

Full Council

Thursday, 22nd February, 2018, Council Chamber, County Hall, Preston

Question time begins at 1.30 pm.

Full Council begins at 2pm or at the end of Question Time, whichever is earlier.

Agenda

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C. Notice of Motion

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

Angie Ridgwell
Interim Chief Executive and
Director of Resources

County Hall
Preston

14 February 2018

Agenda Item 3

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston, on Thursday, 14th December, 2017

Present:

County Councillor Terry Aldridge (Chairman)

County Councillors

A Ali	D Foxcroft	M Pattison
T Ashton	J Fillis	M Perks
A Atkinson	J Gibson	E Pope
M Barron	G Gooch	J Potter
L Beavers	M Green	J Purcell
J Berry	P V Greenall	J Rear
P Britcliffe	P Hayhurst	P Rigby
I Brown	N Hennessy	A Riggott
P Buckley	S Holgate	A Schofield
J Burrows	A Hosker	J Shedwick
Mrs S Charles	D Howarth	D T Smith
A Cheetham	K Iddon	K Snape
S Clarke	M Iqbal	A Snowden
A Clempson	A Kay	D Stansfield
Ms L Collinge	H Khan	P Steen
L Cox	Ms S Malik	J Sumner
C Crompton	J Marsh	M Tomlinson
M Dad	J Mein	C Towneley
B Dawson	Y Motala	S Turner
F De Molfetta	E Nash	A Vincent
G Dowding	D O'Toole	C Wakeford
G Driver	Mrs L Oades	D Whipp
J Eaton	G Oliver	G Wilkins
C Edwards	M Parkinson	P Williamson
K Ellard	J Parr	B Yates

1. Apologies and Announcements

Apologies for absence were presented on behalf of County Councillors Terry Burns MBE, Joe Cooney, Andrew Gardiner, Erica Lewis, Tony Martin, and Jenny Molineux.

Announcements

Death

The Chair reported the recent sad death of former County Councillor William (Bill) Trickett, who passed away on 11 December 2017.

A number of Councillors paid tribute to the late former County Councillor Trickett.

The Council stood in silent tribute.

British Citizen Youth Award

Ben Wilson-Mayor from Clitheroe received a British Citizen Youth award in recognition of his inspirational work with young people in October this year through his voluntary work at Clitheroe Library, which he had been undertaking since the summer of 2016.

Ben was present at Full Council along with his father, Alex Wilson-Mayor; Julie Bell, Head of Libraries, Museums, Culture and Registrars; and Chris Jowett, Clitheroe Library Branch Manager.

British Youth Council Awards

Care leavers across Lancashire are now exempt from paying council tax, thanks to an award-winning campaign by Lancashire County Council's Children in Care Council, known as LINX.

The group won the Best Campaign award at the first national British Youth Council Youth Voice Star Awards held in early November in London.

Callum Griffin and Michelle Roberts, LINX representatives; together with Mia Leyland and Debbie Nolan-Plunkett, from Barnardos; were present at Full Council.

Highways Awards

The County Council had been successful in two categories at the 14th National Highways Awards which took place on Wednesday 18 October in London. Cameron Newsham was awarded 2017 National Apprentice of the Year whilst the Highways Service was recognised for its innovative work in relation to Tarleton Bridge on the A59 Preston - Southport/Liverpool route.

Unfortunately, Cameron Newsham was unable to attend. Phil Baird and Garreth Kelly, Area Highways Managers; Jamie Ritchie, Roadmarking Technical Assistant; and Mark Dixon, Operations Engineer, were present at Full Council.

LAPF Investments 2017 Awards

Lancashire County Pension Fund and London Pensions Fund Authority have won the collaboration award in the Local Authority Pension Fund Investments 2017 Awards.

Mukhtar Master, Governance and Risk Officer; Colin Smith, Technical Advisor, Pensions; and Helen Gallacher, Pensions Manager, were present at Full Council.

West Lancashire Short Breaks Service - CQC Rating

The West Lancashire Short Breaks Service is the most recent to receive the Care Quality Commission rating of 'Outstanding'. Furthermore, the Registered Manager, Charles Maughan, had received a personalised letter of commendation from the Secretary of State for Health, the Rt Hon Jeremy Hunt MP, for the quality of the care and support it offers.

Nicola Clear, Head of Service, Disability; Deborah Errington, Team Manager; and Patricia Divkar and Diane Goulding, Community Support Workers, were present at Full Council.

All those attending for, and involved in, the above awards were congratulated by Full Council.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

3. Confirmation of the Minutes from the Meetings held on 15 September 2017 and 26 October 2017

Resolved: - That the minutes of the meetings of Full Council held on 15 September 2017 and 26 October 2017 be confirmed and signed by the Chair.

4. Transport for the North: Establishment of Statutory Sub-national Transport Body

The Cabinet Member for Highways and Transport moved a report setting out proposals for the County Council to formally join Transport for the North as the North's statutory Sub-national Transport Body.

Resolved: - That:

- (i) Formal approval be given to Lancashire County Council joining Transport for the North as the North's statutory Sub-national Transport Body.
- (ii) The Leader of the County Council be nominated as Lancashire County Council's representative on Transport for the North.
- (iii) The Cabinet Member for Economic Development, Environment and Planning be nominated as substitute member.

5. Finding of the Local Government Ombudsman - 1 November 2017

The Cabinet Member for Adult Services moved a report setting out details of actions that had already been taken in response to the Ombudsman's recommendations following an investigation into a complaint about adult social care services.

Resolved: - That:

- (i) The recommendations set out in the Local Government Ombudsman's report, as set out at Appendix 'A' of the report now presented, be noted;
- (ii) The actions already taken be noted and the further steps proposed in response to the report's recommendations, as set out in the report now presented, be endorsed.

6. Report of the Cabinet (Part B)

The Leader presented the report of the Cabinet from its meeting on 9 November 2017.

Resolved: - That the report of the Cabinet, now presented, be noted.

7(a) The Overview and Scrutiny Committees

County Councillor John Shedwick presented the reports of the Overview and Scrutiny Committees from their meetings as follows:

- Children's Services Scrutiny Committee - 18 October 2017
- Health Scrutiny Committee - 31 October 2017
- Internal Scrutiny Committee - 17 November 2017

Resolved: - That the reports of the Overview and Scrutiny Committees, now presented, be noted.

7(b) The Pension Fund Committee

County Councillor Eddie Pope presented the report of the Pension Fund Committee from its meeting on 1 December 2017.

In presenting the report, County Councillor Pope drew Full Council's attention to an error on page 73 of the report. Under the decision taken for item 16, the extension of the contract of an independent advisor for an additional three years should have stated to 30 June 2021 and not to 30 June 2017 as set out.

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

8. Notices of Motion submitted under Procedural Standing Order 14.2.1(a) (Part C)

1. It was moved by County Councillor Matthew Tomlinson and seconded by County Councillor Jean Parr that:

This Council condemns the 12.5% price increase of vital energy supplies by British Gas being inflicted on many people in Lancashire.

Lancashire County Council therefore supports the switch campaign and considers developing a partnership with other authorities like Nottingham, Leeds and Liverpool in supporting the people of Lancashire's energy needs.

The following amendment was proposed by County Councillor Geoff Driver and seconded by County Councillor Albert Atkinson:

This Council is concerned about recent price increases in the energy market and the impact this has on the vulnerable residents of Lancashire.

Lancashire County Council supports the switch campaign and resolves to consider developing a partnership with Preston City Council to act as a supplier in supporting the people of Lancashire's energy needs at a fair price.

The amendment was accepted and became the substantive motion. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

This Council is concerned about recent price increases in the energy market and the impact this has on the vulnerable residents of Lancashire.

Lancashire County Council supports the switch campaign and resolves to consider developing a partnership with Preston City Council to act as a supplier in supporting the people of Lancashire's energy needs at a fair price.

2. It was moved by County Councillor Geoff Driver and seconded by County Councillor Albert Atkinson that:

Council is concerned about the circumstances surrounding the payment of 'Neighbourhood Wellbeing Initiative' grants totalling £500,000 in February and March this year. There was no budget provision for these grants which were paid on the recommendation of individual County Councillors and authorised by County Councillor Ali, the then Cabinet Member for Health and Wellbeing. There was no vetting by County Council Officers of either the applicants or the proposed purpose to which the grant would be put and it is of particular concern that almost £300,000 of these grants were recommended and authorised by County Councillor Ali himself.

Council therefore resolves to ask the External Auditor to carry out an investigation into the manner in which these grants were recommended,

approved and paid and report her findings to the Audit, Risk and Governance Committee for their consideration.

On being put to the vote the motion was CARRIED and it was:

Resolved: - That:

Council is concerned about the circumstances surrounding the payment of 'Neighbourhood Wellbeing Initiative' grants totalling £500,000 in February and March this year. There was no budget provision for these grants which were paid on the recommendation of individual County Councillors and authorised by County Councillor Ali, the then Cabinet Member for Health and Wellbeing. There was no vetting by County Council Officers of either the applicants or the proposed purpose to which the grant would be put and it is of particular concern that almost £300,000 of these grants were recommended and authorised by County Councillor Ali himself.

Council therefore resolves to ask the External Auditor to carry out an investigation into the manner in which these grants were recommended, approved and paid and report her findings to the Audit, Risk and Governance Committee for their consideration.

3. It was moved by County Councillor Christian Wakeford and seconded by County Councillor Cosima Towneley that:

Council acknowledges the dedication of home educators to their children's education and respects the parents' rights to choose how and where their children are educated. Council also notes that although the local authorities have a statutory duty under the Education Act 1996 to make arrangements to establish identities of children who are not receiving suitable education, this duty does not apply to children who are being educated at home.

Council is concerned that the current arrangements may leave some children vulnerable and also that there is no national or local framework for reporting on the attainment of children who are home educated.

Council therefore:

- (i) Recognises the excellent work done by Home Educators, and seeks mutually beneficial solutions to ensure the best start for all children in Lancashire.
- (ii) Supports the principles contained in the Home Education (Duty of Local Authorities) Bill currently before the Lords in connection with monitoring children receiving EHE.
- (iii) Asks the Chief Executive to write to the Secretary of State for Education outlining the council's concerns and seeking support for the provisions in the Bill.

The following amendment was proposed by County Councillor Nikki Hennessy and seconded by County Councillor Sobia Malik:

Council acknowledges the dedication of home educators to their children's education and respects the parents' rights to choose how and where their children are educated. Council also notes that although the local authorities have a statutory duty under the Education Act 1996 to make arrangements to establish identities of children who are not receiving suitable education, this duty does not apply to children who are being educated at home.

Council is concerned that the current arrangements may leave some children vulnerable and also that there is no national or local framework for reporting on the attainment of children who are home educated.

Council therefore:

- (i) Recognises the excellent work done by Home Educators, and seeks mutually beneficial solutions to ensure the best start for all children in Lancashire.
- (ii) Supports the principles contained in the Home Education (Duty of Local Authorities) Bill currently before the Lords in connection with monitoring children receiving EHE.
- (iii) This Council is concerned that Lancashire as a County has un-registered Schools which could increase the number of Children who are missing, or at risk and they are not recognised on the education system.
- (iv) Asks the Chief Executive to write to the Secretary of State for Education outlining the council's concerns and seeking support for the provisions in the Bill.

The amendment was accepted and became the substantive motion. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

Council acknowledges the dedication of home educators to their children's education and respects the parents' rights to choose how and where their children are educated. Council also notes that although the local authorities have a statutory duty under the Education Act 1996 to make arrangements to establish identities of children who are not receiving suitable education, this duty does not apply to children who are being educated at home.

Council is concerned that the current arrangements may leave some children vulnerable and also that there is no national or local framework for reporting on the attainment of children who are home educated.

Council therefore:

- (i) Recognises the excellent work done by Home Educators, and seeks mutually beneficial solutions to ensure the best start for all children in Lancashire.

- (ii) Supports the principles contained in the Home Education (Duty of Local Authorities) Bill currently before the Lords in connection with monitoring children receiving EHE.
- (iii) This Council is concerned that Lancashire as a County has un-registered Schools which could increase the number of Children who are missing, or at risk and they are not recognised on the education system.
- (iv) Asks the Chief Executive to write to the Secretary of State for Education outlining the council's concerns and seeking support for the provisions in the Bill.

4. It was moved by County Councillor Gina Dowding and seconded by County Councillor Steve Holgate that:

Council is concerned that areas of Lancashire flooded last month, and the lives of Lancashire's residents in some rural communities, towns and villages, have been badly impacted. Residential properties, community buildings and businesses were affected causing both economic hardship and distress to our residents.

Council recognises that factors contributing to flooding resulting from heavy rainfall are varied and include a lack of current capacity of drains and gullies. Responses for action to mitigate future flooding are required from a range of agencies including our own Highways Service, Flood Risk Management, the Environment Agency, United Utilities and the Canal and River Trust.

Council recognises the importance of swift and efficient flood responses to assist those affected during a flood as well as the support and advice services required after a flood in order for people to get their lives and businesses back to normal.

Council will act to ensure that flood prevention, flood mitigation and flood responses are undertaken to the highest possible standard.

Council resolves:

- (i) To ensure that reducing risk of flooding both to new and pre-existing properties, is the key factor when considering all future strategic land use plans and individual planning applications.
- (ii) To call on Government to support plans to develop and implement river catchment flood management plans where appropriate in the county, with a strategic review of upland land management in catchment areas and the adoption of sustainable flood management initiatives (such as increased tree planting, upland overflow/temporary balancing lake).
- (iii) To call on Government and other national agencies to extend grants for flood victims of the November 2017 floods in Lancashire.
- (iv) To support the timely implementation of one stop advice and response centres for flooding where this is in the interests of best service to Lancashire residents affected by flooding.
- (v) To consider transfer, with a commensurate budget, of powers for implementing gully clearing to local district councils where requested so

that local knowledge and streamlining of resources may enable effective and timely gully clearing.

The following amendment was proposed by County Councillor Charles Edwards and seconded by County Councillor Eddie Pope:

Council is concerned that areas of Lancashire flooded last month, and the lives of Lancashire's residents in some rural communities, towns and villages, have been badly impacted. Residential properties, community buildings and businesses were affected causing both economic hardship and distress to our residents.

Council recognises that factors contributing to flooding resulting from heavy rainfall are varied and include a lack of current capacity of drains and gullies. Responses for action to mitigate future flooding are required from a range of agencies including our own Highways Service, Flood Risk Management, the Environment Agency, United Utilities and the Canal and River Trust.

Council recognises the importance of swift and efficient flood responses to assist those affected during a flood as well as the support and advice services required after a flood in order for people to get their lives and businesses back to normal.

Council resolves to continue to ensure that flood prevention, flood mitigation and flood responses are undertaken to the highest possible standard.

The amendment was put to the vote and was CARRIED and became the substantive motion. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

Council is concerned that areas of Lancashire flooded last month, and the lives of Lancashire's residents in some rural communities, towns and villages, have been badly impacted. Residential properties, community buildings and businesses were affected causing both economic hardship and distress to our residents.

Council recognises that factors contributing to flooding resulting from heavy rainfall are varied and include a lack of current capacity of drains and gullies. Responses for action to mitigate future flooding are required from a range of agencies including our own Highways Service, Flood Risk Management, the Environment Agency, United Utilities and the Canal and River Trust.

Council recognises the importance of swift and efficient flood responses to assist those affected during a flood as well as the support and advice services required after a flood in order for people to get their lives and businesses back to normal.

Council resolves to continue to ensure that flood prevention, flood mitigation and flood responses are undertaken to the highest possible standard.

5. It was moved by County Councillor Jean Parr and seconded by County Councillor Lizzi Collinge that:

This council notes concerns raised by teachers' unions and others about the growth of 'holiday hunger' amongst children.

Holiday hunger occurs when families who are normally in receipt of free school meals during term time no longer have access to them in the school holidays. This is most acute during the long summer holidays when families must find an additional £30 to £40 to feed their children.

This council notes that Mark Hendrick MP has sponsored a Private Members' Bill by Frank Field MP which places a legal duty on local authorities to ensure the provision of free school meals and activities during the school holidays. This would be paid by earmarking 10p from every pound raised from the sugar tax on soft drinks.

This council resolves:

- (i) To support the Bill and asks the Chief Executive to write to the other two Preston MPs, namely Mark Menzies and Ben Wallace, to explain the Council's support and request that they also offer their support and actively persuade the Conservative led government to put Mr Field's Bill into law.
- (ii) That the Chief Executive writes to all council leaders across Lancashire asking them to support the Bill and requesting them to write to their own Members of Parliament to offer support for the Bill.
- (iii) That the Chief Executive writes to Mark Hendrick MP thanking him for sponsoring the Bill and making him aware that it has the support of the Council. The Council will also publicise its support for the Bill.

The following amendment was proposed by County Councillor Charles Edwards and seconded by County Councillor David Foxcroft:

This Council notes concerns raised about the growth of 'holiday hunger' amongst children.

Holiday hunger occurs when families who are normally in receipt of free school meals during term time no longer have access to them in the school holidays. This is most acute during the long summer holidays.

The council has concerns over this problem and is already working closely across the county with partners in order to try and address it. In East Lancashire for example we are working with Burnley FC in the community and Tesco on several child poverty issues of which holiday hunger is one. Starting life well has also been identified as one of the main priorities in our recently refreshed Health & Well Being Strategy.

Therefore, this council resolves:

- (i) To continue to work closely with both our existing and new partners in addressing child poverty, holiday hunger and improving the uptake of free school meals.
- (ii) To extend our partnership working with other authorities by asking the Chief Executive to write to all council leaders across Lancashire asking for their support in continuing to address holiday hunger and other related child poverty issues.
- (iii) To build up our network of multi sector partners county wide in order to further help address this issue

The amendment was accepted and became the substantive motion. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

This Council notes concerns raised about the growth of 'holiday hunger' amongst children.

Holiday hunger occurs when families who are normally in receipt of free school meals during term time no longer have access to them in the school holidays. This is most acute during the long summer holidays.

The council has concerns over this problem and is already working closely across the county with partners in order to try and address it. In East Lancashire for example we are working with Burnley FC in the community and Tesco on several child poverty issues of which holiday hunger is one. Starting life well has also been identified as one of the main priorities in our recently refreshed Health & Well Being Strategy.

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- (ii) To extend our partnership working with other authorities by asking the Chief Executive to write to all council leaders across Lancashire asking for their support in continuing to address holiday hunger and other related child poverty issues.
- (iii) To build up our network of multi sector partners county wide in order to further help address this issue

6. It was moved by County Councillor Lizzi Collinge and seconded by County Councillor Jean Parr that:

This council notes with concern the recent proposed changes to use of housing benefit to fund accommodation costs of survivors of domestic abuse.

The changes would see the end of housing benefit monies currently available for people, primarily women and children, to fund their housing costs while in a refuge. Housing benefit is the last guaranteed source of income available to

refuges and makes up about 50% of their revenue. The proposed replacement of this with a grant to local authorities to provide short-term supported housing does not exclusively cover refuges and is therefore an inappropriate replacement.

This council, as a commissioner of domestic violence services, believes that the proposed changes will have a detrimental impact on the ability of refuges to operate. As such, council instructs Chief Executive to write to Sajid Javid MP, Secretary of State for Communities and Local Government, and David Gauke MP, Secretary of State for Work and Pensions, raising our concerns.

The following amendment was proposed by County Councillor Peter Buckley and seconded by County Councillor Edward Nash:

This council notes the recent proposed changes to use housing benefit to fund accommodation costs of survivors of domestic abuse and resolves to refer this and other matters raised by the DWP 'Funding Supported Housing' report to the Scrutiny Committee for consideration.

Following a period of debate the insertion of the amendment into the original motion was proposed and therefore became the substantive motion.

The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

This council notes with concern the recent proposed changes to use of housing benefit to fund accommodation costs of survivors of domestic abuse.

The changes would see the end of housing benefit monies currently available for people, primarily women and children, to fund their housing costs while in a refuge. Housing benefit is the last guaranteed source of income available to refuges and makes up about 50% of their revenue. The proposed replacement of this with a grant to local authorities to provide short-term supported housing does not exclusively cover refuges and is therefore an inappropriate replacement.

This council, as a commissioner of domestic violence services, believes that the proposed changes will have a detrimental impact on the ability of refuges to operate. As such, council instructs Chief Executive to write to Sajid Javid MP, Secretary of State for Communities and Local Government, and David Gauke MP, Secretary of State for Work and Pensions, raising our concerns and to refer this and other matters raised by the DWP 'Funding Supported Housing' report to the Scrutiny Committee for consideration.

7. It was moved by County Councillor Gina Dowding and seconded by County Councillor John Fillis that:

The Lancashire Cycling and Walking Strategy will be published early next year. Council recognises that every day journeys are from home to school, home to work, home to the station, or home to shops or community facilities. Council will

therefore ensure that the Cycling and Walking Strategy will address the key issues for increasing cycling and walking as normal travel modes for local trips:

- (i) That cycling and walking trips will be safe, direct, convenient and comfortable and will be seen to be safe and convenient by those who might change from other modes to cycling or walking or who might let their children cycle or walk to school.
- (ii) That the County's major infrastructure asset for cycling and walking, i.e. the road network, is safe and convenient for cyclists and pedestrians and will:-
 - Reduce danger to cyclists from vehicles on our busy roads.
 - Prioritise cyclists and pedestrians trying to cross busy roads and junctions.
 - Enable cyclists to take direct routes instead of being forced onto circuitous routes that have been optimised for motor traffic.
 - Prevent the obstruction of footways with parked cars, overgrown hedges and trees, and poorly maintained surfaces and drains.
 - Help children to walk and cycle to school safely and conveniently to reduce the 'school run' and prepare them for Active Travel in later life.
- (iii) That Council Officers are provided with the funding and training necessary to pursue these objectives.
- (iv) That Local Cycling and Walking groups' views will be taken on-board to help validate the strategy and the highway schemes that affect it.
- (v) That Council will commit to ring fencing 10% of all highways transport infrastructure spend to improving cycling and walking infrastructure.

Council notes that the additional aim of the Cycling and Walking Strategy of promoting Centres of Excellence will not, however good Centres of Excellence may be for leisure, begin to address replacing car trips by active travel for every day journeys. In fact they increase car trips as people drive to the centres of excellence.

The following adjustment was proposed by County Councillor Fillis which was accepted by County Councillor Dowding:

The deletion of the following:

- (v) That Council will commit to ring fencing 10% of all highways transport infrastructure spend to improving cycling and walking infrastructure

The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

The Lancashire Cycling and Walking Strategy will be published early next year. Council recognises that every day journeys are from home to school, home to work, home to the station, or home to shops or community facilities. Council will therefore ensure that the Cycling and Walking Strategy will address the key issues for increasing cycling and walking as normal travel modes for local trips:

- (i) That cycling and walking trips will be safe, direct, convenient and comfortable and will be seen to be safe and convenient by those who might change from other modes to cycling or walking or who might let their children cycle or walk to school.
- (ii) That the County's major infrastructure asset for cycling and walking, i.e. the road network, is safe and convenient for cyclists and pedestrians and will:-
 - Reduce danger to cyclists from vehicles on our busy roads.
 - Prioritise cyclists and pedestrians trying to cross busy roads and junctions.
 - Enable cyclists to take direct routes instead of being forced onto circuitous routes that have been optimised for motor traffic.
 - Prevent the obstruction of footways with parked cars, overgrown hedges and trees, and poorly maintained surfaces and drains.
 - Help children to walk and cycle to school safely and conveniently to reduce the 'school run' and prepare them for Active Travel in later life.
- (iii) That Council Officers are provided with the funding and training necessary to pursue these objectives.
- (iv) That Local Cycling and Walking groups' views will be taken on-board to help validate the strategy and the highway schemes that affect it.

