

# Crawley Borough Council

## Cabinet

Agenda for the **Cabinet** which will be held in **Committee Rooms A & B**, Town Hall, Crawley, on **Wednesday 30 November 2016** at **7.30pm**

**PLEASE BRING THE CABINET/OSC REPORTS BOOKLET TO THIS MEETING**

Nightline Telephone No. 07881 500 227



**Head of Legal and Democratic Services**

**Membership:**

Councillor	P K Lamb	(Chair of Cabinet and Leader of the Council)
	S J Joyce	(Deputy Leader of the Council and Cabinet Member for Housing)
	M G Jones	(Cabinet Member for Public Protection and Community Engagement)
	C J Mullins	(Cabinet Member for Wellbeing)
	A C Skudder	(Cabinet Member for Resources)
	P Smith	(Cabinet Member for Planning and Economic Development)
	G Thomas	(Cabinet Member for Environmental Services and Sustainability)

Please contact Chris Pedlow (Legal and Democratic Services Division) if you have any queries regarding this agenda.

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## **Part A Business – (Open to the Public)**

### **1. Apologies for Absence**

### **2. Members' Disclosures of Interest**

In accordance with the Council's Code of Conduct, members of the Council are reminded that it is a requirement to declare interests where appropriate.

### **3. Minutes**

To approve as a correct record the minutes of the Cabinet held on 5 October 2016 (**Enclosure A**).

### **4. Public Question Time**

To answer any questions asked by the public which are relevant to the functions of the Cabinet.

Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.

### **5. Matters referred to the Cabinet**

To consider any matters referred to the Cabinet (whether by a scrutiny committee or by the Council) for reconsideration in accordance with the provisions contained in the Scrutiny Procedure Rules, the Budget Procedure Rules and the Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.

### **6. Report from the Chair of the Overview and Scrutiny Commission**

To receive a report from the Chair of the Overview and Scrutiny Commission on matters relating to Cabinet business considered by the Commission.

### **7. The Leader's Portfolio**

#### **Treasury Management Mid-Year Review 2016/2017**

To consider Report FIN/396 of the Head of Finance, Revenues and Benefits, which was referred to the meeting of the Overview and Scrutiny Commission held on 28 November 2016.

This is **Enclosure 1** in the OSC/Cabinet joint reports booklet for this meeting.

### **8. The Leader's Portfolio**

#### **Review of the Council Tax Reduction Scheme**

To consider Report FIN/399 of the Head of Finance, Revenues and Benefits, which was referred to the meeting of the Overview and Scrutiny Commission held on 28 November 2016.

This is **Enclosure 2** in the OSC/Cabinet joint reports booklet for this meeting.

**9. Environmental Services and Sustainability Portfolio  
Review of Statement of Licensing Policy Gambling Act 2005**

To consider Report PES/222 of the Head of Economic and Environmental Services which was referred to the meeting of the Overview and Scrutiny Commission held on 28 November 2016.

This is **Enclosure 3** in the OSC/Cabinet joint reports booklet for this meeting.

**10. Public Protection and Community Engagement Portfolio  
Safeguarding Children, Young People and Adults at Risk Policy 2016**

To consider Report HCS/03 of the Head of Community Services which was referred to the meeting of the Overview and Scrutiny Commission held on 28 November 2016.

This is **Enclosure 4** in the OSC/Cabinet joint reports booklet for this meeting.

**11. The Leader's Portfolio  
2016/2017 Budget Monitoring - Quarter 2**

To consider Report FIN/395 of the Head of Finance, Revenues and Benefits.

This is **Enclosure B**.

**12. Planning and Economic Development Portfolio  
Supporting Business through Crawley Small Business Grant Scheme**

To consider Report PES/226 of the Report of Head of Economic & Environmental Services and the Portfolio Holder for Planning and Economic Development.

This is **Enclosure C**.

**13. Town Centre Working Group: Change of Name and Terms of Reference**

The Town Centre Working Group was originally set up to consider regeneration issues solely relating to the Town Centre. However, in addition to the Town Centre, economic regeneration initiatives are increasingly taking place across the Borough and as such it is considered necessary to change the name of the Working Group, as well as its remit, to reflect this.

The Cabinet is recommended to:

- 1) Change the name of the Town Centre Working Group to the Economic Regeneration Working Group.
- 2) Agree the Terms of Reference of the Economic Regeneration Working Group as set out as follows:
  - (i) to receive and consider updates on economic regeneration initiatives and actions across the Borough, including delivery of the Town Centre Regeneration programme, the delivery of individual economic regeneration schemes and partnership activities within the Manor Royal Business District;
  - (ii) to receive and consider reports on economic regeneration activities in Crawley and to make recommendations, as necessary, to the Cabinet on the:-

- proposals to regenerate sites identified in the Local Plan, the Town Centre Supplementary Planning Document and the Manor Royal Supplementary Planning Document & Design Guide.
- identification and promotion of other economic regeneration opportunities to enhance the physical appearance and social, economic and educational attributes
- communications with all interested parties to maintain confidence in the wider economic regeneration of Crawley

#### **14. Supplemental Agenda**

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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# Crawley Borough Council



## Minutes of Cabinet Wednesday 5 October 2016 at 7.30pm

### Present:

Councillors

- P K Lamb (Chair of Cabinet and Leader of the Council)
- S J Joyce (Deputy Leader of the Council and Cabinet Member for Housing)
- M G Jones (Cabinet Member for Public Protection and Community Engagement)
- C J Mullins (Cabinet Member for Wellbeing)
- A C Skudder (Cabinet Member for Resources)
- P C Smith (Cabinet Member for Planning and Economic Development)
- G Thomas (Cabinet Member for Environmental Services and Sustainability)

### Also in Attendance:

Councillors M L Ayling, D Crow and K Sudan

### Officers Present:

- Ann-Maria Brown Head of Legal and Democratic Services
- Karen Dodds Head of Crawley Homes
- Lee Harris Chief Executive
- Diana Maughan Head of Strategic Housing and Planning Services
- Chris Pedlow Democratic Services Manager

### 13. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 14. Minutes

The minutes of the meeting of the Cabinet held on [29 June 2016](#) were approved as a correct record and signed by the Chair.

### 15. Public Question Time

There were no questions from the public.

### 16. Matters Referred to the Cabinet

It was confirmed that no matters had been referred to the Cabinet for further consideration.

## **17. Report from the Chair of the Overview and Scrutiny Commission**

The comments from the Overview and Scrutiny Commission had been circulated to all Cabinet Members. Details of those comments are provided under the minute to which the comments refer.

## **18. Treasury Management Outturn for 2015/16**

The Leader presented report [FIN/393](#) of the Head of Finance, Revenues and Benefits to the Cabinet. The Cabinet was informed that Members were required under regulations to regularly review and scrutinise the Council's treasury management policy and performance. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members. In considering the report Cabinet was pleased with the outturn for the 2015/2016 and thanked the officers for their hard work in achieving this.

The Cabinet noted the Overview and Scrutiny Commission's comments on the report and its comments to the Cabinet following consideration of the matter at its meeting on 3 October 2016.

Councillor Crow was invited to speak on the item.

### **RESOLVED**

That Cabinet:

- 1) approves the actual 2015/16 Prudential and Treasury Indicators as set out in report FIN/393.
- 2) notes the Annual Treasury Management Report for 2015/16.

### **Reasons for Decision**

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2015/16. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

## **19. Crawley 2030: Supplementary Planning Documents (SPDs) Climate Change; Green Infrastructure; Town Centre; Urban Design**

The Cabinet Member for Planning and Economic Development presented the report [SHAP/55](#) of the Head of Strategic Housing and Planning Services to Cabinet. The report outlined a summary of each of the SPDs, together with a brief overview of the representations received through the consultation and the changes made to the documents since their publication for consultation. SPDs should be used where they can help applicants make successful planning applications or aid infrastructure delivery. A series of new SPDs have been prepared to aid the interpretation and implementation of the new adopted Crawley Borough Local Plan (Crawley 2030).

The Cabinet noted the Overview and Scrutiny Commission's comments on the report following consideration of the matter at its meeting on 3 October 2016.

## **RESOLVED**

That Cabinet:

- 1) approves the Planning and Climate Change Supplementary Planning Document as an adopted council planning policy document to be taken into account as a material planning consideration in the determination of planning applications.
- 2) approves the Green Infrastructure Supplementary Planning Document as an adopted council planning policy document to be taken into account as a material planning consideration in the determination of planning applications.
- 3) approves the Town Centre Supplementary Planning Document as an adopted council planning policy document to be taken into account as a material planning consideration in the determination of planning applications.
- 4) approves the Urban Design Supplementary Planning Document as an adopted council planning policy document to be taken into account as a material planning consideration in the determination of planning applications,
- 5) delegates authority for approval of final minor text changes, formatting and editing of the SPDs and for any subsequent revisions required to reflect council or national policy changes to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning & Economic Development.

## **Reason for Decision**

Following the adoption of the Crawley Borough Local Plan 2015-2030 in December 2015, it was recognised that a number of the new policies would benefit from expansion and explanation to ensure the council helps facilitate the delivery of development and maintains an efficient and high quality development management process. Supplementary Planning Documents (SPDs) assist in supporting successful planning applications, clarifying policy requirements, and also providing examples of best practice and setting out the council's aspirations which developers may be able to help deliver.

Four SPDs have been produced to aid the interpretation of the Crawley Borough Local Plan:

- Planning and Climate Change
- Green Infrastructure
- Town Centre
- Urban Design

## **20. Proposed Article 4 Direction for Manor Royal (Light Industrial to Residential)**

The Cabinet Member for Planning and Economic Development introduced report [SHAP/56](#) of the Head of Strategic Housing and Planning Services, which proposed a non-immediate Article 4 Direction for Manor Royal. It was noted that the Article 4 would

restrict the permitted development rights afforded by the Town and Country (General Permitted Development Order) 2015 that allow changes of use from light industrial (Class B1c) to dwelling houses (ClassC3) without the need for planning permission. The Article 4 would withdraw these rights within Manor Royal because of the adverse impact these changes are having on the supply of employment floor space and the commercial operation of the Business District.

In considering the report the Cabinet expressed its concerns over the principle of General Permitted Development Orders, as it supersede planning requirements over the size and location of dwellings. Members felt that the Article 4 proposal was extremely important to help to maintain a strong and business focused Manor Royal, which was be of great importance to the prosperity of the Borough.

Councillor Crow was invited to speak on the item.

## **RESOLVED**

The Cabinet:

- 1) approves the making of a non-immediate Article 4 Direction under the Town and Country (General Permitted Development Order) 2015 as amended for Manor Royal removing permitted development rights for changes of use from light industrial (Class B1c) to dwelling houses (ClassC3) for the area outlined in bold on the plan at Appendix 1.
- 2) delegates the authority to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development to formally confirm the non-immediate Article 4 Direction following the 12 month notification period, if having fully considered all representations made during the consultation period, they are of the opinion that the Article 4 Direction should be made.

## **Reason for Decision**

1. There is a strong potential for economic growth in Crawley, with many existing companies seeking to expand their operations, and new companies enquiring about opportunities to locate in the town. However, the borough has a very limited supply of available business land, and the Local Plan identifies a land supply deficit of 35 hectares. The council has already taken steps to protect the business function of Manor Royal by making two Article 4 Directions which remove permitted development rights that had allowed offices (B1a) and storage & distribution (B8) uses to convert to residential (C3).
2. The Government has now announced its intention to further widen permitted development rights relating to commercial premises and a further Article 4 Direction is required if the Council is to continue to safeguard employment land at Manor Royal.

## **21. Affordable Housing Delivery Programme: Redevelopment of 257/259 Ifield Road, West Green, Crawley & Budget Approval for development of Woolborough Road (Northgate Surgery) Northgate, Crawley**



The Cabinet Member for Housing presented report [CH/168](#) of the Head of Crawley Homes, that sought approval for the budget and delegated authorities to enter into a procurement and feasibility study to build residential units on an existing residential site, 257/259 Ifield Road as part of the Council's own build housing programme together with approval to increase the previously agreed budget for the development of Woolborough Road (Northgate Surgery).

The Cabinet noted the Overview and Scrutiny Commission's comments on the report following consideration of the matter at its meeting on 3 October 2016.

## **RESOLVED**

That Cabinet recommends to Full Council

- 1) the approval of a budget of £1.27m from the Housing Revenue Account and Right to Buy one-for-one receipts for 257/259 Ifield Road West Green, Crawley for the construction of 6 No 2 Bed Houses, as outlined in Option 3 in paragraph 6.4 of the report.
- 2) to agree an increase in the allocated budget from the Housing Revenue Account and Right to Buy one-for-one receipts for the Woolborough Road, Northgate scheme from £1.4m to £1.8m
- 3) authorises officers to enter into the procurement of a contractor in accordance with the Council's Procurement Code to assist with the feasibility and delivery of 257/259 Ifield Road, West Green, Crawley and the Woolborough Road site and delegates authority to the Head of Crawley Homes to approve the appointment of a contractor in consultation with the Head of Strategic Housing and Planning Services, Head of Finance, Revenues and Benefits, and the Cabinet Member for Housing.

## **Reason for Decision**

1. The proposed scheme would provide social rented housing for the residents on the register in need of Social Housing within Crawley.
2. 257/259 Ifield Road, West Green requires redevelopment due to the structural problems of the two houses on the site and the site offers the opportunity for increased density.
3. The previous budget estimate for Woolborough Road was based on an old redevelopment design and it is now considered that more housing units can be achieved for this scheme.

## **22. West Sussex Joint Scrutiny Task and Finish Group Housing Provision for Care Leavers**

The Cabinet Member for Housing introduced report [OSC/250](#) of the Joint Scrutiny Task and Finish Group (JSTFG), which set out the findings and recommendations from the Joint Scrutiny Review of Housing Provision for Care Leavers. The Cabinet invited Councillor Sudan, the Council representative on the Joint Task Group to provide further background and context to the investigation that had taken place along with the recommendations before them.

The report had been considered at the Overview and Scrutiny Commission's meeting on 3 October 2016 and it was noted the Commission support of the Joint Task Group's findings.

## **RESOLVED**

- 1) That the findings of the Joint Scrutiny Task and Finish Group, including reviewing the current approach for Care Leavers provision and how this was dealt with in West Sussex are endorsed;
- 2) That the endorsement be passed on to West Sussex County Council to enable them to implement appropriate amendments and the relevant approaches.

## **Reason for Decision**

The overarching West Sussex Joint Scrutiny Steering Group agreed to set up a Joint Scrutiny Task and Finish Group to undertake a review the housing provision for young people leaving local authority care to ensure the accommodation needs and associated support in the community for young people leaving care were identified and procedures put in place to ensure that agencies work in partnership to achieve it. This included:

- ensuring that the Joint Working Protocol was working effectively to enable housing providers to provide an adequate range of accommodation to meet the assessed needs of young people as they leave care and to give care leavers the best start in the transition to independent adulthood.
- obtaining clarification from the Government on whether or not young people aged under 21 years of age are to lose their entitlement to housing benefit until they reach 21 years.
- recommend any further changes if appropriate and necessary.

## **23. Crawley Leisure Card Scrutiny Panel Final Report**

The Cabinet Member for Wellbeing introduced report [OSC/251](#) of Crawley Leisure Card Scrutiny Panel, which had been chaired by Councillor Ayling. The Panel was established to investigate the scope, advantages and disadvantages of introducing a 'Crawley Leisure Card' for various facilities within across the borough.

The report had been considered at the Overview and Scrutiny Commission's meeting on 3 October 2016.

Councillor Ayling was invited to provide the Cabinet with some further context and insight to the Panel's investigation and to their rationale for the proposed recommendations. Councillor Crow also spoke on the item.

In considering the report the Cabinet Members acknowledged that the Commission had included some further recommendations, for their deliberation. It was felt that the initial Panels' proposal were well evidenced and therefore they were content to support them.

## **RESOLVED**

That Cabinet:

- 1) notes the comments made by the Overview and Scrutiny Commission, within their comment sheet OSC/252
- 2) agrees the actions and recommendations of the Scrutiny Panel to as set out in Section 8 of report [OSC/251](#).

### **Reason for Decision**

1. To enable the Council to consider improvements to accessing leisure facilities within the town, either through admission or marketing.
2. That given the financial pressures one of the main objectives for the Council was an increased focus on achieving (new) sources of income, whilst ensuring that the service objectives are not comprised, taking into account the ability to pay for services by users. It was important that residents continue to benefit from services which might otherwise have to be reduced or withdrawn.
3. Following the Panel's work, evidence identified that there was not strong justification to introduce a 'Crawley Leisure Card' for various facilities within the town as it was not financially viable. The town had evolved since the introduction of the Leisure Plus card with the majority of council facilities being operated under partnership/contractor arrangements.
4. It may be possible to improve the marketing and publicity regarding the numerous leisure activities and offers already in existence within the town.

## **24. 2016/2017 Budget Monitoring – Quarter 1**

The Leader presented report [FIN/392](#) of the Head of Finance, Revenues and Benefits to the Cabinet which provided a summary of the Council's actual revenue and capital spending up to the first quarter ending June 2016. It identified the main variations from the approved spending levels and any potential impact on future budgets.

## **RESOLVED**

That Cabinet notes the projected outturn for the year 2016/2017 as summarised in report FIN/392.

### **Reason for Decision**

To report to Members on the projected outturn for the year compared to the approved budget.

## **25. Urgent Action**

The Leader informed the Cabinet that urgent action had been taken under paragraph 1.5 of the Leader and Cabinet Procedure Rules in Part 4 (Rules of Procedure) of the Constitution to enter into a 12 month exclusivity agreement with both Westrock Ltd. and Haywards Health Investments LDA, and not solely with Westrock (as originally set out in report HPS/05).

The urgent action enabled Westrock Ltd/Haywards Health Investments LDA to appoint the architect, designers and potentially District Heat Network specialists, who would work with Members and officers to design a new civic building and develop an overall scheme which can be negotiated and costed to ensure that it provides the council with a building and overall development that is 'fit for purpose' and meets Members' aspirations.

