting on 12 August 2015 to Full Council for consideration, in relation to changes to the Council's redundancy payments scheme.

Recommendation

Full Council is asked to consider the recommendation of Cabinet to agree to the extension of voluntary redundancy terms until 31 March 2018 based on a multiplier of 1.4.

Background and Advice

Attached at Appendix A is the report "Redundancy Payments Scheme and Trade Union Consultation" considered by Cabinet at its meeting on 12 August 2015.

At that meeting cabinet resolved that:

- i. Full Council be recommended to agree to the extension of voluntary redundancy terms until 31 March 2018 based on a multiplier of 1.4.
- ii. The Director of Governance, Finance and Public Services be authorised to issue the necessary statutory notices in respect of the proposals as set out in the report.

- iii. It be noted that subject to the outcome of formal consultation with the recognised Trade Unions, those employees displaced as part of Phase 1 of the Council's transformation will be served with not less than three months' notice of dismissal on the basis of compulsory redundancy, the dismissals to take effect on 31 March 2016.

Full Council are therefore asked to consider recommendation (i).

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

Paper	Date	Contact/Tel
Agenda and Minutes of the Cabinet	12 August 2015	Josh Mynott, Democratic Services Manager, 01772 534580

Reason for inclusion in Part II, if appropriate

N/A

Appendix A

Cabinet

Meeting to be held on 12 August 2015

Report of the Corporate Director for Commissioning and Deputy Chief Executive

Electoral Division affected: None

Redundancy Payments Scheme and Trade Union Consultation

Contact for further information:

Steve Browne, (01772) 313120, Corporate Director for Commissioning and Deputy Chief Executive

steve.browne@lancashire.gov.uk

Executive Summary

At its meeting held on 20 February 2014 the Full Council agreed to Cabinet's recommendation proposing changes to the Council's Voluntary Redundancy package over a four year period from 1 April 2014 to 31 March 2018 for the purpose of achieving a reduction in employee costs in the order of £75 million.

The changes agreed, which are now incorporated within the Council Redundancy Payments Scheme, were agreed on the basis of an ambition to achieve the necessary downsizing of the Council by voluntary means subject to sufficient volunteers coming forward whose application could be agreed based on business need.

This report provides an update on the progress made to date and sets out the extended time period over which the Council will need to reduce its workforce. It also makes recommendations with respect to further changes to the Council's Redundancy Payments Scheme and to commence formal consultation with the recognised Trades Unions in the event that it becomes necessary to make staff compulsorily redundant.

Recommendation

The Cabinet is asked to:

- (i) Agree that Full Council be recommended to agree to the extension of voluntary redundancy terms until 31 March 2018 based on a multiplier of 1.4.
- (ii) Authorise the Director of Governance, Finance and Public Services to issue the necessary statutory notices in respect of the proposals as set out in the report.

(iii) Note that, subject to the outcome of formal consultation with the recognised Trade Unions, those employees displaced as part of Phase 1 of the Council's transformation will be served with not less than three months' notice of dismissal on the basis of compulsory redundancy, the dismissals to take effect on 31 March 2016.

Background and Advice

In February 2014 Full Council agreed to Cabinet's recommendations in relation to the Voluntary Redundancy (VR) Terms to facilitate the downsizing of the council. Those terms involved a salary multiplier of 1.6 for employees leaving by 31 March 2015, reducing to a multiplier of 1.4 for employees leaving by 31 March 2016. It was agreed that, following that date, for the period 1 April 2016 to 31 March 2018 the terms will be reduced to the statutory minimum redundancy provisions with no multiplier and adopting the statutory maximum of weekly salary (currently £475 per week) for each week used in the calculation, the terms therefore being the equivalent of those applying to compulsory redundancy.

The objective of the VR provisions was to avoid any compulsory redundancies prior to April 2016 when it was anticipated the downsizing of the Council would be complete. Whilst, at the time, no guarantee could be given that there would be no compulsory redundancies before April 2016, it was the ambition of the Cabinet to do everything possible to avoid compulsory redundancies and achieve downsizing by voluntary means subject to sufficient volunteers coming forward whose applications for VR could be agreed based on business need.

The scale of the reduction in employee numbers was modelled at around 2500 based upon the assumption that the reduction in Council expenditure on employees, as part of the required savings, would be proportionate to the 28% of the total budget related to employee costs.

The 2014 and 2105 Budget Decisions

The Council's budget decisions in 2014 and 2015 have, to date, had far less impact than anticipated on employee numbers. The expenditure reductions resulting from the overall pattern of budget decisions and service offers has impacted employee expenditure to a much lesser degree than initially anticipated and savings could only be achieved over a longer time period. A higher proportion of the expenditure reductions in service offers is planned against third party spend. Additionally, staffing reductions related to service offers that involve the fundamental reconfiguration of services, primarily in social care service areas, libraries and young people's services are expected to take until April 2018.

Overall it is anticipated that the reduction in employee numbers relating to budget decisions to date will amount to approximately 1400 employees with some 400 taking place between April 2016 and April 2018. The majority of these 400 relate to service areas described as part of the current staff consultation on the proposed Phase Two of the Council Transformation as "delayed in-scope".

Further budget reductions

The analysis set out in the report elsewhere on the agenda "Money Matters, Financial Outlook for the County Council and Medium Term Financial Strategy" identifies £87.1 m of further reductions to be implemented before April 2018.

Given that the balance of budget decisions taken in 2014 and 2015 have focussed more on third party expenditure, it is inevitable that the majority of the savings yet to be identified will involve employee cost reductions.

It is therefore considered that the reduction of 2500 in employee numbers, initially modelled, is still likely to be necessary, but will have to be achieved over a longer time period than originally envisaged. Whilst it was originally envisaged that this would occur by April 2016, it is now considered that the majority savings on employee costs will need to be achieved by April 2017, with a reduction of some 400 posts taking place during 2017/18.

Phase 3 of the Council's Transformation

It can be seen from the foregoing that out of the estimated 2,500 reduction in posts, some 1100 posts have yet to be identified. These posts can only be identified once the Council has made decisions about the future patterns of service in respect of its available resources.

The timescale for these decisions to be made will be the Full Council budget meeting in February 2016. The normal budget consultation process would see options being considered from November 2015 and at that time the potential areas where staffing reductions are proposed will be identified.

These options will have the potential to affect all areas of the Council and all phases of the transformation process. The timetable and process for the transformation will therefore need to be reconsidered in the light of these decisions.

Reductions to date

Since April 2014, 608 employees have been granted VR and have either already left the organisation or have agreed leaving dates. It is estimated that if these staffing reductions are combined with reductions from vacancies and the reductions proposed as part of the Phase Two "in-scope" restructuring, approximately 1000 posts will have been removed from the structure between April 2014 and April 2016.

Ambition of "no compulsory redundancies" before April 2016.

Given decisions to date and the level of approved VRs it can be reported that the council will be able to deliver on its ambition that no employee would be made compulsorily redundant before April 2016.

The Council will, therefore, have provided employment protection for all its employees for over 2 years since the scale of the downsizing was announced.

Extension of VR terms until April 2018

Given the extended timetable over which it is now envisaged the workforce will be reduced, and in order to maximise the opportunities for volunteers to come forward, it is proposed that the current VR terms, involving a 1.4 multiplier, which are due to end on the 31 March 2016 be extended until the 31 March 2018. This would not affect employees who have already been granted VR and have an agreed leaving date.

Financial Implications

When the VR terms were agreed in February 2014 it was estimated that the cost of the VR package for 2500 employees would be in the region of £75-£79 million and provision was therefore made within the downsizing reserve to accommodate this cost.

To date the cost of the 608 employees granted VR has been £23.7m. It is anticipated that the proposed extension of the VR terms can be accommodated within the current provision of the down-sizing reserve, as the total number of employees affected is not expected to exceed the original 2500.

Compulsory Redundancy

Given the scale of the budget reductions still to be achieved and the timeframe over which this will need to be delivered it is unlikely that the Council will be able to achieve the reductions by wholly voluntary means after 31 March 2016. It is likely that compulsory redundancy will become a necessity if the Council is to set a balanced budget by April 2017.

In those circumstances the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 are engaged and it is necessary for the Council to undertake a formal consultation process with the recognised Trade Unions. The consultation must include consultation about ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the consequence of the dismissals. The consultation must be meaningful, undertaken with a view to reaching agreement and will include, amongst other things, the proposed selection criteria and proposed method of selection that will apply where compulsory redundancy becomes necessary.

Whilst non-filling of vacancies and VRs will be the main focus for achieving staffing reductions, it is proposed that, subject to the outcome of the formal trade union consultation referred to above, the 22 employees displaced as part of Phase 1 of the transformation process and therefore without a substantive post will be served with a minimum 3 months' notice of dismissal to take effect on 31 March 2016. The full year cost of taking this decision would be to achieve a saving of approximately £1 million per annum.

During this notice period the employee will still have the opportunity for redeployment into any suitable alternative post that becomes vacant or a "bump" into a post vacated by a volunteer for redundancy.

The Council's Redundancy Procedure sets out the procedural requirements that apply where it is proposed to make an employee compulsorily redundant and includes provision for consultation with individual employees affected and, if necessary, the right to appeal against selection for redundancy as well as access to the Council's Redeployment process.

De-facto compulsory redundancy

It is also proposed that any employee served with notice of compulsory redundancy could elect for VR up to their last day of employment. It can be anticipated therefore that most employees subject to compulsory redundancy would ultimately elect for the voluntary terms.

However, for the sake of openness and transparency the Council would not wish to misrepresent this position and therefore those employees who are true volunteers for redundancy rather than those who have been served with notice of compulsory redundancy will be identified and reported on separately so that the true impacts of the policy can be monitored.

Consultations

Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 requires formal consultation on the basis described above. The Trade Unions will be provided with the necessary information relevant to the proposals to facilitate meaningful consultation. This information includes the reasons for the proposals, the staff affected (including details of agency workers and apprentices/graduates currently engaged by the Council). As with the earlier proposals for voluntary redundancy, it is intended to schedule regular consultation meetings with the Trades Unions for as long as that is required.

With the exception of the 22 employees displaced as part of Phase 1, decisions have yet to be made as regards the service areas and staff potentially affected by compulsory redundancy. It is not therefore intended to propose selection criteria and the proposed method of selection at this stage, this will be the subject of ongoing discussion with the Trades Unions as proposals emerge. However, it is possible that both the selection criteria and the method of selection will vary between service areas although selection on the basis of competitive interview will be one of the methods consulted on.

A failure to comply with s.188 requirements entitles an employee to present a complaint to an Employment Tribunal and if the complaint is upheld then the Tribunal has the power to make a "protective award" of up to 90 days' pay. The Council is also required to notify the Secretary of State of proposed redundancies.

Implications:

This item has the following implications, as indicated:

Financial

It is anticipated that the costs of the VR proposals can be contained within current provisions of the downsizing reserve.

Risk management

The proposed action set out in the report is vital to the management of the budget risks facing the Council and the need to balance the Council's budget in 2017/18.

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

Meeting of the Full Council
Meeting to be held on 22 October 2015

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None

Lancashire Local Pension Board - Code of Conduct and Conflict of Interests Policy/Reporting Breaches Policy and Procedure
(Annex A refers)

Contact for further information:
Dave Gorman, (01772) 534261, Legal and Democratic Services,
dave.gorman@lancashire.gov.uk

Executive Summary

A final draft of a Code of Conduct and Conflict of Interests Policy has been developed for the recently established Lancashire Local Pension Board, in accordance with legislative requirements, and now requires the approval of Full Council as the administering authority for the Lancashire County Pension Fund. Full Council is also asked to authorise the Local Pension Board to approve, in due course, a Reporting Breaches Policy and Procedure.

Recommendation

Full Council is recommended to:

- (i) Approve the Lancashire Local Pension Board's Code of Conduct and Conflict of Interests Policy for Members, Officers and Advisors as set out at Annex A;
- (ii) Authorise the Lancashire Local Pension Board to approve a Reporting Breaches Policy and Procedure.

Background and Advice

At its meeting on 18 December 2014, Full Council approved proposals for the establishment of a Lancashire Local Pension Board as required by the Local Government Pension Scheme (Amendment) Regulations 2014. These Regulations placed a requirement on all Local Government Pension Scheme (LGPS) administering authorities to create Pension Boards to assist in overseeing and managing pension funds.

The report of 18 December 2014 included Terms of Reference for the Local Pension Board which set out the requirements around the conduct of Board Members and conflicts of interest.

The Local Pension Board is required to be fully compliant with legislative requirements for identifying, monitoring and managing potential conflicts of interest so as to ensure that no actual conflicts of interest arise. A draft Code of Conduct which mirrored, as far as possible, the County Council's Code of Conduct for Members and Co-opted Members, was developed in advance of the first meeting of the Board in July 2015 to meet the requirement for all Board Members to make a declaration of interests in advance of the first meeting of the Board.

The final draft of the Code of Conduct, which includes a Conflict of Interests Policy, is set out at Annex A and now requires the approval of the Full Council, after which all Board Members, together with officers and advisors where appropriate, will be required to confirm whether any changes are necessary to their original declaration.