Council notes that the additional aim of the Cycling and Walking Strategy of promoting Centres of Excellence will not, however good Centres of Excellence may be for leisure, begin to address replacing car trips by active travel for every day journeys. In fact they increase car trips as people drive to the centres of excellence.

8. It was moved by County Councillor Gina Dowding and seconded by County Councillor Lizzi Collinge that:

Council is proud of its commitment to, and action to date, to increase animal welfare standards in food procured and served by the County Council in schools and other establishments.

As a local authority Lancashire County Council is accredited to the Soil Association Food for Life Silver Award which accounts for over 85% of the 65,000 meals served across Lancashire on a daily basis.

In light of widely shared concern Council will increase its commitment to animal welfare and therefore resolves:

- To consider efforts and initiatives which will result in the wider uptake of plant-based meals in schools and other county establishments as the best way to reduce animal suffering.
- To work towards adoption of the Soil Association Food for Life Gold Award within the next 6 months which will ensure greater standards of animal welfare. The Gold Award would mean a minimum 15% of total spend will be on organic products and therefore that spend on animal products will be backing the highest welfare systems in agriculture, with a further 5% minimum on free range or organic poultry and pork.

In addition Council notes:

- That achieving higher standards of animal welfare would require a commitment to all animal products purchased being organic.
- That the UK farming sector anticipates the expansion in the number and volume of huge poultry factory farms, known as 'poultry mega farms' (due to forthcoming changes to the UK's markets and associated regulations related to Brexit), which are the antithesis of increasing animal welfare.

On being put to the vote the motion was LOST.

Jo Turton
Chief Executive

County Hall
Preston

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston,
on Thursday, 8th February, 2018

Present:

County Councillor Terry Aldridge (Chairman)

County Councillors

A Ali	J Fillis	J Parr
T Ashton	A Gardiner	M Pattison
A Atkinson	J Gibson	E Pope
M Barron	G Gooch	J Potter
L Beavers	M Green	J Purcell
J Berry	P V Greenall	J Rear
I Brown	P Hayhurst	P Rigby
P Buckley	N Hennessy	A Riggott
T Burns	S Holgate	Salter
J Burrows	A Hosker	A Schofield
Mrs S Charles	D Howarth	J Shedwick
A Cheetham	K Iddon	D T Smith
S Clarke	M Iqbal	K Snape
A Clempson	A Kay	A Snowden
Ms L Collinge	H Khan	D Stansfield
J Cooney	E Lewis	P Steen
L Cox	Ms S Malik	J Sumner
C Crompton	J Marsh	M Tomlinson
M Dad	T Martin	C Towneley
B Dawson	J Mein	S Turner
F De Molfetta	J Molineux	A Vincent
G Dowding	Y Motala	C Wakeford
G Driver	E Nash	D Whipp
J Eaton	D O'Toole	G Wilkins
C Edwards	Mrs L Oades	P Williamson
K Ellard	G Oliver	B Yates
D Foxcroft	M Parkinson	

1. Apologies and Announcements

Apologies for absence were presented on behalf of County Councillors Peter Britcliffe and Mark Perks.

Announcements

Death

The Chair reported the recent sad death of Jimmy Armfield OBE DL.

The Vice-Chairman, County Councillor Anne Cheetham, paid tribute to the late Jimmy Armfield.

The Council stood in silent tribute.

Centenary of the Representation of People Act 1918

The Chairman made reference to the recent centenary, on 6 February 1918, of the Representation of People Act 1918 which allowed women to vote for the very first time. The Chairman paid tribute to the suffragette movement which was instrumental in bringing about the vote for women.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

The Full Council was notified that Members had been invited to make declarations of pecuniary and non-pecuniary interests in matters on the agenda in accordance with the County Council's Code of Conduct for Members. The following interests were declared:

Name of Councillor	Agenda Item Number	Nature of Interest (non-pecuniary unless stated)
David Howarth	3	Member of South Ribble Borough Council Member of Penwortham Town Council Member of Lancashire Combined Fire Authority
John Potter	3	Member of Preston City Council
David Whipp	3	Member of Pendle Borough Council Member of Barnoldswick Town Council Member of Lancashire Police and Crime Panel

3. The County Council's Budget

County Councillor Geoff Driver, Leader of the County Council, moved the report of the Cabinet from its meeting on 18 January 2018 regarding the:

- Revenue Budget 2018/19 and Financial Strategy 2018/19 to 2021/22;
- Capital Investment Programme 2018/19 and beyond;
- The Council Tax and Precept 2018/19.

In moving the report, County Councillor Driver outlined an adjustment to the proposals contained within the report. Details of the adjustment were set out in a document circulated to all members, which is appended to these minutes as Annex 1.

The motion was seconded by County Councillor Albert Atkinson, Deputy Leader of the County Council.

County Councillor Steven Holgate, on behalf of the Labour Group, then made his Budget speech and moved an Amendment to the Budget proposals on behalf of the Labour Group, which was seconded by County Councillor Azhar Ali.

A copy of the Amendment was circulated to all members and is set out at Annex 2 to these minutes.

Following a period of debate, a recorded vote on the Amendment was taken. The names of members who voted for or against the Amendment, and those who abstained, are set out below:

For (32)

A Ali	M Dad	P Hayhurst	T Martin	J Parr
L Beavers	B Dawson	N Hennessy	J Mein	M Pattison
J Berry	F De Molfetta	S Holgate	J Molineux	K Snape
T Burns	G Dowding	M Iqbal	Y Motala	M Tomlinson
L Collinge	K Ellard	H Khan	E Oades	
L Cox	J Fillis	E Lewis	G Oliver	
C Crompton	J Gibson	S Malik	M Parkinson	

Against (47)

T Ashton	J Cooney	K Iddon	A Riggott	S Turner
A Atkinson	G Driver	A Kay	M Salter	A Vincent
M Barron	J Eaton	J Marsh	A Schofield	C Wakeford
I Brown	C Edwards	E Nash	J Shedwick	D Whipp
P Buckley	D Foxcroft	D O'Toole	D Smith	G Wilkins
J Burrows	A Gardiner	E Pope	A Snowden	P Williamson
S Charles	G Gooch	J Potter	D Stansfield	B Yates
A Cheetham	M Green	J Purcell	P Steen	
S Clarke	P Greenall	J Rear	J Sumner	

A Clempson	D Howarth	P Rigby	C Towneley	
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Abstain (2)

T Aldridge	A Hosker
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The Labour Group's amendment was therefore lost.

Following a brief adjournment, County Councillor David Whipp, on behalf of the Liberal Democrat Group, then made his Budget speech and moved an Amendment to the Budget proposals on behalf of the Liberal Democrat Group, which was seconded by County Councillor David Howarth.

A copy of the Amendment was circulated to all members and is set out at Annex 3 to these minutes.

Following a period of debate, a recorded vote on the Amendment was taken. The names of members who voted for or against the Amendment, and those who abstained, are set out below:

For (33)

A Ali	B Dawson	N Hennessy	J Mein	J Potter
L Beavers	F De Molfetta	S Holgate	J Molineux	K Snape
J Berry	G Dowding	D Howarth	E Oades	J Sumner
L Collinge	K Ellard	M Iqbal	G Oliver	M Tomlinson
L Cox	J Fillis	E Lewis	M Parkinson	D Whipp
C Crompton	J Gibson	S Malik	J Parr	
M Dad	P Hayhurst	T Martin	M Pattison	

Against (44)

T Ashton	A Clempson	P Greenall	J Rear	P Steen
A Atkinson	J Cooney	A Hosker	P Rigby	C Towneley
M Barron	G Driver	K Iddon	A Riggott	S Turner
I Brown	J Eaton	A Kay	M Salter	A Vincent
P Buckley	C Edwards	J Marsh	A Schofield	C Wakeford
J Burrows	D Foxcroft	E Nash	J Shedwick	G Wilkins
S Charles	A Gardiner	D O'Toole	D Smith	P Williamson
A Cheetham	G Gooch	E Pope	A Snowden	B Yates
S Clarke	M Green	J Purcell	D Stansfield	

Abstain (1)

T Aldridge

The Liberal Democrat Group's Amendment was therefore lost.

As no further Amendments were moved, the Chairman put the Motion on the County Council's Budget and asked the Full Council to approve the recommendations of the Cabinet, as adjusted at Annex 1 to these minutes, on the:

- Revenue Budget 2018/19 and Financial Strategy 2018/19 to 2021/22;
- Capital Investment Programme 2018/19 and beyond;
- The Council Tax and Precept 2018/19.

A recorded vote was taken and the names of members who voted for or against the Motion, and those who abstained, are set out below:

For (42)

T Ashton	A Clempson	K Iddon	A Riggott	S Turner
A Atkinson	J Cooney	A Kay	M Salter	A Vincent
M Barron	G Driver	J Marsh	A Schofield	C Wakeford
I Brown	J Eaton	E Nash	J Shedwick	G Wilkins
P Buckley	C Edwards	D O'Toole	D Smith	P Williamson
J Burrows	D Foxcroft	E Pope	A Snowden	B Yates
S Charles	A Gardiner	J Purcell	D Stansfield	
A Cheetham	G Gooch	J Rear	P Steen	
S Clarke	M Green	P Rigby	C Towneley	

Against (32)

A Ali	B Dawson	N Hennessy	J Mein	J Potter
L Beavers	F De Molfetta	S Holgate	J Molineux	K Snape
J Berry	G Dowding	D Howarth	E Oades	J Sumner
L Collinge	K Ellard	M Iqbal	G Oliver	D Whipp
L Cox	J Fillis	E Lewis	M Parkinson	
C Crompton	J Gibson	S Malik	J Parr	
M Dad	P Hayhurst	T Martin	M Pattison	

Abstain (3)

T Aldridge	P Greenall	A Hosker
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The motion was CARRIED and it was:

Resolved: -

That the Cabinet's recommendations in respect of:

- Revenue Budget 2018/19 and Financial Strategy 2018/19 to 2021/22;
- Capital Investment Programme 2018/19 and beyond;
- The Council Tax and Precept 2018/19.

As adjusted at Annex 1 to these minutes, be approved.

4. Report of the Audit, Risk and Governance Committee - Treasury Management Policy and Strategy 2018/19

County Councillor Alan Schofield moved the report of the Audit, Risk and Governance Committee, which was seconded by County Councillor Edward Nash.

Resolved: - That the recommendations of the Audit, Risk and Governance Committee, as set out in the report, now presented, be approved.

Minute Annexes

Annex 1

Adjustment to the 2018/19 Budget Proposal Full Council 8 February 2018

The Cabinet's budget recommendation to Full Council included the most up to date information at the time of writing, and as part of this included funding projections based on the provisional financial settlement that was announced on 19th December 2017.

1. The Final Settlement 2018/19

The Final Settlement was announced on 6th February 2018. The Settlement included an additional non-recurrent national Adult Social Care Support Grant of £150m, of which £3.449m is allocated to Lancashire County Council, in addition to some small adjustments to the business rates calculations.

2. Business Rates

Information has now been received from the City and Borough Councils, with the business rates forecast for 2018/19 showing an improved position.

The impact of the most up to date information is as follows and has been reflected in the revised Medium Term Financial Strategy (MTFS) in Section 5:

Table 1

	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m
Cabinet Recommendation	188.972	194.421	198.989	204.431
Full Council Adjustment	190.736	194.882	198.989	204.431
Increase	1.764	0.461	0.000	0.000

3. Collection Fund Position

The final collection fund positions for Council Tax and Business Rates have been received from the City and Borough Councils:

Table 2

	£m
Council Tax Collection Fund	6.893
Business Rates Collection Fund	0.926
Total Surplus/(Deficit) Position	7.819

Table 2 shows a surplus position has been reported, with this being one off additional funding that is recommended to be transferred to the transitional reserve.

A revised reserves position is shown below showing the impact of the additional one-off income:

Table 3

Reserve Name	Approved at Full Council Feb 2017	2017/18 Forecast Spend	2017-18 transfers to / from other reserves	2017/18 Forecast Closing Balance	2018-19 Forecast Spend	2019-20 Forecast Spend	Total as at 31 March 2020
	£m	£m	£m	£m	£m	£m	£m
County Fund	-36.000	2.373	10.000	-23.627	0.000	0.000	-23.627
SUB TOTAL - COUNTY FUND	-36.000	2.373	10.000	-23.627	0.000	0.000	-23.627
Strategic Investment Reserve	-4.446	1.283	0.037	-3.126	1.240	0.410	-1.476
Downsizing Reserve	-18.913	2.653	1.431	-14.829	3.762	0.000	-11.067
Risk Management Reserve	-10.439	3.768	3.001	-3.670	3.670	0.000	0.000
Treasury Management Reserve	0.000	0.000	-10.000	-10.000	0.000	0.000	-10.000
Transitional Reserve	-159.014	39.695	-9.920	-129.239	-1.959	0.578	-130.620
To facilitate the transition of services	-3.000	0.000	3.000	0.000	0.000	0.000	0.000
Service Reserves	-13.038	2.604	2.441	-7.993	3.571	0.501	-3.921
SUB TOTAL - LCC RESERVES	-208.850	50.002	-10.010	-168.858	10.284	1.489	-157.085

Schools/Non-LCC Service Reserves (3.5)	-18.989	1.263	0.010	-17.716	1.011	-0.687	-17.392
SUB TOTAL SCHOOLS/NON LCC RESERVES	-18.989	1.263	0.010	-17.716	1.011	-0.687	-17.392
GRAND TOTAL	-263.839	53.638	0.000	-210.201	11.295	0.802	-198.104

The revised table above presents an increased amount available within the transitional reserve to support the revenue budget financial gap.

Table 4 demonstrates the funds that are forecast to be available to support the budget gap in 2018/19 and 2019/20. However, in order to set a legal budget further savings will need to be made.

Table 4

	2018-19 £m	2019-20	2020-21 £m	
<i>MTFS Funding Gap</i>	<i>42.045</i>	<i>68.410</i>	<i>118.138</i>	
Available reserves to support financial gap	42.045	68.410	20.165	130.620

4. Council Tax

The Council Tax Base has now been confirmed by the 12 Borough and City Councils. This has resulted in a slight increase in the figures published in the Full Council papers.

	Band D equivalent	£m
Provisional Tax Base	361,544.11	468.171
Final Tax Base	361,822.64	468.531
Increase	278.53	0.360

The share for each District Council of the total raised from the Council Tax of £468,531,375:

District	£
Burnley	29,935,961
Chorley	47,412,434
Fylde	38,525,165
Hyndburn	26,553,630

Lancaster	53,350,704
Pendle	30,639,750
Preston	48,173,614
Ribble Valley	29,656,258
Rossendale	26,194,937
South Ribble	46,022,493
West Lancashire	45,099,305
Wyre	46,967,124
Total Raised from Council Tax	468,531,375

This gives an overall position of:

	£m
Budget Requirement	764.640
Less RSG	56.979
Less Retained Business Rates	190.735
Less New Homes Bonus grant	3.765
Less Better Care Fund	22.656
Less Capital Receipts	18.525
Less Adult Social Care Support Grant	3.449
Equals council tax cash	468.531
Divided by tax base	361,822.64
Gives Band D council tax for 2018/19	£1,294.92
2017/18 council tax	£1,221.74
Percentage increase	5.99%

5. Funding Gap

	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
Spending Gap as per Full Council papers	47.619	21.633	49.280	25.960	144.492
Funding	-5.574	4.732	0.448	-0.014	-0.408

Revised Funding Gap	42.045	26.365	49.728	25.946	144.084
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6. Revenue Budget

Revenue Budget 2018/19	Net Budget £m
Adult Services	347.435
Education and Children's Services	157.910
Community Services	134.792
Customer Access	3.382
Corporate Services	19.218
Economic Development and Planning	3.669
Chief Executive Services	20.102
Finance Services	31.228
Programmes and Projects	0.784
Property Services	27.437
Public Health	20.855
Service Communications	0.834
Sub-Total	767.646
Financing Charges	39.039
Use of one off resources	-42.045
Revenue budget 2018/19	764.640

County Councillor Geoff Driver CBE,
 Leader of the County Council,
 8 February 2018

Annex 2

BUDGET COUNCIL: 8TH FEBRUARY 2018

AMENDMENT PROPOSED BY THE LABOUR GROUP TO THE 2018/19 BUDGET

(1) Proposed additions to the revenue budget

	£m
Reverse the saving relating to Terms and Conditions (CORP003)	3.750
Reinstate Carnforth Bus/Rail Interchange	0.012
Reverse the proposal to cut Community Transport (CMTY024)	0.254
Reverse the proposal to cease funding for Police Community Support Officers (PH012)	0.220
Invest to saving in securing franchised public transport schemes	1.000
Additional borrowing costs	0.070
Total cost of proposed amendments:	<u>5.306</u>

(2) Financing the proposed additions to the revenue budget

	£m
Reduce agency staff expenditure	-1.000
Funding from the transitional reserve	-4.306
Total Funding	<u>-5.306</u>

(3) Proposed additions to the capital programme

	£m
Additional funding for permanent pothole repairs	1.000
Total Additions to Capital Programme:	<u>1.000</u>

(4) Proposed amendments to the funding of the Capital Programme

	£m
Additional borrowing for permanent pothole repairs	-1.000
Total amendments to the funding of the Capital Programme:	<u>-1.000</u>

Note:

From within the proposed 2018/19 capital programme for Highways, Labour would ring-fence £4m for pothole repairs and £1m for an increase in the gully cleaning fleet.

View of the Interim Chief Executive and Director of Resources (S151)

The proposals have been validated as being deliverable financially in 2018/19. It must be stressed that the proposals will lead to a widening resource gap in 2018/19 and future years, including an additional call in 2018/19 on the transitional reserve of £4.306m, unless addressed through additional savings being identified via reductions in expenditure or income generation.

Noting the above, overall the proposed amendments do not materially impact my comments on the robustness of the estimates or adequacy of reserves for the 2018/19 budget. However I must reiterate my comments from within the main report, as amended for the updated information circulated today. "...the position for 2019/20 is critical to addressing the issue of financial sustainability as there remains a funding gap of £68.410m. Urgent work is required to identify proposals for additional savings early in 2018/19 that can be delivered in 2019/20 and for the remaining MTFS position."

These proposals will increase the level of risk already inherent in the medium term financial strategy increasing the underlying financial pressure to £72.716m in 2019/20 and £148.390m by 2021/22.

Annex 3

BUDGET COUNCIL: 8TH FEBRUARY 2018

AMENDMENT PROPOSED BY THE LIBERAL DEMOCRAT GROUP TO THE 2018/19 BUDGET

(5) Proposed Additions to the Revenue Budget

	£m
Reinstate funding for highway safety signing and lining: (CMTY011)	0.500
Reinstate funding for PCSOs (PH012):	0.220
Reinstate funding for Information Centres (Preston, Nelson, Clitheroe & Carnforth; and Morecambe Visitor Centre (CMTY027):	0.099
Reinstate Bus Stop Information & publicity material (CMTY030):	0.015
Provide funding for street light energy costs to allow a more flexible policy on times of dimming in locations where there are community safety concerns:	0.500
Fund additional reactive maintenance to highway drainage, with delegation to districts where there is local capacity to carry out work (including drainage schemes in capital programme):	0.318
Fund set up costs of a Local Lancashire Lottery with the aim to generate funds to replace the funding lost to charitable and other organisations being cut through axing of LCC funding streams:	0.007
Fund six person team (part year) to market county council facilities and services to generate income (see savings):	0.200
Additional highway winter maintenance funding to provide extra grit bins and filling:	0.500
Reinstate Highways Asset Management reduction (COM002b)	0.315
Reinstate cut in Youth Offending Team budget (CYP015)	0.336
Total Cost of Proposed Amendments:	<u>3.01</u>

(6) Financing the Proposed Additions to the Revenue Budget

£m

Reduction in costs of agency staff: 1.000

Target additional net income from maximising use of county council's physical assets (e.g. weddings at Wycoller) and traded services: 1.000

Increase staff vacancy factor by a further ½% 1.595

Cease provision of Member Champion grants 0.050

Reduce Special Responsibility Allowance of Leader of County Council (with pro-rata adjustments to SRAs geared to that level) by 10% and cease SRAs for Member Champions: 0.056

Total Revenue Savings: 3.701

Net position is a reduction in the funding gap and required contribution from the Transitional Reserve 0.691

(7) Proposed Additions to the Capital Programme

£m

Additional funding to carry out road and pavement repairs: 15.000

Increase drainage maintenance budget: 1.282

Additional road repair funding in Pendle: 1.700
(See deletion below)

Total Additions to Capital Programme: 17.982

(8) Proposed Amendments to the Capital Programme

£m

Delete M65 Junction 13 Eastern roundabout signalisation 1.700

(Funded from 2017/18 NPIF)

Total Reductions from Capital Programme: 1.700

View of the Interim Chief Executive and Director of Resources (S151)

The proposals have been validated as being deliverable financially in 2018/19. However it must be stressed that whilst additional revenue savings have been proposed, to fund the additions to the revenue budget, £1m of these covers the targeting of additional income and necessarily has not been subject to as rigorous a validation process as the income generating proposals contained within the budget report.

In addition, reducing agency staff costs and increasing the vacancy factor would need to be very closely monitored to determine the impact on services with the risk that, in some areas, there could be a negative impact on service delivery.

There is also a significant increase in the proposed size of the Capital Programme of £16.282m which would need to be funded from additional prudential borrowing. While the borrowing costs would not impact until 2019/20 onwards, this does create an ongoing additional annual revenue cost of £1.1m and further increase the funding gap in future years.

Overall the proposed amendments do not materially impact my comments on the robustness of the estimates or adequacy of reserves for the 2018/19 budget. However I must reiterate my comments from within the main report, as amended for the updated information circulated today. "...the position for 2019/20 is critical to addressing the issue of financial sustainability as there remains a funding gap of £68.410m. Urgent work is required to identify proposals for additional savings early in 2018/19 that can be delivered in 2019/20 and for the remaining MTFS position."

These proposals will increase the level of risk already inherent in the medium term financial strategy and the underlying financial pressure to £68.819m in 2019/20 and £144.493m by 2021/22.

Angie Ridgwell
Interim Chief Executive and
Director of Resources

County Hall
Preston

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Director of Adult Services

Part A

Electoral Division affected:
None;

Finding of the Local Government Ombudsman - 7 November 2017

(Appendix 'A' refers)

Contact for further information:

Angela Esslinger, Tel: (01772) 533950, Complaints & Appeals Manager
angela.esslinger@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.

This report sets out the actions that have already been taken in response to the Ombudsman's recommendations and Full Council is asked to endorse the further actions that have been put in place in response.