### **RESOLVED**

That Cabinet notes that an urgent action had been taken under paragraph 1.5 of the Leader and Cabinet Procedure Rules in Part 4 (Rules of Procedure) of the Constitution.

## **26. Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.12pm.

P K LAMB  
**Chair**

# Crawley Borough Council

## Report to Overview and Scrutiny Commission 28 November 2016

### Report to Cabinet 30 November 2016

## Treasury Management Mid-Year Review 2016/2017

Report of the Head of Finance, Revenues and Benefits, **FIN/396**

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### 1. Purpose

- 1.1 This report provides an update on the Council's Treasury Management Strategy for the two first quarters of 2016/2017

### 2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

That the Cabinet is recommended to:

- a) note the report and the treasury activity for the first two quarters of 2016/2017;
- b) recommend to Council the approval of an amendment to the Council's Annual Investment Strategy to include additional investment types to the investment strategy (see sections 5.2 – 5.4)
- c) note the breach of investment limits (see section 7.3)

### 3. Reasons for the Recommendations

- 3.1 The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (Treasury Management Strategy Statement, annual and midyear reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

### 4. Interest rate forecasts

- 4.1 The Council's treasury advisor, Capita Asset Services, has provided the following forecast:

	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19
Bank rate	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	0.25%	0.25%	0.25%	0.25%	0.50%
5yr PWLB rate	1.00%	1.00%	1.10%	1.10%	1.10%	1.10%	1.20%	1.20%	1.20%	1.20%	1.30%
10yr PWLB rate	1.50%	1.50%	1.60%	1.60%	1.60%	1.60%	1.70%	1.70%	1.70%	1.70%	1.80%
25yr PWLB rate	2.30%	2.30%	2.40%	2.40%	2.40%	2.40%	2.50%	2.50%	2.50%	2.50%	2.60%
50yr PWLB rate	2.10%	2.10%	2.20%	2.20%	2.20%	2.20%	2.30%	2.30%	2.30%	2.30%	2.40%

4.2 Capita Asset Services undertook a quarterly review of its interest rate forecasts after the MPC meeting of 4th August cut Bank Rate to 0.25% and gave forward guidance that it expected to cut Bank Rate again to near zero before the year end. The above forecast therefore includes a further cut to 0.10% in November this year and a first increase in May 2018, to 0.25%, but no further increase to 0.50% until a year later. Mark Carney, has repeatedly stated that increases in Bank Rate will be slow and gradual after they do start. The MPC is concerned about the impact of increases on many heavily indebted consumers, especially when the growth in average disposable income is still weak and could well turn negative when inflation rises during the next two years to exceed average pay increases.

4.3 The overall longer run trend is for gilt yields and PWLB rates to rise, albeit gently. An eventual world economic recovery may also see investors switching from the safe haven of bonds to equities. However, we have been experiencing exceptional levels of volatility in financial markets which have caused significant swings in PWLB rates. Our PWLB rate forecasts are based on the Certainty Rate (minus 20 bps) which has been accessible to most authorities since 1st November 2012.

## 5. Annual Investment Strategy

5.1 The Treasury Management Strategy Statement (TMSS) for 2016/17, which includes the Annual Investment Strategy, was approved by this Council on 24 February 2016. It sets out the Council's investment priorities as being:

- Security of capital
- Liquidity; and
- Yield.

5.2 It is proposed to amend the Council's Annual Investment Strategy. Cabinet is requested to recommend to Council that the following investments are appended to the 2016/17 Annual Investment Strategy:

	Colour (and long term rating where applicable)	Money Limit	Time Limit
Repurchase agreements	AA	£5m	5 yrs
Housing Associations	AA-	£2m	1 yrs

5.3 Repurchase agreements (repos) are a form of secured lending. A detailed explanation of repos can be found in Appendix 4.

- 5.4 Loans to Housing Associations can provide a significant pick up in yield when compared to loans to local authorities.

## 6. Compliance with Treasury and Prudential Limits

- 6.1 It is a statutory duty for the Council to determine and keep under review the affordable borrowing. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.
- 6.2 During the financial year to date the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices. The prudential and treasury Indicators are shown in Appendix 3.

## 7. Investment Portfolio 2016/17

- 7.1 The Council held £126.5m of investments as at 30 September 2016 (£118.0m at 31 March 2016).

Investments	31 March 2016 £'000	30 September 2016 £'000	Rate/ Return	Average Life yrs
Local Authorities	32,000	39,000	1.02%	1.10
UK Banks	22,041	17,168	0.79%	0.26
UK Building Societies	9,000	5,500	0.68%	0.36
Money Market Funds	2,340	4,135	0.37%	0.00
Supranational	3,082	-	-	-
Overseas Banks	43,651	52,278	0.69%	0.44
Corporate Bonds	5,849	8,434	1.08%	0.46
<b>Total</b>	<b>117,963</b>	<b>126,515</b>	<b>0.91%</b>	<b>0.59</b>

A full list of investments held as at 30th September 2016 is in appendix 2.

- 7.2 In addition to the treasury investments in 7.1 above, the Council also has £14.12m invested in Investment Properties. These investments are deemed capital expenditure, and as such are an application (spending) of capital resources. As such, these investments are not included in the treasury management indicators, but have been included in the list of investments in appendix 2. There is a further budget of £5.0m to purchase additional investment properties.
- 7.3 Breach of approved limits  
On 9 August 2016, an investment of £2m was placed with Nationwide Building Society for 364 days. The limit in place at the time was 6 months. The error occurred because the credit list was not referred to when placing the deal. The treasury team have been reminded that the correct procedure is to refer to the credit list before accepting an investment. The Head of Finance, Revenues and Benefits considers that the risk to Council is minimal.
- 7.4 The Head of Finance, Revenues and Benefits confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2016/17 apart from as described in 7.3 above.

7.5 Investment performance for the financial year to date as at 30 September 2016:

Benchmark	Benchmark Return	Council Performance	Investment Interest Earned
7 day LIBID + 0.2%	0.48%	0.90%	£561,701

The performance above is the return achieved for the quarter. This is different from the table in 7.1 as this shows the average rate on the investments actually held on 30 September.

## 8. Borrowing

- 8.1 The Council borrowed £260.325m in March 2012 for HRA self-financing. The average borrowing rate is 3.19%. There has been no requirement for further borrowing in 2016/2017.

## 9. Implications

- 9.1 The Council is under a duty to manage its resources prudently and therefore due consideration must always be given to its borrowing and lending strategy. A wide range of local authority financial activities, including borrowing, lending, financial management, and the approval of types of investment vehicle are governed by legislation and various regulations. The Council is obliged to comply with these. There are no other legal implications arising in this report.
- 9.2 The financial implications are addressed throughout this report.
- 9.3 Risks are highlighted throughout this report, but appendix 1 addresses risks in the interest rate forecast, and appendix 3 addresses the risk to security, liquidity and yield of the Council's investment strategy.

## 10. Background Papers

[Treasury Management Strategy for 2016/2017 – Cabinet, 10 February 2016 \[report FIN/381 refers\]](#)

Quarterly Budget Monitoring 2016/2017 Quarter 2 – Cabinet, 30 November 2016 [report FIN/395 refers]

[Budget and Council Tax for 2016/17 - Cabinet, 10 February 2016 \[report FIN/380 refers\]](#)

“Treasury Management in the Public Services - Code of Practice and Cross-Sectoral Guidance Notes”, 2011 Edition - Chartered Institute of Public Finance and Accountancy

“The Prudential Code for Capital Finance in Local Authorities”, 2011 Edition - Chartered Institute of Public Finance and Accountancy

[DCLG Guidance on Local Government Investments \(Second Edition\)](#)

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## Economic background

UK GDP growth rates in 2013 of 2.2% and 2.9% in 2014 were strong but 2015 was disappointing at 1.8%, though it still remained one of the leading rates among the G7 countries. Growth improved in quarter 4 of 2015 from +0.4% to 0.7% but fell back to +0.4% (2.0% y/y) in quarter 1 of 2016 before bouncing back again to +0.7% (2.1% y/y) in quarter 2. During most of 2015, the economy had faced headwinds for exporters from the appreciation during the year of sterling against the Euro, and weak growth in the EU, China and emerging markets, plus the dampening effect of the Government's continuing austerity programme. The referendum vote for Brexit in June this year delivered an immediate shock fall in confidence indicators and business surveys, pointing to an impending sharp slowdown in the economy. However, subsequent surveys have shown a sharp recovery in confidence and business surveys, though it is generally expected that although the economy will now avoid flat lining, growth will be weak through the second half of 2016 and in 2017.

The Bank of England meeting on August 4th addressed this expected slowdown in growth by a package of measures including a cut in Bank Rate from 0.50% to 0.25%. The Inflation Report included an unchanged forecast for growth for 2016 of 2.0% but cut the forecast for 2017 from 2.3% to just 0.8%. The Governor of the Bank of England, Mark Carney, had warned that a vote for Brexit would be likely to cause a slowing in growth, particularly from a reduction in business investment, due to the uncertainty of whether the UK would have continuing full access, (i.e. without tariffs), to the EU single market. He also warned that the Bank could not do all the heavy lifting and suggested that the Government will need to help growth by increasing investment expenditure and possibly by using fiscal policy tools (taxation). The new Chancellor Phillip Hammond announced after the referendum result, that the target of achieving a budget surplus in 2020 will be eased in the Autumn Statement on November 23.

The Inflation Report also included a sharp rise in the forecast for inflation to around 2.4% in 2018 and 2019. CPI has started rising during 2016 as the falls in the price of oil and food twelve months ago fall out of the calculation during the year and, in addition, the post referendum 10% fall in the value of sterling on a trade weighted basis is likely to result in a 3% increase in CPI over a time period of 3-4 years. However, the MPC is expected to look through a one off upward blip from this devaluation of sterling in order to support economic growth, especially if pay increases continue to remain subdued and therefore pose little danger of stoking core inflationary price pressures within the UK economy.

The American economy had a patchy 2015 with sharp swings in the growth rate leaving the overall growth for the year at 2.4%. Quarter 1 of 2016 disappointed at +0.8% on an annualised basis while quarter 2 improved, but only to a lacklustre +1.4%. However, forward indicators are pointing towards a pickup in growth in the rest of 2016. The Fed. embarked on its long anticipated first increase in rates at its December 2015 meeting. At that point, confidence was high that there would then be four more increases to come in 2016. Since then, more downbeat news on the international scene and then the Brexit vote, have caused a delay in the timing of the second increase which is now strongly expected in December this year.

In the Eurozone, the ECB commenced in March 2015 its massive €1.1 trillion programme of quantitative easing to buy high credit quality government and other debt of selected EZ countries at a rate of €60bn per month; this was intended to run initially to September 2016 but was extended to March 2017 at its December 2015 meeting. At its December and March meetings it progressively cut its deposit facility rate to reach -0.4% and its main refinancing rate from 0.05% to zero. At its March meeting, it also increased its monthly asset purchases to €80bn. These measures have struggled to make a significant impact in boosting economic growth and in helping inflation to rise from around zero towards the target of 2%. GDP growth rose by 0.6% in quarter 1 2016 (1.7% y/y) but slowed to +0.3% (+1.6% y/y) in quarter 2. This has added to comments from many forecasters that central banks around the world are running out of ammunition to stimulate economic growth and to boost inflation. They stress that national

governments will need to do more by way of structural reforms, fiscal measures and direct investment expenditure to support demand in their economies and economic growth.

Japan is still bogged down in anaemic growth and making little progress on fundamental reform of the economy while Chinese economic growth has been weakening and medium term risks have been increasing.

## Detailed holdings at 30 September 2016

## APPENDIX 2

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
<b>AUSTRALIA BANKS</b>									
Commonwealth Bank of Australia	2364	01/06/2016	24/05/2017	236	0.985%	5.000	5.000	10.000	AA-
National Australia Bank Ltd	53	02/08/2016	13/01/2017	105	0.645%	5.005	5.005	10.000	AA-
<b>UK BANKS</b>									
Abbey National Treasury	30	04/10/2011	04/10/2016	4	3.300%	2.000	2.000	10.000	A
Goldman Sachs International Bank	2359	25/04/2016	25/10/2016	25	0.780%	2.000			
	2365	02/06/2016	02/12/2016	63	0.765%	2.000			
	2384	01/09/2016	01/03/2017	152	0.605%	2.000	6.000	10.000	A
Lloyds Bank plc	20		01/10/2016	1	0.150%	0.168	0.168	10.000	A
The Royal Bank of Scotland plc	32	27/03/2012	27/03/2017	178	1.376%	5.000	5.000	15.000	BBB+
Sumitomo Mitsui Banking Corporation	2363	25/05/2016	25/11/2016	56	0.720%	4.000	4.000	10.000	A
<b>UK BUILDING SOCIETIES</b>									
Nationwide BS	2358	15/04/2016	17/10/2016	17	0.710%	2.000			
	2362	12/05/2016	14/11/2016	45	0.710%	1.500			
	2379	09/08/2016	08/08/2017	312	0.620%	2.000	5.500	10.000	A
<b>CANADA BANKS</b>									
Toronto Dominion Bank	2337	03/12/2015	01/12/2016	62	0.950%	3.000			
	2381	16/08/2016	16/05/2017	228	0.580%	2.000	5.000	10.000	AA-
<b>CORPORATE BONDS</b>									
Daimler AG	2345	12/01/2016	02/12/2016	63	1.015%	1.914	1.914	2.000	A-
Deutsche Bahn Finance BV	54	11/08/2016	30/10/2017	395	0.389%	1.792	1.792	2.000	AA
Municipality Finance plc	52	04/12/2015	15/12/2016	76	0.801%	2.009	2.009	5.000	AA+
National Grid Gas plc	2376	06/07/2016	07/06/2017	250	0.759%	1.216	1.216	2.000	A-
Places For People Capital Markets	48	15/06/2015	27/12/2016	88	1.402%	0.891			
	2380	16/08/2016	27/12/2016	88	1.228%	0.612	1.503	2.000	A
<b>FRANCE BANKS</b>									
BNP Paribas	2367	17/06/2016	07/12/2016	68	0.875%	1.102	1.102	10.000	A
Credit Industriel et Commercial	2366	15/06/2016	15/12/2016	76	0.710%	2.000			
	2383	31/08/2016	28/02/2017	151	0.490%	2.000	4.000	10.000	A
<b>GERMANY BANKS</b>									
Landesbank Hessen-Thuringen Giroze	2330	02/11/2015	01/11/2016	32	1.020%	3.000			
	2378	01/08/2016	31/07/2017	304	0.600%	2.000	5.000	10.000	A

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
<b>LOCAL AUTHORITIES</b>									
Dundee City Council	2357	16/03/2016	16/12/2016	77	0.600%	2.000	2.000	15.000	AA
East Dunbartonshire Council	2335	26/11/2015	24/11/2016	55	0.600%	1.000	1.000	15.000	AA
Fife Council	2348	01/03/2016	03/01/2017	95	0.600%	5.000	5.000	15.000	AA
Kingston-Upon-Hull City Council	36	02/12/2013	02/12/2021	1889	2.750%	5.000	5.000	15.000	AA
Moray Council	2369	04/07/2016	06/01/2017	98	0.480%	2.000	2.000	15.000	AA
North Tyneside MDC	2338	15/12/2015	13/12/2016	74	0.700%	3.000	3.000	15.000	AA
Peterborough City Council	33	11/03/2013	12/03/2018	528	1.750%	4.000	4.000	15.000	AA
City of Salford MDC	2347	10/03/2016	09/03/2017	160	0.650%	2.000			
	2354	11/04/2016	10/04/2017	192	0.650%	2.000			
	2387	27/09/2016	27/03/2017	178	0.350%	1.000	5.000	15.000	AA
Staffordshire Moorlands District Co	42	03/11/2014	03/11/2017	399	1.600%	2.000	2.000	15.000	AA
Thurrock Borough Council	2368	01/07/2016	06/01/2017	98	0.480%	2.000			
	2371	01/07/2016	01/11/2016	32	0.480%	3.000	5.000	15.000	AA
West Dunbartonshire Council	2353	19/04/2016	18/04/2017	200	0.550%	5.000	5.000	15.000	AA
<b>MONEY MARKET FUNDS</b>									
Standard Life Investments LF	4		01/10/2016	1	0.370%	3.985	3.985	6.000	AAA
Federated Prime Rate Cash Man	1		01/10/2016	1	0.368%	0.150	0.150	6.000	AAA
<b>NETHERLANDS BANKS</b>									
ING Bank NV	2377	13/07/2016	23/12/2016	84	0.665%	1.389	1.389	10.000	A
Rabobank Group	2327	15/10/2015	13/10/2016	13	0.730%	3.000			
	2356	10/03/2016	12/12/2016	73	0.740%	2.000	5.000	10.000	A+
<b>SINGAPORE BANKS</b>									
DBS Bank Ltd	2382	26/08/2016	26/05/2017	238	0.450%	5.000	5.000	10.000	AA-
United Overseas Bank Ltd	2360	05/05/2016	07/11/2016	38	0.600%	1.500			
	2375	20/07/2016	20/01/2017	112	0.530%	2.500	4.000	10.000	AA-
<b>SWEDEN BANKS</b>									
Svenska Handelsbanken	17		01/10/2016	1	0.100%	0.010			
	55	12/08/2016	29/08/2017	333	0.554%	0.760			
	56	15/08/2016	29/08/2017	333	0.612%	1.012			
	2370	01/07/2016	03/01/2017	95	0.600%	3.000	4.783	10.000	AA-
Skandinaviska Enskilda Banken	2385	08/09/2016	07/09/2017	342	0.510%	2.000	2.000	10.000	A+
<b>SWITZERLAND BANKS</b>									
UBS AG	2373	05/07/2016	04/07/2017	277	0.685%	3.000			

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
	2386	12/09/2016	11/09/2017	346	0.700%	2.000	5.000	10.000	A+
				----- <b>220</b> -----			----- <b>126.514</b> -----		
Investment Properties							14.124		
							----- <b>140.638</b> -----		