The Terms of Reference of the Local Pension Board include the requirement for a Reporting Breaches Policy and Procedure setting out how potential or actual breaches of pensions law should be dealt with. It is proposed that Full Council authorises the Local Pension Board to approve such a policy and procedure in due course. Breaches of pensions law, together with action taken, would be reported to Full Council, for information, at the next available meeting.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risks associated with the proposals set out in this report.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

**Lancashire Local Pension Board
Code of Conduct and Conflict of Interests Policy for Members, Officers and
Advisors**

You are a member of the Lancashire Local Pension Board and hence you shall have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Officers are subject to the County Council's Code of Conduct for Employees and are only required to submit a completed Notification of Interests (Annex 2) where that conflict of interest is not covered in the County Council's Code of Conduct for Employees. Officers should make any declarations, such as receipt of any gift or hospitality in excess of £25, under the County Council's Code of Conduct for Employees.

Accordingly, when acting in your capacity as a member, officer or advisor:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of the Board and should be prepared to give reasons for those decisions and actions.

You must declare any disclosable financial or non-financial interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

You must always treat people with respect, including the organisations and public you engage with and those you work alongside.

You must behave in accordance with all legal obligations, alongside any requirements contained within this Board's policies, protocols and procedures, including the Conflicts of Interests Policy at Appendix A.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

You must take account of relevant advice from professional officers and advisors, taking all relevant information into consideration, remaining objective and making decisions on merit.

You should:

- Notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment;
- Disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- Notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- Not participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- Not, knowingly or recklessly, provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Failure to comply with the above would constitute a breach of the Code of Conduct. Members should be aware that in certain circumstances a serious breach of the Code of Conduct could be deemed to be a criminal offence.

The County Council's Monitoring Officer is:

The Director of Governance, Finance and Public Services
Christ Church Precinct, County Hall
Preston
Lancashire
PR1 8XJ

Tel: 01772 533386

Lancashire Local Pension Board

Conflict of Interests Policy

Introduction

This document outlines the approach for ensuring the Lancashire Local Pension Board is fully compliant with legislative requirements for identifying, monitoring and managing potential conflicts of interest so as to ensure that no actual conflicts of interest arise.

This policy applies to members of the Pension Board and to all officers and advisors supporting the operation of the Pension Board. References to Board Members also apply to advisors and, where appropriate, to officers, where an interest is not covered by the County Council's Code of Conduct for Employees.

The policy sets out the procedures to be followed and the checks and measures in operation to ensure the business of the Board and any decisions or actions taken by it are open, transparent and compliant.

Managing Potential Conflicts of Interest - Legislative Requirements on Pension Boards

Under section 5 (para 4) of the Public Service Pension Act 2013 it is a requirement for the regulations governing public sector pension schemes to include provisions ensuring Board Members do not have conflicts of interest. The Local Government Pension Scheme Regulations 2013 fulfil this requirement within Part 3 - Governance as follows:

LGPS Regulations 2013

Regulation 108: Local Pension Boards: Conflicts of Interest

- (1) Each administering authority must be satisfied that any person to be appointed as a member of a local pension board does not have a conflict of interest.
- (2) An administering authority must be satisfied from time to time that none of the members of a local pension board has a conflict of interest.
- (3) A person who is to be appointed as a member of a local pension board by an administering authority must provide that authority with such information as the authority reasonably requires for the purposes of paragraph (1).
- (4) A person who is a member of a local pension board must provide the administering authority which made the appointment with such information as that authority reasonably requires for the purposes.

Pension Regulator Code of Practice on Conflicts of Interest

The Public Service Pensions Act 2013 extended the regulatory oversight of the Pensions Regulator (tPR) to include public sector schemes and added new provisions into the Pensions Act 2004 requiring tPR to issue a code of practice on

the governance of public service pension schemes including conflicts of interest for Pension Boards.

Complying with these new requirements (Section 90A to the Pensions Act 2004) tPR issued Code of Practice no.14 (Governance and Administration of Public Service Pension Schemes) in January 2015. This Conflicts of Interest Policy has been developed having regard to the details of the code which interprets legal requirements and offers practical guidance to Administering Authorities on meeting the terms of LGPS Regulation 108 (above).

This Conflicts of Interest Policy for the Pension Board of the Lancashire County Pension Fund sets out procedures to be followed by individuals in their capacity as Board Members and as officers or advisors supporting the operation of the Lancashire Local Pension Board. In addition, individuals must also comply with all requirements placed on them by codes of conduct and other policies connected with their wider roles and responsibilities, whether as elected members, officers, salaried officials or advisors (e.g. by the County Council's Code of Conduct, and the Protocol for County Councillor/Officer Relations and their equivalents within other employer organisations).

This policy encourages the consideration of interests in their broadest sense, an approach which reinforces the expectation that Board Members, officers and advisors will maintain the highest standards of conduct in adherence with the seven principles of public life.

These principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Conflict of Interests General

The prevention of actual conflicts of interest is reliant on the effective management of potential conflicts of interest. This entails Pension Board Members (and the officers and advisors supporting them) having a clear understanding of what a potential conflict of interest is and what they must do to ensure that no actual conflict arises.

The potential for a conflict of interest exists whenever there are underlying personal interests capable of compromising an individual's ability to act with objectivity. An interest is a personal stake or a perceived obligation (to a person, group or organisation) which is likely to prejudice an individual in the course of fulfilling the responsibilities of their role. Interests can be both financial and non-financial. Financial interests include current or prospective assets or investments, plus influences from an employment, trade, profession or contract. Non-financial interests can be many and varied but will include specific memberships or affiliations which

compromise the individual's ability to think or act without bias when acting in their official capacity.

It is inevitable that Pension Board Members will have interests. Where these will potentially prejudice the exercise of functions as a member of the Pension Board by directly impacting on Board business (or will have the appearance of doing so) it is essential they are known about and managed effectively in order to protect the impartiality and standing of the Board and ensure the transparency of its operation and outcomes.

A potential conflict of interest will arise when an individual has a responsibility or duty connected to their membership of the Pension Board whilst at the same time having:

- a separate personal interest (financial or otherwise);
- a responsibility by virtue of another role or position they hold;
- a close colleague or family member with a specific responsibility or a direct interest in a particular aspect of Pension Board business.

A member of the Board does not have a financial or other interest arising merely by virtue of membership of the Local Government Pension Scheme or any connected scheme, or by membership of another local authority.

Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the County Council's Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Under this policy, the effective management of all potential conflicts of interest will be achieved through consistent compliance with 6 clear steps:

1. **identifying** interests
2. **disclosing** interests
3. **maintaining** an up to date register of interests
4. **declaring** potential conflicts
5. **managing** potential conflicts
6. **recording** and reviewing the management actions taken

Identifying Interests

The existence of any interest fundamentally incompatible with fulfilling the role and statutory responsibilities of a Pension Board Member will be identified as part of the appointment process and will ultimately prevent an individual from being appointed to the Board.

Following their appointment to the Pension Board, all Board Members are required to identify any interests held directly by themselves or by close family or contacts which have the potential to lead to a conflict of interest.

This identification of interests involves detailed reflection on the role and specific responsibilities of the Pension Board and its members which are as set out in the Terms of Reference for the Pension Board.

Examples of the most common interests and the scenarios in which they may cause a conflict to arise are included at Annex 1.

Disclosing Interests

Board Members are required to complete and submit an interim disclosure form in advance of attending their first Pension Board meeting.

Thereafter Board Members will be required to disclose all financial and non-financial interests including the receipt of any gift or hospitality (received or declined) in excess of £25 via the completion and submission of the form at Annex 2. A definition of financial and non-financial interests is set out at Annex 3.

Where no relevant interests are identified by a Board Member, they must submit a nil return to evidence that they have complied with the requirement to identify and disclose all relevant interests. Officers, in line with the County Council's Code of Conduct for Employees, are not required to submit a nil return

It is the responsibility of each Board Member to regularly consider and review their relevant interests and to submit a further disclosure form within 28 days of becoming aware of any changes to an interest previously disclosed or of any new interest not previously disclosed.

All Board Members must review their interests and submit an updated disclosure annually. For Board Members with no relevant interests this will involve the submission of a new nil return. Making an updated return on each anniversary of their appointment to the Board will assist Lancashire County Council (as the administering authority) to fulfil the requirement to be satisfied from time to time that none of the members of a local pension board has a conflict of interest.

Completed disclosure forms must be submitted to the Head of Legal and Democratic Services at the address below who will review the completeness of the disclosure form and confirm it has been signed and dated by the appropriate Board Member before the details are input onto the register.

The Head of Legal and Democratic Services
Christ Church Precinct, County Hall
Preston
Lancashire
PR1 8XJ Tel: 01772 534676

Maintaining an up to date Register of Interests

An up to date register of the interests disclosed by Pension Board Members, will be maintained by the Head of Legal and Democratic Services.

The register of interests will be held electronically with details from new declaration forms input in a timely manner.

The register will be maintained so as to provide an accurate and up to date record of all details disclosed by individual Pension Board Members, advisors and officers and the date on which their disclosures were made.

Information held in the register will form the basis of an annual review of member interests by the Pension Board.

Each review will:

- encourage a thorough reflection on relevant interests disclosed by Board Members;
- allow a comparison of the range of interests being identified by individual Board Members and support interests being universally and consistently understood;
- confirm that, during the prior period, an appropriate declaration was made on every occasion where a registered interest had (or appeared to have) the potential to impact an item of business;
- examine the effectiveness of the management approach to potential conflicts of interest;
- confirm the accuracy and completeness of record keeping in order to identify weaknesses or learning points requiring action.

A copy of the register will be available for public inspection and will be published on the County Council's website.

Declaring Potential Conflicts

Pension Board Members are personally responsible for identifying potential conflicts of interest. They must routinely review the work plan, agenda and papers of the Board in advance in order to identify any matters in which they have an interest.

Where a Board Member is aware of an interest with the potential (or appearance of having the potential) to cause a conflict they should declare this in advance of the meeting taking place by providing details to the Head of Legal and Democratic Services who will inform the Chair of the Board.

The Local Pension Board must be confident that the advice it receives from officers and advisers is independent and truly in the best interests of the Fund. For this reason officers and advisers giving advice to the Local Pension Board must declare any situation where a potential, perceived or actual conflict exists, in order that it can be appropriately managed. Declarations should be made in advance to the Head of Legal and Democratic Services who will inform the Chair of the Board.

Declaring an interest in advance provides the opportunity for adequate reflection on the most appropriate approach to managing a potential conflict, it also encourages open discussion and ensures a fully transparent approach.

All meetings of the Local Pension Board will commence with a standing agenda item which facilitates the declaration (and where necessary the disclosure and declaration) of all relevant interests.

Where it becomes apparent during the course of a meeting that an undisclosed interest held by a Board Member, officer or advisor is relevant and creates the potential (or appears to create the potential) for a conflict, this interest must be immediately drawn to the attention of the Board Chair who will determine the appropriate course of action to manage this situation.

Managing Potential Conflicts

Potential conflicts of interest will arise as a result of a variety of interests and scenarios and they fall to be managed on a case by case basis in the manner most suited to ensuring that:

- no actual conflict will arise;
- where there is the appearance of a potential conflict this is acknowledged and addressed openly;
- adequate attention is given to recording the basis for judging a declared interest to be immaterial.

The Board must determine the appropriate mechanism for managing each potential conflict. Approaches to managing potential conflicts of interest will include:

- the member for whom the potential conflict exists taking no part in discussions or voting on the matter creating the conflict;
- the member relinquishing or divesting themselves of a personal interest which is the source of a conflict of interest with their Pension Board responsibilities (where practical);
- a member considering resignation from their position if the conflict is likely to be so persistent as to limit meaningful participation in the Pension Board;
- The Scheme Manager removing the individual from the Pension Board where they consider the potential conflict is impractical to manage.

Recording the Management Approach

Details of the specific approach taken to manage potential conflicts of interest will be documented and reported upon as part of the routine business of the Board.

As an integral part of the minute taking which formally records the conduct and outcomes of Pension Board meetings, responsibility for recording and reporting on the existence of potential conflicts of interest and the management approach to

preventing an actual conflict from arising rests with the Head of Legal and Democratic Services.

Wherever a relevant interest is declared, the minutes of Board meetings will record this and give details of how the potential conflict of interest was managed to prevent an actual conflict from arising.

Compliance with the approach and procedures set out within this Conflict of Interests Policy is a requirement under the Terms of Reference for the Pension Board and the Code of Conduct for Members of the Pension Board of the Lancashire County Pension Fund.

Examples of Interests Creating Potential Conflicts

The following examples of potential conflicts of interest are provided for illustrative purposes. References to Board Members also apply to advisors and, where appropriate, to officers, where an interest is not covered by the County Council's Code of Conduct for Employees.

Circumstances where the Pension Fund invests in opportunities relating to functions undertaken by the County Council, e.g. care home provision, and where there would be a direct benefit on the County Council, would not in itself give rise to a conflict of interest.

Members of the Pension Board may be officers of the administering authority or another employer organisation within the Fund and will potentially face conflicting priorities by virtue of these two roles.

Example 1

Pension Board Members may be required to make or scrutinise a decision which will commit the Fund to injecting additional resources into improving administration and efficiency which will involve greater costs falling on employer organisations. Simultaneously, they may face pressure from their employing organisation to challenge existing budgets and to reduce expenditure on pension administration matters.

Example 2

The Local Pension Board might review a decision by the Pension Fund Committee to levy an additional charge (under the Regulations) on a group of employers whose poor performance in carrying out their statutory functions in respect of the Local Government Pension Scheme has caused the Administering Authority additional costs. Any Board Member employed by one of the affected employer organisations would need to declare their interest in order for a potential conflict to be identified and managed so as to prevent any actual conflict of interests from arising.

A Board Member might be employed by (or have some other relevant connection with) a firm providing administrative or other services to the Fund.