Recommendation

That Full Council:

- (i) Notes the recommendations set out in the Local Government Ombudsman's report at Appendix 'A';
- (ii) Notes the actions already taken and endorses the further steps proposed in response to the report's recommendations as set out below.

Background and Advice

On 7 November 2017 the Local Government Ombudsman (LGO) published a public report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

The report at paragraph 80 onwards includes recommendations as to how the County Council could best remedy the injustice caused. The actions already taken in response and further actions proposed are set out below.

1. Apologise to the complainant for the faults identified.

A letter of apology was sent to the complainant by the Cabinet Member for Adult Services on 28 November 2017 to the mother of the young man 'Y'. This fully acknowledged the distress caused and accepted the findings of the LGO report.

2. Pay the complainant £2,500 for 'Y's mother to use for his benefit, to support his educational, social, language and behavioural needs and a further £500 to acknowledge the distress and time and trouble she has been put to by the council's faults, for the lost opportunity to appeal to the Tribunal in 2016 and for the delay in her right to appeal in 2017.

A payment of £3,000 in total has been made to the mother of 'Y'.

3. Ensure we find 'Y' suitable long term accommodation as soon as possible.

United Response, a Care Quality Commission (CQC) registered and well established national and regional care provider specialising in supporting adults with learning disabilities, has been selected to be the new care provider for 'Y'. They have now recruited all staff to work as carers with 'Y'. The appropriate training is now being provided to the new carers and the appropriate health and social care professionals are currently involved in a handover to United Response. In the meantime 'Y' continues to be supported by the County Council's own Short Breaks service, and his family and 'Y' continue to access a wide range of activities in the community.

The council is aware that the LGO set a timescale in their final report published in November 2017 for the move to be completed within three months. However the council has an overriding concern that the transition to the new service should be completed sensitively and effectively.

It is therefore proposed that the target date for 'Y's move will be in March 2018 and the exact date will be set at the next multidisciplinary team meeting which is being held on 19 February 2018. The council proposes to keep the LGO up to date with the timescales on this case until the move is fully completed but this will take longer than initially expected.

4. Assess what additional provision 'Y' needs in the interim to make the Short Breaks Service suitable to meet his needs and put this in place.

Professionals and agencies continue to work closely with existing services and the family to ensure that the Short Break Service is able to respond to 'Y's needs effectively

5. Review 'Y's Education Health and Care Plan. This should include a review of his educational and care needs and how best these should be met. It should then give 'Y's mother a formal decision on whether we intend to amend or cease Y's plan to enable her to have a right of appeal to the Tribunal (a right for people with Special Educational Needs).

An annual review was held on the 11 January 2018. The outcome of the Annual Review is to cease the Education Health and Care plan. The letter to cease has now been sent.

'Y"s mother will then have the right of appeal to the Tribunal on behalf of her son.

Advice

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 Council and, within three months of receipt of the report, the Council notifies the Local Government Ombudsman of the action that it has taken.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the Council fails to comply with the legislation, the Local Government Ombudsman has power to require the Council 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 if the Local Government Ombudsman decides that their recommendations have not been followed.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Lancashire County Council
(reference number: 16 015 248)**

7 November 2017

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.

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

Y	The complainant
Ms X	Y's parent

Report summary

Transition to Adult Care and Education and Health Care Plans

Ms X complains the Council was failing to meet the needs of Y, who has severe learning difficulties. In particular, it has failed to find him suitable long term accommodation and has failed to meet his care needs while he lives in temporary respite care.

Finding

Fault found causing injustice and recommendations made.

Recommendations

We recommend the Council's priority should be to ensure it finds Y suitable long term accommodation as soon as possible. The Council says it has now identified a property for Y. It should provide us with an action plan with timescales. This should set out what action it intends to take to ensure Y is moved to the accommodation as soon as possible. It should provide a monthly report to us until Y is placed.

We also recommend, within three months of the final report the Council:

- assesses what additional provision Y needs in the interim to make the Short Breaks Service suitable to meet his needs and put this in place;
- reviews Y's Education, Health and Care Plan. This should include a review of his educational and care needs and how best these should be met. It should then give Ms X a formal decision on whether it intends to amend or cease Y's Plan to enable her to have a right of appeal to the Tribunal;
- pays Ms X £2,500 for her to use for Y's benefit to support his educational, social, language and behavioural needs; and
- apologises to Ms X and pays her £500 to acknowledge the distress and time and trouble she has been put to by the Council's faults, for the lost opportunity to appeal to the Tribunal in 2016 and for the delay in her right to appeal in 2017.

We recommend the Council produces a detailed action plan setting out how it intends to comply with each of our recommendations with defined timescales.

The Council has accepted our recommendations.

The complaint

1. Ms X complains the Council is failing to meet Y's needs. Y has severe learning difficulties. In particular she says the Council has:
 - taken too long to find suitable long term accommodation for Y;
 - failed to meet his care needs while he lives in temporary respite care; and
 - failed to communicate with her over his care, including changes in Y's medication.

Legal and Administrative Background

The Ombudsman's role

2. We investigate 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), as amended*)
3. We 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), as amended*)

Education and Health Care Plans

4. A young person with special educational needs may have an Education, Health and Care Plan (EHC Plan). This is a legal document which sets out a description of a child's needs (what he or she can and cannot do). It says what needs to be done to meet those needs by education, health and social care. The EHC Plan can continue until a young person is aged 25 if he or she is in education or training below the level of higher education.
5. A council must not cease an EHC Plan just because a young person is aged 19 or over. It may cease the EHC Plan if it decides it is no longer necessary. It should consider whether remaining in education or training would enable the young person to progress and achieve their outcomes. The young person or their parent has a right to appeal to Tribunal if they disagree with the council's decision to cease the EHC Plan. The Special Educational Needs and Disability Chamber of the First Tier Tribunal (the Tribunal) considers appeals about special educational needs.
6. For young people with an EHC Plan the council should use the annual review prior to ceasing the EHC Plan to agree the support and specific steps needed to help the young person engage with the services and provision they will be accessing once they have left education.
7. Where a young person leaves education before the end of their course the council must not cease to maintain the EHC Plan unless it has reviewed the EHC Plan to determine whether the young person wishes to return to education or training. It should seek to re-engage the young person in education or training as soon as possible.

Care planning

8. The Care and Support Statutory Guidance sets out that if the council will meet the young person's needs under the Care Act after they have turned 18 it must undertake the care planning process as for other adults including creating a care and support plan and creating a personal budget. It states:

"Where young people aged 18 or over continue to have EHC plans under the Children and Families Act 2014, and they make the move to adult care and support, the care and support aspects of the EHC plan will be provided under the Care Act. The statutory care and support plan must form the basis of the care element of the EHC plan."

Under the Children and Families Act, EHC plans must clearly set out the care and support which is reasonably required by the learning difficulties and disabilities that result in the young person having SEN. For people over 18 with a care and support plan, this will be those elements of their care and support which are directly related to their SEN. EHC plans may also include other care and support that is in the care and support plan, but the elements that are directly related to SEN should always be clearly marked out separately as they will be of particular relevance to the rest of the EHC plan."

How we considered this complaint

9. We have produced this report following the examination of relevant files and documents.
10. Ms X 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.

What we found

What happened

11. Y is 20 years old. He has a genetic disorder resulting in severe learning difficulties. Y can display challenging, aggressive and sometimes sexually inappropriate behaviours.

Finding suitable accommodation

12. Y lived at home with his parents and siblings. He attended college during the week. In January 2016 Ms X contacted the Council raising concerns as the family were struggling to manage and she had concerns about the impact of Y's behaviour on a younger sibling. The Council arranged for Y to stay at its Short Breaks Service. This Service provides 24/7 short breaks to people with a learning or physical disability and enables carers to have a break from their caring role. Y had previously used this service for short respite breaks.
13. At the end of January 2016 the family decided Y should not return home to live due to concerns over the impact of Y's behaviour on a younger sibling. The Council carried out a capacity assessment and made a best interests decision that Y should stay at Short Breaks while it sought alternative accommodation from care providers, to be reviewed on 25 March 2016.
14. On 2 March Y was excluded from college and a Social Worker arranged for Y to attend Day Care.

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15. On 9 March Care Provider 1 carried out an initial assessment. It felt it could offer Y supported living accommodation. It proposed a two bedroom flat with a view to a second person moving in. The Social Worker asked it to proceed with carrying out a full assessment of Y's needs. Care Provider 2 also advised it might be able to meet Y's needs. Ms X visited both Care Providers. She was happy with Care Provider 1 but did not feel Care Provider 2 could meet Y's needs.
 16. On 28 April Care Provider 1 asked the Council if it wanted to proceed with a detailed care plan. On 12 May 2016 the Social Worker asked Care Provider 1 to carry out an assessment as a matter of urgency.
 17. On 2 and 7 June 2016 the Short Breaks Service raised concerns it had to cancel other service users to accommodate Y. It advised it had previously had to move Y around different rooms to accommodate other service users who had booked/preferred particular bedrooms. Short Breaks enabled Y to stay in the same room from April 2016 onwards.
 18. The Short Breaks Service contacted the Council on 13 June 2016. It was concerned Y had no up to date assessment and there had been no care planning meeting or review of his current circumstances since moving into Short Breaks in January 2016. It requested a multi disciplinary meeting to work out how best to support Y to move on from Short Breaks and to manage the cancellations associated with his prolonged stay.
 19. On 5 July 2016 the Community Nurse referred Y to the Supported Living Service and Care Provider 3 agreed to assess Y.
 20. On 2 August 2016 Care Provider 1 provided the Social Worker with a care plan for Y. The care plan included one to one support during the day as Y would be living on his own until it identified another person suitable to share with Y. This would be with a view to reducing the one to one support over time. Ms X visited Care Provider 3 whose care would involve Y sharing with another person. Ms X did not feel it was suitable due to the nature of the accommodation and the behaviour of the other person would not be appropriate for Y's needs.
 21. The Council scheduled a best interests meeting for 29 September. This concluded it was in Y's best interests to live at Care Provider 1 but there were a number of issues that required clarifying such as staffing and sleeping arrangements. Y had also made clear to staff at the Short Breaks Service that he would like to stay at Care Provider 1.
 22. In October the Social Worker approached the Head of Service about approving the placement. The Social Worker advised other properties had been explored but compatibility with other service users became a concern for most. The Head of Service required additional information about the service provided and costs of provision. In particular the Council considered Y needed less one to one support than that proposed by Care Provider 1.
 23. The Council reassessed Y's needs in October 2016. It did not produce a revised support plan. The assessment recorded Y needed support from one person at all times to oversee his care needs and ensure all risks were minimised. It stated Y *"would benefit from a shared tenancy, this has now been evidenced by his stay at Short Breaks where [Y] is expected to share support with approximately 5 other people at any one time"*. It recommended Y was supported 24/7 and could benefit from a safe shared space and support to engage in meaningful activities. Under 'support in anticipated living situation' it recorded *"supported living – 2 sharing"*.

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24. The Council arranged to meet with Care Provider 1 on 17 November. The Care Provider agreed to meet Y with a view to reducing the amount of one to one hours in the proposed care plan. It produced an amended breakdown of Y's assessed support needs on 2 December.
 25. On 15 December 2016 the Council's complex case forum did not approve Y's placement at Care Provider 1. It felt Y was much more able to share with others, risks could be managed and compatibility considered. It suggested looking at a flexible agreement through a mini tendering process and looking at in-house options.
 26. The Social Worker prepared a mini tender document for Y on 27 January 2017 with a view to awarding the tender in March 2017.
 27. At the end of March 2017 Ms X and Care Provider 1 contacted the Council about a vacancy. The Social Worker did not support this option. The Social Worker advised Ms X they did not consider a two person share would meet Y's needs. The Social Worker considered Y could share with at least four others, similar to the care provided at Short Breaks. The increased staff presence in a larger accommodation would minimise the opportunities for Y to behave inappropriately to others. Y had evidenced he could share staff successfully. Ms X advised she was concerned the more people in the unit the more unsettled Y became. With noise levels and routines of a larger unit Y would retreat to his bedroom and become reclusive.
 28. Ms X complained to the Council about this. It advised it considered Care Provider 1 was not suitable. It aimed to place Y in a tenancy with between two and four adults, although initially he might be on his own until other compatible people were found. In a further response it advised it felt Y could not share safely with only one other person as his behaviour could not be monitored sufficiently to keep the other person safe.
 29. The Council advertised the mini tender for Y's support package on 10 April 2017. One interested care provider came forward. A panel evaluated the submission on 11 May 2017 and was satisfied it could meet Y's needs.
 30. The care provider identified a potential property which already had two residents. However, following a visit by Ms X it had concerns about the compatibility of one existing resident with Y. Y remains at the Short Breaks Service.

Y's behaviour

31. The Council's Social Services records include a number of concerns regarding Y's behaviour.
 - Y hit an escort in February 2016.
 - In March 2016 the Short Breaks Service reported an incident where Y had refused food and thrown an object.
 - In April 2016 Ms X emailed the Council as the Short Breaks Service had contacted her to advise Y had touched another resident in an intimate area and was becoming withdrawn at times. In April the Short Breaks Service advised the Council that Y had refused to get on the transport to the Day Service. Y had tried to punch the driver. It believed this might be to do with another person who was using the service.

- In May 2016 the Short Breaks Service advised the Council of an incident where Y had displayed inappropriate behaviour. It advised there was already a risk assessment in place.
- In June 2016 the Short Breaks Service advised the Social Worker Y had been accused by another guest of pinching him. Y had become upset and thrown furniture and had tried to hit staff.
- In September 2016 the Short Breaks Service reported an incident where Y broke equipment and set the fire alarm off.
- The Short Breaks Service contacted the Social Worker in November to advise Y continued to display apathy and was becoming more and more withdrawn. Later that month it reported an incident where Y pulled the hair of another service user on the transport to the Day Service.
- Ms X contacted the Council in November 2016 as there was an incident at the Short Breaks Service where Y broke a mirror and cut his foot, requiring stitches. Y was in his room and had refused lunch at 12. He was found at 3pm with his foot bleeding. Ms X was concerned about the level of supervision of Y over this period. The Council responded that the incident lasted over a few hours and Y was not left unsupervised. It was only when Y calmed down that staff noticed the injury.
- Ms X contacted the Social Worker on 1 December 2016. She advised she was concerned about Y. His mood was very low and he seemed unsettled. The Short Breaks Service contacted the Social Worker on 2 December 2016 to advise Y was unhappy and was communicating this through his behaviour. It had concerns Y would be labelled as having challenging behaviour when he was trying to express his frustration with the situation.
- On 13 January 2017 the Short Breaks Service reported further incidents where Y had thrown things and shaved his hair. It believed the incidents related to those times when another resident who Y got on with left the service. The Short Breaks Service advised Y was very withdrawn and was spending more and more time in his room.
- In May 2017 Ms X raised a safeguarding concern regarding Y being locked in his room without a monitor on. She also expressed concern Y was distressed on the last two occasions she had visited. The Council advised Y had locked himself in his room from the inside. In its safeguarding response, the Council advised there may have been a lapse in monitoring but Y did not come to any serious harm.

Communication and changes in medication

32. Ms X complained to the Council in September 2016 about the lack of progress in finding long term accommodation for Y. She also complained about the Council's failure to keep her updated. In its complaint response the Council accepted communication could have been better. It says the delay was due to difficulties in finding suitable accommodation and the pressures on the Social Worker's time. A senior officer advised they would meet with the Social Worker to ensure actions were progressed and regular communication maintained.

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33. On 17 January 2017 the Social Worker met with the Short Breaks Service and Community Nurse to discuss the way forward. The Nurse advised they were looking to close the case as Y had displayed no recent behaviours which needed addressing. They said any behaviours exhibited by Y were reasonable in the circumstances and did not require specialist input. There was a discussion around Y's low mood and it was suggested Y be taken to the GP about this.
34. Short Breaks arranged for Y to see a GP the next day. It did not advise Ms X of the appointment.
35. On 21 January 2017 Ms X contacted the Council as she found out Y was prescribed anti-depressants. She did not consent to this. She complained about the lack of progress with finding Y suitable accommodation and the Council's failure to keep her updated. She referred to previous incidents where Y had cut his foot and shaved his hair.
36. Short Breaks arranged for Y to visit his usual GP who cancelled the prescription for anti-depressants. On 7 February 2017 the Council met with Ms X. It acknowledged the delay in placing Y was unacceptable but said it was doing everything it could. It offered additional support to help Y's contact with the family and agreed to update the family fortnightly on progress.

Y's EHC Plan

37. In September 2015 Y started attending a local further education college during the week. The outcomes sought from Y's educational provision within his EHC Plan were:
- to continue to develop functional literacy, numeracy and ICT skills;
 - to continue to develop socially acceptable behaviour;
 - to develop an awareness of his sensory sensitivities;
 - to continue to develop speech and language skills; and
 - to develop self-help independence and life skills.
38. In January 2016 Y moved out of the family home and into the Short Breaks Service.
39. In February 2016 the College reported Y's behaviour had deteriorated. It asked the Council if Y's Social Worker could attend a review of Y's EHC Plan.
40. The College produced a review of Y's EHC Plan on 2 March 2016. It cancelled the review meeting as the Social Worker and representative from the Council did not turn up. Under 'what is working for Y' in relation to education the college recorded *"very little. The structure of college does not suit [Y] and his needs are not being fully met. He needs 1:1 support and supervision. [Y] needs a flexible structure for the day and a fluid programme of study – this is not possible here in college"*.
41. Under 'what is needed' the review recorded Y *"needs 1:1 support at college. However the college does not have the funding for this. An educational setting is not the appropriate place for him. [Y] needs a community based setting. A Community package for [Y] needs to be discussed as a matter of urgency"*.
42. The review noted Y still wanted an EHC Plan. It also recorded Y required transition planning to help him prepare for adulthood and independent living.

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43. Later, on the same day, the College advised the Council that due to an incident where Y threw a chair the College was looking to exclude him. The College advised the Council it would need to meet to finalise the EHC Plan review and to look at potential opportunities for Y.
44. The Social Worker arranged for Y to attend replacement day services on an indefinite basis until his accommodation was sorted out, around six weeks later.
45. On 5 April 2016 the Day Service advised Ms X that Y's behaviour had changed in the last week or two. He was refusing to do activities and was being moody with service users. Ms X emailed the Social Worker to advise of this.
46. On 3 May 2016 the Day Service raised a concern about Y's behaviour. It said his behaviour was placing him and the people at the day service at risk. There were a couple of incidents where Y had thrown small items, he had refused to come off transport or to go on transport at the end of the day and he wanted to withdraw from group sessions more frequently. It advised it was providing one to one support. It was keen to agree appropriate support levels via best interest and capacity assessments.
47. On 9 June 2016 the Day Service emailed the Social Worker with an update regarding a meeting it had with the Short Breaks Service to discuss Y. The email advised Y coped with shared support in the group setting at Short Breaks. However the longer he attended the Day Service the less inclined he was to join in group activity. The Day Service had increased Y's 1:1 support. They advised *"we could all do to meet together to move things forward for [Y]"*.
48. On 15 June 2016 the Day Service contacted the Council to advise it of three incidents with Y in day care. One incident involved Y throwing IT equipment around. Another incident involved Y lying on the floor in a shop and refusing to get up. The Day Service requested a multi-disciplinary meeting to discuss the plan for the future.
49. On 17 January 2017 there was an incident at the Day Service where Y assaulted staff and damaged property. It asked for an update regarding Y's move and a meeting to discuss how to respond to Y's behaviour.

Current position

50. Y is currently still living at the Short Breaks Service. Ms X says the Social Worker believes Y has shown he can live in shared accommodation while living at the Short Breaks Service. However Ms X says Y spends most of his time at the Short Breaks Service in his room on his own. He eats in the annexe on his own and does not like being in the main lounge. The Short Breaks Service disagrees with Ms X's view. It says Y mixes with other residents and spends time in the lounge. On occasion he has chosen to eat in the annexe or his room but this is not frequent. It advises he enjoys the company of his peers.
51. Ms X says Y has now been excluded from the Day Service. A staff member from the Day Service accompanies him in the community during the day. Ms X believes he was not supported correctly at the Day Service. She considers it did not follow his care plan properly and it was not using the correct tools to manage Y's behaviour.

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52. The Day Service says it could not manage the risks effectively. It says Y was not excluded but the layout of the service and volume of people using it made it difficult to effectively support Y. Following repeated incidents at the Day Service, the two services decided Y could take part in community based activities during the day between 10am and 4pm Monday to Friday instead of using the Day Centre.
53. Ms X says Y is not getting one to one supervision at the Short Breaks Service. When she visited recently there were seven residents and only two staff members. Ms X says she is still not being updated by the Council about Y's medical appointments. There was also another incident where it was believed Y behaved inappropriately towards another resident which Ms X says was as a result of Y not being properly supervised. The Short Breaks Service told us Y is supervised by a named member of staff when in communal areas of the building to provide specific observation and support where necessary.
54. A report completed in September 2017 by the Learning Disability Nurse states Y *"has been living in Short Breaks for the past 18 months and is waiting for permanent accommodation. [Y] was expelled from college. [Y] hasn't been able to attend the day centre due to the environment. [Y's] current placement doesn't meet his sensory or emotional needs"*.

Findings

Provision of suitable accommodation

55. Y has lived at the Short Breaks Service since January 2016. The stay at the Short Breaks Service was initially planned as emergency respite and is not a suitable long term option. The Council's delay in finding him suitable long term accommodation is fault.
56. In October 2016 Y's needs assessment recorded he needs supported living with two sharing. However the Council advertised a flexible agreement for Y to share with three to four others. There was also confusion over the level of supervision Y required. The lack of consistency and failure to adhere to Y's needs assessment is fault.
57. Care Provider 1 carried out an initial assessment of Y's needs in March 2016. The Council delayed requesting a full assessment from the Care Provider until April but the Care Provider then delayed producing a full assessment until August 2016. The Council cannot be held responsible for the Care Provider's delays. However the Council allowed the situation to drift. This is fault. Y's needs did not change during this delay.
58. In September 2016 the Council held a best interests meeting which agreed it was in Y's best interests to reside at Care Provider 1 in a shared placement with one other. His needs assessment in October 2016 recorded Y needed supported living with two sharing. However by December 2016 the Council decided this option was not suitable, 11 months after Y entered the Short Breaks Services for a six week period and without any reassessment of Y's needs.
59. The Council considered Y could share support. It raised concerns about the isolated location of Care Provider 1 and that Y did not need as much one to one support as proposed by Care Provider 1's care plan. These issues were not addressed at the best interests meeting in September 2016. They were important to Y's best interests and should have been addressed at that time.