Treasury Indicators	2016/17 Strategy £'000	30 September Actual £'000
Authorised limit for external debt	270,325	260,325
Operational boundary for external debt	260,325	260,325
Investments	96,379	126,514
<b>Maturity structure of fixed rate borrowing - upper and lower limits:</b>		
Under 12 months	0% - 10%	0%
12 months to 2 years	0% - 10%	0%
2 years to 5 years	0% - 10%	0%
5 years to 10 years	0% - 20%	18.8%
10 years to 20 years	0% - 80%	68.0%
20 years to 30 years	0% - 25%	13.2%
30 years to 40 years	0% - 10%	0%
40 years to 50 years	0% - 10%	0%
<b>Upper limit of fixed interest rates based on:</b>		
- Debt only	270,325	260,325
- Investments only	140,000	117,201
<b>Upper limit of variable interest rates based on:</b>		
- Debt only	10,000	0
- Investments only	40,000	9,313
Weighted average life of investments	Avg. 1.20 years Max 1.50 years	0.60
Short term deposits (<1 week's notice)	2,000	16,390
Upper limit for principal sums invested over 364 days	50,000	18,922

Prudential Indicators	2016/17 Strategy £'000	Quarter 2 Forecast £'000
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#### General Fund

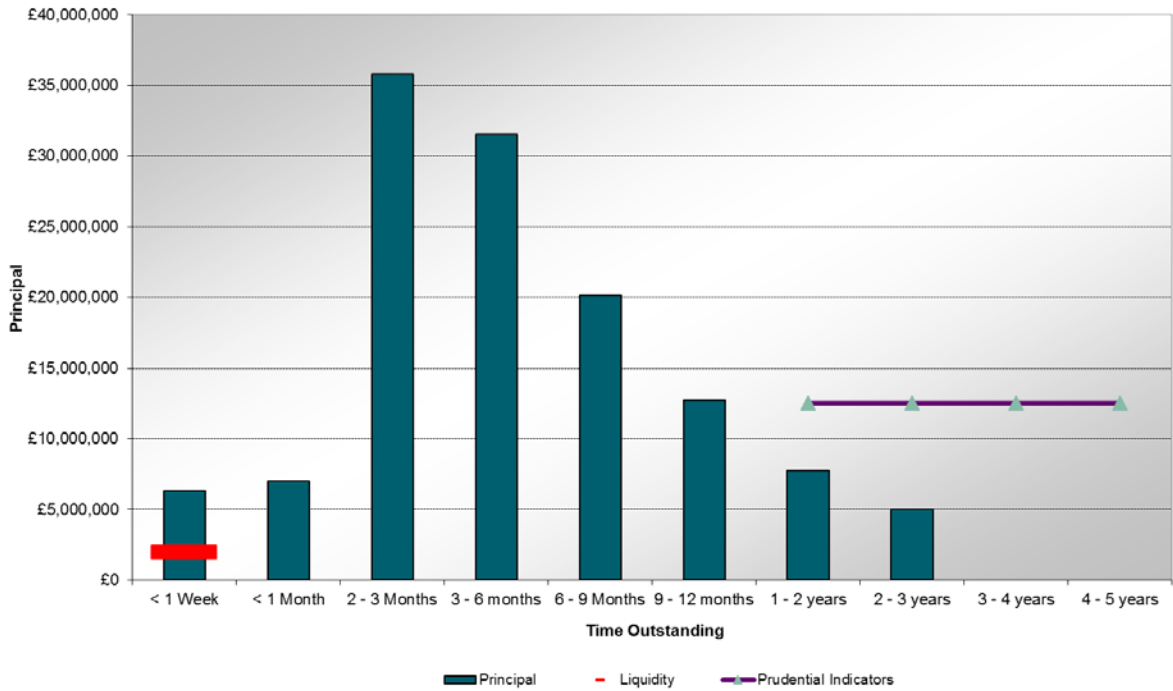
Capital expenditure	23,751	18,810
Capital Financing Requirement (CFR)	(207)	0
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	-7.50%	-6.73%

#### HRA

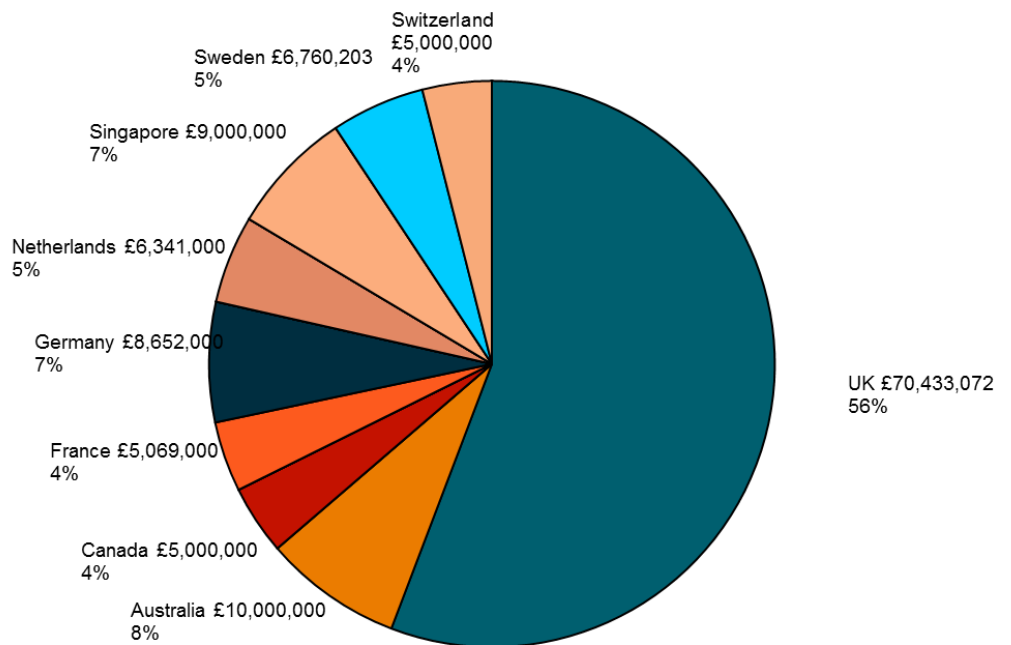
Capital expenditure	35,837	15,933
Capital Financing Requirement (CFR)	260,147	260,325
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	17.39%	17.35%

Incremental impact of capital investment decisions:-		
a) Increase in council tax (band change) per annum.	Nil	Nil
b) Increase in average housing rent per week.	Nil	Nil

## Compliance with Liquidity and Prudential Indicator Limits

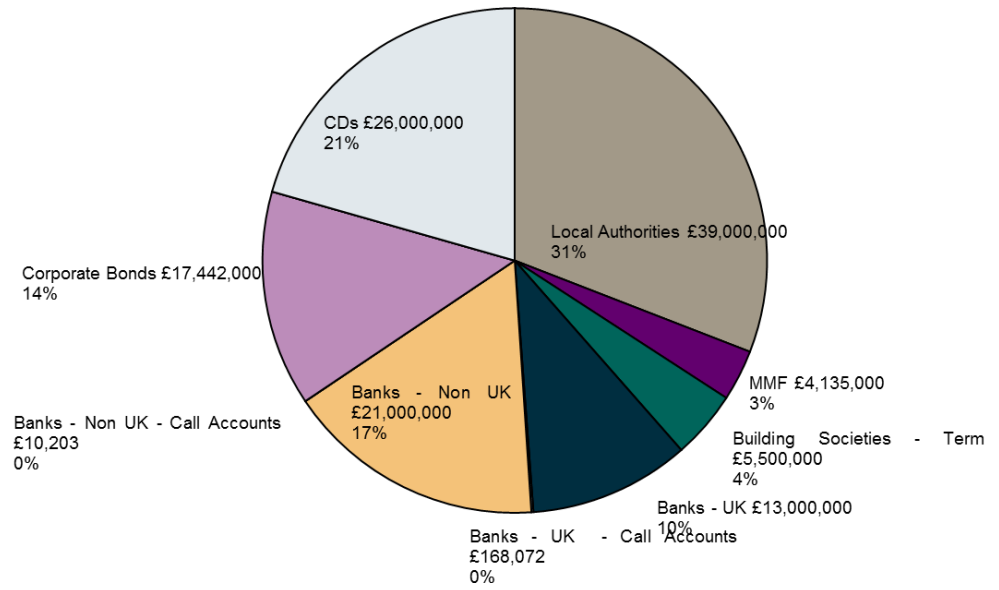


## Country Limits





## Sector Diversification



### Re-purchase agreements

A re-purchase agreement (Repo) is the sale and re-purchase of securities traded simultaneously – this is an agreement to sell securities and buy them back at a later date at a specified price. The difference between the sale price and re-purchase price is the interest accrued on the cash proceeds – or repo interest. The seller is effectively, using their securities as collateral to borrow cash at a specified rate over a period of time. The buyer of securities is acting as a lender – lending cash and receiving the securities as collateral. The re-purchase price should always be higher than the original sale price.

Government bonds are the most common form of collateral for repo – other collateral can be used but the lower the quality of the collateral, the higher the repo rate should be.

For example:

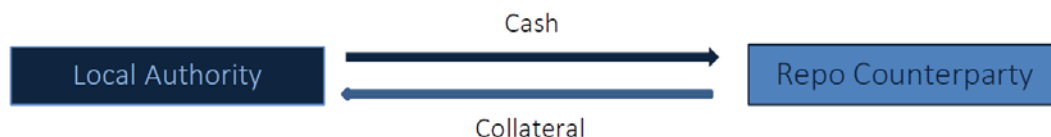
A Local authority lends £3mIn to a Repo Counterparty

Start date: 15/12/2016

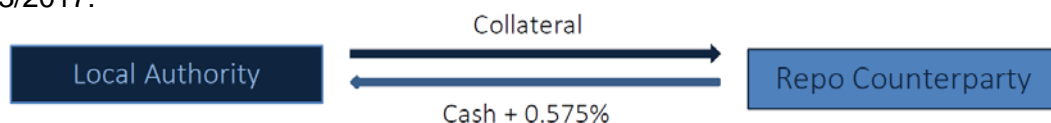
End Date: 15/03/2017

Repo Rate: 0.575%

15/12/2016:



15/03/2017:



On the end date of the agreement, the lender (in the above case, the LA) would receive their nominal back plus interest. The cash borrower (Repo counterparty) will pay back the nominal plus interest and receive back their collateral.

The broker will monitor the value of the collateral and ensure that they are marked to market. Additional stock will be requested if the securities decrease in value.

If the cash borrower goes in to default, the lender (holding the collateral) can liquidate the collateral assets in the open market and any shortfall can be claimed back from the administrator of the defaulting counterparty.

# Crawley Borough Council

## Report to Overview and Scrutiny Commission 28 November 2016

### Report to Cabinet 30 November 2016

#### Review of the Council Tax Reduction Scheme

Report of the Head of Finance, Revenues & Benefits, **FIN/399**

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#### 1. Purpose

- 1.1 Benefit claimants receive two types of 'benefit' – housing benefit which is help to pay their rent and Council Tax reduction, this is a reduction on the amount of council tax payable to the authority. The Council introduced a Local Council Tax Reduction Scheme in April 2013 (LCTRS). The Scheme is means tested and determines the amount by which a taxpayer's council tax will be reduced. Due to Government welfare reform changes it is appropriate for the Council to consider whether it wishes to revise the current scheme as the council is under a legal obligation to keep the scheme under review. This report considers some possible amendments to the current scheme, which, if agreed, would come into effect from 1 April 2017.
- 1.2 The report presents the Local Council Tax Reduction Scheme (LCTRS) options for 2017/2018 and asks Members to consider and agree which option(s) are to be applied taking into account the results of a Consultation on the options to the scheme as well as the findings of the second stage Equality Impact Assessment (EQIA).

#### 2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet:

The Cabinet is requested to:

- i. Consider the options set out in Appendix 1 together with the results of the analysis of the consultation exercise undertaken in respect of the options and the findings of the second stage Equalities Impact Assessment (EQIA) shown in Appendix 2.
- ii. The Cabinet is asked to **RECOMMEND** to Council what options, if any, should be included in the Council's Council Tax Reduction Scheme 2017/2018 from 1 April 2017.

### 3. Reasons for the Recommendations

- 3.1 The Council needs to decide whether it wishes to make any changes to its Local Council Tax Reduction Scheme (LCTRS).

### 4. Background

- 4.1 The Government ended the national council tax benefit scheme in March 2013. It required billing authorities to introduce their own local council tax schemes from April 2013. This was set out in the Welfare Reform Act 2012 and the Local Government Finance Act 2012 and Regulations issued thereunder. It also cut the grant support for the scheme by 10%. This grant (Revenue Support Grant) has been reducing since and will be phased out by 2020/21.
- 4.2 The legislation included a default scheme that some authorities adopted. The Council decided to implement its own scheme, which was agreed by Council in December 2012; further minor amendments were made to the scheme in December 2013. As with other authorities introducing their own scheme, it had no freedom over the provision made for pensioners as this was prescribed in the legislation.
- 4.3 The Council must publish its LCTRS, for each financial year, the Council is required to consider whether to revise its Scheme or replace it with a different Scheme. Any revision or replacement must be made by 31<sup>st</sup> January. Before revising or replacing its Scheme, The Council must :
- (a) Consult any major precepting authority which has power to issue a precept to it
  - (b) Publish a draft scheme in such manner as it thinks fit and
  - (c) Carry out a consultation on any proposed changes.
- 4.4 The implementation of the LCTRS went smoother than officers had expected and there have been very few adverse comments from those affected and arrears are low. The original budget for the scheme at 1<sup>st</sup> April 2013 was £8.097m with 8,167 claimants.

The Table below shows the position in 2013.

Claimant type	% of total claims	Caseload (number of claimants)	% spend	Total spend £000's
Working Age	57%	4,674	61%	4,919
Pensioners	43%	3,493	39%	3,178
<b>Total</b>	<b>100%</b>	<b>8,167</b>	<b>100%</b>	<b>8,097</b>

The budget for the current year is £7,725,712, this is a reduction of over £344,000 since the scheme commenced. The scheme is currently costing less than the budget and there are 270 less claimants. The Table below shows the position as at November 2016.

Claimant type	% of total claims	Caseload (number of claimants)	% spend	Total spend £000's
Working Age	64%	5,073	63%	4,771
Pensioners	36%	2,824	37%	2,810
<b>Total</b>	<b>100%</b>	<b>7,897</b>	<b>100%</b>	<b>7,581</b>

The scheme is currently underspending by £144,543 (£7,725,712 less committed to date £7,581,169). This underspend will be reallocated as shown in the Table below.

	Band D Council Tax	Percentage Split	Share of Underspend
West Sussex County Council	1,207.89	78.13%	112,926
Sussex Police and Crime Commissioner	148.91	9.63%	13,922
Crawley Borough Council	189.27	12.24%	17,695
<b>Total</b>	<b>1,546.07</b>	<b>100.00%</b>	<b>144,543</b>

4.5 Welfare reform changes made by the Government will mean that if the Council do not consider making the same changes, the Scheme may pick up the costs of these reductions being made by central Government and the costs will be passed onto all Council Tax payers. However an objective is to have regard to the impact of such changes on vulnerable residents.

4.6 Members are reminded that review of the local Council Tax Reduction Scheme will only affect working age households. Generally those receiving Income Support, income based Job Seekers Allowance or income related Employment Support Allowance get 100% reduction in their Council Tax liability (known as passported).

Applicants are means tested, income is compared to their 'living allowance' (called applicable amount), this is the amount the Government say that someone needs to live on compared to their circumstances. However if they have savings of £9,000 or more they do not get any reduction.

If income equals their living allowance then, generally, they are entitled to 100% reduction of their council tax bill. If income is more than their living allowance, then the Council Tax Reduction is adjusted by 20p for every £1 above this living allowance.

In all cases if there is a non-dependent (an adult of working age) in the household and an exemption does not apply, then the amount of reductions is taken into account depending on their income too; this is because we expect them to contribute to household bills, including council tax.

Any reduction calculated as less than £5 per week is not granted, so the minimum payable is £5 per week if not receiving 100% reduction.

4.7 Following further discussion with the relevant Cabinet Members it was agreed to undertake consultation on these potential changes -

- Option 1 - Removing the Family Premium for all new working age applicants
- Option 2 - To remove a Work Related Activity Component in the calculation for new ESA (Employment Support Allowance) applicants
- Option 3 - To limit the number of dependent children for Council Tax Reduction to a maximum of two
- Option 4 - Where someone is already paid Universal Credit (carer's element) to look after someone with a disability, to remove entitlement to the Severe Disability premium
- Option 5 - Uprating
  - a. No increase (the cost of the scheme will reduce if there is no uprating) this could help towards the budget gap (which is saving around £100,000 in the current financial year).
  - b. Increase to the same level as the council tax increase. We could only do this looking backwards due to the deadlines of consultation. The total increase in Council Tax including the County and Police and Crime Commissioner in 2016/17 was 3.5%, this would cost around £100,000 and can be met from within the existing budget.
  - c. Increase the allowance by the same as the default scheme (costing £84,000 and can be met from within the existing budget) – i.e. by the September CPI going back to when the scheme started in April 2013, this would make the scheme easier to administer.
  - d. Increase by another amount

The survey also asked - 'Should the Council keep the current Council Tax Reduction scheme? (Should it continue to administer the scheme and have the same level of support as it does at the moment?)'

More detailed information is given about these options in **Appendix 1** with background information on the options in **Appendix 1(i)**.