Example 3

Where the Board is due to discuss or monitor the performance of a supplier of administrative or other services in which a Board Member has an interest they will face a potential conflict of interests. The Board Member will need to declare their interest in order for a potential conflict to be identified and managed so as to prevent any actual conflict of interests from arising.

A Board Member may have financial or other interests which give the appearance of a conflict but which, by virtue of their nature or scale, are not ultimately material to the issue under consideration by the Board.

Example 4

A Board Member holds shares in a company that provides services to the Fund. The shares are valued at a few hundred pounds and the company's value is many tens of millions. The Pension Board is reviewing the performance of the provider and a decision to extend the value and term of the contract.

In this case the Board may consider that on grounds of materiality, no conflict of interest exists. The Local Pension Board is not responsible for the decision to award the contract and the impact of the contract extension will have no effect on the company's share price. The Board Member in question should, however, still declare their interest and the minutes of the meeting should record the decision that the Board judged the interest insufficiently material to require the member to be excluded from discussing or voting on the item of business.

Lancashire Local Pension Board

Code of Conduct for Members, Officers and Advisors

Notification of Disclosable Financial and Non-Interests

I

(insert title e.g. Mr or Mrs, and first name/surname)

as a member of Lancashire Local Pension Board have set out below the financial interests (sections 1 to 7) and the non-financial interests (sections 8 and 9) which I am required to disclose under the Code of Conduct for Board members and I have put "none" where I have no such interests under any heading

"Financial interest" means an interest which is my interest, or the interests of a close colleague or family member and I am aware that the other person has the interest. (NB. These people are referred to below as "the relevant person")

Financial Interests (see guidance notes at Annex 3)

- 1. Any employment, office, trade, profession, or vocation carried on for profit or gain:**

<i>Description of your employment</i>	<i>Details</i>

Cont.

2. Any payment or provision of any other financial benefit (other than from the County Council) made or provided within the relevant period (12 months ending with the day on which I have disclosed the interest) in respect of any expenses incurred by me in carrying out duties as a member, or towards my election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992:

<i>Name of Body or Person making payment</i>	<i>Details of payment or benefit</i>

3. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Lancashire County Pension Fund: (a) under which goods or services are to be provided or works are to be executed and (b) which has not been fully discharged:

<i>Description of Contract</i>

4. Any beneficial interest in land:

<i>Address/description of land</i>	<i>Nature of Interest in land</i>

Cont.

5. Any licence (alone or jointly with others) to occupy land for a month or longer:

<i>Address/description of land</i>	<i>Nature of Interest in land</i>

6. Any tenancy where (to my knowledge): (a) the landlord is the Lancashire County Pension Fund; and (b) the tenant is a body in which the relevant person has a beneficial interest:

<i>Address/description of land</i>	<i>Nature of Interest in land</i>

7. Any beneficial interest in securities of a body where: (a) that body (to my knowledge) has a place of business or land associated with the Lancashire County Pension Fund; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class:

<i>Name of Body</i>

Cont.

Non-Financial Interests (see guidance notes at Annex 3)

8. Any position of general control or management, or membership of any body:

<i>Name of Body</i>	<i>Details</i>

9. Any gift or hospitality received or declined which is in excess of £25 in value:

<i>Details of Gift or Hospitality received or declined including date</i>	<i>Name and Address of Donor</i>

Signed

Date

Definitions

Financial Interests

Financial interest means an interest of a description specified below which is your interest, or the interest of a close colleague or family member and you are aware that that other person has the interest.

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u>.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Lancashire County Pension Fund:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Lancashire County Pension Fund.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Lancashire County Pension Fund for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to the individual's knowledge):</p> <p>(a) the landlord is the Lancashire County Pension Fund; and</p> <p>(b) the tenant is a body in which the relevant person</p>

has a beneficial interest.

Securities

Any beneficial interest in securities of a body where:

- (a) that body (to the individual's knowledge) has a place of business or land in the area of the Lancashire County Pension Fund; and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Non-Financial Interests

Disclosable non-financial interest means an interest of a description specified below which is your interest, a close colleague or family member and you are aware that that other person has the interest.

Interest

Description

Outside Bodies

Any position of general control or management, or membership of any body, except where you have been nominated to that body by the Board or where you are an elected Member of a local authority.

Gifts and Hospitality

Any person or body from whom you have received a gift or hospitality with an estimated value above £25 (see below)

Agenda Item 6

Meeting of the Full Council Meeting to be held 22 October 2015

Report submitted by: The Director of Governance, Finance and Public Services

Part A

Electoral Division affected:
None

Finding of the Local Government Ombudsman – August 2015 (Appendix A refers)

Contact for further information:

Ian Young, 01772 533531, Director of Governance, Finance and Public Services
ian.young@lancashire.gov.uk

Executive Summary

Following a finding of fault causing injustice after an investigation by the Local Government Ombudsman, Full Council is required to consider what action should be taken.

The Cabinet Member for Children, Young People and Schools has recommended to Full Council that the actions set out in this report be notified to the Local Government Ombudsman as the action taken in response to their report.

Recommendation

Full Council is recommended to agree that the Local Government Ombudsman should be notified that the actions set out in this report have been taken in response to the report by the Local Government Ombudsman received by the authority on 5 August 2015.

Background and Advice

On the 5 August 2015 the Local Government Ombudsman published a report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix A.

The report at paragraph 83 includes three recommendations as to how the County Council could best remedy the injustice caused. The actions taken in response to these recommendations are set out below.

Within two months of the final report, the County Council should:

1. Apologise to the complainant for failing to involve the complainant in its 'child in need' assessments and for the additional time it took to consider the complaint at all three Stages of the statutory complaints procedure.

Action: A letter of apology was sent to the complainant by the Chief Executive on 13 September 2015.

2. Pay the complainant £200 for the frustration caused by not being able to contribute to the complainant's child's 'child in need' assessments.
3. Increase its offer to the complainant for the additional time and trouble spent pursuing the complaint over that allowed by the statutory complaints guidance from £250 to £300 due to the delays at Stage 3.

Action: A total payment of £500 has been made to and has been accepted by the complainant.

The report at paragraph 84 also includes five recommendations to prevent injustice to other members of the public. The actions taken in response to these recommendations are set out below.

Within three months of the final report the County Council should:

1. Ensure it involves both parents in its child in need assessments unless there are specific and recorded safeguarding reasons not to. Also, ensure it shares copies of those assessments to parents where it is safe to do so, in a timely manner, redacted where necessary.

Action: All staff have been briefed and a booklet for children, young people and families regarding the assessment process has been produced.

2. Improve its policy for homeless 16 and 17 year olds to include reference to bed and breakfast accommodation not being suitable even in an emergency. It should then ensure its children's services' staff are aware of this condition.

Action: All staff are aware and bed and breakfast will only be used in an emergency when there is nothing else is available. The County Council's Scheme of Delegation has been updated to ensure that senior managers only can approve bed and breakfast for homeless 16/17 year olds and care leavers. A review of the Homeless Protocol for 16/17 year olds is being undertaken.

3. Ensure it does not place homeless 16 and 17 year olds in bed and breakfast accommodation (including the use of unsupported hotels) even in an emergency. If the Council decides to act in breach of the statutory guidance, the decision to do so should continue to be made by the Head of Service. The Head of Service's decision, and the reasons for it, should be recorded on the child's file.

Action: Staff are aware and this will be included in the review of the Homeless Protocol for 16/17 year olds.

4. Ensure it records important decisions on the child's case file when considering providing accommodation to 16 and 17 year olds covering such areas as:
 - whether a section 20 duty arises.
 - whether it is obliged to conduct a new Initial Assessment of the child's needs now they are homeless.
 - how it has explained the implications of becoming a 'looked after child' to the young person.
 - any refusal by the young person to become a 'looked after child' and how it explained that assistance may be available to them from the housing department.
 - any contact with the Council's housing department after a young person who requires accommodation refuses to become a 'looked after child'.

Action: Staff are aware and this will be included in the refreshed guidance for staff.

5. Carry out a review of whether it is meeting its sufficiency duty regarding the provision of accommodation to its 'looked after children'.

Action: A Project Board with our housing partners to address sufficiency, scope need and develop provision to meet demand. The sufficiency element will take longer to review with our housing partners. Demand/need and current provision is being scoped over a 12 month project linked to NEET.

It is the requirement of the Local Government Act 1974 as amended, that where there is a finding of fault causing injustice, the report is laid before the Authority and within three months of receipt of the report, the authority notifies the Local Government Ombudsman of the action taken that it has taken or proposes to take.

The Cabinet Member has recommended to Full Council that the actions detailed above should be notified to the Local Government Ombudsman as the action taken in response to the report.

Consultations

N/A.

Implications:

This item has the following implications, as indicated:

Risk management

If the authority fails to comply with the legislation, the Local Government Ombudsman has power to require the authority to publish a statement detailing why they have not complied with the recommendations in the report.

Financial

Should the actions not be put in place there may be further claims payable by the County Council.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
-------	------	-------------------------

N/A.

Reason for inclusion in Part II, if appropriate

N/A.

Report by the Local Government Ombudsman

Investigation into a complaint against Lancashire County Council (reference number: 13 020 158)

5 August 2015

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Investigation into complaint number 13 020 158 against Lancashire County Council

Contents

Report summary.....	1
Introduction	3
Legal and administrative background	3
How we considered this complaint.....	7
Investigation	7
Conclusions.....	11
Decision	16
Recommendations	16

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs M – the complainant

S – the complainant’s son (he has not made a complaint to the Ombudsman)

Mr D – S’s father

The Council – Lancashire County Council

Officer A – a senior officer in the Council’s children’s services

Council X – another council, where Mrs M lives

Report summary

Children's services: child in need; care of a looked after child; and statutory complaints procedure

Mrs M complains the Council failed to involve her properly in its assessments and decisions regarding her teenage son, S. In particular she complains about a period from August 2013 to the end of December 2013 when S lived with his father, Mr D. S has behavioural, emotional and communication difficulties and is a cannabis user. Mrs M believes she could have made a valuable contribution to the Council's knowledge and understanding of her son, and his father's ability to cope with his behaviours. As a result she says the Council caused her unnecessary frustration and distress.

Mrs M says when she complained to the Council there were delays in the statutory children's services complaints procedure that caused her unnecessary distress. The Council has accepted fault and it offered Mrs M £250 for her time and trouble in pursuing her complaint but she feels this is not adequate.

During our investigation it came to our attention that S may have been caused an injustice because the Council had placed him in bed and breakfast accommodation when the statutory guidance says this is never suitable for a young person of 16 or 17.

Finding

Fault found causing injustice and recommendations made.

Recommendations

For Mrs M we recommend the Council:

- apologises to Mrs M for failing to involve her in its 'child in need assessments' and for the additional time it took to consider her complaint at all three Stages of the statutory complaints procedure.
- pays Mrs M £200 for the frustration caused by not being able to contribute to her son's 'child in need' assessments.
- increases its offer to her for the additional time and trouble she spent pursuing her complaint over that allowed by the statutory complaints guidance from £250 to £300 due to the delays at Stage 3.

To prevent injustice to others we recommend the Council:

- ensures it involves both parents in its 'child in need' assessments unless there are specific and recorded safeguarding reasons not to. Also, ensures it shares copies of those assessments to parents where it is safe to do so, in a timely manner, redacted where necessary.

- improves its policy for homeless 16 and 17 year olds to include reference to bed and breakfast accommodation not being suitable even in an emergency. It should then ensure its children's services' staff are aware of this condition.
- ensures it does not place homeless 16 and 17 year olds in bed and breakfast accommodation (including the use of unsupported hotels) even in an emergency. If the Council decides to act in breach of the statutory guidance, the decision to do so should continue to be made by the Head of Service. The Head of Service's decision, and the reasons for it, should be recorded on the child's file.
- ensures it records important decisions on the child's case file when considering providing accommodation to 16 and 17 year olds covering such areas as:
 - whether a section 20 duty arises.
 - whether it is obliged to conduct a new Initial Assessment of the child's needs now they are homeless.
 - how it has explained the implications of becoming a 'looked after child' to the young person.
 - any refusal by the young person to become a 'looked after child' and how it explained that assistance may be available to them from the housing department.
 - any contact with the Council's housing department after a young person who requires accommodation refuses to become a 'looked after child'.
- carry out a review of whether it is meeting its sufficiency duty regarding the provision of accommodation to its 'looked after children'.

The Council has accepted our recommendations.

Introduction

1. Mrs M complains the Council failed to involve her properly in its assessments and decisions regarding her teenage son, S. In particular she complains about a period from August 2013 to the end of December 2013 when S lived with his father, Mr D. S has behavioural, emotional and communication difficulties and is a cannabis user. Mrs M believes she could have made a valuable contribution to the Council's knowledge and understanding of her son, and his father's ability to cope with his behaviours. As a result she says the Council caused her unnecessary frustration and distress.
2. Mrs M says when she complained to the Council there were delays in the statutory children's services complaints procedure that caused her unnecessary distress. The Council has accepted fault and it offered Mrs M £250 for her time and trouble in pursuing her complaint but she feels this is not adequate.

Legal and administrative background

The Ombudsman's role and powers

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1))
4. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (Local Government Act 1974, section 34(3))
5. The Ombudsman cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to the Ombudsman about something a council has done. (Local Government Act 1974, sections 26B) Although some of the events occurred more than 12 months ago, Mrs M only received the Council's final response to her complaint within the last 12 months. We therefore decided to investigate matters back to August 2013.
6. The Ombudsman may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (Local Government Act 1974, section 26D). Mrs M's teenage son S has not consented for his mother to complain on his behalf either as part of her complaint to the Council or to the Ombudsman. However we have considered matters that may have affected S as part of our powers to investigate matters coming to our attention during an investigation.