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60. The Social Worker originally supported a placement for Y in a two person share. To manage risks more effectively the Social Worker then proposed a shared living option with four to five others so Y would be supervised at all times. The Social Worker considered Y had shown he could cope with sharing staff during his stay at Short Breaks. However, the Council is now pursuing the option of sharing with only one other, an option originally presented in March 2016. Y has had to manage at the Short Breaks Service but this does not mean it is a suitable option for him. The Council in its complaint response to Ms X advised it had considered a number of properties for Y but compatibility with other service users was an issue.
61. The Council is at fault. It has not considered all the relevant issues as a whole in deciding what type of property would meet Y's needs. It should weigh up all the key factors including the risk of Y behaving inappropriately, the extent to which Y needed supervision, the triggers for Y's behaviour including noise and the behaviour of others and concerns about compatibility with other residents.
62. Y has seen people regularly coming and going from the Short Breaks Service. There have been a number of incidents involving other residents. The Short Breaks Service has said Y develops a relationship with an individual and then they leave which has a negative impact on his behaviour. Y's prolonged stay has also had a significant impact on a number of other families who have had their short breaks cancelled as Y occupies accommodation they need.
63. When the Council decided Care Provider 1 was not suitable it delayed assessing other suitable options. This is fault. It agreed to pursue a flexible arrangement through a mini tendering exercise in December 2016 but this was not advertised until April 2017.
64. Through his prolonged stay in Short Breaks the Council says Y coped with shared support more than it thought he would but it also reports that Y needed constant supervision. It has provided a significant amount of support to Y for a prolonged period. However it was never meant to be a long term solution. The evidence is Y suffered a significant disadvantage due to the delays.
- Y's behaviour has deteriorated. The evidence suggests the current situation, the length of his stay in the Short Breaks Service, his day time support, the lack of support specified in his EHC Plan and the lack of long term suitable accommodation for Y has impacted on his behaviour.
 - There have been several incidents at the Short Breaks Service where Y has displayed challenging behaviour from March 2016 onwards including: physical violence towards others, injury to himself, apathy, refusal to eat or engage with activities or other residents.
 - Ms X also reported the incident where she found Y locked in his room.
 - Poor supervision of Y compared to what is required by his needs assessment.
 - Y was recently stopped from using the Day Centre due to his behaviour. Y's day time support now starts and finishes from the Short Breaks Service.
65. Ms X has also been caused a disadvantage as this delay has caused her additional worry and frustration in having to pursue the Council to find suitable long term accommodation for Y.

Communication and changes in medication

- 66. The Council failed to keep Ms X updated. It has failed to return calls. This is fault. Ms X was put to time and trouble in chasing the Council for updates.
- 67. The Short Breaks Service has always supported Y at GP and health appointments and it acted appropriately in supporting Y to visit a GP. However it failed to advise Ms X of the appointment and this is fault. The Short Breaks Service says it would usually advise the family of any medical appointments and this was an oversight. The Short Breaks Service was not at fault for administering medication prescribed by a GP.
- 68. The GP that Y visited was not his usual GP and it was the GP's decision to prescribe Y anti-depressants. Ms X had concerns over the potential interaction with his regular medication and sought advice from Y's usual GP who stopped the anti-depressants. Ms X says Y took the medication for four days which caused her worry and distress. Had Ms X been advised of the appointment she would have had the opportunity to express her views earlier. However we cannot say the outcome of the GP's appointment would have been different and cannot comment on the GP's decision to prescribe anti-depressants.

Y's EHC Plan

- 69. The record of Y's EHC Plan review meeting on 6 March 2016 stated Y's level of provision needed to be maintained, he still wanted an EHC Plan and set out short term targets for Y. Y was excluded from college later that day. Y's exclusion from college indicates the EHC Plan was not meeting Y's needs and required amending.
- 70. The Council failed to amend or cease his EHC Plan when he could no longer attend college. It did not hold an emergency review meeting as required by the Special Educational Needs Code of Practice 2015. The EHC Plan is therefore still in place. The law says the Council has a duty it cannot delegate to ensure Y's educational provision set out in section F of his Plan is provided to him. It has not done so and this is fault. By failing to amend or cease the Plan the Council has also denied Ms X's right to appeal to the Tribunal. This has caused Ms X and Y a further disadvantage.
- 71. Since Y was excluded from college in March 2016, the Council has focused entirely on finding Y appropriate accommodation. Y was placed in the Day Service when he was excluded from college, initially as a short term fix while his accommodation needs were sorted. The Day Service was not told about Y's EHC Plan and the Council did not arrange for it to provide the support required by his Plan. This is fault. The evidence from the Council's records shows several incidents of Y displaying challenging behaviour at the Day Service. Y's needs, as set out in the EHC Plan have not been met since March 2016.
- 72. The Council has also failed to carry out the required annual review of Y's EHC Plan in March 2017. This has again denied Ms X a right to appeal to the Tribunal and the Council lost the opportunity to reflect on Y's special educational needs and the provision needed to meet them.
- 73. Due to fault by the Council Y has not received the appropriate support set out in his EHC Plan. He has not received the transition planning identified as required in his EHC Plan review. Y should have received support to: develop functional literacy, numeracy and ICT skills; develop socially acceptable behaviour; develop an awareness of his sensory sensitivities; develop speech and language skills; and develop self-help independence and life skills. By failing to receive the

support he is entitled to, Y has suffered a disadvantage. There is clear evidence of problems with Y's behaviour that may have been prevented or reduced if Y had received the support he was entitled to as set out in his EHC Plan.

74. The Care and Support Statutory Guidance also states the statutory care and support plan must form the basis of the care element of the EHC Plan. The Council has failed to ensure Y's care and accommodation needs were considered in conjunction with his EHC Plan. This is fault.

Conclusions

75. The Council was at fault. It has:
- delayed finding suitable long term accommodation for Y. There was confusion and a lack of consistency in the type of living arrangement it considered suitable for Y and in particular how many people Y could share with and the level of supervision he required. It has not considered all the relevant issues as a whole when deciding what type of property would meet Y's needs and delayed assessing other suitable options when it decided Care Provider 1 was unsuitable. The Council's decisions about what was a suitable placement for Y are not supported by a reassessment of Y's needs and appear to be driven by cost considerations;
 - failed to keep Ms X updated when Y's medication was changed;
 - failed to amend or cease Y's EHC Plan when he could no longer attend college, failed to ensure the provision set out in Y's EHC Plan was met by the Day Service and failed to carry out an annual review of the Plan.
76. These faults have caused Y an injustice. Y has seen people come and go from the Short Breaks Service. He has developed relationships with individuals who have then left. There have also been a number of incidents involving other residents.
77. It is likely Y's behaviour has deteriorated through not living in suitable long term accommodation and not receiving appropriate support. It is likely that problems with Y's behaviour could have been prevented or reduced if Y had received the support he was entitled to under the EHC Plan.
78. Ms X has been caused worry and frustration by the delay in finding Y accommodation and by the failure to keep her updated when Y's medication was changed. The failure to amend or review Y's EHC Plan has denied her the right to appeal to Tribunal.
79. The Council has accepted our findings.

Recommended action

80. We recommend the Council's priority should be to ensure it finds Y suitable long term accommodation as soon as possible. The Council says it has now identified a property for Y. It is a two person property although there are no plans to move other people in until Y is settled. In time there will be a second tenant considered for a share with Y. Y will have one to one support at this property.
81. The Council should provide us with an action plan and timescales within one month of our final report. This should set out what action it intends to take to ensure Y is moved to the accommodation as soon as possible. It should provide a monthly report to us until Y is placed.

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82. We also recommend, within three months of our final report, the Council:
- assesses what additional provision Y needs in the interim to make the Short Breaks Service suitable to meet Y's needs and put this in place;
 - reviews Y's EHC Plan. This should include a review of his educational and care needs and how best these should be met. It should then give Ms X a formal decision on whether it intends to amend or cease Y's Plan to enable her to have a right of appeal to the Tribunal. In response to our recommendation the Council says its Education Department will coordinate a review. It will look to learn from the complaint and how it can improve the transfer of information when someone moves from the Transitions Service (which deals with the transition from children's to adult's services) to Adult Social Care;
 - pays Ms X £2,500 for her to use for Y's benefit to support his educational, social, language and behavioural needs; and
 - apologises to Ms X and pays her £500 to acknowledge the distress and time and trouble she has been put to by the Council's faults, for the lost opportunity to appeal to the Tribunal in 2016 and for the delay in her right to appeal in 2017.
83. We recommend the Council produces a detailed action plan setting out how it intends to comply with the recommendations at paragraph 82 above with defined timescales. The Council has agreed to our recommendations.
84. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council or Cabinet and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

Decision

85. There was fault leading to injustice. The actions set out above are an appropriate way to remedy the injustice.

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None;

Members' Allowance Scheme 2018/19

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

This reports sets out the proposed Members' Allowance Scheme for 2018/19.

Recommendation

The Full Council is asked to approve the 2018/19 Members' Allowance Scheme, as presented at Appendix 'A'.

Background and Advice

The County Council is required to approve its Members' Allowance Scheme before the beginning of each financial year.

The Local Authorities (Members' Allowances) (England) Regulations 2003 require the County Council to have regard to the recommendations of its Independent Remuneration Panel before making or amending the Members' Allowance Scheme.

A meeting of the Panel to consider the Members' Allowance Scheme and make recommendations on any changes to the Full Council would normally take place prior to this meeting. However, the 2003 Regulations provide that "A scheme may make provision for an annual adjustment of allowances by reference to such an index as may be specified by the County Council and where the only change made to a scheme in any year is that effected by such an annual adjustment in accordance with such an index the scheme shall be deemed not to have been amended".

The fact that the existing Members' Allowance Scheme provides for an annual adjustment of allowances in accordance with specified indices (as shown below) and given that no other changes are proposed, the Full Council can approve a Scheme for 2018/19 without a meeting of the Panel having to be convened.

	Allowance	Index
1	<ul style="list-style-type: none"> • Basic • Special Responsibility • Carers'/Dependents' • Council's Chairman/Vice-Chairman 	Annual uprating on 1 April. This uprating shall equate to the average annual percentage increase in employees' pay under the National Joint Council for Local Government Services pay structure.
2	<ul style="list-style-type: none"> • Overnight Accommodation • Travel Abroad • Subsistence 	To be increased annually with effect from 1 April in every year in line with the Consumer Price Index (All Items) published in November of the preceding year.
3	<ul style="list-style-type: none"> • Motor car • Motor cycle • Bicycle 	To be revised annually with effect from 1 April in every year in accordance with the maximum allowance for Income Tax purposes as determined by HM Revenue and Customs.

Attached at Appendix 'A' is the proposed Members' Allowance Scheme for 2018/19.

The Full Council will note that the allowances mentioned at 1. above have been not been uprated as the employee pay settlement for 2018/19 has yet to be determined. The 2017/18 allowances will remain effective as from 1 April 2018 and until the annual pay award has been settled.

The allowances mentioned at 2. above have been increased by the November 2017 Consumer Price Index of 2.8%, but the allowances mentioned at 3. above remain unchanged as the HMRC rates have not changed from 2017/18.

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/Directorate/Tel
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N/A

Lancashire County Council

Members' Allowance Scheme

1.0 Background

Lancashire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme:

- 1.1 This Scheme shall have effect for the period 1 April 2018 to 31 March 2019 and subsequent years.
- 1.2 The County Council is required to convene a panel of independent persons, the Independent Remuneration Panel, and have regard to its recommendations on the allowances that are paid.
- 1.3 Each year the County Council has to publish details of its Scheme, and the amounts paid to each Councillor under the Scheme. The record is open to inspection by any local government elector for the County Council's area during normal working hours, and electors are entitled to make a copy of any part of the record.

2.0 Scheme definitions

- 2.1 In this Scheme:

"Councillor" means an elected member of Lancashire County Council.

"Co-opted member" means a person other than a Councillor who is appointed to serve on a Council Committee, Sub-Committee or Board.

"Year" means the twelve months commencing 1st April.

"Meetings" means a meeting of the Full Council or a body of Members formally established by the Full Council, the Leader of the County Council, the Cabinet or a Council Committee.

3.0 Allowances General

- 3.1 The main Allowances which are provided for in this Scheme are as follows:
 - Basic Allowance
 - Special Responsibility Allowance
 - Dependants'/Carers' Allowance
 - Travelling and Subsistence Allowances

The Allowances shall be up rated annually in accordance with paragraph 13 of this Scheme.

- 3.2 For the avoidance of doubt, Attendance Allowances are not payable under this Scheme.

4.0 Basic Allowance

- 4.1 Subject to paragraphs 9.0 and 10.0 below, a basic annual flat rate Allowance of £10,466 shall be paid to every Councillor. The amount of Basic Allowance is also shown in paragraph 1.1 of Schedule 'A' of this Scheme.
- 4.2 This Allowance is paid monthly and is intended to recognise the time commitment of all Councillors including such inevitable calls on their time as meetings with Council officers and constituents, and attendance at political group meetings. It is also intended to cover incidental costs such as the use of Councillors' homes.

5.0 Special Responsibility Allowance

- 5.1 Subject to paragraphs 9.0 and 10.0 below, each Councillor or Co-opted member who holds a special responsibility as defined within the Regulations and specified within this Scheme, will receive a Special Responsibility Allowance as shown in Schedule 'B' of this Scheme.
- 5.2 Special Responsibility Allowances are paid monthly.
- 5.3 There is no statutory limit on the number of Special Responsibility Allowances which may be paid to a Councillor. However, the Council on the recommendation of its Independent Remuneration Panel has agreed that a Councillor may not receive more than one Special Responsibility Allowance.

6.0 Dependants' Carers' Allowance

- 6.1 Subject to paragraphs 6.2 and 6.3, a Dependants' Carers' Allowance may be claimed in respect of named children aged 16 or under or in respect of other named dependants where there is medical or social evidence that care is required.
- 6.2 Payment of Dependants' Carers' Allowance shall:
- (a) Be based on actual receipted expenditure subject to a maximum hourly rate and a maximum annual Allowance, as specified in paragraph 3 of Schedule 'A' of this Scheme.
 - (b) Not be made where a Councillor already receives a carer's allowance from the Department for Works and Pensions.

- (c) Not be payable where the carer is a parent or is a member of the household.
 - (d) Not be payable unless the carer has been cleared by the Disclosure and Barring Service (formerly CRB).
- 6.3 The Dependants' Carers' Allowance may be claimed where the actual expenditure has been incurred in connection with the Approved Duties that apply to claims for travel and subsistence as detailed in Schedule 'D' of this Scheme.
- 7.0 Co-optees Allowance**
- 7.1 Co-opted members shall receive an Allowance, which equates to travel and subsistence expenses they have actually and necessarily incurred in the performance of an Approved Duty as defined in Schedule 'D' of the Scheme.
- For the avoidance of doubt the provisions of paragraphs 8 and 12 shall apply to the Co-opted members Allowance.
- 8.0 Travelling and Subsistence Allowances**
- 8.1 A Councillor including the Chairman and Vice-Chairman of the County Council, and or Co-opted member shall be entitled to receive Travelling and/or Subsistence Allowances at the rates specified in Schedule C.
- 8.2.1 Subsistence Allowances are payable where such expenditure has been **actually and necessarily incurred** in the performance of an Approved Duty as defined in Schedule D where a Councillor or Co-opted member is absent from their normal place of residence.
- 8.2.2 When claiming Subsistence Allowances, Councillors should identify all approved activities attended in the period of absence recorded, including any political group meetings.
- 8.3 A Councillor or Co-opted member may claim **up to** the maximum amounts set out in Schedule C where expenditure has been **actually and necessarily incurred** when absent from home for the periods stated.
- 8.4 Appropriate receipts **must** be obtained and retained in respect of any claims made by a Councillor or Co-opted member for the payment of Subsistence Allowances or reimbursement of public transport and taxi fares (See Schedule 'E' – Annex 2), car parking fees and other incidental expenses.
- 8.5 Receipts must be retained for 3 years following the financial year in which the expenses were incurred.

- 8.6 A Councillor or Co-opted member must produce his/her receipts if required by claim processing officers, as well as internal or external auditors.
- 8.7 Each Councillor or Co-opted member shall agree with the Director of Corporate Services a fixed mileage for journeys between his/her home address and County Hall for the purpose of verifying travel expense claims. The schedule of agreed and approved mileages will be updated following the Director of Corporate Services being notified of a change of address.

9.0 Renunciation

- 9.1 A Councillor may, by notice in writing to the Chief Executive, elect to forego all or part of any Allowance to he/she may be entitled under the Scheme. Such a notice can subsequently be withdrawn or amended non-retrospectively.

10.0 Adjustments to Entitlements in Year

- 10.1 The provisions of this paragraph apply in relation to the entitlement of a Councillor to Allowances where, in the course of a year:
- (a) The scheme is amended.
 - (b) A person becomes, or ceases to be, a Councillor.
 - (c) A Councillor accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
 - (d) A Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the County Council.
- 10.2 If, during the year, the Scheme is amended and this results in a change to a Councillor's entitlement to Special Responsibility Allowance and/or Basic Allowance, the actual entitlement shall be based on:
- (a) A proportion of the original annual Allowance based on the number of days up to the date of amendment plus
 - (b) A proportion of the revised annual Allowance based on the number of days from the date of amendment.
- 10.3 When the term of office of a Councillor either begins and/or ends during the course of a year, the entitlement to Basic Allowance shall be based on the number of days in office during that year. Similar pro rata entitlements will apply in situations where Basic Allowance is amended under sub-paragraph 10.2 above.

- 10.4 Where, for a part of the year, a Councillor has such special responsibilities as specified in this Scheme, the entitlement to Special Responsibility Allowance shall be based on the number of days during that year that the Councillor has held such special responsibilities, such entitlement being pro rata to a full year. Similar pro rata entitlement will apply in situations where Special Responsibility Allowances have been amended under sub-paragraph 10.2 above.
- 10.5 Where a Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the County Council in accordance with Part III of the Local Government Act 2000 (or Regulations made under that Part), the part of the Basic, Special Responsibility, Travel and Subsistence Allowances payable in respect of the period of suspension may be withheld by the County Council.

11. Submission of Claims

- 11.1 Separately, individual claims for Dependants'/Carers' Allowances, Travel and Subsistence shall be made on a monthly basis and shall be submitted to Democratic Services on or before the 4th day of each month. This applies especially to year end claims (i.e. claims for Allowances for duties performed up to and including 31 March each year). Claims submitted after 31 May for the preceding financial year will not be accepted.
- 11.2 Claims **must** be submitted via the electronic Members' Allowances System as soon as possible at the end of each month. Claims may be submitted by non-electronic means (by an agreed paper based method) only in exceptional circumstances approved by the Director of Corporate Services.
- 11.3 Claims **must** be submitted within two months of the period to which they relate or a payment will not be made unless it is approved by the Chief Executive, good cause having been shown by the member submitting the late claim.
- 11.4 Each claim shall provide details of the duties undertaken together with adequate supporting information in relation to claims for travel and subsistence. Such information must include the Place and Time for both the start and finish of each claim.
- 11.5 Each claim shall be certified by the Councillor or Co-opted member that he/she has **actually and necessarily incurred** the expenditure claimed in the performance of Approved Duties as defined in Schedule 'D' and that he/she will not make any other claim in respect of that expenditure other than under this Scheme.

12.0 Payment of Allowances

- 12.1 Payments of Basic Allowance and Special Responsibility Allowance shall be made monthly on the last working day of each month.
- 12.2 Claims for Travel, Subsistence and Dependants'/Carers' Allowances which are received by Democratic Services on or before the 4th day of each month shall be paid on the last working day of that month.
- 12.2 The monthly amount payable in respect of the Basic Allowance and a Special Responsibility Allowance shall be one-twelfth of the annual allowance(s) specified in this Scheme and subject to paragraphs 9 and 10.0 above.

13. Scheme Amendments

- 13.1 The amounts specified in paragraphs 1.0, 2.0, 3.0 and 5.0 (Basic Allowance, Special Responsibility Allowance, Dependants'/Carers' Allowance and the Council's Chairman/Vice-Chairman Allowance respectively) of Schedule A are subject to an annual uprating on 1 April. This uprating shall equate to the average annual percentage increase in employees' pay under the National Joint Council for Local Government Services pay structure.
- 13.2 Overnight Accommodation, Travel Abroad and Subsistence Allowances shall be increased annually with effect from 1st April in every year in line with the Consumer Price Index published in November of the preceding year.
- 13.3 Motor car, Motor cycle, and Bicycle Travelling Allowances shall be revised annually with effect from 1st April in every year in accordance with the maximum allowance for Income Tax purposes as determined by HM Revenue and Customs.

14. General Information

- 14.1 Schedule 'E' contains additional background information and supporting guidance to the Scheme, including:
- Annex 1 – Contacts, Enquiries and Other General Matters
 - Annex 2 - Travel and Subsistence Allowances
 - Annex 3 - Taxation
 - Annex 4 - National Insurance
 - Annex 5 - Insurance Arrangements

Lancashire County Council
Members' Allowance Scheme
Schedule 'A'

1.0 Basic Allowance

- 1.1 An annual Basic Allowance of £10,466 is payable to each Councillor.

2.0 Special Responsibility Allowance

- 2.1 Based on an annual Special Responsibility Allowance total of £363,479 the actual individual Allowances are detailed in Schedule 'B'. The amounts quoted in Schedule 'B' are in respect of a full year term of office.

3.0 Dependants'/Carers' Allowance

- 3.1 Payment of a Dependants'/Carers' Allowance, as provided for in Paragraphs 6.1 to 6.3 of this Scheme, shall be based on actual receipted expenditure subject to a maximum hourly rate of £7.19. Total payments in any one year shall not exceed £1,505.

4.0 Travelling and Subsistence Allowances

- 4.1 The amounts payable by way of Travelling and Subsistence Allowances including Overnight Accommodation, Day Subsistence and Travel Abroad shall be subject to the rates specified in Schedule 'C' of this Scheme.

5.0 Chairman and Vice-Chairman of the County Council Allowances

- 5.1 An annual Allowance of £15,693 is payable to the Chairman of the County Council and the Vice-Chairman shall receive an annual allowance of £7,847.

Lancashire County Council
Members' Allowance Scheme
Schedule 'B' - Special Responsibility Allowances

Position			Amount £	% of Leader
Leader			29,886	100.00
Deputy Leader			20,920	70.00
Cabinet		6@	16,437	55.00
Lead Members		5@	8,218	27.50
Champions		5@	5,230	17.50
Chairs	Overview & Scrutiny	5@	7,471	25.00
	Corporate Parenting Board		7,471	25.00
	Development Control		7,471	25.00
	Pension Fund		7,471	25.00
	Regulatory		7,471	25.00
	Audit and Governance		7,471	25.00
	Corporate Complaints		7,471	25.00
	Lancs County Dev Ltd		7,471	25.00
Deputy Chairs	Overview & Scrutiny *	5@	3,512	47.00
Majority Group	Secretary		4,483	15.00
	Whip		4,483	15.00
Largest Opposition Group	Leader		16,437	55.00
	Deputy Leader		8,218	27.50
	Secretary		2,989	10.00
	Whip		2,989	10.00

* This is the % of the amount paid to a chair of Overview & Scrutiny Committees

Lancashire County Council

Members' Allowance Scheme

Schedule 'C' – Travelling & Subsistence Allowances (see also Schedule 'E')

Travelling by Private Vehicle

The rate for travel by a Councillor or Co-opted member in his/her own private vehicle, or one belonging to a member of the family or otherwise provided for the Councillor or Co-opted member's use, shall not exceed:

Type of vehicle	First 10,000 miles	Above 10,000 miles
Cars and vans	45p	25p
Motorcycles	24p	24p
Cycles	20p	20p

In addition to the rates detailed above, the actual and receipted expenditure incurred on public transport, taxis (see Schedule 'E' – Annex 2), tolls, ferries or parking fees, including overnight garaging may be claimed.