### Consultation

4.8 Prior to the implementation of any change to the LCTRS, authorities are required to consult with the public. There have been a number of legal challenges to LCTRS consultations, it should be noted that the Supreme Court in the decision of R (Moseley) v Haringey LBC defined what is meant by 'good consultation'. The guiding principles which have been established through case-law for fair consultation are:

- The consultation must be carried out at a stage when proposals are still at a formative stage;
- Sufficient information on the reasons for the decision must be provided to permit the consultees to carry out intelligent consideration of the issues and to respond;
- Adequate time must be given for consideration and responses to be made; and The results of the consultation must be properly taken into account in Finalising any decision

- Due regard needs to be paid to the need to follow the principles on consultation in particular the need to set out alternative choices with the Consultation.<sup>1</sup>

The Consultation outlining the options has taken place and ran for 7 weeks starting on 3 August 2016 and ending on 28 September 2016. It included an on line survey via the Council's Home page on the web. It is a requirement of the Regulations that the views of the major preceding partners are sought; correspondence was sent to West Sussex County Council and the Sussex Police & Crime Commissioner advising them of the Consultation and linking the survey.

4.9 The [survey](#) was made available online and public could also request a paper copy. An online survey was deemed most effective in terms of distribution and cost, in this case reaching a wide range of people cost effectively and allowing for changes to the consultation documents quickly. In addition we used a range of advertising methods below –

- Regular social media updates (Facebook & Twitter) The Council has almost 6,000 followers on Twitter and over 2,500 followers on Facebook The message was re-tweeted a number of times throughout the consultation.
- Council website (news and consultation page) with a direct link from the front page
- Members Bulletin
- Email alerts to subscribers of consultation updates
- Press release with double page spread in Crawley News
- Crawley Homes newsletter – distributed to council residents via post.
- Posters given to members to put in public notice boards throughout the Borough

## 5 Description of Issue to be resolved

5.1 This report presents the Local Council Tax Reduction Scheme (LCTRS) options for 2017/18 and asks the Council to consider and agree which options are to be applied.

## 6 Information & Analysis Supporting Recommendation

### 6.1 Results of the Consultation

In total, we received 22 responses to the on-line survey, of which 36% were males and 64% females responded; 18% were pensioners. The working age population of Crawley in 2014 (ONS survey) was 72,079 of which 6,930 were claiming one or more DWP benefit. At that time there were 14,400 pensioners.

<sup>1</sup> Supreme Court Ruling in the case of R (On the application of Moseley) v London Borough of Haringey (2014).

Although the level of response is somewhat disappointing, the number of results allows for a reasonable degree of confidence that we have a representative view from residents of the Borough.

The breakdown of each option are given in **Appendix 1** together with background information.

The results for each option, together with stand-alone financial effect, equality impact assessment and a balanced view of comments is set out below and in more

detail in **Appendix 2**. The financial effect for each option is designated as 'stand-alone' because it is an estimate of the income generated or cost of the option in full if only that option were selected and applied to the working age caseload. It must only be viewed as a rough indication if multiple options were applied.

Some options such as 5 a - d are exclusive, whereas others can be combined.

The benefit or loss generated by the options is shared amongst the billing authority and major preceptors in the same way as council tax as shown in the table in paragraph 4.4. Effectively, any option causing a financial change to the scheme reduces or increases the Borough's Taxbase.

The full responses with all comments from the website survey can be found on the attached [link](#)

6.2 Members will note that;

- When asked 46% were in favour of changing the current scheme with 41% not in favour.
- Options 2, 3 and 4 below received the highest support. These are the options that would effectively mirror the changes or proposed changes to housing benefit by central Government.
- In option 5 the options to align CTRS to housing benefit showed the greatest support at 46%.
- The majority of respondents did not agree to the alternative ways of funding the scheme, such as increasing council tax or cutting services however 50% agreed that we should use reserves.

This information on responses is shown in the Table in **Appendix 2**.

6.3 A response from West Sussex County Council is given below -

'We accept that the local council tax support scheme is a matter for the billing/collecting authorities to decide. As the administrators of the scheme they are in a better position than the County would be to judge the pros and cons of any changes.

However, essentially the national funding support for council tax support schemes is tapering sharply in line with the overall major funding cuts we all face and we believe this point should be borne in mind when reviewing your options. Much of the cost of reduction schemes is borne by the County Council due to the impact it has on the tax base.

As the funding is cut, it shouldn't be automatically assumed the level of support within each localised scheme continues. It needs to be seen in the context of the diminishing central funding available and the potential cuts inflicted elsewhere, if the level of support for a local scheme is maintained unabated.'

There was no response from Sussex Police and Crime Commissioner.

### **Implications**

#### **Legal Implications**

The relevant legislation is the Local Government Finance Act 1992 and Regulations made thereunder. The Regulations sets out the various prescribed



requirements that all Councils must include in their Scheme. There is a legal requirement that consultation takes place as outlined in paragraph 4.8 above.

Due regard needs to be taken of the responses to the Consultation on the Option(s) so that an informed decision is taken on the preferred Option(s).

### **Equality Implications**

Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- (i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and those do not share it. This involves having due regard, in particular, to the need to:
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons’ disabilities);
  - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

#### **6.4** An Equality Impact Assessment has been completed based on the results of the Consultation this can be found at **Appendix 2**.

Both the Cabinet and the Council must have due regard to the Public Sector Equality Duty and must take into account and consider the Equality Impact Assessment as set out in **Appendix 2** in order to discharge their statutory obligation <sup>2</sup>

Some working age claimants will be affected by more than one of the options. It is not possible to model any cumulative impacts but the possibility that some claimants especially those with families that make new claims from April 2017 may be adversely affected by more than one option should be taken into account when deciding which options will be taken forward.

#### **6.5** **Financial Implications**

The financial implications of the potential options are set out in **Appendix 3** in order to enable the Cabinet and Council to make an informed decision.

Appendices: -

Appendix 1 - Breakdown of Options with background information

Appendix 2 Second Stage Equality Impact Assessment Council Tax Reduction Scheme 2017/18

Appendix 3 Potential financial implications

## **8 Background Papers**

[Local Council Tax Reduction Scheme – report FIN/286 Nov 2012](#)

[Review of the Council Tax Reduction Scheme Fin/318 Dec 2013](#)

Report author and contact officer: Karen Hayes, Head of Finance, Revenues & Benefits (tel.: 01293 438263)

<sup>2</sup> Logan R (On the application of) v London Borough of Havering (2015)

## **Breakdown of Options with background information**

### **Option 1 - Family Premium changes**

The results of the consultation were inconclusive with 50% for, 46% against and 4% didn't know.

The living allowance (applicable amount) includes a 'family premium' if you apply for Council Tax Support and you have one or more dependent children.

Under our current scheme, the family premium is £17.40 a week.

From 1<sup>st</sup> May 2016 Central Government removed the family premium allowance from **new** claims for **housing benefit**. The consultation asked if **new** claims for Council Tax Reduction should be brought in line with the housing benefit scheme.

This change would **not** affect those on Universal Credit, Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance. So the main people affected would be those in work and claiming Council Tax Reduction.

The benefit of this is:

- It brings the CTRS in line with Housing Benefit changes implemented by Central Government (although the HB change came into effect on 1 May 2016) - any change to the CTRS would be from 1<sup>st</sup> April 2017
- It avoids additional costs to the Council Tax Reduction Scheme, for any **new** claims from 1<sup>st</sup> April 2017, however the scheme currently does allow for this premium.
- It does not affect existing claimants

The drawbacks are

- New working age residents may see a reduction in the amount of support they receive
- Some households with children will pay more Council Tax (only new claimants)

As an example of what this change would mean, let us take a family with three children, they move into a property in Crawley in May 2017, they make a claim for Council Tax Reduction.

They have total earned income and tax credits of £409.80. They are in a band C property.

Under the current scheme they are awarded a Council Tax reduction of £9.24 a week. Under the proposal that will be reduced by £3.48 per week.

As a consequence, they will be required to pay an additional £181 a year in Council Tax.

The following table summarises some key information regarding the option:

Costs	This will affect new claims only, the estimated number of new claims with a family are around 170. The saving to the scheme would be £30,763 – of which the saving to Crawley would be £3,765.
No. Affected	Approximately 170 households will be required to pay an average of £181 a year more council tax.
Consultation	<p>Sample of comments</p> <p>If applying this should apply to existing and new claims or is unfair and children may suffer</p> <p>Should align the government policy. Also it's impacted appears limited due to all the exceptions stated above, those on income support for example.</p> <p>I do not think that discriminating against families with children is a good idea. Children are costly so any help that these families can get will always be a good thing</p> <p>Unemployed people should be made to contribute to their council tax</p>

### **Option 2 - Employment Support Allowance claimants in the Work-Related Activity Group**

The results of the consultation showed that 68% were in favour of this option.

From April 2017, all **new** applications of Employment and Support Allowance (ESA) who fall within the Work Related Activity Group will no longer receive the component in either their ESA or within the calculation of Housing Benefit.

A person who falls within the Work Related Activity Group, and currently receives this component, is someone who has limited capability to work due to limited physical. And/or mental conditions, and that limitation is not reasonable to require them to undertake work.

It is proposed that the Council's Council Tax Reduction Scheme is amended to reflect the changes.

The benefits for the Council of this are:

- The treatment of ESA will be brought into line with Housing Benefit
- It avoids additional costs to the Council Tax Reduction Scheme
- Persons currently receiving ESA will not experience any reduction in Council Tax Reduction

#### **There are no drawbacks**

This proposed change will bring the scheme in line with Housing Benefit and will not result in anyone receiving less CTR

If we do not action this change it could result in additional costs for the authority as customers retaining the work related component in CTR but having less income from ESA could be entitled to more CTR if they had other forms of income

Costs	0
No. Affected	None - Treatment of Employment & Support Allowance would be brought into line with Housing Benefit, <u>it avoids additional costs to the CTRS</u> (avoids duplication).
Consultation	Sample of comments  If no drawbacks why an option and not just implemented?  If it doesn't change the benefits the person receives why does it need to change?

As Members are aware, some of the options consulted upon were intended to align Council Tax Reduction with the administration of Housing Benefit. At the present time, this change has yet to be made within the Housing Benefit scheme but regulations are expected before the 1st April 2017.

### **Option 3 - Removal of applicable amounts for third and subsequent children born after April 2017**

Within the current scheme, claimants who have children are awarded a dependant's additional allowance of £64.99 **per child** within their applicable amounts. There is no limit to the number of dependant's additions that can be awarded.

From April 2017 Central Government will be limiting dependant's additions in Universal Credit, Housing Benefit and Tax credits to a maximum of two. This will only affect households who have a third or subsequent child on or after 1 April 2017.

There will be exceptions where: there are multiple births after 1 April 2017 (and the household is not already at their maximum of two dependants within the calculation); adopted children.

The benefits for the Council of this are:

- Council Tax Reduction will be brought in line with Housing Benefit, Universal Credit and Tax Credits
- It is simple and administratively easy

The drawbacks of doing this are:

- Claimants who have a third or subsequent child after 1 April 2017 (and are not excepted from the rules) may receive less Council Tax Reduction than a claimant who has more children born before 1 April 2017.

Take the same family of three from above, say that they have a new claim. Under the current scheme they are awarded a reduction of £9.24 a week. Under the proposal would be no reduction. As a consequence, they will be required to pay £480.40 more Council Tax per annum; this is because they do not qualify for an allowance for the third child.

The following table summarises some key information regarding the option:

Costs	This will affect <b>new</b> claims only. The saving from implementing this change in the current scheme is in the region of £32,300 a year.
No. Affected	50 households, who will be required to pay an average of £647 a year more council tax
Consultation	<p>Sample of comments</p> <p>Again align to government policy, this is not retrospective so the rules can be clear. People need to take accountability for the finances and council needs to send that message. The exceptions appear reasonable.</p> <p>People shouldn't use having children as an excuse to not pay taxes. If they choose to have a large family they should pay the same as anyone without children or with a small family. Also I feel the unemployed (JSA or ESA not disabled) should have to make some form of contribution as a way to get them back to work to want to earn more money. The whole time being unemployed guarantees full benefits the lazy people of Crawley will continue to take advantage.</p> <p>People should have NO council tax reduction based on how many children they have.</p> <p>This is less disagreeable than the other options, only in the sense that having children is a lifestyle option especially in a world that is overpopulated.</p> <p>Anything that discriminates against families with children must be bad as if the family is on benefits they already have a strain on their budgets</p>

The results suggest that the majority of respondents agree to implementing this option (82%). As Members are aware, some of the options consulted upon were intended to align Council Tax Reduction with the administration of Housing Benefit. At the present time, this change has yet to be made within the Housing Benefit scheme.

**Option 4 - Where someone is already paid Universal Credit (carers element) to look after someone with a disability, to remove entitlement to the Severe Disability premium**

Currently when another person is paid Carers Allowance to look after a Council Tax Reduction claimant, the Severe Disability Premium is not included when working out their needs (Applicable Amounts). **The reason for this is that it avoids paying for the same care twice.** This proposed change will align the scheme with Housing Benefits by treating persons who receive the Universal Credit (Carers Element) in the same way as anyone receiving Carers Allowance

The benefits for the Council of this are:

- Council Tax Reduction will be brought in line with Housing Benefit, Universal Credit and Tax Credits
- It is simple and administratively easy
- It is fairer as we will be treating those receiving Universal Credit Carers Element in the same way as those receiving Carers Allowance.

Costs	0
No. Affected	None - Treatment would be brought into line with Housing Benefit, <u>it avoids additional costs to the CTRS.</u>
Consultation	<p>Sample of comments</p> <p>If no drawbacks why an option and not just implemented. These things should just be done rather than crowding these consultations. Assume the council needs to make some hard choices focus on what people need to decide with impacts.</p> <p>Families with a disabled person have stressful lives as it is. Removing money from them will only add to concerns as to whether they can afford to live. Discriminating against the disabled is wrong.</p>

The results suggest that the majority of respondents agree to implementing this option (77%).

### **Option 5 - Uprating**

Around half of working age recipients of a reduction are 'passported' – i.e. they automatically receive 100% reduction as a result of receiving one of a number of state benefits. The rest are means tested.

The assessment for those that are means tested is based on a comparison of their income and a living allowance (referred to as applicable amounts under the old national scheme). The living allowance varies according to the make up of the household.

The scheme includes the option to uprate the living allowance each year. It neither makes uprating mandatory nor does it determine the amount of the uprating. The default scheme, set by the Government, does get uprated annually. So does the living allowance for pensioners, as the Government determines all the rules for pensioners.

Therefore, the freedom only affects non-passported working age recipients.

If income equals their living allowance then, generally, they are entitled to 100% reduction of their council tax bill. If income is more, then the Council Tax Reduction is adjusted by 20p for every £1 above (this is known as the Taper).

No uprating has been made to the living allowance for working age recipients since the scheme started. This was based on the logic that as the Council Tax had not increased then the living allowance did not need to either.

The increase in the current year in Council Tax was too late to consult on to make any changes to the living allowances as consultation has to be take place and be approved by Full Council and published by 31<sup>st</sup> January.

Potentially there are four choices:

- a. No increase (the cost of the scheme will reduce if there is no uprating) this could help towards the budget gap (this is saving around £119,000 in the current financial year).
- b. Increase to the same level as the council tax increase. We could only do this looking backwards due to the deadlines of consultation. The total increase in Council Tax including the County and Police and Crime Commissioner in 2016/17 was 3.5%, this would cost around £100,000 and can be met from within the existing budget.
- c. Increase the allowance by the same as the default scheme (costing £84,000 and can be met from within the existing budget) – i.e. by the September CPI going back to when the scheme started in April 2013, this would make the scheme easier to administer.
- d. Increase by another amount

The results of the consultation suggest that the majority of respondents agree with Option C (46%).

This would make it easier for claimants to understand their claim if Housing Benefits and CTRS were aligned.

Costs	£83,900 a year (however the scheme is currently underspending and could absorb this cost)
No. Affected	5,073 households, who will be required to pay an average of £16.54 a year less council tax
Consultation	<p>Sample of comments</p> <p>If applying this should apply to existing and new claims or is unfair and children may suffer</p> <p>Should align the government policy. Also it's impacted appears limited due to all the exceptions stated above, those on income support for example.</p> <p>I do not think that discriminating against families with children is a good idea. Children are costly so any help that these families can get will always be a good thing</p> <p>Unemployed people should be made to contribute to their council tax</p>



**Second Stage Equality Impact Assessment  
Council Tax Reduction Scheme 2017/18**

### **The Council Tax Reduction Scheme for 2017/18**

It has now been decided by the Council that a review should be undertaken of the current Council Tax Reduction scheme and a public consultation has been undertaken to gather views as to whether the current scheme should be changed. A summary of the results of the consultation are provided together with this Equality Impact Assessment. The Council is minded to make changes to the working age scheme to meet the following:

The more accurate targeting of support to those working age applicants who most need it;

The need to change the scheme, not only to align with proposed changes to Housing Benefit, but also to align the scheme with the approach taken by the Department for Work and Pensions in the creation, introduction and roll out of Universal Credit; and

To address potential shortfalls in funding due to the continued reduction in Central Government grants.

It should be noted that the changes, if made, would only apply to the working age scheme although the consultation was open to all Council Taxpayers.

The main proposals of the scheme are as follows. Any changes if adopted will be effective from 1 April 2017:

- Should the Council maintain the current scheme for working age applicants?
- 1. Should the scheme be amended to align with Housing Benefit, namely that the Family Premium will not be granted for all new claims and for any 'new' families?
- 2. Should the scheme be amended in line with Housing Benefit and Employment and Support Allowance whereby the Work Related Activity Component will not be granted when calculating Council Tax Reduction for all new claims to Employment and Support Allowance on or after 1 April 2017?
- 3. Should the scheme be amended in line with Housing Benefit to restrict the number of dependants additions granted in the calculation to a maximum of two? This change will have specific exceptions and will only affect those applicants who have a third or subsequent child on or after 1 April 2017.
- 4. Where someone is already paid Universal Credit (carers element) to look after someone with a disability, to remove entitlement to the Severe Disability premium
- 5. Uprating living allowances
  - e. No increase (the cost of the scheme will reduce if there is no uprating) this could help towards the budget gap (which is saving around £100,000 in the current financial year).
  - f. Increase to the same level as the council tax increase. We could only do this looking backwards due to the deadlines of consultation. The total increase in Council Tax including the County and Police and Crime Commissioner in 2016/17 was 3.5%, this would cost around £100,000 and can be met from within the existing budget.
  - g. Increase the allowance by the same as the default scheme (costing £84,000 and can be met from within the existing budget) – i.e. by the September CPI going back to when the scheme started in April 2013, this would make the scheme easier to administer.
  - h. Increase by another amount

As an alternative to changing the Council Tax Reduction scheme, the Council consulted on whether it should:

- a. Increase the Council Tax; or
- b. Find the additional income by cutting other services; or
- c. Increase the income received by the Council

### **Scope of the Equality Impact Assessment**

The following identifies the potential impact on claimants and particularly groups of claimants. It should be noted that Pensioners will continue to be protected under the rules prescribed by Central Government. These broadly replicate the council tax benefit scheme, which existed prior to 1 April 2013. Central Government has not been prescriptive in how it does this but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010.