The law, statutory guidance and the Council's policies

7. The Children Act 1989 defines a child as someone under the age of 18.
8. Councils must provide a range of services for children and their families where the child is assessed as being 'in need'. A child might be 'in need' because:
 - he is unlikely to achieve or maintain, or to have the opportunity to achieve or maintain, a reasonable standard of health or development without provision of services from the council;
 - his health or development is likely to be significantly impaired, or further impaired, without the provision of services from the council;
 - he has a disability.
9. Councils must assess what services a 'child in need' requires. Those assessments used to be in two stages, an Initial Assessment and then if councils required more detail, a Core Assessment. Some councils now conduct these assessments as one single 'child in need' assessment. Where safe for the child to do so, the assessment should involve speaking to the child and seeing and meeting with their parents. The assessments are completed only once the council has shared the assessment with the child and family and a team manager has approved the assessment.
10. The 'child in need' assessment should cover:
 - the child's developmental needs;
 - the capacity of parents or caregivers to respond appropriately to those needs, including their capacity to keep the child safe from harm;
 - the impact of wider family and environmental factors on the parents and child.
11. The Council's policy on 'child in need' assessments is that parents would be fully informed of the outcome in writing, unless prejudicial to the child's welfare. The Council should record in the child's assessment any reason for deciding not to share the assessment with a parent.
12. The statutory guidance for complaints about children's services is *Getting the Best from Complaints Social Care Complaints and Representations for Children, Young People and Others 2006*. The statutory children's services complaints procedure has three stages:
 - local resolution. The law says councils can take up to 10 working days, or 20 working days for more complex cases, to complete this stage.

- independent investigation by an Investigating Officer overseen by an Independent Person. The process ends when the Council's Adjudicating Officer provides their response to the Stage 2 findings. The law says councils can take 25 working days to complete this stage or 65 working days if it is a more complex investigation and it has agreed an extension with the complainant.
 - consideration by an Independent Review Panel. Councils must arrange a Review Panel within 30 working days of the request.
13. We issued a focus report in March 2015 on learning lessons from common faults in children's services complaints: *Are we getting the best from children's social care complaints?*
14. Section 20 of the Children Act 1989 says:
- councils must provide accommodation to a 'child in need' in its area:
 - if the person who has been caring for him is being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care. (20(1)(c))
 - if the child has reached the age of 16 and the authority consider the child's welfare is likely to be seriously prejudiced if they do not provide him with accommodation. (20(3))
 - before providing such accommodation the council must consider the child's wishes and feelings, in so far as is consistent with the child's welfare. (20(6))
 - providing accommodation under this duty would make a child 'looked after' but parental responsibility would remain with the child's parents.
15. Section 22C requires councils to place 'looked after children' in the most appropriate placement available.
16. Section 22G requires councils to take steps to secure, as far as reasonably practicable, sufficient accommodation within its area to meet the needs of its 'looked after children'. The statutory guidance for sufficiency of accommodation explains councils should look at accommodation suitable for those at risk of care or custody. It says councils cannot assume it is not 'reasonably practicable' to secure appropriate accommodation simply because it is difficult or because they do not have the resources to do so.
17. There is statutory guidance on the *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation 2010*. Unless there are exceptional reasons in individual cases, councils are expected to comply with this guidance. The guidance says:
- when 16 and 17 year olds appear to be homeless children's services must assess whether the young person is a child in need and whether it is under any duty (under section 20 of the Children Act 1989) to provide the young person with accommodation. If they have nowhere to stay for the night, children's services must get them suitable

accommodation which will mean the young person will become 'looked after' under section 20. As they cannot receive state benefits, children's services will have a duty to maintain the child.

- children's services must only provide young people with supported accommodation which is suitable and of high quality. The use of bed and breakfast accommodation to house 16 and 17 year olds is unsuitable even in an emergency.
- where a young person is assessed as requiring accommodation, when seeking their views the child may say they do not wish to be accommodated. Councils should only consider the young person's wishes as decisive as part of an overall judgment of their assessed welfare needs and the type and location of accommodation that will meet those needs. Where a young person decides they do not wish to be accommodated, it is important the young person's decision is properly informed and reached after careful consideration of all the relevant information. Children's services should satisfy itself whether the young person is competent to make such a decision. Councils should keep careful records.
- if the young person does not become 'looked after', children's services should ensure the young person has accurate information about what assistance may be available to them from housing services. It should assess whether it has a duty under Part 7 of the Housing Act 1996. It should explain the possible risk of becoming intentionally homeless in the future. Children's services should notify housing services of the young person's refusal to become a 'looked after child'. This would allow housing to complete their enquiries under section 184 of the Housing Act 1996 and decide whether it owes any duty under Part 7. Children's services should ensure the young person receives accurate information in a child friendly format at the start of the assessment process. It should be available for the young person to take away for full consideration and to help them seek advice.
- ultimately it is not possible to force services on young people who continue to refuse them. However councils should carefully record how they tried to engage with the young person to provide suitable services.

18. The Council's *Joint Working Protocol for Homeless 16/17 Year Olds* states:

"Children's Services will determine if the young person is homeless. If they have nowhere to sleep that night, children's services will arrange and fund emergency accommodation (as a Section 20, Child Looked After). This must involve liaison with housing services, who will assist with background information and access to appropriate local accommodation. A child in need assessment will be initiated."

19. The law defines bed and breakfast accommodation as accommodation which, whether breakfast is provided, is not self contained or which involves sharing certain amenities with another household such as shared cooking facilities. (The Homelessness (Suitability of Accommodation) (England) Order 2003)

20. We issued a focus report in October 2013 on the use of bed and breakfast accommodation by councils: *No place like home: Councils' use of unsuitable bed & breakfast accommodation for homeless families and young people.*

How we considered this complaint

21. This report has been produced following the examination of relevant files and documents and interviews with the complainant and relevant employees of the Council.
22. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

Investigation

Key events

23. Until 2013 Mrs M's teenage son, S, attended a residential school in another local authority's area (Council X) for children with emotional and behavioural difficulties. He had a Statement of Special Educational Needs (Statement) and a diagnosis of oppositional defiance disorder. S has used cannabis since the age of 13. During the weekends and school holidays S lived with Mrs M or her mother. Mrs M said S's behaviour was making it increasingly difficult for her to cope with him at home. S had made threats of violence towards Mrs M. S had been involved with the Police and the Courts.
24. S left the residential school in July 2013 at the age of 16. Mrs M said S could not come to live with her because she found his behaviour and drug taking too difficult to manage. She arranged with Council X for S to live in supported housing near to her home. However S refused to go there. S said he wanted to live with his father, Mr D. Mrs M worried Mr D had not had much involvement with S in the past. She questioned Mr D's ability to cope with S's behaviour. Mr D agreed S could live with him. Mr D lives in the Lancashire County Council area (the Council). Mrs M accepts communication between her and Mr D could be difficult.
25. After coming to live with Mr D, there was an incident when S alleged he had been assaulted by an adult. The Police and the Council investigated. The Council's children's services offered Mr D and S support but they both declined to accept it.
26. As a result of the incident the Council decided to undertake an Initial Assessment of S's needs. The result was the Council decided to conduct a more comprehensive Core Assessment. The Council spoke to Mr D and S. The Council did not interview Mrs M as part of this assessment or share a copy with her at the time. The Core Assessment said S had had a Statement. The Core Assessment did not have any information from S's former residential school.
27. Mrs M says S's behaviour and drug use became increasingly difficult for Mr D to cope with. The Council's records show it was in regular contact with Mrs M regarding her concerns about S's behaviour and Mr D's ability to cope.

28. Mrs M says when Mr D found S's behaviour difficult, Mr D would agree to S's request to drive him to her area (Council X) with money so he could buy drugs. S would then go to Mrs M's house or her mother's house and cause a nuisance and make threats. The Police were frequently called to respond to S's behaviour. Mr D told the Council S would threaten to hurt him and would damage his property if he did not agree to help S go to Council X's area to buy drugs. The Police arrested S on more than one occasion for criminal damage of his father's property and threats to harm his father. S was arrested and bailed on several occasions.
29. In November the Council completed its Core Assessment of S's needs. It acknowledged it had been completed outside the required timescale, noting it was due to a high workload. As a result of the Core Assessment the Council decided to support S with a Child in Need Plan. The Council again offered Mr D and S support services but they declined. The Council did not consult Mrs M as part of this Core Assessment and did not share a copy with her at the time. The Council has since accepted it should have had more formal communication with Mrs M and she should have received a copy of the Initial and Core Assessments at the time. She has since received copies as a result of her complaints.
30. The Child in Need Plan drawn up in November said a worker from the Council's Youth Offending Team (YOT) would regularly support S. The YOT had agreed to help children's services during periods of high workload. Officers have told us at the time children's services had a significant backlog of cases which meant it turned to its colleagues in the YOT for help with managing some of its cases.
31. The YOT worker met Mr D and S. The YOT worker is not a qualified social worker. He says after meeting S he was concerned about S's behaviour. He felt S was an aggressive and volatile young man who was capable of carrying out his threats.
32. In January 2014 S made threats against his father in the presence of the YOT worker. The Police were called and arrested S for harassing and putting the fear of violence into Mr D. S was held in police custody for two days until his Court appearance.
33. The Court gave S bail conditions not to have any contact with Mr D. It said S should live and sleep as directed by the Council. No family members were able or willing to take S. Mr D was prevented by bail conditions and Mrs M felt it was unsafe to have S living with her. The records show the YOT worker told his children's services colleagues *"he would be concerned if [S] was to be placed in B&B because of his level of violence"*. The Council's children's services decided to place S in bed and breakfast accommodation while awaiting the date of his next Court appearance.
34. Officer A, the senior children's services officer who authorised S to be placed in bed and breakfast, told us the Council had no other choice as S had refused to become a 'looked after child'. If he had agreed to be a 'looked after child' she said children's services would have placed him in a residential home or foster home regulated by Ofsted. She said the Council is not allowed to place 'looked after children' in bed and breakfast accommodation. Officer A said she felt S had continually expressed a wish to live independently if he could not live with his family. She felt he was competent to make a decision to refuse to become a 'looked after child'.

35. The Council's records do not record the Council asking S about becoming a 'looked after child', what information it had given him to make an informed decision, or his decision to not be become a 'looked after child' after this first Court appearance.
36. Officer A told us because S had refused to become a 'looked after child', she believed children's services were placing him in a bed and breakfast due to its homelessness duties. Children's services contacted the bed and breakfast accommodation and paid for S's stay there. Children's services did not tell the Council's housing services that it was not going to accommodate S under section 20 or that housing services would need to consider S's needs under the Housing Act 1996.
37. Officer A said in coming to her decision she had noted S's bad behaviour had been directed at family members. She therefore concluded there was no significant risk to the public by placing him in a bed and breakfast.
38. The Council did not carry out a new assessment of S's needs, such as an Initial Assessment. It is required to do so by the statutory guidance on homeless 16 and 17 year olds and the Council's policy.
39. The records show the Council conducted Police checks of the bed and breakfast premises. The Council's notes say a support plan was put in place for family members to support S where appropriate. There are no details in the Council's records of what this support plan entailed. While at the bed and breakfast S was visited by his paternal grandfather who told the Council S said he did not feel safe in the area. S spent five days in the bed and breakfast.
40. Officer A told us as S was not a 'looked after child' and his paternal grandfather had offered to support him, the Council felt S was supported in this accommodation. If his family had not agreed, Officer A said the Council would have provided more than bed and breakfast alone.
41. The Council visited S at the bed and breakfast two days after S was placed there. The record of the Council's visit notes S had hoped he would be moved from the bed and breakfast that day. S said he felt unsafe when leaving the bed and breakfast. However the Council explained there were no other placements available. It said it would review the situation after his next Court appearance three days later. The Council's record notes:

"The current bed and breakfast accommodation meets [S]'s immediate needs, although it is noted he needs support to rebuild family relationships to enable him to return home, or to secure independent housing in the more long term."
42. Mrs M says S told her that he was scared at the bed and breakfast. He told her he only had soup to eat and no one from the Council had visited him over the weekend. In response to Mrs M's complaint, the Council explained it felt S's period in bed and breakfast accommodation was not ideal but was temporary and it had no other alternative.

43. At S's second appearance, the Court gave S a non-custodial sentence. The bail conditions restricting S's contact with his father ended. The Council's files note that after the hearing Mr D and Mrs M told the Council they and other family members were unwilling to take in S. The Council discussed S's housing options and said the only option in the short term was for S to remain at the bed and breakfast. The Council asked S if he would like the Council to treat him as a 'looked after child' under section 20 of the Children Act 1989. S agreed to think about it overnight.
44. The next day the Council met with S and his father to go through S's housing options. S said he did not want to become a 'looked after child'. He said he would prefer to go into supported housing in Council X's area. The Council agreed to make a referral but explained there was a two to three month waiting list. Meanwhile it offered S a temporary supported accommodation scheme but he refused. The Council offered to continue to accommodate S in the bed and breakfast but again he refused. The Council's notes record Mr D said he felt compelled to take S back to live with him to prevent him having to return to the bed and breakfast accommodation. The Council's records show Mr D felt a bed and breakfast was not suitable and he felt S was vulnerable. The Council continued to treat S as a 'child in need'.
45. Mrs M says when S was allocated a new Social Worker, in January 2014, she felt more involved in the Council's decisions about S.
46. S continued to live with Mr D for three months until the placement broke down. S moved into the supported accommodation in the Council's area he had earlier refused to accept. This did not succeed and S became homeless a few months later. In the Spring of 2015 S moved into private rented accommodation with the help of Mrs M and her mother.