Overnight Accommodation

Where the nature of the duties being undertaken result in a Councillor or Co-opted member being absent from his/her usual place of residence, overnight accommodation will be booked and paid directly by the County Council.

In exceptional circumstances where it is not possible for the County Council to make a direct booking on behalf of a Councillor or Co-opted member, the actual receipted cost of accommodation, including breakfast, will be reimbursed to the Councillor or Co-opted member. Such reimbursement will be subject to a maximum allowance per night of £151.27 for London and £131.71 elsewhere in the UK.

Day Subsistence

A Councillor or Co-opted member may claim **up to** the following maximum amounts when absent for the periods stated below from their normal place of residence:

- | | | | |
|-----|-------------------------------------------|---|--------|
| (a) | a period less than 4 hours | - | £6.62 |
| (b) | a period between 4 and less than 8 hours | - | £13.15 |
| (c) | a period between 8 and less than 12 hours | - | £26.34 |
| (d) | a period in excess of 12 hours | - | £39.48 |

Actual expenditure in excess of £39.48 may be reimbursed subject to the production of receipts.

Travel Abroad

For Councillors or Co-opted members travelling outside Great Britain on approved duties (including, for the purpose of this section, travelling in Northern Ireland), a flat daily rate of £73.05 will be provided. This allowance is intended to cover costs incurred on meals and transport whilst actually abroad. An unused portion of this allowance, say in respect of meals provided at no cost to the Councillor or Co-opted member, must be returned to the County Council.

Lancashire County Council

Members' Allowance Scheme

Schedule 'D' – Travel & Subsistence – 'Approved Duties'

Appropriate travel and subsistence allowances may be claimed in accordance with the above details where such travelling and/or subsistence has been undertaken in connection with one or more of the following 'Approved Duties':

1. The attendance in connection with the efficient conduct or discharge of duties for which a Special Responsibility Allowance is paid in accordance with this Scheme.
2. The attendance at a meeting of the Full Council or of any Council Committee, Sub-Committee, Task Group, Working Group, Steering Group or Board.
3. The attendance as the Council's appointee at meetings of Outside bodies including any Committees or Sub-Committees of such a body where allowances cannot be claimed direct from the body concerned.
4. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee, or the Authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a joint committee provided that:
 - (i) where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.

For the purposes of paragraphs 2 to 4 above, claims for Travel and Subsistence can only be made in respect of attendance at meetings of a Committee, Sub-Committee or other body of which the Councillor claiming is a member or where the Councillor is invited to attend by that body.

5. The attendance at a meeting of the Cabinet.
6. Meetings, Official Inspections and Visits authorised by the Cabinet, a Cabinet Member (where a decision cannot await the next meeting of the Cabinet), a Council Committee, Sub-Committee, Task Group, Working Group, Steering Group or Board.
7. Conferences and Seminars authorised by the Cabinet or where a decision cannot await the next meeting of the Cabinet by the Cabinet Member with responsibility for Resources.

8. Authorised training events.
9. Attendance by Councillors appointed by the Council and who are not principal office holders on the Local Government Association (LGA) at LGA meetings.
8. Public meetings concerning a Council Service.
9. Any authorised Official or Courtesy visit on behalf the County Council.
10. Any of the following authorised County Council events in Lancashire:
 - i. Opening Ceremonies
 - ii. Open days
 - iii. Receptions
 - iv. Displays
 - v. Concerts
 - vi. Demonstrations and Presentations
 - vii. Competitions
11. Foster/Adoption Panels (subsistence cannot be claimed if hospitality is provided).
12. Meetings with other representatives of local authorities, government departments and Members of Parliament.
13. Joint Negotiating Councils.
14. Political group meetings that are held immediately prior to a Full Council meeting for the purpose of discussing council business.
15. Attendance at the Royal Garden Party.
16. The performance of any duty in pursuance of any Procurement Rule under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.
17. The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
18. The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.
19. The carrying out of any duties as Chairman and Vice-Chairman of the County Council.

Attendance at any of the following are not authorised as an 'Approved Duty' and no travel and subsistence allowances will be paid.

1. All other Political Group Meetings other than those specified in paragraph 14 of the 'Approved Duties' section shown above.
2. Meetings with officers and constituents.
3. Member Surgeries.
4. Standing Order No. 19(1) (Attendance by Members of the County Council at meetings of Committees or Sub-Committees of which they are not members).
5. Meetings of any outside body where allowances are paid by the body concerned. This shall include meetings of the Local Government Association where a Councillor is a principal office holder or has been appointed by the Association or Assembly to attend in a representative role. Such Councillors should claim direct from the Local Government Association.
6. Lancashire Combined Fire Authority and associated meetings. Members of this Authority should claim direct from the Fire Authority.
7. Meetings of any outside body where a councilor has been appointed by a political party.

Lancashire County Council

Members' Allowance Scheme

Schedule 'E' – Supporting Guidance

Annex 1 – Contacts, Enquiries and Other General Matters

If Councillors or Co-opted members:

- a) require help with the submission of claims for Allowances or wish to question any payment made to them, would they please contact Christine Nuttall, Democratic Services on 01772 534872.
- b) wish to raise a point of principle or require clarification of the Members' Allowance Scheme, would they please contact Chris Mather, Democratic Services on 01772 533559.

Cases of Uncertainty

Where questions arise in connection with Councillors' Allowances and are not specifically covered in the Scheme (e.g. whether a function is sufficiently closely connected with the functions of the County Council to warrant approved duty status and thus attract the payment of allowances) the matter falls for consideration by the Chief Executive in consultation with the Cabinet Member responsible for Members Allowances.

Any such matters should be raised with the Chief Executive by contacting Chris Mather, Democratic Services on 01772 533559.

Attendance Record

Councillors should ensure that they sign an official attendance record circulated at each place of meeting as this will support a claim for allowances and form part of the permanent record.

Record of Payments

The County Council is required to keep a record of all payments to Councillors, indicating the amount paid to each Councillor in respect of each type of allowance. That record is open to inspection at all reasonable hours by any local government elector resident in the area of the council. Each year the payments made in the preceding year are placed on the County Council's website.

Annex 2 - Travelling and Subsistence Allowances - Additional Guidance and Provision

General

Allowances should be claimed according to the actual method of travel used. When Councillors or Co-opted members travel, in the performance of approved duties, in the car of an officer or another Councillor or Co-opted member who is claiming reimbursement, or when transport is provided, they are not entitled to any allowance for that journey.

Travel by public transport

First Class travel is permitted and must be authorised by the Cabinet Member with responsibility for Members Allowances.

Councillors and Co-opted members are asked to notify Julie Trafford, Procurement team, on 01772 533406 of their travel requirements as early as possible so that the County Council can benefit from discounts for advance booking where available. Exceptionally, Councillors and Co-opted members may purchase their own tickets at short notice, but reimbursement will only be made on production of the rail tickets used or a receipt for payment.

Unused portions of rail tickets should be returned to Julie Trafford, Procurement team.

Travel by Private Vehicle

Councillors and Co-opted members are encouraged to car share wherever possible and journeys should be made via the shortest practicable route.

Councillors and Co-opted members are responsible for ensuring that their motor insurance covers use of the vehicle on Council business. Please see Annex 5.

Travel by Taxi

Councillors and Co-opted members are permitted to reclaim the cost of a taxi journey in the following circumstances only:

- (i) Where a taxi needs to be used prior to or following a train journey in connection with attendance at a conference or other similar event away from County Hall; or
- (ii) An emergency situation where no other form of transport is available; or
- (iii) Where a journey by taxi has been given prior approval by the Director of Corporate Services.

Subsistence Allowances

Day Subsistence Allowances are intended to cover refreshments purchased

while the Councilor or Co-opted member is away from his/her place of residence in relation to an approved duty and other incidental expenses such as parking fees and tolls.

Subsistence Allowances are not payable where hospitality e.g. breakfast, lunch, evening meal is included as part of the journey or event.

Overnight Accommodation

Julie Trafford (01772 533406) will make the necessary arrangements, including payment, in respect of any overnight accommodation. In exceptional circumstances, where it is not possible for a direct booking to be made, the actual receipted cost of accommodation, including breakfast, will be reimbursed in accordance with Schedule 'C' to the Scheme.

Travel Abroad

A flat daily rate will be paid to Councillors or Co-opted members traveling outside Great Britain on approved duties. This Allowance is intended to cover costs incurred on meals and transport whilst actually abroad. Any unused portion of this Allowance e.g. in respect of meals provided at no cost to the Councilor or Co-opted member must be returned to the Council. Details of the rate are set out in Schedule 'C' to the Scheme.

Annex 3 – Taxation

PAYE

Basic Flat Rate Allowance and Special Responsibility Allowance are taxable emoluments. As such, the allowances will be taxed, less any tax free pay notified to the Council's Payroll Service in the form of a tax code notification from HM Revenue and Customs (HMRC). It should be noted that it is up to each Councillor to contact HMRC direct in order to obtain or query such notifications. This can be done online, by phone or by in writing.

On Line: <https://www.gov.uk/personal-tax-account>

Tel: 0300 200 3300

Address:

Pay As You Earn and Self-Assessment
HM Revenue and Customs
BX9 1AS
United Kingdom

Allowances paid and tax deducted are notified to HMRC monthly and a certificate (P60) will be issued to each Councillor showing the total amount of taxable allowances paid and the total tax deducted in the year by 31st May of the following year. The certificate should be retained to check any notice of assessment, which the Tax office may issue.

Subsistence allowances

Subsistence allowances are taxable unless they are paid in respect of subsistence incurred as a consequence of business away from Council Offices. Claims in respect of subsistence taken at County Hall and at other Council offices are therefore taxable.

The Dependants' carers' allowance is also subject to tax.

Annex 4 - National Insurance

General Liability for National Insurance Contributions

The Social Security Contributions & Benefits Act 1992 and subsequent amendments provide for National Insurance contributions to be collected along with Income Tax under the PAYE procedure.

As Basic Flat Rate Allowance and Special Responsibility Allowance are taxable under Schedule 'E' (emoluments from office), they are also liable for National Insurance contributions.

The carers/dependents allowance is also subject to National Insurance contributions.

National insurance contributions are payable on the total of all monies earned by an individual that are subject to national insurance, (including allowances) in excess of the Earnings Threshold. Contributions are payable at the standard rate up to an Upper Earnings Limit after which a reduced rate applies. These limits are subject to annual adjustment and are available on request.

Councillors should notify the local office of the Department for Work & Pensions of any taxable allowances received if they are claiming or receiving benefits from the DWP.

Persons of Pensionable Age

No Class 1 contribution will be payable by a person over pensionable age who is a retirement pensioner or who does not satisfy the contribution conditions for a retirement pension. In such circumstances, the Councillor should apply to HM Revenue & Customs, National Insurance Contributions Office, Longbenton, Newcastle Upon Tyne, NE98 1ZZ for a Certificate of Age Exemption (CF384) telephone 0300 200 3500. This certificate should then be forwarded to the County Council's Payroll Service.

Married Women and Widows

There is now no right to "opt out" of paying full rate National Insurance contributions; however, those Councillors who currently hold a reduced rate certificate, and have paid contributions during the last two consecutive tax years, can retain the right to pay reduced rate. Any valid certificate should be forwarded to the County Council's Payroll Service.

Dual Employment etc.

Each employment or office is considered separately for contribution purposes and no account is taken for the fact that a Councillor may be employed or the holder of another office under another "employer" or self-employed.

However, in situations where the taxable emoluments received, either in total or in one particular employment exceed the Upper Earnings limit, Councillors should contact HM Revenue & Customs, National Insurance Contributions Office, Longbenton, Newcastle Upon Tyne, NE98 1ZZ in order to limit contributions payable (by use of Form CA2700) or obtain an appropriate refund of contributions paid.

Annex 5 - Insurance Arrangements

Liability Insurance

The County Council's liability insurance arrangements provide appropriate cover in respect of the actions of Councillors whilst acting on County Council business.

Personal Accident Insurance

The County Council has a Personal Accident Insurance Policy which provides financial benefits regardless of legal liability for Councillors who are accidentally killed or injured while attending a Council or committee meeting or any other function or engagement which forms part of their duties as members of the Council, or whilst traveling to and from such meetings, or functions, including travel abroad on County Council business.

The benefits provided by this policy are as follows:

- a) For death or permanent total disablement, a lump sum of £200,000 (£7,500 if no dependants).
- b) For other permanent partial disablement(s) (e.g. loss of a finger) a lump sum percentage of £200,000 on a scale determined according to the severity of the injury.
- c) For temporary total or partial disablement, actual loss of net earnings up to a maximum of £200 per week for a maximum period of 104 weeks.
- d) In addition to the benefits outlined in paragraphs a), b) and c) above, the following benefits are provided whilst traveling abroad on County Council business:

		Maximum per person
i)	Medical and emergency travel expenses	Unlimited
ii)	Personal baggage (subject to a single article limit of £2,000)	£10,000
iii)	Personal money (subject to the cover for cash being limited to £2,000)	£10,000

Notes

- i) There is no upper age limit on the policy
- ii) At the age of 75, the lump sum benefits for death and permanent total disablement are limited to a maximum of £30,000, or £7,500 in the event of death leaving no dependents. Benefits for permanent partial disablement and all temporary disablement cease to be payable at the age of 75.

- iii) Medical expenses cover for travel abroad is subject to the proviso that such journeys are not made against medical advice.

Motor Vehicle Insurance

The use of motor vehicles is subject to compulsory insurance cover and where Councillors use private motor vehicles on County Council business, it is the responsibility of individual Councillors to ensure that their own motor vehicle insurance policies provide appropriate cover for such use.

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None;

The Localism Act 2011 – Pay Policy Statement 2018/19

(Appendix 'A' refers)

Contact for further information:

Chris Mather, Tel: (01772) 533559, Democratic Services Manager,
chris.mather@lancashire.gov.uk

Executive Summary

This report sets out the County Council's proposed 2018/19 Pay Policy Statement as required by the Localism Act 2011.

Recommendation

The Full Council is asked:

- i. To consider the recommendations of the Employment Committee and approve the 2018/19 Pay Policy Statement as set out at Appendix 'A'.
- ii. To approve the annual adjustment to the Living Wage for centrally employed staff for 2018/19, as set out in the report.

Background and Advice

The Localism Act 2011 requires local authorities to prepare a pay policy statement each year. The pay policy statement must articulate the Council's approach to the remuneration of chief officers on appointment, subsequent progression and any use of bonus or performance related pay. In preparing pay policy statements local authorities must have regard to any guidance issued or approved by the Secretary of State. In preparing this statement for 2018/19 regard has been had to Guidance issued by the Department for Communities and Local Government.

The purpose of the statement is to provide transparency with regard to the Council's approach to setting pay for its employees (except staff in schools), in particular its chief officers. The pay policy statement must be approved by a resolution of Full Council before it comes into force on 1 April each year and must then comply with

the statement for the financial year to which it relates (although amendments e.g salary related information to reflect the annually agreed pay award which has not yet been determined for 2018/19 may be made to the statement after the beginning of the financial year to which it relates). Once approved the statement (or an amended statement) must be published in such manner as the local authority sees fit which must include publication on the local authority's website.

The pay policy statement must set out the local authority's policies for the financial year relating to:

- The remuneration of its chief officers;
- The remuneration of its lowest-paid employees, and
- The relationship between –
 - The remuneration of its chief officers, and
 - The remuneration of its employees who are not chief officers.

The statement must set out:

- The definition of 'lowest-paid employees' adopted by the authority for the purposes of the statement, and
- The authority's reasons for adopting that definition.

The statement must include the local authority's policies relating to:

- The level and elements of remuneration for each chief officer
- Remuneration of chief officers on recruitment
- Increases and additions to remuneration for each chief officer
- The use of performance-related pay for chief officers
- The use of bonuses for chief officers
- The approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and
- The publication of and access to information relating to remuneration of chief officers.

A pay policy statement for a financial year may also set out the local authority's policies for the financial year relating to the other terms and conditions applying to the authority's chief officers.

Updated Pay Policy Statement

The Employment Committee considered the proposed 2018/19 Pay Policy Statement, including the annual adjustment to the Living Wage, at its meeting on 12 February 2018 and agreed that the Full Council should be recommended to approve the Statement as presented at Appendix 'A'.

The Pay Policy Statement takes account of the recommendations within the Hutton Review of Fair Pay in the Public Sector (March 2011) that 'government should not cap pay across public services, but should require that from 2011/12 all public service organisations publish their top to median pay multiples each year to allow the public to hold them to account.' The Statement therefore sets out the Council's aim

that the pay multiple between the median FTE salary and that of the Chief Executive will not exceed 1:16.

The pay multiple between the 2017 median FTE salary and that of the Chief Executive and Director of Resources is 1:11.18, which represents a slight increase from the figure (1:10.93) reported in the last pay policy statement.

The Guidance also provides that Full Council should be offered the opportunity to consider salary packages in excess of £100k before any new appointment is made. In this regard the Pay Policy Statement sets out the grading structure for all posts at Director 1 and above. All appointments are currently made in line with this grading structure and any proposal to make a new appointment otherwise than in accordance with it would first be referred to Full Council to consider.

Consultations

The proposed Pay Policy Statement for 2018/19 has been shared with the recognised trade unions at the Joint Negotiating and Consultative Forum.

Implications:

This item has the following implications, as indicated:

Risk management

The Full Council is under a statutory duty to agree an annual Pay Policy Statement and this function cannot be delegated.

Financial

There are no direct financial implications arising from the adoption of the Pay Policy Statement.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
Openness and accountability in local pay: Guidance under section 40 of the Localism Act	February 2012	Katie Dunne (01772) 535787
Openness and accountability in local pay: Guidance under section 40 of the Localism Act (Supplementary Guidance)	February 2013	Katie Dunne (01772) 535787

Reason for inclusion in Part II, if appropriate
N/A

Annual Pay Policy Statement 2018/19 (The Localism Act 2011)

Introduction

The Localism Act 2011 (the Act) requires the County Council to prepare a pay policy statement each year. The pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.

The following pay policy statement has been approved by Full Council and will come into effect from 1 April 2018. This annual pay policy statement will be subject to annual review and approval by Full Council by 31 March each year. In exceptional circumstances the statement may be reviewed/amended mid-year by the Full Council.

This statement will be published on the Council's website following each review and approval by Full Council.

The purpose of this statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding staff working in local authority schools) by identifying:

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of the Council's most senior staff;
- The remuneration of the Council's lowest-paid employees, and
- The relationship between the remuneration of chief officers and those employees who are not chief officers.

This pay policy statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Act. Section 40(1) of the Act requires local authorities to have regard to guidance issued by the Secretary of State in performing their functions and approving pay policy statements. In preparing this pay policy statement regard has been had to the Guidance issued by the Department for Communities and Local Government in February 2012 alongside the supplementary guidance issued in February 2013.

1. The Council's Pay and Grading Structure

- 1.1 Section 112 of the Local Government Act 1972 provides that a local authority shall appoint such officers as they think fit for the proper discharge of their functions. Officers so appointed shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the local authority thinks fit.

- 1.2 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. The Council will ensure that there is no pay discrimination within its pay and grading structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.
- 1.3 The remuneration of the vast majority of employees of the Council, other than those employee groups set out below, is in accordance with an objectively evaluated grade/role profile as determined under the Council's job evaluation scheme. The evaluated score or grade/role profile will determine the grading level paid within a locally agreed pay spine (the Lancashire Pay Spine (see Annex 1). The Council presently use the Local Government Single Status Job Evaluation Scheme (the NJC scheme) to evaluate posts up to Grade 6 on the Lancashire Pay Spine and the Hay Group Job Evaluation Scheme for other managerial and professional grades.
- 1.4 The following employee groups are not presently paid in accordance with an evaluated grade/role profile determined by the Council, unless employees have subsequently been appointed to a post that is paid in accordance with the Lancashire Pay Spine, and instead nationally or locally determined rates apply:
- Employees whose pay and conditions are determined by the Soulbury Committee;
 - Employees who have transferred from the NHS to the Council following a TUPE or statutory transfer;
 - Employees who have retained terms and conditions of employment from other employers following a TUPE transfer to the Council.
- 1.5 The Council presently adopts the national pay bargaining arrangements in respect of the revision of pay spines through any agreed annual pay increases negotiated with joint trade unions.
- 1.6 All other pay related enhancements and payable allowances/expenses are the subject of either nationally or locally negotiated and/or determined rates. The enhancements to pay and allowances/expenses payable as determined from time to time are provided at Annex 2 (Payable Enhancements) and Annex 3 (Allowances and Expenses) respectively.

- 1.7 New appointments will normally be made at the minimum of the relevant pay scale for the grade, although recruiting managers have discretion to offer a higher scale point to secure the best candidate.
- 1.8 Progression within each grade will normally be by annual increment at 1 April each year subject to the maximum of the grade. However, heads of service have discretion to advance an individual employee's incremental progression within the grade on the grounds of special merit or ability to assist in the retention of able professional or other staff.
- 1.9 Any temporary supplement to the salary scale for the grade for taking on additional duties or responsibilities must be approved in accordance with the Council's agreed policy relating to honoraria payments and acting up allowances.
- 1.10 From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

2. Chief Officer Remuneration

- 2.1 The Act defines chief officers as the following (the post titles in brackets identify the relevant posts within the Council, created as part of a new senior management structure that came into effect in January 2018):
 - The Head of the Paid Service (the Chief Executive and Director of Resources);
 - The Monitoring Officer (the Director of Corporate Services);
 - A statutory chief officer (the Executive Director of Education and Children's Services, the Executive Director of Adult Services and Health and Wellbeing, the Chief Executive and Director of Resources (also the Council's s.151 Officer/Chief Financial Officer) and the Director of Public Health).
 - A non-statutory chief officer (the Executive Director of Growth, Environment, Transport and Community Services, the Director of Finance, the Director of Property Services, and any other postholder reporting directly to or directly accountable to the Chief Executive);

- A deputy chief officer (all other director grade posts).
- 2.2 The terms and conditions of employment applicable to officers on director grades and above are as determined by the National Joint Council (NJC) for Local Government Services ('Green Book') as amended, supplemented or superseded by decisions on conditions of service made by the Council from time to time and contained within the Council's Personnel Code. This also applies to the Chief Executive and Director of Resources with the exception of an additional provision relating to remuneration in relation to acting as returning officer (see below) and a time limited restriction on re-employment.
- 2.3 The Council's pay and grading structure is as approved by Full Council. The grade/role profile of each chief officer post has been objectively evaluated using a recognised job evaluation scheme (the Hay Group Job Evaluation Scheme). The evaluated score or grade/role profile will determine the grading level paid within the Lancashire Pay Spine. Salary packages take account of such factors as the requirements of the job, the relative size of the organisation, local and national market rates and the relationship with other posts within the grading structure.
- 2.4 Details of chief officers' basic salaries are set out below (salaries are as applicable at 1 April 2017). A structure chart identifying all posts covered by the statutory definition of chief officer posts is provided at Annex 4.