### **Disability**

Working age people with disabilities continue to make up a high proportion of the caseload at 22%. Working age people with disabilities receive more per week, than working age people without disabilities, on average due to the design of the scheme that ignores certain disability benefits and awards higher applicable amounts.

### **Carers**

There is a slightly lower proportion of claimants with a carer in the household at 10%. Working age claimants with a carer in the household receive more per week, on average, than working age claimants without a carer in the household. The main reason for this is both the treatment of disability and care within the existing scheme.

### **Age**

Age groups of person receiving reduction broadly reflect the overall population. Those aged 55-64 currently receive the highest weekly amount, on average. Those aged 18-34 currently receive the lowest weekly amount, on average.

### **Sex**

Females continue to make up a high proportion of the caseload at 63%.

### **Race**

This information is not collected from claimants as it is not relevant to the calculation of council tax reduction.

### **Other protected characteristics**

We do not collect information about the following characteristics from claimants as it is not relevant to the calculation of council tax reductions:

- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity

### Full Analysis of the effects of the proposed changes

The following tables provide details of the expected effects of the changes (where available) on the working age claimants within the Council's area. The following however should be noted:

The population in Crawley in 2014 according to ONS population estimates were that there were 86,479 over 16 of which 72,079 were of working age.

Current scheme 2016/17 including pensioners

All Claims	All Claimants	Disability	No Disability	Carer	Non Carer	Female	Male	Unkown	18-24	25-34	35-44	45-54	55-64	65+
Number of Claimants	7897	1145	6752	649	7248	4937	2643	317	295	1140	1472	1203	963	2824
Proportion of Claimants		14%	86%	8%	92%	63%	33%	4%	4%	14%	19%	15%	12%	36%
Average Benefit Paid (Weekly)		21.02	17.81	22.02	17.94	18.32	18.26	17.70	17.41	17.38	18.47	18.96	19.72	17.83
Difference Between Groups		£3.22		£4.08		£0.06			2.31					

Current scheme 2016/17 **Working Age**

Working age	All Claimants	Disability	No Disability	Carer	Non Carer	Female	Male	Unkown	18-24	25-34	35-44	45-54	55-64
Number of Claimants	5073	1140	3933	506	4567	3197	1609	267	295	1140	1472	1203	963
Proportion of Claimants		22%	78%	10%	90%	63%	32%	5%	6%	22%	29%	24%	19%
Average Benefit Paid (Weekly)		21.01	18.12	22.11	18.12	18.68	18.34	17.63	17.41	17.38	18.47	18.96	19.72
Difference Between Groups		£2.89		£3.99		£0.34			2.31				

**Option 5 would affect all of the above claimants**

## Proposed changes (2017/18)

### Removing the Family Premium – Option 1

Would apply to **new** claimants only (predicted on current data) – estimated at 170

Working age	All Claimants	Disability	No Disability	Carer	Non Carer	Female	Male	Unkown	18-24	25-34	35-44	45-54	55-64
Number of Claimants	2994	347	2647	358	2636	2182	625	187	215	960	1139	573	107
Proportion of Claimants	59%	12%	88%	12%	88%	73%	21%	6%	7%	32%	38%	19%	4%
Average Benefit Paid (Weekly)		22.98	18.10	22.14	18.10	18.48	19.13	18.02	17.65	17.55	18.74	19.97	20.75
Difference Between Groups		£4.88		£4.03		£0.65			3.09				

Removing the family premium impacts upon:

- 59% of CTR working age claimants
- Females more than males (73%)
- Age group 25 – 44 (70%)

### Removal of applicable amounts for third and subsequent children born after April 2017 – Option 3

Working age	All Claimants	Disability	No Disability	Carer	Non Carer	Female	Male	Unkown	18-24	25-34	35-44	45-54	55-64
Number of Claimants	50	6	44	6	44	37	11	2	3.5	1.92	16.72	1.14	1.76
Proportion of Claimants	1%	12%	88%	12%	88%	73%	21%	6%	7%	32%	38%	19%	4%
Average Benefit Paid (Weekly)	12.4	14.07	12.32	12.65	12.38	12.27	12.74	12.74	0.00	11.10	11.70	14.72	18.24
Difference Between Groups		£1.75		£0.27		-£0.47			7.14				

This change impacts upon:

- 1% of the working age CTR caseload
- Age group 35 to 44 (38%)

There is no data for Options 2 and 4

## Analysis of Consultation Responses

The following section details the responses to the consultation on the scheme. A total of 22 responses were received during the period 3 August 2016 and 28 September 2016.

Should the Council keep the current Council Tax Reduction scheme? (Should it continue to administer the scheme and have the same level of support as it does at the moment?)

**Yes 41%, No 46% Don't know 3%**

<b>Option 1 – Removing the Family Premium for all new working age applicants</b>		Yes	50%	No	46%	Don't Know	4%
<b>Option 2 – To remove a Work Related Activity Component in the calculation for new ESA applicants</b>		Yes	68%	No	14%	Don't Know	18%
<b>Option 3 – To limit the number of dependent children for Council Tax Reduction to a maximum of two</b>		Yes	82%	No	18%	Don't Know	0%
<b>Option 4</b>	<b>Where someone is already paid Universal Credit (carers element) to look after someone with a disability, to remove entitlement to Severe Disability Premium</b>	Yes	77%	No	14%	Don't Know	9%
<b>Option 5</b>	<b>Uprating</b>						
	a - No increase						41%
	b - Increase to same level as Council Tax increase						9%
	c - Increase the allowance to the same as the default scheme						<b>46%</b>
	d - Increase by another amount						5%
<b>As an <u>alternative</u> should the level of Council Tax be increased to support the CTRS?</b>		Yes	18%	No	<b>77%</b>	Don't Know	5%
<b>As an <u>alternative</u> should savings be found by cutting other Council Services?</b>		Yes	27%	No	<b>55%</b>	Don't Know	18%
<b>As an <u>alternative</u> should the Council use its reserves (savings)?</b>		Yes	<b>50%</b>	No	36%	Don't Know	14%

## Respondents Demographics

Gender –

Male – 8 (36%)

Female – 14 (64%)

Age –

Under 18 - 0

18 -24 - 1 (5%)

25 – 34 - 3 (14%)

35 – 44 - 9 (41%)

45 – 54 - 1 (5%)

55 – 64 - 4 (18%)

65 and over 4 (18%)

## Conclusions

Pension age claimants, who also have protected characteristics, will not be affected as they are protected from any changes by Central Government.

Some working age claimants will be affected by more than one of the options. It is not possible to model any cumulative impacts but the possibility that some claimants may be adversely affected by more than one option should be taken into account when deciding which options will be taken forward.

Some options will affect existing claimants and some will affect new claimants from 2017.

When deciding which options to take forward, the potential severity of impacts on claimants with protected characteristics needs to be weighed up against any potential financial savings to the Council. Options resulting in higher savings to the Council are likely to impact on more claimants or result in some claimants paying higher amount towards their Council Tax bill.

In complying with our obligations under the Public Sector Equality Duty, we must have ‘due regard’ to the following:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- In deciding which options to take forward, we must ensure that the Council Tax Reduction Scheme does not unlawfully discriminate against any protected characteristics. This can be achieved by using the findings of this equality impact assessment to inform the decision about which options are taken forward.
- Advance equality of opportunity between people from different groups.
- In deciding which options to take forward, we must consider how we can minimise disadvantage experienced by people with protected characteristics, take steps to meet the needs of people with protected characteristics and encourage people who share a relevant protected characteristic to participate in public life. The public sector equality duty does not prevent us from taking a decision about our Council Tax Reduction Scheme. Should we decide to take forward any options that may put people with protected characteristics at a disadvantage, we should consider taking action to mitigate those impacts. The Equality Act allows us to treat some people more favourably than others in meeting their needs. This would allow us to protect some income received by people with disabilities and carers, provide exemptions for some claimants with protected characteristics or take the needs of people with protected characteristics into account within an exceptional hardship scheme.
- Foster good relations between people from different groups.
- In deciding which options to take forward, we may wish to consider whether our decision could impact on wider community relations between people with protected characteristics.

Comments have also been made by respondents as follows:

- The council needs to save money somewhere
- The changes should be implemented based on government policy.
- Everyone should pay a share of council tax.
- Anything that discriminates against families with children must be bad as if the family is on benefits they already have a strain on their budgets
- Although I have read the document, I am not entirely sure what the options mean. My main concern is that those that are most disadvantaged in society not get penalised because of reductions in benefits imposed by the UK government. As a town, we should do as much as possible to ameliorate the impact of central government reductions even if this means an increase in council tax for the rest of us, something that I did not see as an option.
- We are on benefits due to my health. My husband is my carer and we are living on a very tight budget £60 per week to cover food and petrol for us and our animals. If we had to pay out anything extra we wouldn't be able to feed ourselves
- If applying this should apply to existing and new claims or is unfair and children may suffer
- Should align the government policy. Also it's impacted appears limited due to all the exceptions stated above, those on income support for example.
- Your survey is rubbish and hard to read. Why is everything written in unnecessary capital letters? Either way, households with children should be paying more in council tax. They use more resources.
- I do not think that discriminating against families with children is a good idea. Children are costly so any help that these families can get will always be a good thing
- Unemployed people should be made to contribute to their council tax
- Again align to government policy, this is not retrospective so the rules can be clear. People need to take accountability for the finances and council needs to send that message. The exceptions appear reasonable.
- People shouldn't use having children as an excuse to not pay taxes. If they choose to have a large family they should pay the same as anyone without children or with a small family. Also I feel the unemployed (JSA or ESA not disabled) should have to make some form of contribution as a way to get them back to work to want to earn more money. The whole time being unemployed guarantees full benefits the lazy people of Crawley will continue to take advantage.
- People should have NO council tax reduction based on how many children they have.
- This is less disagreeable than the other options, only in the sense that having children is a lifestyle option especially in a world that is overpopulated.
- Families with a disabled person have stressful lives as it is. Removing money from them will only add to concerns as to whether they can afford to live. Discriminating against the disabled is wrong



**Potential Options - Financial Implications**

Option Description	Estimated number of claims affected	Estimated weekly gain / -loss in Council Tax Reduction	Estimated additional cost avoided the Council	Estimated additional cost avoided to West Sussex CC and Sussex Police	Total
Option 1 Family Premium Changes (new claims only)	170	-£3.48	£3,765	£26,998	£30,763
Option 2 Employment Support Allowance claimants in the Work-Related Activity Group (new claims only)	N/A	£0	N/A	N/A	N/A
Option 3 Removal of applicable amounts for third and subsequent children born after April 2017 (new claims only) This could impact on tax credits and not have such an impact of the claimant	50	-£12.40	£3,957	£28,370	£32,327
Option 4 Where someone is already paid Universal Credit (carers element) to look after someone with a disability, to remove entitlement to the Severe Disability premium. (This would avoid paying for the same care twice)	N/A	£0	N/A	N/A	N/A
Option 5 Uprating **					
a No change	0		0	0	
b Increase by 3.5%	5,073	£19.54	£12,134	£86,997	£99,131
c Increase to agree with the default scheme	5,073	£16.53	£10,266	£73,610	£83,876
d another amount	N/A		N/A	N/A	N/A

\* these figures are based on estimates from new cases declared in the current financial year

\*\* there is sufficient budget to cover this cost due to the increase in Council Tax and not applicable amounts

# Crawley Borough Council

## Report to Overview and Scrutiny Commission 28 November 2016

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### Report to Cabinet 30 November 2016

## Review of Statement of Licensing Policy Gambling Act 2005

Report of the Head of Economic and Environmental Services, **PES/222**

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### 1. Purpose

- 1.1 To inform the Cabinet of the representations received following a 12 week public consultation period (which concluded on 25 September 2016) on the Review of Crawley Borough Council's Statement of Licensing Policy under the Gambling Act 2005.
- 1.2 To consider, and either accept or reject, the proposed amendments to the Policy as a result of the consultation on the Policy.
- 1.3 To ask Cabinet to recommend the amended Statement of Licensing Policy – Gambling Act 2005 as set out in Appendix A to Full Council for approval and adoption.

### 2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the finalised report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

- 2.2.1 The Cabinet is recommended to:

- (i) review the representations received following the consultation and to accept and incorporate those comments into a revised Statement of Licensing Policy (Gambling Act 2005), and,
- (ii) request that Full Council approves and adopts the Council's revised Statement Licensing (Gambling Act 2005) Policy.

### 3. Reasons for the Recommendations

- 3.1 It is a statutory requirement under the Gambling Act 2005 for a Licensing Authority to review and publish a Statement of its Licensing Policy every three years.

## **4. Background**

- 4.1 Section 349 of the Gambling Act 2005 requires a licensing authority, before each successive period of 3 years, to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Gambling Act 2005 in the coming 3 year period (referred to as the Statement of Licensing Policy Gambling Act 2005 in this report).
- 4.2 There is extensive national guidance published by the Gambling Commission (referred to in this report as Statutory Guidance). The Statutory Guidance includes guidance in respect of preparing, revising and publishing Gambling Policies. Local authorities must have regard to the Statutory Guidance.
- 4.3 The Council's existing Gambling Policy was developed and introduced with the implementation of the Gambling Act 2005 and has remained without change, challenge or complaint ever since.
- 4.4 Following publication of the recent Statutory Guidance in September 2015 by the Gambling Commission, Guidance to Licensing Authorities 5<sup>th</sup> Edition, the Council must now review its Gambling Policy for the borough of Crawley.
- 4.5 The vast majority of the latest version of the Statutory Guidance was unchanged in substance (save for some tidying up to remove certain duplication and improve ease of use). However, the main changes were in the following areas:
- A new general guidance section at the beginning of the document underpinning the statutory 'aim to permit gambling subject to being reasonably consistent with the licensing objectives' and the benefits of partnership working.
  - Relatively minor changes to reflect the coming into force of new arrangements for regulating online gambling.
- 4.6 The Statutory Guidance includes two substantive changes relevant to Gambling Policies, as follows:
- (i) Local Area Profiles
  - (ii) Operators Risk Assessments.
- 4.7 The optional to include Local Area Profiles – this is essentially a way of describing a process of gathering and presenting information about a locality and any particular areas of concern within that, to explain and underpin the approach that the licensing authority will apply, as set out in its Gambling Policy. The objective of such a profile is to set (map) out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing. Crawley Borough Council will be working with West Sussex County Council to develop local area profiles over the next 12 months.
- 4.8 The requirement on risk assessment for operators took effect from April 2016.

## **5. Consultation**

- 5.1 Before publishing its Gambling Policy for any three year period the Council must consult the persons listed in section 349(3) of the Gambling Act 2005. These are:

- The Chief Officer of Police
  - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
  - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 5.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Gambling Policy.
- 5.3 It was recommended that as part of the consultation process details of the proposed revised Statement Gambling Policy, together with an invitation to submit comments, be posted on the Council's website.
- 5.4 At the Cabinet meeting held on Wednesday 29<sup>th</sup> June 2016, Cabinet granted permission to the Head of Economic and Environmental Services to conduct the statutory consultation in respect of the proposed revised Statement of Gambling Policy.
- 5.5. Public consultation lasted for a period of 12 weeks (starting on 4<sup>th</sup> July - 25<sup>th</sup> Sept 2016) which included posting a copy of the document on the Council's website and the main Town Hall notice board. Notification was also sent to Ward Members, West Sussex County Council, Chief Officer Police, listed Responsible Authority's, local schools and representatives of the licensed premises.

## **6. Responses to the Consultation**

- 6.1 As a result of our consultation process 3 responses were received as set out below;-

1. Luxury Leisure

A representative of the above submitted comments and listed seven points of interest.

2. Association of British Bookmakers (ABB)

A representative of the above submitted comments and listed 4 points of interest.

3. West Sussex County Council

Commented the definition of vulnerable "*seems a little generic and broad*" as relates to a local area profile.

A full summary of the above comments can be found attached as Appendix B to this report. A summary of the changes made to the policy document are also included for completeness. The original policy text and amended policy text have also been provided for ease of comparison Attached as Appendix C. The actual responses received are also attached at Appendix D.

Members are advised that changes have been made to the following paragraphs accordingly; 1.1, 1.2; 1.3; 1.6, 4.1; 4.2; 4.4; 4.5; 7.1. The amended policy is also attached as appendix A.

- 6.2 Following the statutory consultation process and after the Council has approved and adopted the Policy the Council must now publish its revised Statement Gambling Policy and advertise the publication by way of public notice, in accordance with legal requirements. The revised Statement Gambling Policy will come into effect on the date specified in the public notice which must be at least 4 weeks from the date of publication of the revised statement and public notice.

## **7. Staffing, Equalities, Financial, and Legal Implications**

- 7.1 There are no extra staffing or financial implications to the Council.

The Statement of Licensing Policy is specified within the Council's Policy Framework therefore Full Council is required to consider and formally adopt the revised Policy.

- 7.2 Members must ensure that they exercise their decision making powers in a manner Which is compliant with the Human Rights Act 1998, and the principles of natural justice.

- 7.3 The Council is required to consider the impact any decision may have on crime and disorder in the area (Crime & Disorder Act 1998) which states as follows;

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent;

(a) Crime and disorder in its area(including anti-social and other behaviour adversely affecting the local environment, and

(b) The misuse of drugs, alcohol and other substances in its area, and

(c) Re-offending in its area.