Mrs M's complaint to the Council

47. In October 2013 Mrs M complained to the Council about how it had managed the family's case and about its communication with her. The Council responded a week later. However as Mrs M remained dissatisfied, in November 2013 she asked the Council to progress her complaint to Stage 2. In December 2013 the Council said it wanted to try to resolve her complaint before going to Stage 2. It decided to complete another Stage 1 response as it felt the first one in October lacked enough detail. Mrs M complained the Council was trying to have 'two bites of the cherry'.
48. At the end of January 2014 children's services passed on Mrs M's request for a Stage 2 investigation. This was more than two months after she had first asked for a Stage 2 investigation. At the end of March 2014 the Council confirmed it would consider her complaint at Stage 2. The Stage 2 report completed in June 2014 noted that S had refused to engage in the complaint investigation.
49. The Stage 2 Investigating Officer (IO) said it was clear from the files that S wanted to live with Mrs M or her mother, and if not then his father, Mr D. The IO said it was difficult to imagine what other work or sanctions the Council could have applied to Mr D regarding S's drug use, especially given the threats S made against Mr D.

50. The IO found the Council could have produced a more robust Core Assessment. The IO said the Council should have arranged for a multi-agency meeting as it is required under its 'child in need' procedures. However the IO noted the success of such a meeting would have depended on S's agreement to engage and the evidence was he would not have done so. The Council apologised to Mrs M for the lack of a multi-agency meeting and accepted the completion of the Initial Assessment and Core Assessment were slightly outside the required timescales.
51. The IO upheld Mrs M's complaint about the Council's delay in agreeing to, and starting, the Stage 2 investigation. Mrs M had the right to ask for a Stage 2 and for it to be conducted without delay. Part of the delay had been caused because the Council had asked S's view about his mother's complaint. S said he did not want his mother to complain on his behalf. The IO said although it was important for the Council to consider S's views, they were not a factor in deciding whether to undertake a Stage 2 and should not have caused the delay. The IO said the delay in starting the Stage 2, of four and a half months, caused considerable uncertainty to Mrs M. The Council accepted the IO's findings and offered Mrs M £250 for the time and trouble caused by the delay in the complaints procedure. It also agreed to improve its complaints handling.
52. Mrs M remained dissatisfied and at the end of June 2014 asked for her complaint to be considered at Stage 3, an Independent Review Panel. The Review Panel hearing was held in September. The Review Panel was not held within the required 30 working days. The Review Panel explained this was because it had adjourned an earlier hearing after relevant Council officers could not attend the earlier date. The Review Panel felt the IO's report was thorough. It recommended the Council apologise to Mrs M for not being clear about what it could and could not do to support S, given that parental responsibility for S had remained with Mrs M and Mr D.

Mrs M's claimed injustice

53. Mrs M says the Council's communication with her and its complaints process was poor. She felt no one in children's services was responding to her pleas for help.
54. Mrs M believes S's behaviour worsened when he went to live with his father and she feels the Council should have explored why his behaviour changed. She feels the Council did not place enough emphasis on S having special educational needs.
55. She says her family felt terrorised by S. She wants the Council to accept it should have intervened more with Mr D's frequent abandonment of S in Council X's area.

Conclusions

The support the Council offered to S

56. The Council identified S as a 'child in need' in 2013 soon after it received the referral from the Police that S may have been harmed. The Council offered services to Mr D and S however they would not accept the support offered.

57. At various intervals over the next few months the Council repeated its offer of support to Mr D and S. This included the offer of a Family Support Worker, signposting to addiction support and to S's GP, information about when to contact the Police, and information about housing options. On the whole Mr D and S continued to refuse the support the Council offered to S as a 'child in need'. Nevertheless Mr D and S occasionally met with the YOT worker appointed to oversee S's care in November 2013.
58. Throughout the period of the complaint Mrs M and Mr D held parental responsibility for S. Case law says as young people approach 18 parental responsibility is a dwindling right. Therefore S's parents and the Council could not force S to accept the support the Council offered to him as a 'child in need'. A young person who makes bad decisions is not necessarily incompetent to make their own decisions. Therefore we find support was offered to S as a 'child in need' and there was no fault.

The Council's involvement of Mrs M in its assessments of S

59. Although the Council carried out an Initial and Core Assessment in 2013 it failed to seek Mrs M's views as part of those assessments. The Council communicated with Mrs M about her concerns about S. However that is not the same as including her in its assessments of her son's needs.
60. Mrs M believes she would have been able to contribute significantly to the Council's assessment of her son's needs and wished to comment on his father's ability to parent him, given S's challenging behaviour. We agree she would have been able to contribute to all the key areas of the assessment including:
- S's development needs including his special educational needs. The Council said it was unable to find out about any special educational needs S had as his old school had closed down. Mrs M could have given more information.
 - the parenting capacity of Mr D and Mrs M.
 - the family and other environmental factors affecting S.
61. Involving Mrs M may have led to the Council including different information in S's Core Assessment, especially about any special educational needs S had and his behaviour while attending his residential school. However at this late stage, and without S's involvement in any complaint, we cannot say with enough certainty if that would have changed the Council's approach to S or how it decided to support S as a 'child in need'. The evidence shows it was likely S would have declined any support offered.
62. The Council failed to send Mrs M copies of the assessments at the time. The Council's policy is parents are fully informed of the outcomes of assessments unless prejudicial to the child's welfare. There is no evidence it would have been prejudicial to S's welfare.

63. The failure to involve Mrs M in S's 'child in need' assessments and the subsequent failure to send her the assessments in a timely manner, would undoubtedly have caused her unnecessary frustration. It would have led her to feel uninformed and her views not respected by the Council. Therefore we find fault causing Mrs M an injustice. We are unable to conclude whether S was caused any injustice as a result of these faults.

General communication with Mrs M

64. The Council's records show it regularly spoke to Mrs M and Mr D about S. The Council received regular phone calls and texts from Mrs M regarding her concerns about S. The records show the Council regularly updated Mrs M by telephone, roughly once a week. This may not have been at the frequency Mrs M would have liked but it was open to her to speak to Mr D to ask for any updates on S. It appears the Council may have decided to treat Mr D as the main source of information about S because at that time he was providing the day to day caring role for S.
65. Mrs M complained that the Council did not update her on one occasion when S was released from police custody in Council X's area. Council X had the most up to date information and had communicated with Mr D. S was a 'child in need' but was not in the care of the Council. Therefore his parents had a role in keeping each other informed about what was happening to S. If Mrs M and Mr D had felt better able to communicate with each other this may have allowed for greater updates without the need to involve children's services.
66. Therefore on the issue of general communication with Mrs M we find no fault.

The Council's use of bed and breakfast to accommodate S

67. During our investigation it became apparent that S may have suffered an injustice as a result of fault by the Council when it placed him in bed and breakfast accommodation. Therefore, although S was not party to his mother's complaint to the Ombudsman, we decided to use our powers to investigate matters coming to our attention relating to his time in bed and breakfast accommodation.
68. In January 2014 the Court ordered S to live and sleep as directed by the Council until the next Court appearance five days later. The Court determined that S could not return to his father's home. Mrs M would not allow S to live with her. We conclude that under the duties owed under section 20 of the Children Act 1989, because the person caring for him was prevented from providing him with suitable accommodation or care, S needed the Council to provide him with accommodation. However there is no record on S's file showing the Council realised it was now under such a duty to provide S with accommodation under section 20. As S was homeless the Council was also required, by the statutory guidance on homeless 16 and 17 year olds and its own policy, to conduct a new 'child in need' assessment. It did not do so and that was fault.

69. The Council says S had refused to become a 'looked after child'. However its records do not show the Council asking S this when the Court ordered him to live as directed by the Council. The records also do not show it asked S about becoming a 'looked after child' in the previous five months it had been in contact with S. Therefore there is no evidence S had at that stage refused to become a 'looked after child'.
70. After speaking to relevant officers, it is clear that in January 2014 the Council thought by placing S in a bed and breakfast it was not treating him as a 'looked after child' but acting under its housing obligations to homeless people. The Council says if S was a 'looked after child' it would not have been allowed to place S in a bed and breakfast. This may have been the Council officers' intention, however the evidence points to S being placed there as a 'looked after child' as:
- it appears a section 20 duty was owed.
 - there is no evidence S refused to be a 'looked after child' at the time of his first Court appearance in January 2014.
 - the Court's bail conditions had in effect made S homeless. Case law says the duties under section 20 of the Children Act take precedence over the duties in the Housing Act 1996.
 - children's services, not housing, took the decision to place S in bed and breakfast and children's services arranged and paid for the accommodation.
71. The Council was not permitted to place S in a bed and breakfast as either a 'looked after child' or as a homeless 16 to 17 year old. Placing S in bed and breakfast, even in an emergency, is a breach of the statutory guidance. This is a significant fault concerning a vulnerable young person.
72. The Council's records indicate it did not take the decision to place him in bed and breakfast as seriously as would be suggested when breaching the statutory guidance. This is probably because it had not realised it was acting with fault. Its officers only visited him once, two days after he had been placed there. It did not see him again until after the Court hearing three days later. This would not be permitted if it had recognised it had placed him there as a 'looked after child'.
73. The Council says while S stayed at the bed and breakfast there was a support plan in place for his family (paternal grandparent) to support him including the provision of meals. However, there is no record of the details of any support plan on the Council's file. Therefore we are unable to see what was agreed and what his family understood the Council would provide, or what the Council expected the family to provide.

74. Mrs M alleges that apart from breakfast S only had soup to eat. When Council officers visited S two days into his stay at the bed and breakfast the records show an officer purchased food for S to last until his next Court appearance. The records also show that the Council advised S's grandfather should give S money for provisions. If the Council had recognised S was a 'looked after child' the Council would have provided all his meals and other daily support.
75. The possible options for accommodating S as a 'looked after child' could have been: a foster carer with specialist training in older children involved in offending behaviour; children's home; or other supported accommodation. There is no evidence the Council considered any alternative to placing S in a bed and breakfast. A failure to do so may be an error of judgement but also may bring into question whether the Council is meeting its obligation to ensure it has sufficient appropriate accommodation. (Section 22G of the Children Act 1989)
76. S was a vulnerable teenage boy with a drug problem. The notes show the Council felt the bed and breakfast would 'meet his needs' without any reference to the statutory guidance which says bed and breakfast is not suitable, even in an emergency. Bed and breakfast accommodation leaves young people accommodated alongside adults. Therefore as the statutory guidance says bed and breakfast is not suitable we can conclude S was likely to have suffered an injustice. In addition, the Council's protocol on homeless 16 and 17 year olds fails to make clear that bed and breakfast accommodation should never be used even in an emergency. This is fault. However as S has not asked to be party to this complaint by his mother, we cannot suggest a suitable remedy for any injustice suffered by S because of this significant fault. Nevertheless we will recommend the Council takes action to prevent a recurrence in the future when dealing with other 16 and 17 year olds who require accommodation.
77. When the Court removed the bail conditions five days later, the Council asked S if he would like to be accommodated under section 20 but S refused. This is the only record of the Council asking him about becoming a 'looked after child'. It is our view that S had already been a 'looked after child' for the previous five days. The Council took S's views that he did not want to be a 'looked after child' to be decisive. The statutory guidance says it is important that the young person's decision is properly informed and reached after careful consideration of all the relevant information. The statutory guidance says children's services should also be satisfied the young person is competent to make such a decision. The statutory guidance says councils should take careful records of what it explained to the young person and their refusal and it should provide child friendly advice for the young person to take away to consider. The Council has not recorded what information it gave to S about becoming a 'looked after child' or how it balanced S's views with his competency to make such a decision, his needs and the problems he was causing both of his parents. That was fault.
78. The Council says that since January 2014 all placements of young people into bed and breakfast or hotel accommodation have to be approved by the Head of Service. The Council says it no longer uses bed and breakfast accommodation to house young people and would instead use hotels.

79. Government guidance states bed and breakfast establishments typically involve the use of privately managed hotels. Bed and breakfast means accommodation which is not separate and where households share at least some basic facilities. (The Homelessness (Suitability of Accommodation) (England) Order 2003) Hotels can only be used when they have been specially commissioned to provide high quality supported temporary accommodation to young people. Therefore a hotel is still classed as bed and breakfast accommodation if it has shared facilities and it is not registered as supported housing. The hotels the Council uses are normal hotels in which members of the general public may book a room. They are not registered as supported temporary accommodation to young people. As a result the Council's current decision to use hotels to accommodate 16 and 17 year old young homeless people would also be in breach of the statutory guidance. That is fault.

Complaint handling

80. For the additional time and trouble spent pursuing a complaint, over and above that set down in the complaints procedure, we usually recommend anything from an apology to a few hundred pounds. Our recommendations are not based on the cost of making a complaint but are an acknowledgement of any frustration caused by delay. We recognise Mrs M found it frustrating when the Council continually delayed in starting the Stage 2 investigation. We agree with the Stage 2 Investigating Officer, the statutory guidance says the Council had to start the investigation without delay once Mrs M requested it. The Council failed to do so and that delay was fault. The amount the Council has offered for the delays in the Stage 2 process is in line with our guidance on remedies.
81. Mrs M suffered additional time and trouble when the Stage 3 was delayed by a month. This was not as a result of any action or inaction on her part but because of the inability to get Council officers to a meeting in August. It was outside timescales set out in the statutory guidance. This additional fault would have caused Mrs M additional time, trouble and frustration that the Council has yet to remedy.