Chief Executive

The current basic salary package of the post of Chief Executive and Director of Resources/Head of Paid Service is £173,417 per annum, a single, spot salary.

This new combined role is currently being undertaken on an interim basis. The post holder has been engaged on a 12 month fixed term contract pending a permanent appointment to the role being made. To reflect the requirements of the role in leading and developing a new senior management structure, and the combined Head of Paid Service and s151 responsibilities, an additional salary payment of £20,000 has been approved, to be paid in equal monthly instalments alongside the spot salary for the evaluated role. This is in addition to reimbursement of up to £10,000 of incurred accommodation and travel expenses for the duration of the 12 month fixed term contract.

The Chief Executive also acts as Returning Officer for all Council elections for which an additional allowance is payable in relation to the overall supervision and ultimate responsibility for the conduct of Council elections.

The fee payable is calculated in accordance with a formula approved by Full Council, currently 15% of the total fees payable to Deputy Returning Officers employed by district councils (which are based on a set amount for each councillor to be elected, currently £71.25). In a contested election, the Council presently has 84 elected members. Elections take place on a 4 year cycle although by-elections may take place at other times.

Executive Directors

The current basic salary package for posts designated as Executive Director fall within a range of five incremental points between £121,274 (ED 91) rising to a maximum of £131,798 (ED 95).

Director Grades

The current basic salary package of posts within the Director grades fall within a range of three levels each comprising of five incremental points as set out below:

- Director Grade 1 (D1) - £79,661 (D1 76) rising to £87,440 (D1 80)
- Director Grade 2 (D2) - £89,172 (D2 81) rising to £96,954 (D2 85)
- Director Grade 3 (D3) - £107,111 (D3 86) rising to £117,312 (D3 90)

Officers reporting direct to the Chief Executive, Statutory and Non-statutory Chief Officers

There are currently a number of officers at head of service level who meet the statutory definition of non-statutory chief officer, or deputy chief officer, but who are not employed on director grades or chief officer terms and conditions. These posts are identified on the structure chart provided at Annex 4.

2.5 Progression through the grade is by annual increment which normally happens on 1 April each year.

2.6 Salary levels are increased in accordance with any nationally agreed pay settlement negotiated through the NJC for Local Government Services.

2.7 Other remuneration elements

2.7.1 In addition to basic salary, all chief officer posts are entitled to:

- A lease car. The current maximum contribution by the County Council, based on the annual rental payable for any vehicle, is £6,000 (£6,500 for the Chief Executive and Director of Resources); or,
- As an alternative to a lease car, or where engaged on a contract for less than three years, a chief officer may opt to receive a cash equivalent sum

of £5,300 per annum (as at 1 April 2017) (this sum is subject to annual review);

- The council operates a policy of reimbursing the membership fees incurred by a chief officer in relation to membership of a professional body;
- Official business mileage undertaken by chief officers is reimbursed at the prevailing advisory rate set by HMRC in relation to company cars. This rate is calculated on the basis that it does not include any taxable profit and no National Insurance Contribution liability as the rate is intended to reflect actual fuel costs.
- Other allowances and expenses which chief officers may claim are as set out within the list provided at Annex 3 (Allowances and Expenses). The allowances and expenses which may be claimed are as applicable to other employees of the Council.
- Chief Officers are not permitted to claim any payable enhancements as documented at Annex 2 (for example, planned overtime payments or enhancements for weekend working).

2.7.2 To meet specific operational requirements it may be necessary in exceptional circumstances for an individual to temporarily take on additional duties or responsibilities. Where this is necessary and justified a temporary supplement to the salary scale for the grade must be approved in accordance with the Council's agreed policy relating to honoraria payments and acting up allowances.

2.8 Performance related pay/bonus scheme

With the exception of progression through the incremental scale of the relevant grade, the level of remuneration is not variable or dependent upon the achievement of defined targets.

The Council does not operate a performance related pay scheme in relation to its chief officers nor does it pay bonuses or any other cash incentive.

2.9 Recruitment of Chief Officers

2.9.1 The Council has delegated the appointment and dismissal of the Chief Executive and Director of Resources (Head of Paid Service and Chief Financial Officer), Executive Directors, and the Monitoring Officer, collectively referred to as 'senior officers', to the Employment Committee. The Committee is also

responsible for the appointment of officers to the roles holding the statutory responsibility for Director of Children's Services (the Executive Director of Education and Children's Services), Director of Adult Services (the Executive Director of Adult Services and Health and Wellbeing) and the Director of Public Health. In addition to the senior officers and statutory officers listed above, the Committee is responsible on an interim basis for the appointment and dismissal of all Directors for the purpose of populating the Council's new senior management structure. This position was agreed in September 2017 and is subject to review in March 2018.

- 2.9.2 When recruiting to all chief officer posts the Council is required to comply with the statutory requirement that no appointment or dismissal (including dismissal by reason of redundancy) may proceed until all cabinet members have been notified of the proposed appointment or dismissal to allow them the opportunity to object. Where the Committee is appointing or dismissing the Head of Paid Service, the Monitoring Officer or the Chief Financial Officer the Full Council must also approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given.
- 2.9.3 Remuneration on appointment is fixed by the Employment Committee at a scale point within the evaluated grade for the post, having regard to the qualifications and experience of the successful candidate.
- 2.9.4 Relocation allowances paid to chief officers are in accordance with the Council's Relocation Allowances scheme which applies to permanent employees (and fixed term appointments of two years or more) who are appointed as a result of external advertisement, and who are obliged to relocate their place of residence as a direct result of taking up their initial appointment with the Council. The maximum amount payable under the Relocation Scheme is £6,901 net of VAT (as at 1 April 2017) plus an additional discretionary element of £2,000 is payable in exceptional circumstances. The Employment Committee have further discretion to agree to relocation allowances outside the provisions of the Relocation Scheme where they consider this to be reasonable and appropriate.
- 2.9.5 Where the Council is unable to recruit chief officers, or there is a need for interim support to provide cover for a substantive chief officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service'. These will be sourced through an appropriate procurement process ensuring that the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. In making such assessments it should be noted that in respect of such engagements the Council is not required to make either pension or national insurance contributions for such individuals. The Executive Director of Education and Children's Services post

is currently being covered by an interim on this basis, pending a permanent appointment being made to the role. If a worker uses an intermediary personal service company the Council is responsible for assessing their tax and national insurance liability under the IR35 rules, alongside deducting and paying the correct tax.

2.10 Payments on Termination of Employment

2.10.1 The Council's policies in relation to redundancy payments and early retirement are set out respectively within its Employer Discretions Policy, Redundancy Payments Scheme, Early Retirement and Business Efficiency (Early Retirement) Policies. The Council's policy in relation to payments on termination is as summarised below:

Redundancy payments, for both voluntary and compulsory redundancy, are based upon the statutory redundancy payments scale (with effect from 1 April 2018). Under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council does not apply its discretion under Regulation 5 to base any redundancy payments on an employee's actual week's pay where this exceeds the statutory week's pay limit, nor does it apply its discretion under Regulation 6 to award lump sum compensation over and above that which is set out under the statutory redundancy payments scale.

Under Regulation 31 of the Local Government Pension Scheme Regulations 2013, the Council may award additional pension of not more than £6,755 a year (as at 1 April 2017) in exceptional and justifiable circumstances.

2.10.2 The Council does not operate a policy of making any specific or general payment to its chief officers on their ceasing to hold office or to be employed by the Council but it may, where appropriate, agree to waive or pay contractual notice.

2.10.3 Any other forms of severance payment falling outside these provisions must be authorised by or on behalf of the Full Council.

2.11 Tax avoidance measures

All chief officers are remunerated via monthly salary payments. Appropriate tax and national insurance deductions are made in accordance with HMRC regulations and there are no arrangements in place for the purpose of minimising tax payments.

3. Lowest Paid Employees

- 3.1 The lowest paid persons employed under a contract of employment with the Council are employed on full time equivalent (37 hours) salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure (the Lancashire Pay Spine).
- 3.2 With effect from 1 April 2014 the Council became a Living Wage employer. From 1 April 2018 all employees will be paid a minimum of £8.75 per hour, which is the equivalent of £16,881 per annum. (This excludes staff in schools, as the decision as to whether to adopt the Living Wage sits with the individual Governing Body of each school). The Council has committed to adjusting its Living Wage rate within six months of the national rate being updated, subject to Full Council approval.
- 3.3 As at 1 April 2018, the lowest grading level within the Lancashire pay spine is the Foundation Living Wage (FLW), which encompasses a single point of £16,881 per annum.

4. The relationship between the remuneration of chief officers and those employees who are not chief officers.

- 4.1 The relationship between the rate of pay for the lowest paid and chief officers is determined by the job evaluation process used for establishing the grading of posts and grade/role profiles as set out earlier in this policy statement.
- 4.2 Local authorities are recommended to publish the pay multiple between the highest paid employee and the median average earnings across the organisation. The current pay levels within the Council define the multiple between the average full time equivalent salary (excluding chief officer posts) and the Chief Executive and Director of Resources as being:

Median average 1:11.18 (figures based upon 2017 median average FTE salary of £17,772 and Chief Executive and Director of Resources' salary of £198,717 (including the additional salary payment and cash equivalent lump sum).

- 4.3 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this statement, the Council will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable local authorities. The Council's policy aim is for the multiple between the median salary and that of the highest paid officer to not exceed 1:16 (currently 1:11.18, based on 2017 salary data).

5. Accountability and Decision Making

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 prescribe certain functions that may not be exercised by a local authority's executive (cabinet or cabinet member) and includes the power to appoint staff and to determine the terms and conditions on which they hold office, including procedures for their dismissal. These functions must therefore be exercised by the Full Council or delegated by the Full Council to a committee or officer.

The Local Authorities (Standing Orders) (England) Regulations 2001 and Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provide that the functions of dismissal of, and taking disciplinary action against, a member of staff must be discharged by the head of the paid service (the Chief Executive and Director of Resources) or an officer nominated by him/her. However, this provision does not apply to the posts identified in paragraph 2.1 above (chief officers) and the Council's constitution currently provides that these functions in relation to the Chief Executive and Director of Resources and some other senior posts are discharged on behalf of the Full Council by the Employment Committee (subject to the requirements set out in paragraph 2.9.1 and 2.9.2 above).

The Employment Committee was established by Full Council to discharge all functions in relation to the terms and conditions of employment of all staff including chief officers.

Section 42 of the Act provides that the function of approving an Annual Pay Policy Statement may not be delegated to a committee, therefore the function of the Employment Committee in this regard is to recommend a Pay Policy Statement to Full Council for approval.

6. Re-employment / Re-engagement of former Chief Officers

- 6.1 The Council in its role as administrator of the Lancashire Pension Fund has adopted a policy for scheme employers participating in the Lancashire Pension Fund regarding re-employment within local government or by an employer who offers membership of the Local Government Pension Scheme (LGPS). Under the policy only members in receipt of ill health pensions will be subject to abatement where, accounting for the effect of index linking, the aggregate of the pension and the earnings in the new employment exceed the rate of pay on leaving the first employment. However, any benefits built up from 1 April 2014 within the LGPS are unaffected by the effect of any re-employment.

- 6.2 In addition to the policy highlighted above, re-employed pensioners who have previously retired on redundancy or efficiency grounds before October 2006 and been awarded compensatory added years, are also subject to abatement. This abatement applies only to the benefits which are payable in relation to the added years awarded. The benefits are adjusted where the aggregate of the pension and the earnings in the new employment exceed the rate of pay on leaving the first employment. There is no discretion for the Council as administrator of the Lancashire Pension Fund on whether or not they apply this particular abatement in respect of benefits payable as a result of the previous award of compensatory added years.
- 6.3 It is a condition of the Council's Redundancy Procedure that employees wishing to apply for voluntary redundancy must agree in writing that they will not apply for future employment with the Council for a period of three years following the date of the termination of their former employment.
- 6.4 The Council will not re-engage as a chief officer under a contract for services any former employee of the Council who, on ceasing employment with the Council, was in receipt of a severance payment, a redundancy payment or a pension from the Council for a period of three years following the date of the termination of their former employment.

7. Pension Contributions

- 7.1 Where employees become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Lancashire Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The rate effective from 1 April 2017 (set at 31 March 2017) is 15.1%. Although this is the certified rate, the Council has exercised an option to pre-pay this contribution as a lump sum payment. In addition, and in line with the last valuation, the Council also pay deficit recovery payments that will also be pre-paid.
- 7.2 The employee contribution rates for members of the Local Government Pension Scheme are reviewed on 1 April each year. The rates as effective from 1 April 2017 are as set out below:

<u>Pensionable pay range</u>	<u>Employee Contribution Rate</u>
Up to £13,700	5.5%
£13,701 to £21,400	5.8%

£21,401 to £34,700	6.5%
£34,701 to £43,900	6.8%
£43,901 to £61,300	8.5%
£61,301 to £86,800	9.9%
£86,801 to £102,200	10.5%
£102,201 to £153,300	11.4%
£153,301 or more	12.5%

NHS Pension Scheme (applicable to those employees who are able to retain membership of the NHS Pension Scheme) – 2015/16 through to 2018/19 rates

<u>Full Time Equivalent Salary</u>	<u>Employee Contribution Rate</u>
Up to £15,431.99	5.0%
£15,432.00 to £21,477.99	5.6%
£21,478.00 to £26,823.99	7.1%
£26,824.00 to £47,845.99	9.3%
£47,846.00 to £70,630.99	12.5%
£70,631.00 to £111,376.99	13.5%
£111,377.00 and over	14.5%

From 1 April 2017, the employer contribution rate is 14.38%.

SCP	£ (Annual)	Monthly Salary	Hourly Rate	Grades		Notes
6	15,014	1,251	7.78	Grade 1 164 - 229 NJC points		Only to be used for apprentice posts
					Grade 2 230 - 254 NJC points	
FLW	16,303	1,359	8.45	FOUNDATION LIVING WAGE (FLW)		Minimum pay level for all other posts
12 (FLW)	16,303	1,359	8.45	FLW Grade 3 255 - 299 NJC points		
13	16,491	1,374	8.55			
14	16,781	1,398	8.70			
15	17,072	1,423	8.85			
16	17,419	1,452	9.03			
17	17,772	1,481	9.21			
18	18,070	1,506	9.37			
19	18,746	1,562	9.72	Grade 5 360 - 419 NJC points 158 - 186 Hay points		
20	19,430	1,619	10.07			
21	20,138	1,678	10.44			
22	20,661	1,722	10.71			
23	21,268	1,772	11.02			
24	21,962	1,830	11.38			
25	22,658	1,888	11.74			
26	23,398	1,950	12.13			
27	24,174	2,015	12.53			
28	24,964	2,080	12.94	Grade 7 480 - 539 NJC points 223 - 264 Hay points		
29	25,951	2,163	13.45			
30	26,822	2,235	13.90			
31	27,668	2,306	14.34			
32	28,485	2,374	14.76			
33	29,323	2,444	15.20			
34	30,153	2,513	15.63			
35	30,785	2,565	15.96			
36	31,601	2,633	16.38			
37	32,486	2,707	16.84			
38	33,437	2,786	17.33			
39	34,538	2,878	17.90			
40	35,444	2,954	18.37			
41	36,379	3,032	18.86			
42	37,306	3,109	19.34			
43	38,237	3,186	19.82			
44	39,177	3,265	20.31			
45	40,057	3,338	20.76			
46	41,025	3,419	21.26			
47	41,967	3,497	21.75			
48	42,899	3,575	22.24	Grade 11 720 - 779 NJC points 444 - 526 Hay points		
49	43,821	3,652	22.71			
50	44,757	3,730	23.20			
51	45,727	3,811	23.70			
52	46,646	3,887	24.18			
53	47,597	3,966	24.67			
54	48,552	4,046	25.17			
55						
56				Not Used		
57						
58	53,730	4,478				
59	54,741	4,562				
60	55,756	4,646		Grade 13 850 - 909 NJC points 646 - 765 Hay points		
61	56,383	4,699				
62	57,489	4,791				
63	58,594	4,883				
64						
65				Not Used		
66						
67	63,349	5,279				
68	64,568	5,381				
69	65,781	5,482				
70	66,767	5,564				
71	68,109	5,676				
72	69,445	5,787				
73						
74				Not Used		
75						
76	79,661	6,638				
77	81,603	6,800				
78	83,550	6,963				
79	85,495	7,125				
80	87,440	7,287		D1 910 - 1065 Hay points		
81	89,172	7,431				
82	91,119	7,593				
83	93,065	7,755				D2

84	95,012	7,918			1066 - 1194 Hay points
85	96,954	8,080			
86	107,111	8,926			
87	109,661	9,138		D3	
88	112,211	9,351			
89	114,761	9,563		1195 - 1339 Hay points	
90	117,312	9,776			
91	121,274	10,106			
92	123,908	10,326			ED
93	126,537	10,545			
94	129,169	10,764			1340 - 2060 Hay points
95	131,798	10,983			
96	173,417	14,451		CE	

01-Apr-17

Payable Enhancements

The following pay elements replace those contained within national agreements relating to the NJC for Local Government Services (Part 3, Section 2 'Working Arrangements') and the JNC for Local Authority Craft and Associated Employees.

Element	Rate Payable	Additional information
Extra Duty - additional hours (below 37hpw)	Plain time	
Overtime - additional hours (above 37hpw)	Time + 25% Time + 33% (contractual overtime rate)	Employees graded above Scp 26 will be granted TOIL. In exceptional circumstances, see 'Planned Overtime' below. Where employees are called upon to return to work, see arrangements below.
Night Work	Time + 25%	Payable between the hours 11pm and 8am subject to start time being before 6am. See definition below.
Weekend Work	Time + 25% Time + 33% (contractual weekend rate)	Payable where required to work Saturday and Sunday as part of normal working week (i.e. not where this is overtime).
Bank Holidays and Extra Statutory Days	Time + 50% In addition, at a later date, time off with pay shall be allowed as follows: Time worked less than half the normal working hours on that day - Half Day. Time worked more than half the normal Working hours on that day - Full Day.	Payable for hours worked from midnight until 23.59 hours. See arrangements below for bank holidays that fall on a Saturday or Sunday over the Christmas and New Year period.

Shift Work – rotating shift/alternating shift	Time + 10%	Criteria to be met to qualify for payment set out below.
Split daily shifts (Split Duty)	Additional 5p per hour	See definition below.
Standby payments	<p>Full week outside normal working hours – 20% enhancement on basic weekly pay subject to a minimum payment of £125.</p> <p>For periods of less than one week:</p> <p>Mon/Fri – enhancement based on 2% of a week's basic pay or a minimum payment of £13.89 whichever is the greater.</p> <p>Sat/Sun – enhancement based on 2% of a week's basic pay or a minimum payment of £13.89 whichever is the greater for each 12 hour period of duty.</p> <p>50% enhancement on rates outlined above for work on a bank holiday or extra- statutory days.</p>	<p>Where task undertaken has been evaluated then 20% of rate for the job is payable subject to a minimum payment of £125 per week.</p> <p>If called out, contractual overtime rates apply (see above).</p> <p>Employees graded above Scp 54 (or equivalent) will not be eligible to receive standby payments.</p> <p><u>Payment for Rostered Emergency Duty Scheme</u></p> <p>Employees who are designated by services to provide a guaranteed level of emergency cover in order to meet the requirements of the national standards for the Emergency Planning function will receive standby payments where they are required to provide a full week of emergency contact duty outside normal working hours.</p>
Emergency Call Out	Overtime rates payable (see above). Minimum 2 hours' payment will apply.	
First Aid payment	<p>Designated First Aider - £104 per annum.</p> <p>Designated deputy First Aider - £52 per annum.</p>	Not payable where requirement to provide first aid forms a part of core duties as this accounted for in the grade for the job.
Sleeping-in Duty Payment	£34.68	NJC rates apply.

		Rate with effect from 1 April 2017.
Tool Allowance	£7.24 per week	Lancashire agreed term and condition, increased in line with NJC for Local Government Services pay awards. Rate wef 1 April 2017.

Planned Overtime:

A Chief Officer may approve in advance, and in exceptional recorded circumstances, the working of planned overtime for a period not exceeding six months in any financial year in respect of specified groups of employees who do not qualify for overtime payments, subject to the availability of sufficient budgetary resource.

Remuneration for planned overtime will be at the rate of time + 25% related to Scp 26, or at plain time rates relative to the employee's personal salary, whichever is the greater.

If, exceptionally, an employee is required to work planned overtime on a Statutory or Extra Statutory Holiday, remuneration will be at the rate of time + 50% related to Scp 26 or at plain time rates relative to the employee's personal salary, whichever is the greater.

Employees Called Upon to Return to Work:

Employees graded Scp 26 and below who are called upon to return to work outside their normal working hours in certain prescribed emergency situations, including the activation of intruder alarm systems, will receive a minimum payment of 2 hours at the overtime rate appropriate to the particular day, together with the payment of appropriate travelling expenses (including taxi fares, where necessary).

In non-emergency situations, normal overtime or time off arrangements will apply.

Employees paid above Scp 26 who are called upon to return to work in certain prescribed emergency situations, including the activation of intruder alarm systems, would receive a minimum payment per occasion of 2 hours at planned overtime rates. Appropriate travelling expenses are payable, with time in excess of 2 hours being calculated on the basis of the elapsed period between departure from home and arrival back home.

Night Work:

Employees who work at night as part of their working week are entitled to receive an enhancement of 25% for all hours worked between 11pm and 8am subject to the start time being before 6am.

The night work enhancement shall be payable, where appropriate, in addition to the enhanced rates of pay, for work, as part of the normal working week, on Saturday and on Sunday. The night work allowance does not apply to shift workers.

Shift Working:

'Shift Worker' means an employee who works on rotating shifts in immediate succession normally covering a period of twenty four hours or on alternating shifts either in immediate succession or overlapping but covering a portion of twenty four hours only. In both cases, the enhancement is only payable where an employee covers all shifts.

A rotating shift enhancement of 10% will be payable where:

- The total period covered by the shift is 18 hours or more;
- At least four hours are worked between 8pm and 6am;

An alternating shift enhancement of 10% will be payable where:

- The total period covered by the shifts is 11 hours or more;
- There are at least four hours between the starting time of the earliest and latest shifts;
- The number of 'normal office hour' shifts does not exceed one half (i.e. 1 in 2) of the total number of shifts. Normal office hours will be as determined by the Service concerned.
- The shift pattern must vary by at least 33.3% (i.e. 1 in 3 shifts must vary).

Split Duty:

Employees, whose normal daily duty necessitates more than one attendance with a continuous break between attendances of not less than two hours, including the normal break, shall be paid an additional 5p per hour for all hours worked during such spread over duty. The payment shall not be taken into account in calculating payments in respect of overtime and shall not apply to employees called upon to return to work or employees engaged on night work.

Bank Holidays Falling on a Saturday or Sunday over the Christmas and New Year Period:

The following arrangements will apply where a bank holiday falls on a Saturday or Sunday over the Christmas and New Year period:

- Where employees are required to work on either the bank holiday as it falls or on the substitute public holiday they will receive bank holiday pay and time off with pay at a later date (in line with the arrangements above) for working on

the actual bank holiday, and no bank holiday pay but time off with pay at a later date for working on the substitute day.