- 7.4 Pursuant to s149 of the Equality Act 2010, the Council when making decisions must have regard to the 'public sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

(b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The characteristics protected by the Equality Act are:

age

disability

gender reassignment

marriage/civil partnership

pregnancy/maternity

race

religion/belief

gender and sexual orientation

7.5 An equality impact assessment has been carried out and this is attached as Appendix E.

## **8. Reasons for the Recommendations**

8.1 It is a statutory requirement under the Gambling Act 2005 for a Licensing Authority to prepare a Statement of its Licensing policy every three years.

## **9. Background Papers**

- Gambling Act 2005
- Guidance to Licensing Authorities (GLA) 5<sup>th</sup> edition (Sept 15) by the Gambling Commission.

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# **Crawley Borough Council**

## **Proposed revised Statement of Licensing Policy**

**In Regards to**

**The Gambling Act 2005**

**For the period 2016 - 2019**

# Crawley Borough Council

## Gambling Act 2005

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# 1. Statement of Licensing Policy

## 1.1 Licensing Objectives

In this policy a reference to the licensing objectives is a reference to the objectives of:-

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

## 1.2 Introduction

The Council as licensing authority (LA) for the Borough of Crawley in accordance with section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply when making decisions on applications made under the Act. The form of the statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the council's policy document.

The Council is responsible for granting premises licenses within the Borough in respect of: -

- ◆ casino premises
- ◆ bingo premises
- ◆ betting premises, including tracks
- ◆ adult gaming centres; and
- ◆ family entertainment centres

Crawley Borough Council is situated in the County of West Sussex, which contains 7 District Councils and 1 County Council in total. The Council area has a population of approx. 109,000 making it the second largest in the County in terms of population. In terms of area it is the second smallest, covering 44.7 square kilometres. A map of the district is contained in Appendix A.

## 1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

<b>Licensing Objectives:</b>	As defined in section 1.1 (above).
<b>Council:</b>	Means Crawley Borough Council
<b>District:</b>	Means the area of West Sussex administered by Crawley Borough Council – see map in Appendix A
<b>Licence:</b>	As defined in section 1.4 below.
<b>Applications:</b>	Means applications for Licences or Permits defined in section 1.4 below.
<b>Notifications:</b>	Means notifications of Temporary Use Notices, Occasional Use Notices and licensed premises gaming machine notices.

<b>Act:</b>	Means the Gambling Act 2005
<b>Regulations:</b>	Means Regulations made under the Gambling Act 2005
<b>Premises:</b>	Means any place and includes a vehicle, vessel or moveable structure
<b>Code of Practice:</b>	Means any relevant code of practice under section 24 of the Gambling Act 2005
<b>Mandatory Condition:</b>	Means any specified condition provided by regulations to be attached to a licence
<b>Betting Machines:</b>	These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with gaming machines.
<b>Responsible Authority:</b>	<p>For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none"> <li>• The Licensing Authority (Crawley Borough Council)</li> <li>• The Gambling Commission</li> <li>• Sussex Police</li> <li>• West Sussex Fire &amp; Rescue Service</li> <li>• Head of Planning Services, Development Control, Crawley Borough Council</li> <li>• Head of Environmental Services, Crawley Borough Council</li> <li>• Children's Safeguarding Unit, Social Services, West Sussex County Council (WSSCC)</li> <li>• HM Revenues and Customs</li> </ul>
<b>Interested Party:</b>	<p>For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:</p> <ul style="list-style-type: none"> <li>• Lives sufficiently close to the premises to be likely to be affected by the authorised activities.</li> <li>• Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.</li> <li>• Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations.</li> <li>• When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's Guidance to Local Authorities.</li> </ul>

## 1.4 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:

- Premises Licenses;
- Temporary Use Notices;
- Occasional Use Notices;
- Permits as required under the Act; and
- Registrations as required under the Act.

## 1.5 Licensable Premises and Permits

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

Casinos;  
Bingo Premises;  
Betting Premises;  
Tracks;  
Adult Gaming Centres;  
Licensed Family Entertainment Centres;  
Unlicensed Family Entertainment Centres;  
Club Gaming Permits;  
Club Machine Permits;  
Alcohol licensed premises gaming machine permits / notices  
Prize Gaming Permits;  
Occasional Use Notices;  
Temporary Use Notices; and  
Registrations of small society lotteries.

## 1.6 General Principles

Nothing in this 'Statement of Policy' will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application, subject only to existing mandatory and default conditions. Section 169 conditions (imposed or excluded by the licensing authority) will only be considered where they are needed to meet the requirements of the licensing objectives. Any such conditions applied will not be overly onerous but will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. Any imposition of conditions or actions to be taken will be evidentially based

All applicants for premises licences will be required to set out how they will promote the Licensing Objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant, variation of a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits.

Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either “mandatory” or “default” conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;

The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Licensing Authority will be able to consider it.

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide evidence that they are acting as representatives of others.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

## **1.7 Advisory body for the Protection of Children from Harm**

Crawley Borough Council, as the Licensing Authority, designates the Children's Safeguarding Unit as the competent authority to provide advice on the protection of children from harm.

The Children's Safeguarding Unit (formerly the Child Protection Agency) is the West Sussex County Council Social Services' child protection unit and operates throughout the county of West Sussex, covering the Borough of Crawley and has the specialist knowledge and expertise to fulfil this role.

## **1.8 Consultees**

This Statement of Licensing Policy is subject to formal consultation with:

- Sussex Police;
- West Sussex Fire & Rescue Service;
- The Children's Safeguarding Unit;
- Crawley Community Safety Partnership;
- Representatives of the holders of the various licences for premises in the Borough who are affected by this policy;
- Persons and businesses likely to be affected by authorised gambling within the Borough (For further information, see Appendix D)

In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations,
- the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views

## **1.9 Information Exchange**

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the Council will conform to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.

Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence should be aware these details will be disclosed.

## **1.10 Declaration**

In producing the final document, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

## **2. Legislation, Policies and Strategies**

### **2.1 Licensing Authority Functions**

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licenses.
- Issue Provisional Statements,
- Regulate members clubs who wish to undertake certain gaming activities via issuing Club Gaming Permits and Club Machine Permits,
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres,
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits,
- Receive and Endorse Temporary Use Notices,
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licenses issued.
- Maintain registers of the permits and licenses that are issued under those functions.

It should be noted that local authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licenses.

### **2.2 Legislation**

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:

- I. Section 17 of the Crime and Disorder Act 1988;
- II. Human Rights Act 1998;
- III. Health and Safety at Work etc. Act 1974;
- IV. Environmental Protection Act 1990;
- V. Anti-Social Behaviour, Crime and Policing Act 2014;
- VI. Equality Act 2010.

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

## **2.3 Relationship with Planning Policies**

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005. The issue of a Provisional Grant of a premises licence is a separate and distinct process to the granting of Planning Permission. Planning and Building Control permissions will have to be sought and approved before any development takes place.

## **2.4 National Strategies**

The Council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the licensing function.

## **2.5 Local Strategies and Policies**

The Council will consider applications with reference to other adopted local policies, including the following:

- I. The Council's Corporate Strategy
- II. Community Safety Strategy
- III. General Enforcement Policy
- IV. Local Area Profiles

## **2.6 Integrating Strategies**

By consulting widely prior to this policy statement being published the Council will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

However any evaluation and granting of a premises licence or permit will be in keeping with licensing objectives of the Gambling Act 2005.

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require operators of gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities within the Borough as regards deprivation is provided at;

[http://www.crawley.gov.uk/pub\\_livx/groups/webcontent/documents/report/int010669.pdf](http://www.crawley.gov.uk/pub_livx/groups/webcontent/documents/report/int010669.pdf)

Or national statistics can be found at:-

<https://www.ons.gov.uk/>

The Council recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.



### **3. Decision Making**

#### **3.1 Committee Terms of Reference**

A licensing sub-committee of three ward members will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the Full Council that are not associated with the Gambling Act 2005.

Where a councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the Full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or panels. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

#### **3.2 Allocation of Decision making Responsibilities**

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a sub-committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council officers.

The Table shown at Appendix B sets out the agreed scheme of delegation of decisions and functions to Licensing Committee, sub-committees and officers. This form of delegation is without prejudice to officers referring an application to a sub-committee, or to Full Committee, or Committee to Full Council, if considered appropriate in the circumstances of any particular case.

### **3.3 Licensing Reviews**

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- a. Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
- b. Use of licensed premises for the sale and distribution of illegal firearms;
- c. Use of licensed premises for prostitution or the sale of unlawful pornography;
- d. Use of licensed premises as a base for organised criminal activity;
- e. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- f. Use of licensed premises for the sale of smuggled tobacco or goods;
- g. The use of licensed premises for the sale of stolen goods.
- h. Children and/or vulnerable persons are put at risk

Due consideration will be given to all relevant representations unless they fit the following:

- I. the grounds are frivolous;
- II. the grounds are vexatious;
- III. the grounds are irrelevant;
- IV. the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence;
- V. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- VI. the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A Premises Licence may also be reviewed by the Licensing Authority on its own volition.

## **4. Local Standards**

### **4.1 Applications**

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry out the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not been determined

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives

### **4.2 Location**

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.

The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned.

Although the Council will have particular regard to such matters, careful consideration will be given to the applicants submitted risk assessment(s) and the mitigating steps that are proposed to deal with any possible issues that may dispel any such concerns. Each case will however be determined on its merits.

The following issues are examples only and are not mandatory or exhaustive;

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time.
- If at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

### **4.3 Assessment of Need**

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

### **4.4 Conditions**

Conditions may be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to the premises licences will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras may be appropriate in certain premises.

### **4.5 Enforcement**

The Council is a signatory to the Regulators' Code and is subject to the Code in the exercise of its regulatory powers and obligations. The Regulators Code is based upon the principles of consistency, transparency and proportionality.

The Regulators' Code proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain certain records may be dealt with purely by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in referral to the Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

Premises may be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:-

- I. the nature of the gambling activities carried out on the premises
- II. the location of the premises in relation to schools etc.
- III. the procedures put in place by the management to meet the licensing objectives

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of complaint. The Borough will be monitored for unlicensed premises.

The Council will seek to work actively with the police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

The Council recognizes that certain bookmakers have a number of premises within our area. In order to ensure that any compliance issues are recognized and resolved at the earliest stage, operators will be requested to give the Council a single named

point of contact, who should be a senior individual, and whom the Council will seek to contact first should any compliance queries or issues arise.

#### **4.6 Casinos**

There is no resolution to prohibit casinos in the Borough at present. However, the Council reserves its right to review this situation and may at some time in the future, resolve not to permit casinos.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate and the reasons for making the resolution will be given.

#### **4.7 Unlicensed Family Entertainment Centre (uFEC) gaming machine permits**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this licensing authority for a permit. UFEC's may offer any number of category D machines only in reliance on a gaming machine permit.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used 'wholly or mainly' as an unlicensed Family Entertainment Centre and if the chief officer of police has been consulted on the application. (A permit will not therefore be granted for an entire complex, shopping centre, airport, etc.).

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

In considering the application, the licensing authority shall have regard to this Statement of Gambling Policy, the relevant guidance issued by the Gambling Commission and may also have regard to the licensing objectives (Schedule 10, paragraph 7 of the Act).

The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that employees are trained to have a full understanding of the maximum stakes and prizes

Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about disorder.

Applications must therefore be completed and submitted on the Council approved application form, accompanied by the following:-

- prescribed fee,
- a satisfactory plan outlining the layout of the proposed authorized premises inclusive of entrance/exit(s), fixed furniture/fittings, location of the various gaming machines and supervisory station(s)).

- Public liability insurance certificate for a minimum cover of £5 million.
- Operating Schedule outlining how the applicant proposes to promote the licensing objectives.
- The applicant (individual or each company director) will provide a recent (within one month of issue) DBS check together with a list of all staff names to be employed at the premises, such a list to be updated following the termination or employment of any new member of staff. A recent (within one month of issue) DBS check will be required for each employee before they take up their relevant post.

Given that the premises is likely to appeal particularly to children and young persons, the Licensing Authority will give considerable weight to matters relating to the protection

of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.

- A permit shall cease to have effect at the end of the period of ten years beginning with the date specified unless it ceases to have effect before that time in accordance with legislation, or it is renewed.
- A permit shall lapse if the holder ceases to occupy the premises specified.
- A permit shall not take effect if on the date specified the person to whom the permit is issued is not an occupier of the premises as specified.
- A permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre (premises used wholly or mainly for use of gaming machine not above category D as defined in the Act).
- A permit shall lapse if the holder ceases to exist, or goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- A permit shall cease to have effect if the holder gives to the licensing authority notice of surrender, and either the permit, or a statement explaining why it is not reasonably practicable to produce the permit.

#### **4.8 Alcohol Licensed premises and gaming machine permits**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.
- 

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

Where appropriate and depending on the individual circumstances of the premise the Council in general may consider granting a permit for more than 2 machines without the need to hold a hearing.

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Game Care.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Alcohol licensed premises are able to provide some equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

#### **4.9 Door Supervisors**

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

The Council will make a door supervisor requirement if there is clear evidence that the premises cannot be adequately supervised and that supervision is necessary and appropriate.

#### **4.10 Betting Machines**

While the Council has authority as to the number, nature and circumstances of use of betting machines, it will consider limiting the number where there is clear evidence that such machines have been or are likely to be used in breach in the licensing objectives. Where there is such evidence, this authority may consider, when viewing the licence, the ability of staff to monitor the use of such machines.

## **5.0 Preventing Gambling from being a source of Crime and Disorder**

The Council will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder.

The Gambling Commission, in its guidance for local authorities, has noted that

***“disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.”***

This authority agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council and/or the Sussex Police before making a formal application.

In considering licence applications, the Council will particularly take into account the following:

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

## **6.0 Ensuring Gambling Is Conducted In A Fair And Open Way**

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

## **7.0 The Protection of Children and other Vulnerable Persons**

### **7.1 Access to licensed premises**

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted.



The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In so doing the Council will focus on premises which are accessible by children.

The Council will consult with the Local Children Safeguarding Unit and / or Sussex Police on any application that indicates there may be concerns over access for children or vulnerable persons.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:

- I. Supervision of entrances;
- II. Segregation of gambling areas from areas frequented by children;
- III. Supervision of gaming machines in non-adult gambling specific premises.

## **7.2 Vulnerable Persons**

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that 'vulnerable persons' includes :

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

## **8.0 Complaints against Licensed Premises**

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

**Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.**

## 9.0 Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy and about the application process, including application forms and guidance notes can be obtained from:

The Licensing Team  
Environment & Planning Directorate  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ  
Tel: 01293 438289  
Fax: 01293 438604  
Email: [licensing@crawley.gov.uk](mailto:licensing@crawley.gov.uk)  
Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

Information is also available from the

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

# Appendix A

## Borough of Crawley



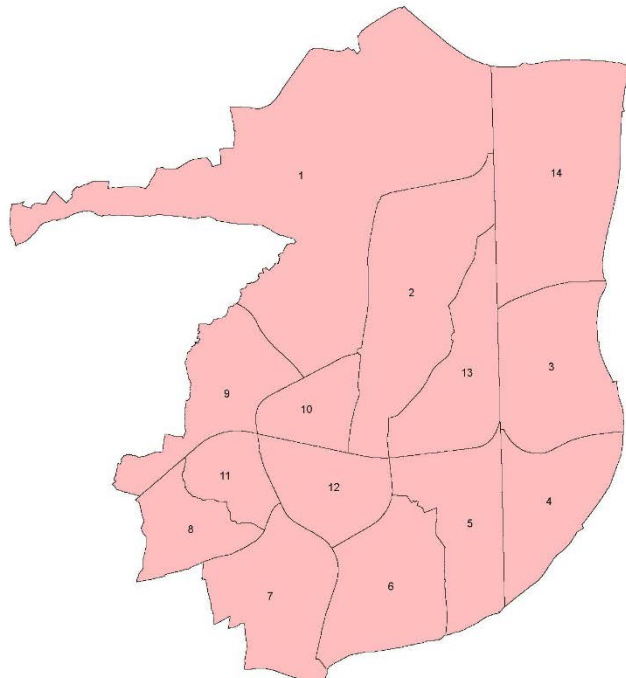
*Shown within West Sussex*

## Geography

Status:	Borough
Region:	South East England
Admin. County:	West Sussex
Area:	44.97 km <sup>2</sup>
Admin. HQ:	Crawley

## Neighbourhoods of Crawley

1. Langley Green
2. Northgate
3. Pound Hill
4. Maidenbower
5. Furnace Green
6. Tilgate
7. Broadfield
8. Bewbush
9. Ifield
10. West Green
11. Gossops Greer
12. Southgate
13. Three Bridges
14. Forge Wood



## Appendix B

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		(Portfolio holder)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

## Contact Details for Relevant Authorities

<p><b><u>The Licensing Authority</u></b> Premises Licensing Crawley Borough Council Town Hall, The Boulevard Crawley West Sussex, RH10 1UZ</p>	<p><b><u>WSCC Fire &amp; Rescue Service</u></b> (FAO Fire Safety) West Sussex Fire &amp; Rescue Service Business Fire Safety Horsham Fire Station Hurst Road Horsham West Sussex RH12 2DN</p>
<p><b><u>HM Revenue &amp; Customs</u></b> National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p><b><u>Chief Officer of Police</u></b> Licensing Section Horsham Police Station Hurst Road Horsham West Sussex RH12 2DJ</p>
<p><b><u>Children's Safeguarding Unit</u></b> Room 24 Durban House Durban Road Bognor Regis PO22 9RE</p>	<p><b><u>Gambling Commission</u></b> Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p><b><u>Crawley Borough Council</u></b> (Planning) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	
<p><b><u>Crawley Borough Council</u></b> (Environmental Protection) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	<p><b><u>Crawley Borough Council</u></b> (Health &amp; Safety) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>

## Consultees

Elected Members, Crawley Borough Council  
The Gambling Commission  
Sussex Police  
West Sussex Fire & Rescue Service  
Head of Planning Services, Crawley Borough Council  
Children's Safeguarding Unit, West Sussex County Council  
HM Revenues and Customs  
Crawley Local Strategic Partnership  
Representatives of the holders of the various licenses for premises in the Borough who are affected by this policy  
Members of the public who are affected by this policy

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by this policy

Mr. APL Baldock  
Environmental Health Manager  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

## Summary of Responses to the Consultation

As a result of the statutory consultation process 4 responses were received from the following;

1. Luxury Leisure;  
Proposed slight changes to paragraphs 4.1; 4.2; 4.4 & 7.1;  
*(Highlighted in Appendix C)*
2. Association of British Bookmakers (ABB);  
Solicitors acting on behalf of the ABB submitted a six page document on behalf of their client making reference to paragraphs 1.1 - 1.2 - 1.3 & 1.6 to 'promoting the licensing objectives' which is duty on the Gambling Commission as opposed to a licensing authority, distinction between gaming machines and betting machines.  
*(Highlighted in Appendix C)*
3. West Sussex County Council  
Spoke about the broad definition of 'vulnerable individuals' and the use of 'local area profiles'.
4. CBC Planning; No comment

The following provides the relevant extracts from the revised Statement of Licensing policy (Gambling Act 2005) where further amendments are proposed. The text marked in red and crossed through illustrates text to be removed from the draft document. The text marked in green illustrates new additions to text.