Decision

82. We have completed our investigation into this complaint. There was fault causing injustice to Mrs M and others. The Council should take the action identified in paragraphs 83 to 85 to remedy that injustice to Mrs M and others and to improve its practices in the future.

Recommendations

83. To remedy the injustice caused to Mrs M by the faults identified above, we recommend within two months of our final report the Council should:
- apologise to Mrs M for failing to involve her in its 'child in need' assessments and for the additional time it took to consider her complaint at all three Stages of the statutory complaints procedure.

- pay Mrs M £200 for the frustration caused by not being able to contribute to her son's 'child in need' assessments.
- increase its offer to her for the additional time and trouble she spent pursuing her complaint over that allowed by the statutory complaints guidance from £250 to £300 due to the delays at Stage 3.

84. To prevent injustice to other members of the public, we recommend within three months of our final report the Council should:

- ensure it involves both parents in its child in need assessments unless there are specific and recorded safeguarding reasons not to. Also, ensure it shares copies of those assessments to parents where it is safe to do so, in a timely manner, redacted where necessary.
- improve its policy for homeless 16 and 17 year olds to include reference to bed and breakfast accommodation not being suitable even in an emergency. It should then ensure its children's services' staff are aware of this condition.
- ensure it does not place homeless 16 and 17 year olds in bed and breakfast accommodation (including the use of unsupported hotels) even in an emergency. If the Council decides to act in breach of the statutory guidance, the decision to do so should continue to be made by the Head of Service. The Head of Service's decision, and the reasons for it, should be recorded on the child's file.
- ensure it records important decisions on the child's case file when considering providing accommodation to 16 and 17 year olds covering such areas as:
 - whether a section 20 duty arises.
 - whether it is obliged to conduct a new Initial Assessment of the child's needs now they are homeless.
 - how it has explained the implications of becoming a 'looked after child' to the young person.
 - any refusal by the young person to become a 'looked after child' and how it explained that assistance may be available to them from the housing department.
 - any contact with the Council's housing department after a young person who requires accommodation refuses to become a 'looked after child'.
- carry out a review of whether it is meeting its sufficiency duty regarding the provision of accommodation to its 'looked after children'.

85. The Council should report back to us on our recommendations within three months of our final decision. If there are any outstanding matters it should report to us monthly until all the actions are completed.
86. The Council has accepted our recommendations. It is consulting on a revised version of its homeless protocol for 16 and 17 year olds and its sufficiency strategy. It is also revising its guidance for staff. It expects to complete this work by September 2015.

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None

Police and Crime Panel for Lancashire

Contact for further information:
Josh Mynott, 01772 534580, Democratic Services Manager,
Josh.mynott@lancashire.gov.uk

Executive Summary

Proposed change to the County Council's representative to serve on the Police and Crime Panel for Lancashire.

Recommendation

Full Council is asked to approve the appointment of County Councillor Julie Gibson to replace County Councillor Jennifer Mein as the County Council's representative to serve on the Police and Crime Panel for Lancashire until the Annual Meeting of the Full Council in 2016.

Background and Advice

At its Annual Meeting on 21 May 2015 the Full Council approved the appointment of County Councillor Jennifer Mein as the County Council's representative on the Police and Crime Panel for Lancashire.

The Labour Group has now requested that County Councillor Mein be replaced on the Police and Crime Panel for Lancashire by the appointment of County Councillor Julie Gibson, Lead Member for Community Safety, and the Full Council is asked to approve this appointment.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

The requirement for an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council Meeting to be held on 22 October 2015

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None

Non-Attendance of County Council Member

Contact for further information:
Chris Mather, 01772 5-33559, Democratic Services Manager,
Chris.mather@lancashire.gov.uk

Executive Summary

This report asks the Full Council to consider the non-attendance of County Councillor Mark Perks at meetings of the Council and Committees.

Recommendation

The Full Council is asked to consider approving the non-attendance of County Councillor Mark Perks at meetings of the Council and Committees for reasons of ill-health, for the purposes of Section 85 of the Local Government Act, 1972, until 26 May 2016.

Background and Advice

Under Section 85 of the Local Government Act, 1972, if a Member of a Local Authority fails, throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the Authority he/she shall cease to be a Member of the Authority unless the reasons for non-attendance are approved by the Authority before the expiry of the six month period.

Due to ill health County Councillor Mark Perks last attended a meeting on the 21 May 2015 and the six months will, therefore, expire on 21 November which is prior to the next meeting of Full Council. It is unlikely that Councillor Perks will be able to attend meetings for some time yet and the Full Council is, therefore, asked to consider approving the non-attendance of County Councillor Perks for the purposes of Section 85 of the Local Government Act, 1972, on medical grounds until 26 May 2016.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Without the approval of the Full Council to the reason for non-attendance, County Councillor Perks would cease to be a Member of the Authority.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council Meeting to be held on 22 October 2015

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
All

Lancashire County Council Timetable of Meetings 2016/17 (Appendix A refers)

Contact for further information:
Chris Mather, 01772 533559, Democratic Services manager
Chris.mather@lancashire.gov.uk

Executive Summary

This report sets out a draft timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2016 to 31 May 2017.

Recommendation

The Full Council is asked to approve the timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2016 to 31 May 2017 inclusive.

Background and Advice

Attached at Appendix A is a draft timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2016 to 31 May 2017 inclusive.

The next County Council elections will take place on 4 May 2017. The Full Council will note that the draft timetable, which has been prepared with the elections in mind, proposes that the Council's Annual General Meeting will be held on 25 May 2017.

The timetable has also been prepared taking into account:

- The County Council's existing governance and decision making arrangements
- School holiday closures
- Conferences e.g. annual political party, national local government events (where dates are confirmed)
- Major religious holidays
- District Council budget meeting dates (where dates are confirmed)

Once agreed the timetable of meetings will be circulated widely around the county council and to all 12 Lancashire district councils for information.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper

N/A

Reason for inclusion in Part II, if appropriate

N/A

Lancashire County Council Timetable of Meetings 2016/17

Appendix A

		JUN '16	JUL '16	AUG '16	SEP '16	OCT '16	NOV '16	DEC '16	JAN '17	FEB '17	MAR '17	APR '17	MAY '17
Audit and Governance Committee (w)	2.00 pm Monday	27			26				30			3	
Cabinet (w)	2.00 pm Thursday	9	14		8	6	10	8	5 [^] 19	2 [^]	9	6	
Cabinet Committee on Performance Improvement	2.00 pm Monday	6	25		12			5			20	*19	
Corporate Complaints Committee #	10.00 am Monday	20	18		19	17	14		23	27	27		
Development Control Committee (w)	10.00 am Wednesday		13		7	19		7	18		1	12	
Education Scrutiny Committee (w)	10.00 am Tuesday		19				29				28		
Executive Scrutiny Committee (w)	2.00 pm Tuesday	7	12		6	4	8	6	3 [^] 17 31 [^]		7	4	
Full Council (w)	1.30 pm Thursday		21			13		15		9 (B) 23			25(AGM)
Health Scrutiny Committee (w)	10.30 am Tuesday	14	26		20	18	22		10	28		11	
Lancashire Health and Wellbeing Board	Various	13			2	24		13		7		7	
Pension Fund Committee	10.00 am Friday	10			*15			2			31		
Regulatory Committee (w)	10.30 am Wednesday	8	27		28		16		18		15		
Scrutiny Committee (w)	10.00am Friday	17	22		16	14	18	16	13	10	17	*13	
Student Support Appeals Committee #	10.00 am Monday	6	25		5	3	7	12	16		6	10	

^ = Provisional meeting

B = Budget

= Meeting not open to press and public

* = Change of day

AGM = Annual General Meeting

(w) = Meeting is webcast

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None

Report of the Cabinet
(Appendix A refers)

Contact for further information:
Josh Mynott, (01772) 534580, Democratic Services Manager,
Josh.mynott@lancashire.gov.uk

Executive Summary

The report of Cabinet from its meeting on 12 August 2015 and 8 October 2015.

Recommendation

That the report of the Cabinet as now presented be noted.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
Agenda and minutes of Cabinet	12 August 2015 and 8 October 2015	Josh Mynott, 01772 534580

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council 22 October 2015

Report of the Cabinet meetings held on 12 August 2015 and 8 October 2015

The agenda and minutes of the meetings may be viewed on the County Council's website at the following link:

<http://council.lancashire.gov.uk/mgCommitteeDetails.aspx?ID=122>

Corporate Strategy Consultation

Cabinet received a report the development of a new Corporate Strategy and the consultation arrangements.

Cabinet resolved that the consultation arrangements set out in the report be agreed, with the addition of the following bodies to the list of consultees:

- Lancashire Association of Local Councils (LALC)
- Society of Local Council Clerks
- MEPs
- NHS Hospital Trusts
- HE/FE establishments

Money Matters 2015/16 Financial Position and revised Medium Term Financial Strategy

Cabinet received a report setting out the Financial Position as at 30 June 2015; the latest position in respect of the County Council's reserves; and the County Council's updated financial outlook and Medium Term Financial Strategy for the period 2016/17 to 2020/21.

Cabinet resolved that:

- i. the forecast overspend of £33.251m on the revenue budget in 2015/16 and ongoing pressure of £45.646m be noted.
- ii. the position in respect of the Council's reserves be noted and the transfers outlined in the report be agreed.
- iii. the revised funding gap of £223.200m as set out in the revised financial outlook forecast for the Council be noted.

Base Budget Review

Cabinet received a report proposing that the council undertake a zero base budget review to inform the council's future budget process, and setting out the approach to the budget review.

Cabinet resolved that:

- i. the approach and timetable for the proposed Base Budget Review set out in the report be noted.

- ii. a procurement exercise be undertaken to put in place a Consultancy Framework to support the activities set out in the report.

Redundancy Payments Scheme and Trade Union Consultation

Reported elsewhere on the agenda.

Lancashire Safeguarding Children Board Annual Report 2014/15

Cabinet received a report presenting the Annual Report of the LSCB for 2014/15.

Cabinet resolved that:

- i. The annual report of the LSCB be noted.
- ii. A report on hospital admissions for self harm and alcohol specific conditions for Lancashire Looked After Children be considered at a future meeting of the Cabinet Committee on Performance Improvement.

Lancashire Safeguarding Adult Board Annual Report 2014/15

Cabinet received a report presenting the Annual Report of the LSAB for 2014/15.

Cabinet resolved that the report be noted.

Contribution to the Lancashire Environmental Fund

Cabinet received a report seeking approval for the continuation of an annual contribution of £80,000 to be made to the Lancashire Environmental Fund.

Cabinet resolved to approve the continuation of the annual contribution to the Lancashire Environmental Fund capped at £80,000 per year by increasing the value of the Capital Programme in 2015/16 and for provision for this contribution in future years' capital programmes.

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
All

Report of Urgent Key Decisions

Contact for further information:
Janet Nuttall, (01772) 533110, Executive Support Officer
Janet.nuttall@lancashire.gov.uk

Executive Summary

Urgent key decisions taken by the Leader of the County Council and the Cabinet Member for Highways and Transport during the preceding three months.

Recommendation

That the urgent key decisions, as now presented, be noted.

It is a requirement of Standing Order 28 that any urgent key decisions taken must be reported to the Full Council for information on a quarterly basis. The following urgent key decisions have been taken by the Leader of the County Council and the Cabinet Member for Highways and Transport.

1) Urgent key decision taken by the Leader of the County Council

The following decision was taken on 11 September 2015:

Award of Contract for the Supply of Electricity for Half Hourly Sites (over 100kW)

The Leader of the County Council approved the recommendations as set out in the full report.

This decision was implemented immediately for the purposes of Standing Order 34(3) as any delay could adversely affect the execution of the County Council's responsibilities.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2) Urgent key decisions taken by the Cabinet Member for Highways and Transport

The following decisions were taken on 14 September 2015:

Award of Surface Carriageway Planning Contract

The Cabinet Member for Highways and Transport approved the recommendation as set out in the full report.

This decision was implemented immediately for the purposes of Standing Order 34(3) as any delay could adversely affect the execution of the County Council's responsibilities.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Award of Traffic Management Contracts

The Cabinet Member for Highways and Transport approved the recommendation as set out in the full report.

This decision was implemented immediately for the purposes of Standing Order 34(3) as any delay could adversely affect the execution of the County Council's responsibilities.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
Report to the Leader of the County Council	11 September 2015	Jane Johnson, Legal and Democratic Services (01772) 534234
Report to the Cabinet Member for Highways and Transport	14 September 2015	Jane Johnson, Legal and Democratic Services (01772) 534234
Report to the Cabinet Member for Highways and Transport	14 September 2015	Jane Johnson, Legal and Democratic Services (01772) 534234

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council Meeting to be held on 22 October 2015

Report submitted by: The Chief Executive

Part B

Electoral Division affected:
None

The Overview and Scrutiny Committees

(Annexes 1 and 2 refer)

Contact for further information:

Janet Mulligan, 01772 533361, Office of the Chief Executive

Janet.mulligan@lancashire.gov.uk

Executive Summary

The most recent cycle of meetings of the Overview and Scrutiny Committees took place in the period July - October 2015.

The reports of the committees are attached as Annexes 1 and 2 as follows:

Annex 1 - Scrutiny Committee

Annex 2 - Health Scrutiny Committee

There have been no meetings of the Education Scrutiny Committee since the last report to Full Council.