- Where employees are required to work on both the bank holiday as it falls and on the substitute public holiday they will receive bank holiday pay and time off with pay at a later date (in line with the arrangements above) for working on the actual bank holiday, and no bank holiday pay or time off with pay at a later date for working on the substitute day.

Allowances and Expenses

Type of Allowance or Expense	Amount or Rate Payable	Effective Date	Additional Information
Subsistence allowances (L.Ag)	<p>The maximum amounts that can be claimed are as follows :</p> <p>Breakfast - £7.25</p> <p>Lunch - £7.45</p> <p>Dinner/Evening Meal - £12.34</p>	<p>1 April 2017</p> <p><u>Note:</u> These allowances will be increased as from 1 April each year by the annual increase in the Retail Price Index (RPI) published in the preceding November.</p>	<p>Subsistence allowances will be payable to employees who are prevented by their official duties from taking a meal at their home, administrative centre or establishment where they normally take their meals, and thereby incur additional expenditure.</p> <p>Subsistence allowances will only be payable when an individual travels outside the boundaries of Lancashire (for this purpose the boroughs of Blackburn with Darwen and Blackpool will be regarded as being within the Lancashire boundary).</p> <p>Receipts for the full amount paid are required in respect of all claims.</p> <p>See Requirements to Qualify for Meal Allowances guidance for further details.</p>
Meal charges for residential and allied staff (resident and non-resident staff) (N.Ag)	<p>Breakfast - £0.96</p> <p>Dinner/Main Meals - £1.65</p> <p>Tea - £0.46</p> <p>Snack Supper - £0.76</p> <p>-----</p> <p>Total - £3.83</p> <p>For ease of administration, these rates may be used on the following basis:</p> <p>Weekly - £27.05</p> <p>Monthly - £117.28</p> <p>Per Annum - £1,407.33</p>	<p>1 April 2017</p> <p><u>Note:</u> These charges are reviewed annually in line with movements in the appropriate sectors of the RPI.</p>	<p>The Green Book (Part 3 Paragraph 8) provides that arrangements in the former APT & C and Manual national agreements in relation to (i) free meals and (ii) accommodation and meal charges will remain in place unless and until alternative arrangements are agreed locally.</p>

Overnight allowance (including London) (CCAP)	<p>In exceptional circumstances, where it is not possible for the County Council to make a direct booking, the actual <u>receipted cost</u> of accommodation, including breakfast, will be reimbursed subject to the following maximum limits:</p> <p>On business in London - £147.15</p> <p>On business outside London - £128.13</p>	<p>1 April 2017</p> <p><u>Note:</u> These allowances are linked to the Members' Allowance Scheme agreed by the County Council and will be updated in line with that scheme.</p>	<p>Wherever possible overnight accommodation will be booked and paid for by the County Council either directly or via Business Travel Plus. Normal subsistence allowance arrangements will apply in relation to any meals not provided.</p> <p>See Overnight Allowance guidance for further details.</p>
Expenses where employees are travelling outside Great Britain (CCAP)	<p>See Expenses where Employees are Travelling Outside Great Britain guidance for further details in respect of claiming for accommodation, travel (to/from the country) and hospitality.</p> <p>For all other expenses, including travel whilst abroad and subsistence expenses, a flat rate of £81.00 per day should be claimed and invoices/receipts need not be produced.</p>	<p>Flat rate amount effective from 1 April 2017.</p> <p><u>Note:</u> The flat rate amount will be increased from 1 April each year by the annual increase in the RPI published in the preceding November.</p>	<p>The following arrangements apply in respect of employees travelling outside Great Britain in connection with their official duties.</p> <p>For these purposes travel to Northern Ireland, the Isle of Man and the Channel Islands qualifies for payment of the allowance.</p>
Relocation allowances (CCAP)	<p>Up to a maximum of £6,901 (net of VAT).</p> <p>The maximum allowance payable to any appointed employee will be the maximum allowance operating at the date of their appointment.</p>	<p>1 April 2017</p> <p><u>Note:</u> The revised allowance will operate from 1 April each year and will be based on the annual percentage increase in the RPI as at the preceding January.</p>	<p>Heads of Service may authorise the payment of relocation allowances.</p> <p>See Relocation Allowance Scheme for further details.</p>

Mileage allowances (L.Ag)	<p><u>Business mileage</u></p> <p><u>Car Users</u> 45.0p per mile for the first 10,000 business miles in the tax year. 25.0p per mile for each business mile over 10,000 in the tax year.</p> <p><u>Motorcycles</u> 24.0p per mile.</p> <p><u>Bicycles</u> 20.0p per mile.</p> <p><u>Car Contract Hire Users</u> Variable. See 'Additional Information' (opposite).</p>	<p>1 July 2012</p> <p><u>Note:</u> These rates will be updated in line with any changes to the HMRC rates.</p>	<p><u>Car, Motorcycle and Bicycle Users</u> Business mileage is reimbursed at the HMRC approved mileage rates.</p>
	<p><u>Training mileage</u></p> <p><u>Car Users</u> 11.0p per mile.</p> <p><u>Motorcycles</u> 11.0p per mile.</p>	<p>1 April 2012</p> <p><u>Note:</u> The County Council will apply any new rates at the beginning of each calendar quarter – on 1 March, 1 June, 1 September and 1 December – in line with HMRC timescales.</p>	<p><u>Car Contract Hire Users</u> Business mileage for car contract hire users (including all employees graded Director 1 and above on the Lancashire Pay Spine in receipt of a lease car or cash equivalent sum) is reimbursed at the HMRC advisory fuel rates for company cars, details of which can be found at https://www.gov.uk/government/publications/advisory-fuel-rates.</p> <p>This mileage rate will apply to all mileage undertaken by car contract hire users.</p>
	<p><u>Training mileage</u></p> <p><u>Car Users</u> 11.0p per mile.</p> <p><u>Motorcycles</u> 11.0p per mile.</p>	<p>1 September 2016</p> <p><u>Note:</u> The County Council will apply any new rates at the beginning of each calendar quarter – on 1 March, 1 June, 1 September and 1 December – in line with HMRC timescales.</p>	<p><u>Training Mileage</u> The training mileage rate is in line with the minimum HMRC advisory fuel rate for a petrol engine car, details of which can be found at https://www.gov.uk/government/publications/advisory-fuel-rates.</p>

<u>Excess travel mileage</u>	<u>Car Users</u> 11.0p per mile. <u>Motorcycles</u> 11.0p per mile.	1 September 2016 <u>Note:</u> The County Council will apply any new rates at the beginning of each calendar quarter – on 1 March, 1 June, 1 September and 1 December – in line with HMRC timescales.	<u>Excess Travel Mileage</u> Excess travel mileage is the difference in mileage between home and current workbase and home to new workbase. See Excess Travel Policy for further details. The excess travel mileage rate is in line with the minimum HMRC advisory fuel rate for a petrol engine car, details of which can be found at http://www.gov.uk/government/publications/advisory-fuel-rates . Excess travel will not be included in the calculation of the business mileage threshold for car users.
Travelling expenses for medical examinations (N.Ag)	See 'Excess Travel Mileage Rate' (above)	1 July 2012	When employees have travelled to attend medical examinations at the Authority's request reimbursement will, depending upon the mode of travel, either be at the appropriate public transport rate or at the prevailing mileage rate applicable for excess travel.
DSE users – reimbursement of cost of eyesight tests and spectacles (CCAP)	The maximum amount of reimbursement is: For eyesight tests - £19.90 For spectacles - £49.00	5 February 2014	See DSE Guidance on Eye and Eyesight Tests .
Allowances for first aid qualifications (CCAP)	For designated first aid representatives - £104 per annum For designated deputy first aid representatives - £52 per annum This allowance will not be payable where the requirement to hold a first aid qualification forms part of an employee's core duties and responsibilities.	N/A	Heads of Service have delegated authority to approve the number of first aiders and the payment of the appropriate First Aid allowance. See Guidance on the Health and Safety (First Aid) Provision .

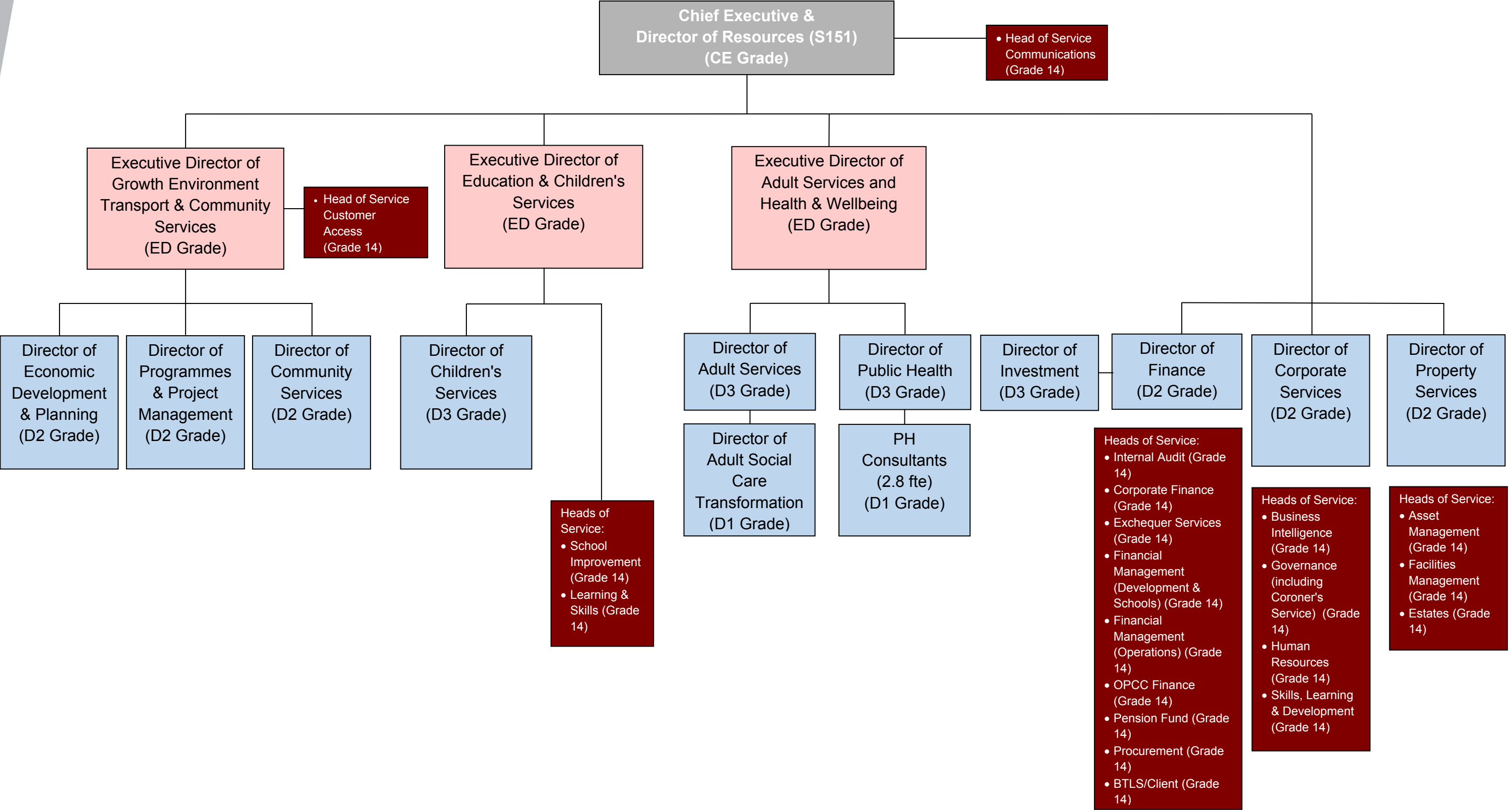
Payment of prescription charges for inoculation against Hepatitis 'B' (L.Ag)	Cost of prescription/Hepatitis 'B' inoculation.	N/A	Reimbursement of prescription charges is available for inoculation against Hepatitis 'B', on the recommendation of a General Practitioner following medical assessment, for employees whose work brings them into contact with Hepatitis 'B'.
Laundry expenses – income tax relief (CCAP)	Tax relief – claim to be submitted to HM Revenue and Customs.	N/A	Where employees are issued with items of uniform/protective clothing that the County Council expects the employee to launder at regular intervals for reasons of cleanliness, hygiene, safety or appearance, the HR Service will provide individual employees with a standard letter (on request) that they can then use to make a claim to HM Revenue and Customs for tax relief.
Long service award (CCAP)	Up to a maximum of £271.00 (excluding VAT)	1 July 2015 <u>Note:</u> This amount will be increased in value every two years in line with inflation.	See Recognition of Long Service Policy for further details.
Professional body membership fees	For employees graded Director 1 and above on the Lancashire Pay Spine: Cost of professional body membership fee, expenses and paid leave of absence in connection with membership and attendance at meetings of one professional body (not a trade union or an organisation that has the objectives of a trade union). In addition, the Chief Executive may approve the payment of one additional fee to a separate body where it is considered to be in the interest of the County Council for membership to be maintained. In	N/A	This is a former Chief Officer term and condition of employment and as such only applies to employees graded Director 1 and above on the Lancashire Pay Spine. Membership of the professional body and attendance at the meetings must be seen as being beneficial to the County Council.

	the case of the Chief Executive, the payment of an additional fee would be at the discretion of the Leader of the Council.		
Returning officer fee (CCAP)	<p>Applies to the Chief Executive only:</p> <p>The fee payable is calculated in accordance with a formula approved by Full Council, currently 15% of the total fees payable to Deputy Returning Officers employed by District Councils (which are based on a set amount for each councillor to be elected, currently £71.25).</p>	N/A	The Chief Executive acts as Returning Officer for all Council elections. This additional allowance is payable in relation to the overall supervision and ultimate responsibility for the conduct of Council elections.



Chief Officer Structure with Grades – 1 April 2018

Annex 4



Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None;

Amendments to the Constitution - Development Control Committee and Regulatory Committee

Contact for further information:

Josh Mynott, Tel: (01772) 534580, Democratic and Member Services Manager,
josh.mynott@lancashire.gov.uk

Executive Summary

This report proposes changes to the Council's Constitution in relation to the Development Control Committee and the Regulatory Committee as follows:

- i. To enable Cabinet Members to speak at meetings of the Development Control and the Regulatory Committee on issues of local interest.
- ii. To make training on Development Control matters mandatory for any member of the Development Control Committee.

Recommendation

Full Council is asked:

- (i) To approve the changes, as set out in the report, to Standing Order 19(2) and to the Terms of Reference of the Development Control Committee.
- (ii) Subject to the approval of (i) above, to authorise the Director of Corporate Services to make any other consequential changes to the Council's Constitution arising from this report.

Background and Advice

Cabinet Members right to speak at Development Control and Regulatory Committee

Standing Order (SO) 19 relates to the right of Members to attend and speak at Committee of which they are not a member. The current wording of the relevant section is:

- "19.** (1) Subject to Standing Orders 19(2) and 19(4), and to the provisions of "the Councillors Code of Conduct, any Councillor may attend meetings of the Cabinet and any Committee including those of which they are not a member. They may not speak without the consent of the Cabinet or Committee, or in any case vote.
- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee and shall not be entitled to attend meetings of those Committees by virtue of Standing Order 19(1)."

SO 19(2) was intended to prevent any potential conflict between the role of the executive and the committee, and it remains important that this is the case. However, it also has the effect of preventing members of the Cabinet speaking as local representatives on matters of interest in their own area. This is clearly unfair on members of the Cabinet and to people living in their divisions. It is therefore proposed to change the wording of SO 19(2) to:

- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee but shall be entitled to attend any part of a meeting of those Committees in accordance with Standing Order 19(1) where a matter affecting their electoral division is under discussion.

Mandatory Training

It is recognised that the Development Control Committee deals with very important and complex issues, and Members taking those decisions need to have a good understanding of the legal and regulatory framework in which they operate. Whilst regular training is provided, it is currently not mandatory for members of the Committee to undertake this training.

It is felt that making the training mandatory for any Member who wishes to serve on the Committee will result in better informed and more robust decision making.

To achieve this aim, the following will be added to the Committee's Terms of reference:

"All members of the Committee must:

- i. Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
- ii. Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee"

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

This requirement will apply to both regular 'permanent' members of the Committee, and also to any Members who are appointed as replacement 'temporary' Members. All mandatory training will be open to all County Councillors to ensure that there are Members with the necessary knowledge and understanding to act as replacements should they be required to do so.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no legal or financial implications. The proposals in relation to mandatory training will help ensure decisions made by the Development Control Committee are robust in the face of potential challenge.

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

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Director of Finance

Part A

Electoral Division affected:
None;

Financial Threshold for Key Decisions

Contact for further information:

Neil Kissock, Tel: (01772) 534286, Director of Finance,
neil.kissock@lancashire.gov.uk,

Executive Summary

The Council is required, each year, to specify the financial threshold above which decisions should be treated as Key Decisions as defined in Standing Order 25(1).

Recommendation

It is recommended that the Full Council confirms that the financial threshold for Key Decisions, for the purposes of Standing Order 25(1), should remain at £1.5m for 2018/19.

Background and Advice

Standing Order 25(1) defines a Key Decision of the Cabinet/Cabinet Member for the purpose of the requirement for the County Council to publish details of a Key Decision at least 28 clear days before the decision is due to be taken.

A key decision means an executive decision which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are significant having regard to the council's budget for the service or function which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the council.

In the case of (a), a decision with a significant financial impact on the County Council, the current threshold is £1.5m.

The Council is required, by number 13 in its list of functions in the Constitution, to “specify, before the beginning of each financial year, the amounts of expenditure and savings that shall be regarded as significant for the purposes of Standing Order 25 (key decisions).”

The current threshold (£1.5m) in respect of 2017/18 was approved by the Full Council in February 2017. The Director of Finance has, in consultation with Legal and Democratic Services, reviewed the financial threshold for key decisions. The recommendation arising from the review is that the threshold should remain at this level. It is proposed, therefore, that the threshold for 2018/19 should be £1.5m.

Consultations

As above.

Implications:

This item has the following implications:

Risk Management

No significant risks have been identified

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

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

Report of the Cabinet (Part B)

Contact for further information:

Josh Mynott, Tel: (01772) 534580, Democratic and Member Services Manager,
josh.mynott@lancashire.gov.uk

Executive Summary

The report of the Cabinet from its meetings on 18 January and 1 February 2018.

Recommendation

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

Background

The agenda and minutes of the meetings below may be viewed on the County Council's website [here](#).

Meeting 18 January 2018

• Money Matters - The Financial Strategy for 2018/19 to 2021/22

Resolved: That

- i. the current forecast underspend of £15.758m on the revenue budget in 2017/18 be noted, and the transfer of the final underspend at year end into the transitional reserve be agreed.
- ii. the revised funding gap of £144.492m covering the period 2018/19 to 2021/22 as set out in the revised financial outlook forecast for the Council be noted.
- iii. the additional budget adjustments for 2018/19, and following years' increases, included in the revised MTFS following the financial settlement, be approved.

- iv. the budget proposals set out in Appendix C be approved for the purposes of consultation, the outcomes of the consultation to be reported back to Cabinet for consideration in due course.
- v. the budget proposals set out in Appendix D be approved, officers be authorised to proceed with their implementation, and the 2018/19 budget is based upon these revenue decisions
- vi. Full Council on 8th February 2018 be recommended to set a Band D Council Tax for 2018/19 reflecting a 5.99% increase including 3% to be used for social care as per the new flexibilities.
- vii. the contents of the County Council's Reserves position at 31st December 2017, forecast at £190.285m at the end of 2019/20, be noted, and the transfers between reserves be approved as contained within the report.
- viii. the specific capital programme estimated at £226.117m for 2018/19 – 2020/21 be approved as presented within the body of the report.
- ix. prudential borrowing totalling £200.428m over the period 2017/18 to 2020/21 be approved as identified within the Capital Programme report.
- x. the advice of the Interim Chief Executive and Director of Resources in relation to the robustness of the budget and the adequacy of reserves be noted.

- **Procurement Report - Request Approval to Commence Procurement Exercises**

Resolved: That the commencement of the procurement exercises for the following areas be approved:

- i. Cuerden Development Site – Multi Utility Infrastructure Supplier
- ii. Cuerden Development Site – Earthworks
- iii. Provision of Debt Collection Services via Debt Market Integrator
- iv. Broughton A6 Corridor Works
- v. A59 Pendle Road Clitheroe Works
- vi. Eastway Phase 2 Works
- vii. Provision of Transport Services – Wheelchair Framework

- **A6 Corridor Works, Broughton**

Resolved: That a submission be made to the Planning Authority of revised proposals for A6 Corridor Works, Broughton, as set out in this report

- **Highways and Transport Capital Programmes - Proposed Changes**

Resolved: That

- i. the proposed amendments to the Highways and Transport Capital Programmes as outlined in the report be approved.
- ii. the proposed 2017/18 New Start Cycle Safety Programme as outlined in the report be approved
- iii. the proposed 2017/18 National Productivity Investment Fund (NPIF) Programme as outlined in the report be approved.

- **Lancashire County Council (Various Road, Burnley, Fylde, Hyndburn, Preston, Rossendale, South Ribble and West Lancashire Borough) (Revocations and Various Parking Restrictions (July/August No1)) Order**

Resolved: That the proposals for parking restrictions on the various lengths of road within the Burnley, Fylde, Preston, Hyndburn, Rossendale, South Ribble and West Lancashire Districts as detailed within the report be approved.

- **Proposed Puffin Crossing at Bolton Road, Anderton**

Resolved: That

- the proposals to install a Puffin Crossing and undertake bus stop upgrades on Bolton Road Anderton be approved
- a formal consultation now commence on the above proposals ;
- developer funding estimated at £100,000 be added to the 2017/18 Highways capital programme.

- **Schools Budget 2018/19**

Resolved: That

- the report, including the 2018/19 Dedicated Schools Grant (DSG) allocations, the final budget proposals for each funding block and the comments made by the Lancashire Schools Forum, be noted
- the Head of Service Financial Management (Development and Schools) be authorised to submit the final Schools Block budget proforma for 2018/19 to the Education and Skills Funding Agency (ESFA) by 19 January 2018, on the basis set out in this report.
- the 2018/19 budgets for the Early Years, High Needs and Central Schools Services Blocks be approved
- the Dedicated Schools Grant Reserve underwrite the uncertainties around the Early Years and High Needs Blocks;
- the in-year review of High Needs Block expenditure to reduce the level of overspend and minimise the risk exposure of future deficits be supported.
- the decision be implemented immediately for the purposes of Standing Order 35 as any delay could adversely affect the execution of the County Council's responsibilities, specifically to ensure that the necessary proforma can be submitted to the ESFA by the required deadline of 19 January 2018.

- **Extension of Supported Housing Contracts for Young People**

Resolved: That

- the extension of the Supporting People contracts up to their maximum extension date, which ranges from 1 April 2019 until 9 August 2019, be approved.
- the Director of Children's Services be authorised to review the eligibility and prioritisation policy and, in consultation with the Cabinet Member for Children,

Young People and Schools, to amend the policy in respect of 22 to 25 year old care leavers as appropriate.