## 1.1 Licensing Objectives

~~The Gambling Act 2005 (the Act) requires that the Council carry out its various licensing functions with a view to promoting the following three licensing objectives:~~

In this policy a reference to the licensing objectives is a reference to the objectives of:-

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

## 1.2 Introduction

The Council as licensing authority (LA) for the Borough of Crawley in accordance with section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply ~~to promote the licensing objectives~~ when making decisions on applications made under the Act. The form of the statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the council's policy document.

## 1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

**Betting Machines:** These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with ~~AWP's~~ - gaming machines.

## 1.6 General Principles

The starting point in determining applications will be to grant the application, ~~subject only to existing mandatory and default conditions. Section 169 conditions (imposed or excluded by the licensing authority)~~ will only be considered where they are needed to meet the requirements of the licensing objectives. Any such conditions applied will not be overly onerous but will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. ~~Any imposition of conditions or actions to be taken will be evidentially based.~~

## 4.1 Applications

An application for a premise licence can only be made by a person who either holds an operating licence authorising him to carry out the activity in respect of which a premises



licence is sought, OR has made an application for an operating licence which has not been determined.

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote the Licensing Objectives. ~~in the form of a written Operating Schedule.~~

## 4.2 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.

The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned.

Although the Council will have particular regard to such matters, careful consideration will be given to the applicants submitted risk assessment(s) and the mitigating steps that are proposed to deal with any possible issues that may dispel any such concerns. Each case will however be determined on its merits.

~~Other matters that the assessment may include:~~

The following issues are examples only and are not mandatory or exhaustive;

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time.
- If at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

## 4.4 Conditions

Conditions ~~will~~ may be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the

advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

## **4.5 Enforcement**

The Council is a signatory to the Regulators' Code and ~~will follow the principles set out in it~~ is subject to the Code in the exercise of its regulatory powers and obligations. The Regulators Code is based upon the principles of consistency, transparency and proportionality.

## **7.1 Access to licensed premises**

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. ~~In so doing the Council will focus on premises which are accessible by children.~~



Tony Baldock – Environmental Services Manager  
Crawley Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: rjt@gosschalks.co.uk  
Our ref: RJT / LHF / 097505.00004  
#GS962258  
Your ref:  
Date: 12 September 2016

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft 2016-19 gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and our commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, The ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is

important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2016 were 8,809 - a decline of over 300 since March 2014, when there were 9,137 recorded.
- recent planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the "*desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.*"

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

## Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both we and our members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to contact us.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe what the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with our smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

## Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over

£50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the 2016-2019 Statement of Principles**

Within paragraphs 1.1 and 1.2 there are references to the council being required to promote the licensing objectives. Similarly, within paragraph 1.6, there is a reference to steps that an applicant will take to promote the licensing objectives. We respectfully submit that these references be amended as these are more relevant to a Licensing Act 2003 statement of policy than to a Gambling Act 2005 statement of principles. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The licensing authority is required to "aim to permit" the use of premises for gambling whilst operators are required to ensure that their premises operate in a manner that is reasonably consistent with the licensing objectives.



Within the glossary of terms at paragraph 1.3, there is a reference to betting machines. The glossary should be amended so that there is a clear distinction between betting machines and all gaming machines rather than simply AWP's. Whilst the licensing authority has the ability to limit the number of betting machines within a betting office environment, there is no such power to limit the number of gaming machines. A betting premises licence authorises the holder to make available for use up to 4 gaming machines of categories B, C or D.

We welcome the acknowledgment within paragraph 1.6 that conditions will only be considered where they are needed. The second paragraph in this section should be redrafted so that it is clear both that all Gambling Act 2005 premises licences are subject to existing mandatory and default conditions and that those conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The paragraph indicates that the Secretary of State may provide for mandatory or default conditions. This section should be clear that there are existing mandatory and default conditions.

We welcome the acknowledgment throughout the statement of principles that the licensing authority will need to be satisfied on the evidence if action is to be taken/conditions are to be imposed. The evidential basis for the imposition of conditions/actions to be taken is crucial and we would support any amendments to the policy that made this clearer.

## Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**



## Lyons, Michael

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**From:** elizabeth speed <elizabethspeed@luxuryleisure.co.uk>  
**Sent:** 30 August 2016 12:59  
**To:** Lyons, Michael  
**Cc:** Tracey Rose  
**Subject:** Gambling Act 2005 - Statement of Principles Consultation

Dear Sirs,

On behalf of Luxury Leisure, I make the following comments in response to the above consultation (the Draft):-

1. Paragraph 4.1 states that applicants for a licence or variation must submit an operating schedule with details of how it will promote the licensing objectives. With respect, this requirement may be relevant to applications under the Licensing Act, but it does not relate to the Gambling Act (the Act). The requirements for an application under the Act are set out in the Gambling Act (Premises Licences and Provisional Statements) Regulations 2007.
2. It is proposed in the third paragraph under 4.2 of the Draft, that "regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children." This is to suggest that gambling premises (of any kind) are not accepted in particular areas and we do not think that the confirmation that "Each case will, however, be determined on its merits" is sufficient to dispel this (wrong) conclusion. While the Council may have particular regard to such matters, the applicant's risk assessment, and in particular the mitigation steps that are proposed to deal with any possible issues may dispel any concerns. It is important that this missing factor is addressed in the Draft.
3. We note that the Council has not elected to provide a Local Area Profile (LAP) of the Borough, as recommended by the Gambling Commission. While applicants will no doubt do their best to provide full and appropriate local risk assessments (LRAs), the lack of a LAP must be taken into consideration. In particular and with respect, applicants and licence holders will not have access to detailed information on "the demographics of the area in relation to vulnerable groups" in the area. It might be able to identify places where such people may seek treatment in the area, but demographic evidence on where they live etc., will not be within the applicant's knowledge.
4. The Draft details some matters that might be included in the LRA at the end of 4.2. The inclusion of specific matters risks that they will be expected to be included as a matter of course, even where they are not relevant. If examples are to be included, it must be made clear that they are possible examples only and not mandatory or exhaustive.
5. Paragraph 4.4 is headed "Conditions" and alarmingly states " Conditions will be applied...." rather than "conditions may be applied...." (emphasis added) and then only is necessary as well as proportionate and appropriate.
6. We are pleased that the Council has included a statement that it is subject to the Regulators' Code. However, that Code covers more than enforcement issues and we would suggest that a statement to that effect is included to confirm that the Council is subject to the Code in its exercise of its regulatory powers and obligations generally. This includes a requirement to support those which it regulates to comply and grow, when it exercises its powers. We would point out that this in turn requires the Council as a regulator to minimise the costs of compliance for those it regulates.
7. It is legal for children to play Category D machines on appropriately licensed/permitted premises. Accordingly, we suggest the insertion of "where children can participate" at the end of the second paragraph of 7.1

I hope that you will find the above useful. If you have any questions, please let me know.

Yours sincerely,

Elizabeth Speed  
Group General Counsel  
**Novomatic UK**  
**For Luxury Leisure**

Direct +44 (0) 191 497 8222  
Mobile +44 (0) 7808 571 588  
[elizabethspeed@luxuryleisure.co.uk](mailto:elizabethspeed@luxuryleisure.co.uk)

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## Lyons, Michael

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**From:** Guy Pace <guy.pace@westsussex.gov.uk>  
**Sent:** 25 August 2016 15:38  
**To:** Lyons, Michael  
**Subject:** Revised Statement of Gambling Policy consultation

**Importance:** High

Hi Mike,

I hope this finds you well. Thank you for forwarding me the consultation.

I'm pleased to see the revised statement refers to Community Safety and the Safer West Sussex Partnership. Just a couple of points from me and some colleagues I have spoken to from our Vulnerable Individuals Team .

In terms of vulnerable individuals, it seems that this is pretty much covered in its own dedicated section, which is to be welcomed. Colleagues would have preferred to see a bit more about how the policy can safeguard vulnerable adults who are not defined within the context of gambling issues – for example, people who might not fully understand what gambling entails, and so on.

The definition of vulnerable adults is very wide and a bit basic. Some colleagues would also have preferred to see some specific safeguarding actions and activities within that section; at the moment it feels a little generic and broad and relates mainly to children and the LSCB. This section could usefully outline key ways that vulnerable adults can be protected against harm from gambling and may need to make more reference to consultation and engagement/liaison with the Safeguarding Adults Board?

Can I ask Mike has Crawley used a local area profile to assess the local environment and landscape in order to map local risks?

If so, is this to be included within the body of your statement of policy? I ask because clearly there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only. I do however appreciate that completion of a local area profile is not a requirement on licensing authorities.

Also from a Serious & Organised Crime angle I was thinking if there are further considerations for the policy? For example we now have the draft local Crawley SOC profile that we will be discussing at the SOC meeting on the 27<sup>th</sup> September, this identifies key risks and vulnerabilities for Crawley.

I hope this is helpful feedback.

Regards,

Guy

Guy Pace | Principal Community Safety Officer (Crime Reduction) Community Safety & Wellbeing , Communities & Public Protection Directorate ,

West Sussex County Council | Location: 2nd Floor, East Wing, County Hall, Chichester. PO19 1RG

Internal: 24221 | External: 0330 222 4221 | E-mail: [guy.pace@westsussex.gov.uk](mailto:guy.pace@westsussex.gov.uk)

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## Lyons, Michael

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**From:** McPherson, Jean  
**Sent:** 12 July 2016 13:04  
**To:** Lyons, Michael  
**Subject:** RE: Consultation Letter 11 07 2016. - Crawley Borough Council, West Sussex

Mike  
No planning comments.

Jean McPherson  
Group Manager (Development Management)

---

**From:** Lyons, Michael  
**Sent:** 12 July 2016 11:52  
**To:** McPherson, Jean <Jean.McPherson@crawley.gov.uk>  
**Subject:** FW: Consultation Letter 11 07 2016. - Crawley Borough Council, West Sussex

Good morning,

The Council is the Licensing Authority under the Gambling Act 2005 (the Act) for the Borough of Crawley. One of the requirements of the Act is that the Licensing Authority has in place a Statement of Gambling Policy (Gambling Policy – please see attachment). Following recent changes to the Gambling Commission 'Licence Conditions and Codes of Practice' (LCCP) and Statutory Guidance (Sept 2015) the Council is reviewing our Gambling Policy and would like to take your views into account before making any decision. The review consultation period has now commenced and will continue for approximately 12 weeks to expire on the 25<sup>th</sup> September 2016.

Any comments regarding the content of our proposed policy to me please before the expiry of the consultation period – thank you in anticipation.

Regards  
Mike Lyons  
Senior Licensing Officer  
01293 438698

## Appendix E

### EQUALITY IMPACT ASSESSMENT

<b>Name of activity:</b>	<b>'Review of Gambling Act 2005 Licensing Policy Statement of Principles</b>	<b>Date Completed:</b>	<b>17/11/2016</b>
<b>Directorate / Division responsible for activity:</b>	<b>Economic and Environmental Services</b>	<b>Lead Officer:</b>	<b>Tony Baldock Environmental Services Manager</b>
<b>Existing Activity</b>	<b>x</b>	<b>New / Proposed Activity</b>	<b><input type="checkbox"/></b>
		<b>Changing / Updated Activity</b>	<b><input type="checkbox"/></b>

#### **What are the aims / main purposes of the activity?** (Why is it needed? What are the main intended outcomes?)

To revise the Council's licensing policy with regards to its Statement of Principles in accordance the Gambling Act 2005

#### **What are the main actions and processes involved?**

Statutory review of our existing policy taking into account recent changes and legal requirements.

#### **Who is intended to benefit & who are the main stakeholders?** (e.g. tenants, residents, customers or staff. How will they benefit?)

The purpose of the review is to enable the Licensing Authority to make decisions based on our policy following revision and statutory consultation. The ultimate beneficiary of this policy will be the local community – in particular children, vulnerable persons, for which Crawley Borough Council has a duty to protect.

#### **Have you already consulted on / researched the activity?** (What consultation has taken place & what were the key findings?

What evidence already exists? Are there any gaps that need further investigation? What still needs to be done?)

The policy has been updated in-line with changes to legislation and statutory guidance. Trade, schools, elected members, public and other agencies have been liaised with to ensure parity where appropriate in delivery of this policy.

## Appendix E

The policy works in association with the following;

- Statutory Guidance
- Gambling Act 2005

<b>Impact on people with a protected characteristic</b> (What is the potential impact of the activity? Are the impacts high, medium or low?)		
<b>Protected characteristics / groups</b>	<b>Is there an impact (Yes / No)</b>	<b>If Yes, what is it and identify whether it is positive or negative</b>
<b>Age</b> (older / younger people, children)	Yes	The policy applies to people of all ages
<b>Disability</b> (people with physical / sensory impairment or mental disability)	Yes	<b>Positive</b> - The policy applies to all children and vulnerable persons.
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	No	The policy makes no reference to gender and is applied equally to all children and vulnerable persons.
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	The policy makes no reference to race and applies equally to all children and vulnerable persons regardless of Race..
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	No	The policy makes no reference to religion or belief and applies equally to all children, and vulnerable persons regardless of Religion & Belief.
<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	No	The policy makes no reference to sexual orientation and applies equally to all children, vulnerable persons regardless of Sexual Orientation.

## Appendix E

<p><b>What evidence has been used to assess the likely impacts?</b> (e.g. demographic profiles, research reports, academic research, benchmarking reports, consultation activities, staff surveys, customer surveys, public surveys, complaints, grievances, disciplinary cases, employment tribunal cases, ombudsman cases, media reports)</p>			
<p><b>Legislation</b></p> <ul style="list-style-type: none"> <li>- The Gambling Act 2005</li> </ul> <p><b>Statutory guidance</b></p> <ul style="list-style-type: none"> <li>- 5<sup>th</sup> edition September 2015.</li> </ul> <p><b>Local Area Profiles</b></p> <ul style="list-style-type: none"> <li>- Key role in the protection of children and vulnerable persons</li> </ul>			
<p><b>What resource implications are there to deliver actions from this EIA?</b> (Quantify: people, time, budget, etc.)</p>			
<p>No additional resource required</p>			
<p><b>Outcome following initial assessment</b></p>			
<p>Does the activity have a <b>positive</b> impact on any of the protected groups or contribute to promoting equality, equal opportunities and improving relations within target groups?</p>	<p>Yes</p>	<p>If yes, record the evidence below. If no STOP and re-examine the activity.</p> <p>The policy supports the council's duties to protect children and vulnerable persons with regards to gambling.</p>	
<p>Does the activity have a <b>negative impact</b> on any of the protected groups, i.e. disadvantage them in any way.</p>	<p>No</p>	<p>If yes, identify necessary changes and record appropriate actions below. If no, record the evidence and assessment is complete.</p>	
<p><b>Decision following initial assessment</b></p>			
<p><b>Continue with existing or introduce new / planned activity</b></p>	<p>Yes</p>	<p><b>Amend activity based on identified actions</b></p>	<p>No</p>



## Appendix E

<b>Action Plan</b> (Has the EIA identified any positive or negative impact on any of the protected groups which requires action? E.g. adjustments to the approach or documents, changes to terminology, broadening parameters of policy, etc. If so record any actions to be undertaken and monitored)			
<b>Impact identified</b>	<b>Action required</b>	<b>Lead Officer</b>	<b>Deadline</b>
Impact on the trade.	Revision of the Councils policy with regards to the Statement of Licensing Principles in accordance with the Gambling Act 2005	Tony Baldock	2017

<b>Monitoring &amp; Review</b>	
<b>Date of last review or Impact Assessment:</b>	Not known
<b>It is recommended that this policy is reviewed whenever there are updates to relevant legislation and statutory guidance as and when required.</b>	Ongoing
<b>Date of next 3 year Impact Assessment (from the date of this EIA):</b>	November 2019

<b>Date EIA completed:</b>	17 November 2016
<b>Signed by Person Completing:</b>	Tony Baldock
<b>Date Sent to HR and Equalities Team:</b>	17 November 2016
<b>Approved by Head of Service:</b>	Clem Smith

NB – The original signed hard copy & an electronic copy should be kept within your Department for audit purposes. Send an electronic copy to the OD Officer in HR & Development. Also, please complete the summary document overleaf. This will be included on the Council's website.

The EIA Toolkit provides guidance on completing EIAs & HR&D can provide further advice.