Copies of the agenda and reports considered by the committee, together with minutes of the relevant meeting may be viewed on the County Council's web site at the following link:

<http://council.lancashire.gov.uk/mgListCommittees.aspx#scrutiny?bcr=1>

Officers specified in each report can also be contacted for further information.

The Executive Scrutiny Committee met on 12 August, 8 September and 6 October 2015 to consider all reports considered by Cabinet and Key Decisions by individual cabinet members.

Recommendation

That the report of the Overview and Scrutiny Committee, as now presented, be noted.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Background Papers	Background Papers	Background Papers
Agenda and minutes: Scrutiny Committee	17 July 2015 18 September 2015	Janet Mulligan/Office of the Chief Executive/33361
Health Scrutiny Committee	15 July 2015 1 September 2015	
Education Scrutiny Committee	N/A	
Executive Scrutiny Committee	12 August 2015 8 September 2015 6 October 2015	

Reason for inclusion in Part II, if appropriate

N/A

Paper	Date	Contact/Tel
insert details	insert date	insert details

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council – 22 October 2015

Report on the Scrutiny Committee Meetings held on 17 July and 18 September 2015

Chair: County Councillor Bill Winlow

The agenda and minutes of the meetings may be viewed on the County Council's web site at the following link:

<http://council.lancashire.gov.uk/ieListMeetings.aspx?Committeeld=120>

17 July 2015

Lancashire Safeguarding Children Board Update

The Committee considered a report from Lancashire Safeguarding Children Board following a request in December 2014 for an update to be provided to the Committee. The update outlined additional information around a number of key safeguarding activities which had been referred to in December 2014.

It was agreed that the Committee would receive a further report from the LSCB during the autumn to include the LSCB Annual Report, a summary of service inspections, Multi-Agency Safeguarding Hub (MASH) diagnostic and a summary of two recent serious case reviews.

Work Plan and Task Group Update

A report was presented summarising the work to be undertaken by the Committee in the coming months, including an update on task group work.

18 September 2015

Lancashire Enterprise Partnership Update

The Committee received an update on the Lancashire Enterprise Partnership (LEP).

Learning Disabilities - Challenges and Opportunities Report

The Committee received a report on Learning Disabilities which highlighted some of the key challenges, risks and opportunities in improving outcomes for people with learning disabilities while at the same time delivering savings to ensure the sustainability and affordability of services.

The report included information about the Pan-Lancashire 'Fast Track' arrangements to transform care for a particular cohort of individuals with learning disabilities, and changes in the pipeline for Calderstones hospital.

Work Plan and Task Group Update

A report was presented summarising the work to be undertaken by the Committee in the coming months, including an update on task group work.

Meeting of the Full Council – 22 October 2015

Report on the Health Scrutiny Committee meetings on 15 July and 1 September 2015

Chair: County Councillor Steven Holgate

The agenda and minutes of the meetings may be viewed on the County Council's web site via the following link:

<http://council.lancashire.gov.uk/mgCommitteeDetails.aspx?ID=182>

15 July 2015

Falls in Care Homes

The report explained that, at the June meeting of this Committee members had met with North West Ambulance Service (NWAS) who had highlighted that ambulances were sometimes requested by residential care homes to pick up someone who had fallen and put them back in bed.

The report now presented provided members with:

- An overview of the assistance that Lancashire County Council (LCC) and partners provide to private residential homes regarding training, advice and guidance on falls
- Evidence that LCC are working with NWAS and other partners to reduce the number of falls in care homes
- The policies that homes should have in place to deal with falls
- Assurance that LCC care home staff are fully trained in dealing with falls

Following a lengthy discussion it was agreed that:

- i. The Cabinet Member for Adult and Community Services be asked to ensure the establishment of a county wide working group to address falls prevention, with a specific focus on developing data sharing protocols, best practice and the total cost to the whole health and social care economy of falls;
- ii. The Clinical Commissioning Groups (CCGs) be asked to provide the Committee with feedback and evaluation on their commissioned services relating to falls prevention and support;
- iii. The Committee be provided with information on the Lancashire Healthy Homes assessment and data relating to complaints regarding falls;
- iv. District based data on the CCG commissioned services relating to falls prevention and support be provided to the Committee via the Scrutiny Officer; and
- v. The CQC be asked for clarification on safe staffing levels in all residential and nursing homes in particular at night and in relation to managing falls.

Report of the Health Scrutiny Committee Steering Group

It was reported that on 11 May the Steering Group had met to finalise the work plan and discuss a range of current and outstanding issues. A summary of the meeting was at Appendix A to the report presented.

Work Plan

A draft work plan for both the Health Scrutiny Committee and its Steering Group, including current Task Group reviews was presented and discussed.

1 September 2015

Joint Working - fragmented commissioning amongst partners

The report explained the concerns about fragmented commissioning and delivery of services exist at both a national and local level. It provided members with:

- An overview of commissioning responsibilities for health and social care.
- An overview of the Governance arrangements in Lancashire.
- Examples of activity intended to help determine future commissioning priorities.

It was agreed that:

- i. Officers be invited back to the November meeting of the Committee once the funding situation was a little clearer to continue the discussion on what the priorities would be.
- ii. Healthier Lancashire be invited to deliver a Bite Size Briefing

Report of the Health Scrutiny Committee Steering Group

It was reported that on 22 June the Steering Group had met to with the Care Quality Commission to discuss the process for inspections of Acute Trusts. A summary of the meeting was at Appendix A to the report presented.

On 13 July the Steering Group had met with Lancashire Teaching Hospitals Trust regarding the review of their clinical services strategy and the current financial position following an inspection by Monitor. A summary of the meeting was at Appendix B to the report presented.

Work Plan

A draft work plan for both the Health Scrutiny Committee and its Steering Group, including current Task Group reviews was presented.

There was a discussion on potential different ways to address scrutiny topics and it was agreed that a range of options for how health scrutiny could be delivered in the future be produced for consideration by the Committee.

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: The Chief Executive

Electoral Division affected: All

Report of the Audit and Governance Committee
(Annex 1 refers)

Contact for further information:
Chris Mather, 01772 533559, Democratic Services manager
chris.mather@lancashire.gov.uk

Executive Summary

The report of the Audit and Governance Committee from its meeting held on 28 September 2015 is attached at Annex 1.

Copies of the agenda reports considered by the committee are available to view via the following link:

<http://council.lancashire.gov.uk/ieListMeetings.aspx?Committeeld=728>

Councillors can also contact the officers specified in each report for further information about each item.

Recommendation

The Full Council is asked to note the report of the Audit and Governance Committee, as now presented.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Ext
Agenda & Minutes of the Audit and Governance Committee	28 September 2015	Chris Mather Legal and Democratic Services, Tel: 01772 533559

Report of the Audit and Governance Committee - Matters for Information

The following matters were considered by the Audit and Governance Committee at its meeting on 28 September 2015:

Part I (Open to Press and Public)

1. Update on Treasury Management Activity

The Committee received an update on the County Council's treasury management activities during the current financial year to the end of July 2015.

Decision Taken

The Committee noted the review of treasury management activities for the period 1 April to 31 July 2015.

2. Updated Annual Governance Statement

The Committee received an update in relation to the Annual Governance Statement. The report identified a number of key issues and themes that had emerged during 2014/15 and which would continue to feature in 2015/16. The report also provided the Committee with an update in relation to those issues which were also relevant to the External Auditor's Value for Money (VfM) conclusion contained within the Audit Findings Report elsewhere on the agenda.

Decision Taken

The Committee:

- (i) Noted the report, including the proposals in relation to the approval of a revised Internal Audit Plan for the remainder of 2015/16 and the Internal Audit Plan for 2016/17.
- (ii) Expressed concern about the possibility of the Internal Audit Service not being able to carry out and fulfil its functions due to the Council's budgetary constraints.
- (iii) Noted the proposed training session for members of the Committee on 25 January 2016.

3. Approval of the County Council's and County Pension Fund's Letter of Representation 2014/15

The Committee considered a report on the County Council's Management Representation Letter and that for the Lancashire County Pension Fund.

The Committee was informed that the Management Representation Letters should be made available to the external auditors (as part of the audit evidence) before the audit report was issued.

Decision Taken

The Committee approved the management representation letters, as set out at Appendices 'A' and 'B', to the report presented.

4. Approval of the County Council's Statement of Accounts 2014/15

The Committee received the County Council's Statement of Accounts for 2014/15. A summary of the preparation process and the main points of the Statement of Accounts was presented.

Decision Taken

The Committee approved the County Council's Statement of Accounts for 2014/15 and agreed that the Statement be signed by the Chair of the Committee.

5. External Audit - Lancashire County Council - Audit Findings Report 2014/15

The Committee considered a report on the overall audit findings in relation to the accounts for Lancashire County Council, the proposed opinion on those accounts and the Value for Money conclusion.

Decision Taken

The Committee noted:

- (i) the external audit findings report covering the audit of the County Council for year ended 31 March 2015.
- (ii) the adjustments to the financial statements and other issues raised by the external auditor, as set out in the report presented.

6. Approval of the Lancashire County Pension Fund's Statement of Accounts 2014/15

The Committee received the Lancashire County Pension Fund's Statement of Accounts for 2014/15.

Decision Taken

The Committee approved the Lancashire County Pension Fund's Statement of Accounts for 2014/15 and agreed that the Statement be signed by the Chair of the Committee.

7. External Audit - Lancashire County Pension Fund Audit Findings Report 2014/15

The Committee considered a report on the audit findings in relation to the accounts of the Lancashire County Pension Fund.

Decision Taken

The Committee noted:

- (i) The external audit findings report covering the audit of the Lancashire County Pension Fund for year ended 31 March 2015.
- (ii) The adjustments to the financial statements and other issues raised by the external auditor, as set out in the report presented.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

**Meeting of the Full Council
Meeting to be held on 22 October 2015**

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None

Report of the Pension Fund Committee

(Annex 1 refers)

Contact for further information:

Dave Gorman, (01772) 534261, Legal and Democratic Services,
dave.gorman@lancashire.gov.uk

Executive Summary

The Report of the Pension Fund Committee from its meeting on 30 September 2015 is attached at Annex 1.

Copies of the agenda and reports considered by the Committee are available on the County Council's website at the following link:

<http://council.lancashire.gov.uk/ieListMeetings.aspx?Committeeld=183>

Members can also contact the officers specified in each report for further information about each item.

Recommendation

That the report of the Pension Fund Committee, now presented, be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
Agenda and Minutes of the Pension Fund Committee	30 September 2015	Dave Gorman/(01772) 534261

Reason for inclusion in Part II, if appropriate

N/A

Report of the Pension Fund Committee - Matters for Information

The following matters were considered by the Pension Fund Committee at its meeting on 30 September 2015.

Announcements

The Committee was informed of a number of recent awards to the Lancashire County Pension Fund.

Decision taken:

That the Pension Fund be congratulated on the awards.

Part II

1. Fund Performance Report

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Committee considered a report on the performance of the Fund as at 30 June 2015.

Decision taken:

- (i) That the report, now presented, be noted;
- (ii) That the new format of the report, now presented, be welcomed;
- (iii) That a briefing session on fund performance be arranged for a future date.

2. Investment Panel Report

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Committee received a report from the Investment Panel setting out the work of the Panel since the last meeting of the Committee.

Decision taken:

That the report, now presented, be noted.

3. Progress in Developing the Lancashire and London Pensions Partnership

(Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Committee considered a report setting out progress on the development of the Lancashire and London Pensions Partnership following the Committee's agreement in principle, following its meeting on 2 July 2015, to continue to develop proposals for the creation of an Asset and Liability Management Partnership with the London Pensions Fund Authority (LPFA).

Decision taken:

- (i) That the report, now presented, be noted;
- (ii) That Members of the Project Advisory Working Party and Officers be thanked for the work undertaken to date to progress the proposals.

Part I

4. Initial Approach to the 2016 Actuarial Valuation

The Committee considered a report setting out proposals for an initial approach to the 2016 Actuarial Valuation.

Decision taken:

That the Fund's initial position in relation to the 2016 valuation set out at Appendix 'A' to the report, now presented, be approved as the basis for consultation and engagement with fund employers.

5. Lancashire County Pension Fund - Report on Administering Authority Discretions

The Committee considered a report setting out proposals for five key areas of discretion following a review of existing policies and discretions, prompted by changes to pension legislation.

Decision taken:

- (i) That the recommendations set out at Appendices 'A', 'B', 'C', 'D' and 'E' of the report now presented, be approved;
- (ii) That the recommendations form the basis of a consultation exercise with fund employers and the Lancashire Local Pension Board prior to formal policy adoption by the Committee at a future meeting.

6. Annual Report and Statement of Accounts of Lancashire County Pension Fund for the year ended 31 March 2015

The Committee considered a report setting out the Lancashire County Pension Fund Annual Report and Statement of Accounts for the year ended 31 March 2015. The report can be viewed [here](#).

Decision taken:

- (i) That the Lancashire County Pension Fund Annual Report and Statement of Accounts for the year ended 31 March 2015 as set out at Appendix 'A' to the report, now presented, be welcomed and approved;
- (ii) That the submission of the report to the meeting of Full Council on 22 October 2015 be noted.

7. External Audit - Lancashire County Pension Fund Audit Findings Report 2014/15

The Committee considered a report setting out the findings of the external auditor following the audit of the Pension Fund accounts for 2014/15. The report was also considered by the County Council's Audit and Governance Committee on 28 September 2015.