- **Awarding of Small Grants to Third Sector Groups which are Registered with the Children and Family Wellbeing Service, including Grants to Individual Young People**

Resolved: That the recommendations of the District Youth Councils on the applications for grants from third sector groups which are registered with the Children and Family Wellbeing Service be approved as set out in the report.

- **Adult Social Care Fee Uplifts - 2018/19**

Resolved: That the following uplifts be approved, effective from 2 April 2018:

- i. Residential & nursing care
 - a. Nursing Standard - 3.82%
 - b. Nursing Dementia - 3.82%
 - c. Residential Dementia - 3.82%
 - d. Residential Higher - 3.75%
 - e. Residential Standard - 3.48%
 - f. For other client groups - 3.82%, and the minimum fee level for new placements be increased to £545.46.
- ii. Homecare (all client groups)
 - a. no uplift for successful providers under the new Homecare Framework commenced in November 2017.
 - b. 3.17% for unsuccessful providers.
- iii. Supported Living –£14.51 per waking hour and £9.42 per sleep-in hour.
- iv. Extra Care – 3.17%
- v. Direct Payments – 3.41%
- vi. Carers –the fixed payments of £210 / £315 to £219.25 / £328.85 respectively.
- vii. Shared Lives – 4.40%
- viii. Day Care – 4.07%
- ix. Rolling Respite & Provider Brokerage – in line with the relevant service

- **Libraries, Museums and Archive Fees and Charges**

Resolved: That the following changes to fees and charges be implemented effective from 1 April 2018, as detailed in the report

- i. the Library reservation fee be increased and extended to general subject area requests.
- ii. fines for the late return of Library books be increased.
- iii. commission on works of art and crafts sold in Libraries and Museums be increased.
- iv. admission charges at Gawthorpe Hall, Padiham, be increased.
- v. the charge for a copy of an archive probate record be increased
- vi. an additional carriage charge be levied for all non–UK archive copying orders.

- **Revised Friends of Lancashire Libraries Constitution and Guidance**

Resolved: That

- i. the revised 'Friends of Lancashire Libraries Constitution' be approved
- ii. the associated 'Using Friends Groups to enhance Libraries' staff guidance document be approved.
- iii. the 'Friends of Lancashire Libraries Donation Form' document be approved

- **Lancashire Enterprise Partnership - Future Funding Arrangements**

Resolved: That

- i. the allocation of £0.250m annually from 2018/19 onwards from the recurrent additional funding awarded to Economic Development as part of the budget amendment agreed by Full Council in July 2017 be approved, being subject to annual performance reviews and changes in Government policy and funding approaches
- ii. the transfer of two Skills Hub officers from Preston's College to Lancashire County Council be approved as set out in the report

- **Disposal of land at West Street Padiham**

Resolved: That the recommendation as set out in the report be approved.

- **Land at Westgate, Burnley**

Resolved: That the recommendation as set out in the report be approved.

- **Community Asset Transfers**

Resolved: That the recommendations as set out in the report be approved

- **Waste Processing Operations at Thornton Waste Recovery Park**

Resolved: That the recommendation as set out in the report be approved.

Meeting 1 February 2018

- **Department for Transport Consultation: Shaping the Future of England's Strategic Roads**

Resolved: That the County Council's response to the consultation be approved as set out in the report.

- **Proposed 40mph Speed Limit at Briars Lane, Lowry Hill Lane and Course Lane, Newburgh**

Resolved: That the sealing of the order in respect of the above speed reduction proposal as set out in this report be approved.

- **Lancashire County Council (Various Roads, Chorley, Fylde, Pendle, Preston, Rossendale, South Ribble, West Lancashire and Wyre Boroughs) (Revocation, 30mph, 40mph, 50mph and De-Restricted Road (August No1) Speed Limits) Order 201***

Resolved: That the proposals for speed restrictions on various lengths of road within the Wyre, Chorley, Fylde, Pendle, Preston, Rossendale, South Ribble and West Lancashire Districts as detailed within the report be approved, other than the proposal relating to the A682 Gisburn Road, Blacko, Pendle, which would be subject to further consideration..

- **McKenzie Street and Station Road, Bamber Bridge, South Ribble Borough Revocation, prohibition of Waiting and Restriction of Waiting Traffic Regulation Order**

Resolved: That the proposal for the introduction of prohibition of waiting restrictions on Station Road and McKenzie Street, Bamber Bridge as detailed within the report be approved.

- **Bacup Townscape Heritage Initiative**

Resolved: That:

- i. the County Council enter into a S278 agreement under which it will accept staged payments totalling £320,000 from Rossendale Borough Council together with any other additional financial resources for the project that may be agreed, on the condition that payments are received and added to the Highways block of the 2015/16 capital programme in advance of any application for payment from the appointed contractor; and that the final wording of the Agreement be agreed under the present delegations for S278 Agreements.
- ii. the introduction of a three Zebra crossing arrangement and markings as set out in the report be approved.

- **Highways and Transport Capital Programme**

Resolved: That:

- i. the proposed amendments to the Highways and Transport Capital Programmes be approved.
- ii. the proposed Additional 2017/18 Urban Unclassified Capital Programme be approved .

- iii. the proposed Road Safety Programme Assessment Criteria be approved.
- iv. the proposed Additional 2017/18 Road Safety Programme be approved

- **Highway Pothole Repair Policy**

Resolved: That the proposed Highway Pothole Repair Policy be approved, subject to an amendment to address public reporting of potholes.

- **Capital Strategy for Schools – Condition Led Capital Investment Programme, 2017/18 and part 2018/19**

Resolved: That the proposed list of maintenance schemes in Lancashire Schools set out in the report, totalling £11.994m, be approved as a further phase of high priority school repairs.

- **Determination of Relevant Area for Consultation on Admission Arrangements for Lancashire Maintained Schools and Academies for 2020/21, 2021/22 and 2022/23**

Resolved: That the definition of the relevant areas remains unchanged for the 2020/21, 2021/22 and 2022/23 school years

- **Determination of Admission Arrangements for Lancashire Community and Voluntary Controlled Schools 2019/20**

Resolved: That

- i. the admission numbers and criteria for admission to community and voluntary controlled primary schools, secondary schools and sixth forms for 2019/20 listed in the report be approved
- ii. the issues raised by Community and Voluntary Controlled Governing Bodies be noted
- iii. the admission numbers and criteria for admission set out in the report, together with the other information included on the Authority's website and in its admissions booklets, be approved as the admission arrangements for 2019/20.

- **Co-ordinated Admissions Scheme 2019/20 - Determination of the Qualifying Scheme**

Resolved: That

- i. the scheme and timetable set out in the report in Appendix 'B' be adopted as the qualifying scheme for admissions to Lancashire primary and secondary schools and academies for 2019/20;
- ii. the Director for Children's Services seek to secure the adoption of the scheme and timetable by the governing body of each Lancashire voluntary aided and

foundation school and academy in order to inform the Secretary of State that a scheme has been introduced in Lancashire.

- **Joint Commissioning Arrangements for Children and Young People's Special Education Needs or Disabilities Provision - North Lancashire**

Resolved: That

- i. the County Council enters into a Collaborative Commissioning Agreement with Fylde & Wyre CCG from 1 April 2018 until 31 March 2019, for the delivery of SLT and OT services across North Lancashire.
- ii. the County Council becomes an Associate to the existing NHS Standard Contract between Fylde & Wyre CCG and Blackpool Teaching Hospitals NHS Trust.
- iii. officers be authorised to enter into a Section 75 agreement if necessary.

- **Implementation of the Care Act 2014 - Approval of Revised Adult Social Care Policies and Procedures incorporating Information & Advice and Prisons and Approved Premises**

Resolved: That the following Adult Social Care Policies be approved as presented:

- i. Information & Advice
- ii. Prisons and Approved Premises

- **Preliminary Review of the County Council Policy on Fire Suppression Measures in Schools ahead of Government Direction**

Resolved: That an amendment to the current policy on fire suppression measures in schools be approved to consider all future schools Capital building schemes on a case by case basis, pending further Government direction following its review of Building Regulations and recommendations for school building design.

- **Asset Management**

Resolved: That the recommendations as set out in the report be approved.

- **Preston Western Distributor, East West Link Road and Cottam Link Road and Realignment of Footpath Network - Making (Signing and Sealing) and advertising of the Lancashire County Council (Preston Western Distributor, East West Link and Cottam Link Roads) Compulsory Purchase Order 2018 and the Lancashire County Council (Preston Western Distributor, East West Link and Cottam Link Classified Roads) (Side Roads) Order 2018 and the Lancashire County Council (Lea Viaduct) Scheme 2018 and the Lancashire County Council (Savick Brook Viaduct) Scheme 2018**

Resolved: That the recommendations as set out in the report be approved.

- **Clitheroe Ribblesdale High School -Proposed Capital Project to Facilitate School Expansion**

Resolved: That the recommendations as set out in the report be approved.

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

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(All Divisions);

The Urgency Committee

Contact for further information:

Dave Gorman, Tel: (01772) 534261, Senior Democratic Services Officer,
dave.gorman@lancashire.gov.uk

Executive Summary

The report sets out details of decisions taken by the Council's Monitoring Officer and the Interim Chief Executive and Director of Resources under the County Council's Urgent Business Procedure on behalf of the Urgency Committee.

Recommendation

Full Council is recommended to note the report.

Background and Advice

Since the last meeting of Full Council, the following decisions have been taken under the Urgent Business Procedure on behalf of the Urgency Committee by the officers indicated:

1. *Member and Officer Appointments on Council Committees*

On 9 January 2018, the Council's Monitoring Officer approved:

- i. The appointment of County Councillor D O'Toole to replace County Councillor J Shedwick as Chair of the Internal Scrutiny Committee with immediate effect.
- ii. The appointment of County Councillor A Riggott to replace County Councillor D O'Toole as Chair of the External Scrutiny Committee with immediate effect.
- iii. Amendments to the membership and Terms of Reference of the Health and Wellbeing Board the effect of which would:

- (a) Remove the Director of Children's Services and the Director of Adult Services.
- (b) Include the Executive Director of Education and Children's Services and the Executive Director of Adult Services and Health and Wellbeing.
- (c) Enable the Director of Children's Services and the Director of Adult Services to attend Board meetings in the absence of the Executive Directors mentioned at iii. (b) above respectively.

2. *Decision of the Full Council, 26 October 2017*

On 15 January 2018, the Interim Chief Executive and Director of Resources agreed that the decision made by Full Council on 26 October 2017 in relation to Halal Meat should not be implemented, and that the matter would be considered afresh.

This report is not for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972:

- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The above-mentioned decisions were taken following consultation with the chair and deputy chair of the Urgency Committee.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

N/A

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
Items of Urgent Business	15 January 2018	Chris Mather/(01772) 533559
	9 January 2018	

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(All Divisions);

The Audit, Risk and Governance Committee

(Annex 1 refers)

Contact for further information:

Dave Gorman, Tel: (01772) 534261, Senior Democratic Services Officer,
dave.gorman@lancashire.gov.uk

Executive Summary

The report of the Audit, Risk and Governance Committee from its meeting held on 29 January 2018 is attached at Annex 1.

The agenda, reports and minutes of the meetings are available to view here.

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

Recommendation

That the report of the Audit, Risk and Governance Committee, as now presented, be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
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N/A		
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Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - Thursday 22 February 2018

Report of the Audit, Risk and Governance Committee meeting on 29 January 2018

Chair: County Councillor Alan Schofield

Audit, Risk and Governance Committee - Revised Name and Terms of Reference

The Committee considered a report setting out its revised name and terms of reference.

Resolved: - That the decision of Full Council on 26 October 2017 to revise the Committee's name and terms of reference be noted.

Accounting Policies Applicable to the Statement of Accounts 2017/18

The Committee considered a report setting out details of proposed accounting policies to be applied in the preparation of the Statement of Accounts 2017/18.

Resolved: - That the accounting policies to be applied to the preparation of the Statement of Accounts for 2017/18 as set out in the report be approved.

2017/18 Treasury Management Activity Update

The Committee considered a report setting out details of an update on the Council's Treasury Management activity from August to November 2017.

Resolved: - That the review of Treasury Management activity be noted.

Internal Audit Progress Report

The Committee considered a report setting out details of recent work by the Internal Audit Service, including key findings and issues of concern.

Resolved: - That the report be noted.

Risk and Opportunity Register Quarter 3

The Committee considered a report setting out details of the Quarter 3 Risk and Opportunity Register, and noted a number of changes as set out in the report.

Resolved: - That the Quarter 3 Risk and Opportunity register be noted.

Liquid Logic System Update

The Committee considered a report setting out an update on progress in relation to improvements in the system and governance arrangements.

Resolved: - That the report be noted.

Report of Decision taken under the Urgent Business Procedure

The Committee considered a report setting out details of a decision taken under the County Council's Urgent Business Procedure in relation to a Government consultation on the disqualification criteria for Councillors and Mayors.

Resolved: - That the report be noted.

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(All Divisions);

The Overview and Scrutiny Committees

(Annexes 1 - 4 refer)

Contact for further information:

Samantha Parker, Tel: (01772) 538221, Senior Democratic Services Officer,
sam.parker@lancashire.gov.uk

Executive Summary

The most recent cycle of meetings of the Overview and Scrutiny Committees took place in the period November 2017 to January 2018.

The reports of the committees are attached as Annexes 1 to 4 as follows:

Annex 1 - Children's Services Scrutiny Committee

Annex 2 - Education Scrutiny Committee

Annex 3 - Health Scrutiny Committee

Annex 4 - Internal Scrutiny Committee

The meeting of the External Scrutiny Committee due to be held on 16 January 2018 was cancelled.

Copies of the agenda and reports considered by the committees, together with minutes of the relevant meeting may be viewed on the County Council's web site [here](#).

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

Recommendation

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

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

Paper	Date	Contact/Tel
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NA		
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Reason for inclusion in Part II, if appropriate		
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N/A		
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Meeting of the Full Council - 22 February 2018

Report on the Children's Services Scrutiny Committee meetings held on 6 December 2017 and 31 January 2018

Chair: County Councillor Andrea Kay

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

[Children's Services Scrutiny Committee](#)

6 December 2017

Secure Accommodation

The report presented provided an overview in relation to secure accommodation, including the criteria and reasons why children might require placement in a secure children's home. It also highlighted some of the challenges when placing a child in secure accommodation.

Resolved: That;

- i. The report presented be noted.
- ii. Forensic psychological testing be available to every young person entering secured accommodation as required.
- iii. A request be made to Cabinet to further investigate the possibility of secure accommodation in Lancashire.

Recruitment and Retention - Children's Social Care

The report presented provided details on the Retention and Recruitment Strategy within Children's Social Care to proactively recruit within this field motivated, and where possible experienced social workers to work across the areas of childcare social work in Lancashire.

Resolved: That;

- i. The report presented be noted.
- ii. The Recruitment and Retention Strategy of social workers in Lancashire be noted.
- iii. The Social Work Academy Programme which forms part of the retention strategy be noted.
- iv. An update on the Recruitment and Retention Strategy be reported to the Children's Services Scrutiny Committee in six months' time.

31 January 2018

Scrutiny of Budget Proposals for 2018/19

The report presented set out all of the savings proposals as agreed by the Cabinet at its meetings between 14 September and 18 January 2018 inclusive that are relative to both the Children's Services and Education Scrutiny Committees terms of reference for consideration.

Resolved: That;

- i. Matters from the Cabinet Members budget proposals for 2018/19 to form the basis for scrutiny review during 2018/19 be determined.
- ii. All matters determined by members be compiled from the minutes of the meeting and form part of the work planning session in readiness for the 2018/19 municipal year.

Joint Area SEND Inspection in Lancashire

The report presented set out the findings of the Ofsted and CQC joint local area SEND inspection in Lancashire conducted in November 2017.

Resolved: That;

- i. The report and comments be noted.
- ii. Areas identified from discussions be scheduled across both Children's Services and Education Scrutiny Committees work plans.
- iii. A joint meeting of Children's Services and Education Scrutiny Committees be held on 11 April 2018

Meeting of the Full Council - 22 February 2018

Report on the Education Scrutiny Committee meeting held on 28 November 2017

Chair: County Councillor Christian Wakeford

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

[Education Scrutiny Committee](#)

Standards of Achievement in Lancashire Schools

The report presented provided details on the standards of attainment against the national average at foundation stage and in each of the key stages in Lancashire schools for 2017.

Resolved: That the;

- i. Number of Lancashire schools judged to be good or better in Lancashire be noted
- ii. Standards of attainment in Lancashire schools be noted.

Attainment of Looked After Children

The report presented provided details on the attainment of looked after children in Lancashire schools.

Resolved: That the;

- i. Report presented be noted
- ii. The need to support the attainment of looked after children in policy decisions, contact with schools and services at a county wide level be understood and noted.

Elective Home Education

The report presented included details on the remit of the Elective Home Education Team.

Resolved: That;

- i. The arrangements in place within Lancashire to support families who are home educating be noted.
- ii. The arrangements in place within Lancashire when it is determined that suitable education may not be in place through elective home education arrangements be noted.
- iii. The limitations on the identification/reporting of the attainment of home educated children be noted
- iv. A Notice of Motion be produced supporting the proposed changes under the Home Education (Duty of Local Authorities) Bill currently progressing through the House of Lords, for the Full Council meeting on 14 December.

Meeting of the Full Council - 22 February 2018

Report on the Health Scrutiny Committee meetings held on 12 December 2017 and 23 January 2018

Chair: County Councillor Peter Britcliffe

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

[Health Scrutiny Committee](#)

12 December 2017

Suicide Prevention in Lancashire

An overview of the key work that had been undertaken to date was provided. The report included a copy of the Lancashire and South Cumbria STP Suicide Prevention Logic Model (action plan) which set out short term, intermediate and long term outcomes.

Resolved: That:

1. The Leader nominate a member Champion for Mental Health and Suicide Prevention;
2. The Leader and Cabinet Member for Health and Wellbeing write to all district councils in Lancashire to consider identifying an elected member for the role of Mental Health and Suicide Prevention Champion;
3. Options for Elected Member Champion involvement in the newly formed Lancashire Suicide Prevention Partnership be considered;
4. A training session on Mental Health awareness be arranged for all the appointed Mental Health and Suicide Prevention Champions and any County Councillors who wish to attend;
5. A progress report be presented to the Health Scrutiny Steering Group in six months' time with attendance from the Mental Health and Suicide Prevention Champions; and
6. Progress be monitored by the Committee on an annual basis with an update report to be presented to the Health Scrutiny Committee in December 2018.

Improvements to Mental Health provision in Lancashire

Officers from the Lancashire Care Foundation Trust presented information to the Committee on planned changes for mental health inpatient provision in the Pennine Lancashire and Central Lancashire areas.

Resolved: That the;

1. Planned changes for a site in Pennine Lancashire remain the original proposal as previously supported by the Joint Lancashire Health Scrutiny Committee at its meeting on 13 November 2012 be noted; and

2. Planned changes for a site in Central Lancashire to be located at the former mental health inpatient accommodation the Chorley Hospital site be supported.

23 January 2018

Delayed Transfers of Care

A report was presented detailing the number of delayed days that were attributable to social care in respect of interaction between the County Council and Lancashire Teaching Hospitals Trust. A joint briefing note was presented which set out the context, reasons for delays and a number of actions that were either underway or committed to by the Trust and the County Council.

Resolved: That;

1. An update on Delayed Transfers of Care, as a whole system be scheduled in 6 months' time; and
2. The actions taken by the County Council and Lancashire Teaching Hospitals Foundation Trust be accepted and continue to strive for a collaborative approach in reducing delays.

Scrutiny of Budget Proposals

Savings proposals as agreed by the Cabinet (for implementation or for consultation) at its meetings between 14 September 2017, and 18 January 2018, that were relative to the Health Scrutiny Committee's terms of reference were presented for consideration by the Committee.

Resolved: That, all requests made by members of the Committee be compiled from the minutes of the meeting and form a part of the work planning session in readiness for the 2018/19 municipal year.

Meeting of the Full Council - 22 February 2018

Report on the Internal Scrutiny Committee meeting held on 19 January 2018

Chair: County Councillor David O'Toole

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

Internal Scrutiny Committee

Scrutiny of Budget Proposals for 2018/19

The report presented set out all the savings proposals as agreed by the Cabinet at its meetings between 14 September and 7 December 2017 inclusive that were relative to the Internal Scrutiny Committee's terms of reference for consideration.

Resolved: That;

- i. Matters from the relevant Cabinet Members' budget proposals for 2018/19 to form the basis for scrutiny review during 2018/19 be determined.
- ii. All matters determined by members be compiled from the minutes of the meeting and form part of the work planning session in readiness for the 2018/19 municipal year.

Meeting of the Full Council

Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(All Divisions);

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

Contact for further information:

Diane Brooks, Tel: (01772) 866720, Lancashire Fire and 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 18 December 2017. This 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	18 December 2017	Diane Brooks/(01772) 866720

Reason for inclusion in Part II, if appropriate

N/A

**REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY
18 DECEMBER 2017**

1. CAPITAL AND REVENUE BUDGETS 2018/19 – 2022/23

The Authority noted the draft Capital Programme and Revenue Budget for 2018/19 - 2022/23.

The Authority authorised consultation with representatives of non-domestic ratepayers and Trade Unions on the budget proposals and agreed to give further consideration to both at the Budget Fixing Meeting scheduled for 19th February 2018.

2. CORPORATE SAFETY, HEALTH AND ENVIRONMENT POLICY

Under Section 2(3) of the Health and Safety at Work Act 1974, employers must prepare, and where necessary revise, a written statement of health and safety policy. The existing safety, health and environment policy document, which was last considered by the Authority in September 2016, had been recently reviewed and amended as required. As the health and safety and environment functions were managed in a similar way it was considered appropriate for the Authority to declare its intent for both health and safety and the environment in the same document which was endorsed at the meeting.

**3. CONSULTATION ON PROPOSED AMENDMENTS TO FRA COMBINATION
SCHEME ORDER**

The Government had commenced a consultation to vary combination schemes of Combined Fire and Rescue Authorities to enable the application of the 'representation model' (referred to in the Policing and Crime Act 2017); this would enable Combined Fire and Rescue Authorities to appoint Police and Crime Commissioners to be represented with voting rights, where the Authority had agreed to a request by the Police and Crime Commissioner. Members expressed different views. Some were concerned that the Government's intention to enable further integration allowed for the potential takeover by the Police and Crime Commissioner when the Authority, which was a democratic body, was already working well for the benefit of the people of Lancashire and that this would enable the Police and Crime Commissioner to have a vote which would affect the political balance of the Authority. Conversely, some Members thought it would be a positive opportunity for the Police and Crime Commissioner to attend Authority meetings to gain a better understanding of the work of the Fire Authority and evidence the level of collaboration particularly for the Inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services next year. Members voted and the Authority agreed for the Clerk and Monitoring Officer to respond with a yes, to agree with the proposed amendments to vary the combination schemes for Fire and Rescue Authorities in order to implement the 'representation model'.

FRANK DE MOLFETTA
Chairman

LFRS
Fulwood