Decision taken:

- (i) That the report of the external auditor following the audit of the Lancashire County Pension Fund Accounts for 2014/15, now presented, be welcomed and noted;
- (ii) That the Pension Fund be congratulated on the findings of the external auditor.

8. Lancashire County Pension Fund Risk Register

The Committee considered a report setting out the Pension Fund's Risk Register following a previous review undertaken at the meeting of the Committee on 27 March 2015.

Decision taken:

That the report, now presented, be noted.

9. Responsible Investment

The Committee considered a report setting out details on matters relating to Responsible Investment.

Decision taken:

That the report, now presented, be noted.

10. Lancashire County Pension Fund Compliance Monitoring

The Committee considered a report setting out details of a monitoring programme to undertake compliance checks on various areas of the Fund. The programme had been implemented in April 2015 and the report set out the outcome of the testing undertaken to 31 July 2015.

Decision taken:

That the report, now presented, be noted.

11. Report of Decisions taken under the Urgent Business Procedure

The Committee considered a report setting out details of items that had recently been dealt with by the Director, Lancashire County Pension Fund, under the procedure for dealing with matters of urgent business.

Decision taken:

That the report, now presented, be noted.

12. Feedback from Committee Members on External Pension Fund Training Events and Conferences

The Committee considered a report on external Pension Fund training events and conferences attended by Members since the last meeting of the Committee.

Decision taken:

That the report, now presented, be noted.

13. Urgent Business

The Chair informed the Committee that he had agreed to the inclusion of an item of urgent business, copies of the relevant documentation having been tabled.

The Committee considered the response by the Director, Lancashire County Pension Fund, to a Department for Communities and Local Government consultation on Local Government Pension Scheme Criteria for the assessment of pooling proposals.

Decision taken:

That the response, now presented, be noted.

Meeting of the Full Council
Meeting to be held on 22 October 2015

Report submitted by: The Chief Executive

Part B

Electoral Division affected:
None

Report of the Urgency Committee

Contact for further information:
Chris Mather, (01772) 533559, Democratic Services
Chris.mather@lancashire.gov.uk

Executive Summary

This report sets out a decision of the Chief Executive under the Council's Urgent Business Procedure on behalf of the Urgency Committee.

Recommendation

The Full Council is asked to note the report.

Background and Advice

Since the last meeting of the Full Council, the Chief Executive has, in consultation with the chair and deputy chair of the Urgency Committee, taken the following decision under the Urgent Business Procedure on behalf of the Urgency Committee:

- **Appointment of S.151 officer**

The interim Director of Financial Resources and S.151 is off work due to ill health and it was necessary to appointment an acting S.151 officer so that the County Council's Statement of Accounts could be signed off by the end of September 2015. Abbigail Leech, Head of Service Corporate Finance was appointed to fulfil that role. Interviews were then held for the position of acting Director of Financial Resources and S.151 officer pending the return of the interim Director. Neil Kissock, Head of Service Financial Management (Operations) was appointed to that position.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
Items of Urgent Business		Chris Mather, 01772 533559

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council
Meeting to be held on 22 October 2015

Report submitted by: The Chief Executive

Part B

Electoral Division affected:
None

Report of the Lancashire Combined Fire Authority
(Annex 1 refers)

Contact for further information:

Diane Brooks, 01772 866720, Lancashire Fire & Rescue Service
dianebrooks@lancsfireandrescue.org.uk

Executive Summary

Annex 1 sets out a summary report of the Lancashire Combined Fire Authority following its meeting on the 7 September 2015, which is now presented to the Full Council for information.

Recommendation

That the report of the Lancashire Combined Fire Authority, as now presented, be noted.

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

Paper	Date	Contact/Tel
Proceedings of the Lancashire Combined Fire Authority	7 September 2015	Diane Brooks Lancashire Fire & Rescue Service

Reason for inclusion in Part II, if appropriate

N/A

Report of the Lancashire Combined Fire Authority (CFA) - 7 September 2015

1. Chairmen's Acknowledgement

The Authority gave thanks to Mr Max Winterbottom for his valued work and dedication in the role of Clerk and Monitoring Officer to the Authority since 2005 and wished him well in his retirement at the end of September 2015.

2. Community First Responder Scheme Launch

The Authority received a presentation from the Deputy Chief Fire Officer who was pleased to announce that after much work between Lancashire Fire & Rescue Service (LFRS) and North West Ambulance Service (NWAS) and their respective trade unions the first National Joint Council approved Community Responder Pilot in the country had been agreed in Lancashire. On 24 August 2015, fire crews in Morecambe and Ormskirk formally started operating the pilot, which after 6 months would be reviewed with a view to extending the initiative to other areas across Lancashire.

Members viewed a video which had been produced for the launch of the Scheme which had received good media coverage and which was accessible from the following link: <https://vimeo.com/137256138>.

Firefighters would be mobilised by NWAS to 'Red 1' and 'Red 2' (serious and life-threatening) medical emergencies simultaneously alongside Ambulance crews if they were closer to a patient than an ambulance when the call came through. In the event of a fire call while on the way to a medical incident, the LFRS appliance would be redirected to respond to the fire. The crews involved in the Scheme had received a high standard of life support training and were able to respond using blue lights. The crews had additional medical equipment and carried oxygen in addition to the defibrillator already installed on all appliances.

Since the Scheme had commenced the Service had attended 45 calls across the 2 stations involved. Feedback so far had been very positive from both members of the public and NWAS staff. A formal report would be brought to Members at a future meeting for a decision on whether to extend the pilot.

3. Breaking and Entry Pilot

The Authority was advised that the Service was responding as part of another pilot in association with NWAS, replacing the Police when the Ambulance Service required access to a casualty given they did not have powers to effect an entry. This pilot involved all fire stations and had commenced 6 weeks ago.

The first quarter activity, which was reported recently to the Performance Committee under the Service's Key Performance Indicator for Preventing and Protecting, showed there had been 69 occasions during the first quarter of 2015/16 where the Service had gained entry. The Service's response time had been between 6½ – 8 minutes whereas the average Police response time had been 24 minutes. In addition the Service was entering in a way which better left the premises secure. On occasions the Service had arrived before the Ambulance Service therefore, should the community first responder scheme be rolled out across the Service this would complement that work very well.

The Chief Fire Officer advised that the Service took a risk based approach and that there was a risk in doing both the pilots. There could be occasions when fire engines might be unavailable to attend a fire from the nearest station due to undertaking the additional activity and in these situations the fire engine would be despatched from the next nearest station. The benefits however, of responding to the additional activities outweighed this risk. Also as a consequence of this extra workload there would also be an increase in incident numbers which would be reflected in the Service's performance information.

4. Fire Related Prosecutions

Under this item Area Manager Phil Cox updated the Authority on the support the Service was giving to private rented sector landlords to ensure they were ready for the new regulations which made it compulsory for all landlords to fit smoke alarms in rented homes. The regulations were expected to come into effect from October 2015, subject to Parliamentary approval. Under the new laws, smoke alarms must be fitted on every floor of the property as well as carbon monoxide alarms in properties which burned solid fuels. Landlords must check the alarms were working at the start of every new tenancy with potential penalties for non-compliance of up to £5,000.

To support local landlords to improve the safety of their tenants a new dedicated business support plus section had been created on the Service's website. This explained what landlords needed to do to make their properties safer from fire risk, carbon monoxide and other hazards and provided completely free access to a comprehensive, fully mobile enabled and intuitive online fire risk assessment. This provided a one-stop-shop tool to assess risk, evidence precautions taken by uploading photographs and storing relevant certification and documents all in one place online. Registration on the site enabled private rented property landlords to access a limited number of free smoke alarms and carbon monoxide detectors that had been supplied to LFRS by the government. Members viewed the site which could be accessed via the following link: <http://www.lancsbusinessplus.org.uk/>. In addition the Service was running area business forums throughout Business Safety Week (7 – 14 September 2015) to publicise this and provide advice.

5. Community Fire Safety Reports

Under this item the Area Manager Ben Norman updated the Authority on the Services' response to a 4-storey building collapsed at Wood Flour Mills on Tunstall Road in Bosley, Cheshire on 17 July 2015 where, following explosions there were large fires at the scene and people reported missing. The Service provided assistance through its Urban Search and Rescue Team (USAR) based at Bamber Bridge and Chorley stations whose staff were mobilised to support Manchester Fire and Rescue Service at the major incident. The team consisted of a Station Manager, 10 USAR team members, specialist equipment and the canine unit. In Lancashire, the logistics were managed by a small incident room to ensure adequate cover and relief for the staff both in Cheshire and in Lancashire at the Bamber Bridge and Chorley stations. This was the largest USAR deployment in the country since the inception of national resilience arrangements. One of the main constraints was the surrounding dangers from burning silos and unstable structures. It was a real test of the resilience and operational planning arrangements. The team brought back a lot of learning which would be evaluated and which would inform future training policy thereby making any future responses more effective.

FRANK DE MOLFETTA
Chairman

LFRS
Fulwood

Meeting of the Full Council – 22 October 2015

Agenda Part C - Notices of Motion submitted under Procedural Standing Order 14. 2.1(a)

1. By County Councillor David Whipp:

This Council notes with great concern the threat to frontline policing in Lancashire due to proposed cuts in government funding for the police service through a shift of resources away from the county.

Council believes that the impact of these cuts on Lancashire residents (a further 650 officer posts) will place them at greater risk of crime and anti-social behaviour and that victims will receive a much poorer service from the police service.

Council notes that Lancashire's Chief Constable has stated, "My pledge to you has always been that we will keep you safe from harm and protect the most vulnerable. It is with a heavy heart that I say I cannot guarantee this for you in the future if these cuts go ahead." And that:

- All our neighbourhood policing teams – including Community Beat Managers, Police Community Support Officers, would be axed;
- Every single public enquiry desk in the county would be closed;
- The vast majority of roads policing officers will also be disbanded;
- All support units would be axed;
- The mounted branch and police dogs will also need to go;
- We would also lose a significant proportion of our serious organised crime unit and our team that manage dangerous and sexual offenders;
- The constabulary would have to significantly reduce frontline response officers and could no longer guarantee to come when needed.

Accordingly, Council resolves:

1. to write to the Home Secretary expressing our concerns and requesting that the police formula funding and financial settlement for Lancashire Constabulary would avoid such cuts, and
2. to request that Lancashire MPs work to prevent the proposed cuts being implemented with the consequent drastic reduction of policing in our area.

2. By County Councillor Frank De Molfetta:

Lancashire County Council notes that on 11 September 2015 the Home Office, the Department of Health and the DCLG began a consultation on 'Encouraging Closer Working within the Emergency Services'.

Whilst welcoming the opportunity to explore ways of enabling the emergency services to work more closely together, this Council is opposed to any proposals that transfer any current responsibilities of the Fire and Rescue Authority in Lancashire to the Police and Crime Commissioner.

Lancashire County Council therefore asks the Chief Executive to write to the Home Secretary explaining this view, sending copies to all Lancashire Members of Parliament.

3. By County Councillor Bill Winlow, as Chair of the Scrutiny Committee, on behalf of the Scrutiny Committee:

The Council notes and supports the aims of the NHS Transforming care programme to significantly re-shape services for people with learning disabilities and autism to ensure that more services are provided in the community and closer to home rather than in hospital settings.

The Council also notes the establishment of 5 Fast Track areas in England and welcomes the fact that Lancashire (including Blackpool and Blackburn with Darwen) has been included in that list. The Council will ensure it contributes alongside other local authorities and NHS partners to work together to ensure that the programme delivers successfully on its vision and purpose.

The Council is however concerned about the future of Calderstones NHS Trust and the potential financial impact of the programme in Lancashire.

Council therefore instructs the Chief Executive to write to the Secretary of State for Health and to the Chief Executive of NHS England, with copies to local MPs and other relevant partners to ask that:

- The NHS ensures that appropriate public or partner consultations and democratic scrutiny are undertaken by the NHS on the future of Calderstones.
- The NHS ensures that the additional financial risks to the County Council and other local partners from the Fast Track Programme are identified and evaluated.
- The NHS ensures that the full, long term costs for councils of delivering the Fast Track programme are funded.

4. By County Councillor Clare Pritchard:

Right to Buy

Lancashire County Council proposes the following:

- That our Government follows the leadership of the Scottish Government in reversing the Right to Buy scheme for council houses;
- That the proposal to extend the Right to Buy scheme to Housing Associations be abolished;
- That the proposal to manage welfare spending by controlling council house rents be abolished as this goes against the move in 2012 to relinquish central government control and allows councils more freedom to manage their housing portfolios;
- That the Chief Executive of Lancashire County Council sends this resolution to the Secretary and Shadow Secretary of State for DCLG, the Housing and

Shadow Housing Minister, the County's MPs, Housing Associations that operate across Lancashire, and all Lancashire district councils.

5. By County Councillor Gareth Molineux:

Reduction in Police Funding

Lancashire County Council acknowledges the serious financial pressures that have affected Lancashire Constabulary since 2010 and praises "the outstanding police force" for the fantastic work that their police officers and police staff continue to do to keep the residents of this county safe.

In light of the announcement last week regarding Lancashire Constabulary, which means that the force faces further reductions in funding of over 13% next year – and equates to a reduction of a further £24.8million on top of the £74million already identified – this Council resolves to:

- Write to the Home Secretary to express Lancashire County Council's concern at the additional proposed 13% reduction in police funding for Lancashire Constabulary, and to provide the residents of Lancashire with reassurances that she is not putting finances before public safety; and
- Write to all Lancashire MPs requesting their support in asking the Government to reconsider the way in which this formula is applied.

20 October 2015