## Crawley Borough Council Equality Impact Assessment



Completed Equality Impact Assessment	Key findings	Future actions
<p><b>Directorate / Division:</b> Economic &amp; Environmental Services</p> <p><b>Function or policy name:</b> Statement of Licensing Principles In accordance with the Gambling Act 2005</p> <p><b>Officer completing assessment (Job title):</b> Tony Baldock Environmental Services Manager</p> <p><b>Date of assessment:</b> 17 November 2016</p>	<p>The policy has been reviewed and revised following changes to legislation and statutory guidance following consultation with submitted comments included.</p> <p>Comments submitted following statutory consultation included in final draft. Three year statutory revision.</p> <p>Once this policy is approved, the Council as Licensing Authority will be able to make decisions regarding all aspect of gambling in accordance with the Gambling Act 2005.</p>	<p>This policy is fit for purpose. It will be regularly reviewed and updated when changes to legislation or statutory guidance are implemented</p> <p>Ongoing three yearly statutory revision – or to be regularly reviewed, particularly after changes in legislation or statutory guidance.</p> <p>Ongoing processing of applications and enforcement actions.</p>

# Crawley Borough Council

## Report to Overview and Scrutiny Commission 28 November 2016

### Report to Cabinet 30 November 2016

#### Safeguarding Children, Young People and Adults at Risk Policy 2016

Report of the Head of Community Services, HCS/03

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#### 1. Purpose

- 1.1 The Council has a legal responsibility to safeguard, protect and promote the wellbeing of children, young people and adults at risk. The Safeguarding Policy provides a framework for safeguarding and articulates the Council's commitment to safeguarding children, young people and adults at risk.
- 1.2 The report details the updates to the Safeguarding Policy. These are due to changes in legislation, statutory guidance, updates to the Pan Sussex safeguarding policies and procedures as well as developments in best practice.

#### 2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet:

The Cabinet is recommended to:

- 2.21 Approve the revised Crawley Borough Council Safeguarding Children, Young People and Adults at Risk Policy 2016 (attached as Appendix 1).
- 2.22 That delegated authority be given to the Head of Community Services, in consultation with the Cabinet Member for Public Protection and Community Engagement, to revise and update the Safeguarding Policy in future as further changes to legislation and statutory guidance are introduced.

#### 3. Reasons for the Recommendations

- 3.1 The recommendations are made to ensure that all staff, volunteers and elected members are equipped with the knowledge, skills and information to enable them to undertake their safeguarding responsibilities for Crawley Borough Council.

## 4. Background

- 4.1 The current Safeguarding Policy was last approved in January 2007. Since then, various changes to legislation have taken place. These include:
- The Equality Act (2010)
  - The Care Act (2014)
  - The Modern Slavery Act (2015)
  - The Counter Terrorism and Security Act (2015)
- 4.2 Along with statutory guidance:
- Safeguarding children and young people from sexual exploitation (2009)
  - Working together to safeguard children (2015)
  - What to do if you're worried a child is being abused (2015)
  - Information sharing guidance (2015)
  - FGM mandatory reporting duty (2015)
- 4.3 The Sussex Children's and Adults' safeguarding procedures are also regularly updated to reflect the changes in legislation and statutory guidance.
- The Pan Sussex Child Protection and Safeguarding procedures:  
<http://sussex.procedures.org.uk/>
  - Sussex Safeguarding Adults' Policy and Procedures:  
<http://sussexsafeguardingadults.procedures.org.uk/>

## 5. Description of Issue to be resolved

- 5.1 A range of services provided by, or on behalf of, the Council has the potential to impact upon the lives of children, young people and adults at risk. All staff have a duty to report allegations, disclosures and suspicions of abuse or neglect.
- 5.2 There are three parts to safeguarding children, young people and adults at risk:
- A duty to *protect* children, young people and adults at risk from maltreatment.
  - A duty to *prevent* impairment.
  - A duty to safeguard adults at risk in accordance with the Care Act (2014).
- 5.3 The Policy also aims to protect staff, volunteers and elected members from potential false allegations.
- 5.4 The Crawley Borough Council Safeguarding Policy has been updated to take into account the revised legislation and statutory guidance. It is also in-line with the Sussex Policy and Procedures (detailed above in section 4).
- 5.5 The Policy affects all staff (permanent, casual and temporary), volunteers and elected members. Consultants and contractors would be covered through procurement arrangements.

## 6. Information & Analysis Supporting Recommendation

- 6.1 The updated Safeguarding Policy reflects changes in legislation and statutory guidance, as referred to above in section 4 of this report.

- 6.2 The Lead Safeguarding Officer is a member of the Local Children's Safeguarding Board. The Lead Designated Safeguarding Officer regularly meets with West Sussex District and Borough Council safeguarding officers to share knowledge and information. These links ensure that Crawley Borough Council works consistently with other councils throughout Sussex. This updated Policy is also in-line with other West Sussex District and Borough Safeguarding Policies.
- 6.3 Ward members have not been consulted as this policy affects all members of the council.

## **7. Equality implications**

- 7.1 Under section 149 of the Equality Act 2010, when making decisions, the Council must have regard to the Public Sector Equality Duty, i.e. have regard to:
- eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The characteristics protected by the Equality Act are:

- Age
  - Disability
  - Gender reassignment
  - Marriage/civil partnership
  - Pregnancy/maternity
  - Race
  - Religion/belief
  - Gender and sexual orientation
- 7.2 An equality impact assessment has been carried out and this is attached as Appendix 2 for consideration and shows some positive impact on protected groups. It also shows that the Safeguarding Policy is fit for purpose.

## **8. Legal implications**

- 8.1 The revised Safeguarding Policy, at Appendix 1, sets out the legal requirements and duty placed on the Council to ensure the safeguarding of all children, young people and adults at risk. Key legislation and statutory guidance is referred to in the Policy.
- 8.2 Key staff throughout the Council have already received tailored safeguarding awareness training throughout 2015 and 2016. As learning from serious case reviews is published and guidance is updated in the future, additional ongoing training for staff will be necessary.
- 8.3 Members have also been updated on key changes in legislation and statutory guidance at a seminar in October 2015.
- 8.4 It is recommended that an internal communications campaign will be undertaken once the new Policy is in place, to ensure all staff, volunteers and elected members are fully aware of their safeguarding responsibilities.

## 9. Background Papers

### Sussex safeguarding policies and procedures:

[Pan Sussex child protection and safeguarding procedures:](#)

[Sussex safeguarding adults' policy and procedures:](#)

### Sussex Safeguarding Boards:

[West Sussex Local Children's Safeguarding Board:](#)

[West Sussex Local Adult's Safeguarding Board:](#)

### Legislation:

[The Equality Act, 2010](#)

[The Care Act, 2014](#)

[The Modern Slavery Act, 2015](#)

[The Counter Terrorism and Security Act, 2015](#)

### Statutory guidance:

[Safeguarding children and young people from sexual exploitation, 2009](#)

[Working together to safeguard children, 2015](#)

[What to do if you're worried a child is being abused, 2015](#)

[Information sharing guidance, 2015](#)

[FGM mandatory reporting guidance, 2015](#)

### Report author and contact officer:

Victoria Wise, Community Services Manager and  
Lead Designated Safeguarding Officer

[Victoria.wise@ Crawley.gov.uk](mailto:Victoria.wise@ Crawley.gov.uk)

01293 43 8368

# **SAFEGUARDING CHILDREN, YOUNG PEOPLE AND ADULTS AT RISK POLICY 2016**

Crawley Borough Council

# Introduction and policy aims

This policy applies to all staff (permanent, casual and temporary), volunteers and elected members who may come into contact with children, young people and adults at risk in the course of their work, whether in someone's home, on Crawley Borough Council premises, or in the community.

It informs staff, volunteers and elected members about:

- **What actions to take if you have concerns about the safety or welfare of a child, young person or adult at risk (see 'Quick Reference Summary' on page 15).**
- **What will happen once you have taken these actions.**
- **What actions to take if you have concerns about the behaviour of a member of staff, volunteer or elected member relating to the safety of a child, young person or adult at risk.**
- **Behavioural expectations – reducing the risk of false allegations.**

It is designed to ensure that all staff, volunteers and elected members are equipped with the knowledge, skills and information to enable them to undertake their safeguarding responsibilities for Crawley Borough Council.

## **Why Safeguard?**

Everyone, including children, young people and adults at risk, have the right not to be abused.

Crawley Borough Council recognises the need to ensure the welfare of children, young people and adults at risk when they come into contact with services provided by the Council and the staff responsible for delivering those services. This also applies to organisations using our premises.

Many staff have regular contact with people within these groups and are in a position to observe signs which might indicate that a person is at risk. If signs which cause concern are observed, council staff, volunteers and elected members have a responsibility to refer suspected cases of abuse to an appropriate agency or person.

There are also staff, volunteers and elected members who may not have direct contact with some of these groups, but who have access to sensitive information or who work in public places, develop policy and plan services for children, young people and adults at risk. It is equally important that these staff, volunteers and elected members have regard to the importance of safeguarding.

## **What does the Policy say?**

Crawley Borough Council will promote the safeguarding of children, young people and adults at risk through all services it delivers and will consult them, so that they may help shape the Council's services.

All staff (casual, temporary and permanent), volunteers and elected members have a duty to report allegations, disclosures and suspicions of abuse or neglect. Consultants and contractors are covered through procurement arrangements.



Crawley Borough Council's safeguarding policy and procedures are in-line with both the Adults and Children's Sussex safeguarding procedures, which are available online at:

- **Pan Sussex Child Protection and Safeguarding Procedures:**  
<http://sussex.procedures.org.uk/>
- **Sussex Safeguarding Adults' Policy and Procedures:**  
<http://sussexsafeguardingadults.procedures.org.uk>

It is not the Council's role to establish whether or not abuse is taking place but it is the Council's responsibility to record and report any concerns over the welfare of children, young people or adults at risk. This duty extends to the identification of abuse, poor practice by staff, volunteers and elected members of the Council, as well as allegations brought to the attention of the Council by a member of the public/community. It is also the Council's responsibility to ensure that the services we provide and the staff that we employ are suitable for children, young people and adults at risk.

### **Scope**

A range of services provided by or on behalf of the Council has the potential to impact upon the lives of children, young people and adults at risk.

This Safeguarding Policy outlines the Council's commitment to safeguard and promote the welfare of children, young people and adults at risk. It covers:

1. What is safeguarding?
2. Key legislation and statutory guidance
3. Accountability
4. Our commitment
5. Responsibilities
6. Recruitment
7. Training and development
8. Procurement
9. Funding agreements
10. Information sharing and partnerships
11. Referral procedures
12. Allegations procedures
13. Responding, recording and reporting allegations, disclosures and suspicions
14. Quick reference summary
15. Support for reporter of alleged abuse
16. Behavioural expectations
17. E-safety
18. Designated safeguarding officers
19. Associated policies

The policy applies to all staff, volunteers and elected members. The term "staff" refers to casual, temporary, and permanent staff. Consultants and contractors are covered through the Procurement code.

# 1. What is safeguarding?

The Council aims to safeguard and promote the welfare of all children, young people and adults at risk irrespective of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and sexual orientation. They all have the right to protection from abuse.

The term 'children and young people' is used to refer to anyone under the age of 18 years.

The term 'adult at risk' refers to any person aged 18 years or over who meets the following criteria:

- Has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse and neglect.

Carers are also included and are entitled to an assessment of their needs, where they meet the tests set out above.

**There are three parts to safeguarding children, young people and adults at risk:**

- **a duty to *protect* children, young people and adults at risk from maltreatment**
- **a duty to *prevent* impairment**
- **a duty to safeguard adults at risk in accordance with the Care Act (2014)**

The Council intends to safeguard children, young people and adults at risk from the following types of abuse:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Child Sexual Exploitation (CSE)
- Female Genital Mutilation (FGM)
- Financial or Material Abuse
- Domestic Abuse
- Psychological Abuse
- Discriminatory Abuse
- Organisational Abuse
- Modern Slavery
- Neglect
- Self-Neglect
- Radicalisation
- Risk of Injury
- Cyber/internet Abuse

Abuse and neglect are forms of maltreatment. Somebody may abuse or neglect a child, young person or adult at risk by inflicting harm, or by failing to act to prevent harm. Individuals may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

Promoting welfare refers to creating opportunities to enable children and young people to have optimum life chances in adulthood, namely:

- Physical and mental health and emotional well-being
- Protection from harm and neglect
- Education training and recreation
- The contribution made by them to society
- Social and economic well-being.

The emphasis in the Council's work with adults at risk is to promote the empowerment and wellbeing of adults at risk through the services it provides. To also act in a way which supports the rights of individuals to lead a life based on self-determination and personal choice as well as recognise people who are unable to take their own decisions and/or protect themselves and their assets.

Crawley Borough Council is committed to safeguarding and protecting children, young people and adults at risk in all its services. The Council aims to consult with children, young people and adults at risk in policy and service delivery matters which affect them, so that they may help shape the Council's services.

## 2. Key legislation and statutory guidance

This policy has been produced to meet the Council's legal obligations in relation to following legislation and statutory guidance for safeguarding of children, young people and adults at risk.

### Legislation

- The Housing Act (1996)
- The Human Rights Act (1998)
- The Terrorism Act (2000)
- The Licensing Act (2003)
- The Children Act (1989 and 2004)
- The Safeguarding Vulnerable Groups Act (2006)
- The Child Care Act (2006)
- The Equality Act (2010)
- The Care Act (2014)
- The Modern Slavery Act (2015)
- The Counter Terrorism and Security Act (2015)

### Statutory guidance

- United Nations Convention on the Rights of the Child (1991)
- Department of Health 'No Secrets' (2000)
- Safeguarding children and young people from sexual exploitation (2009)
- Working Together to Safeguard Children (2015)
- What to do if you're worried a child is being abused (2015)
- FGM Mandatory Reporting Duty (2015)
- Information Sharing Guidance (2015)

From April 2015, the Care Act (2014) ensures a statutory duty in regards to adult safeguarding. This is to ensure an adult at risk and/or carer can live safely, comfortably and free from abuse.

### 3. Accountability

Ultimately, accountability for safeguarding and protecting children, young people and adults at risk under this policy falls to the Chief Executive as detailed in the Children Act 2004 and the Care Act 2014. The Council has delegated this responsibility to Head of Community Services, Chris Harris (Lead Safeguarding Officer (LSO)).

The Elected Member responsible for safeguarding children, young people and adults at risk is the Cabinet Member with responsibility for Public Protection and Community Engagement.

The Council's Designated Safeguarding Officers are responsible for ensuring that all safeguarding and welfare concerns are reported to the relevant investigating agencies in accordance with the Council's Safeguarding Policy and ensuring that information is recorded appropriately. They also provide an important communication link between the Council's Lead Safeguarding Officer (LSO) and other staff within the Council.

In addition to the above, the Council's Lead Designated Safeguarding Officer (LDSO), Community Services Manager, Victoria Wise, is responsible for:

- Monitoring referrals,
- Supporting the Council's Designated Safeguarding Officers,
- Co-ordinating and delivering training,
- Facilitating an internal Safeguarding working group,
- Liaising with Lead Designated Safeguarding Officers from other boroughs and districts.

All staff, volunteers and elected members:

- Have a duty to report allegations, disclosures and suspicions of abuse or neglect.
- Are responsible for ensuring that the activities in which they are involved during the course of their work are carried out in accordance with this policy.

Managers and Heads of Service are responsible for ensuring that staff and volunteers understand, adhere to and implement this Policy.

### 4. Our commitment

**Crawley Borough Council will seek to meet its safeguarding responsibilities by:**

- Undertaking its 'duty to co-operate' under the Children Act 2004 and the Care Act 2014.
- Being a 'champion', influencing other organisations to improve children's, young people's and adults at risk's lives.
- Not employing people or recruiting volunteers who are a risk.
- Providing some services which could resolve children, young people and adults at risk's safety issues (e.g. anti-social behaviour investigations).
- Identifying potential risks to children, young people and adults at risk and directly influencing children's, young people's and adults at risk' lives through the services it provides.
- Learning from lessons of high profile serious case reviews (for example, cases such as, Victoria Climbié, Baby Peter and Child Sexual Exploitation (CSE) in Rotherham). This may include coordinating additional training for licensed operators and partner organisations.
- Working with organisations to help combat other national safeguarding concerns, such as Female

Genital Mutilation (FGM), Child Sexual Exploitation (CSE) and Modern Slavery.

- Not placing staff, volunteers or elected members in situations where they may be accused of inappropriate behaviour towards children, young people or adults at risk.
- Continuously reviewing its actions via. Section 11 self-assessments and reports to the Children's and Adults' Local Safeguarding Boards.

**Crawley Borough Council accepts its moral and legal responsibility to:**

- Implement safeguarding procedures.
- Provide a duty of care for children, young people and adults at risk.
- Safeguard the well-being of children, young people and adults at risk.
- Protect individuals from abuse when they are engaged in services organised and provided by the Council.
- Listen to and respect the views of children, young people and adults at risk.

**Crawley Borough Council will achieve this by:**

- Respecting and promoting the rights, wishes and feelings of children, young people and adults at risk.
- Raising the awareness of the duty of care responsibilities relating to children, young people and adults at risk throughout the Council.
- Promoting and implementing appropriate procedures to safeguard the well-being of children, young people and adults at risk to protect them from harm.
- Ensuring where services are provided by third parties that these organisations have appropriate policies and procedures in place to comply with their safeguarding duties.
- Creating a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur.
- Recruiting, training, developing, supporting, managing and supervising staff, elected members and volunteers to adopt best practice to safeguard and protect children, young people and adults at risk from abuse, and minimise risk to them.
- Responding to any allegations of misconduct or abuse of children, young people or adults at risk in-line with this policy and the Adults' and Children's Local Safeguarding Boards procedures, as well as implementing, where appropriate, the relevant disciplinary and appeals procedures.
- Having a formal process for recording and notifying concerns to other agencies about potential child, young person or adult at risk abuse.
- Having (and promoting to staff, volunteers and elected members) clear communication channels in case of suspicions about child, young person or adults at risk abuse, or other risks.
- Requiring staff, elected members and volunteers to adopt and abide by the Council's Safeguarding Policy and associated procedures.
- Reviewing and evaluating the effectiveness of this policy and associated procedures documents on an annual basis via the Section 11 Audit and reports to both the Local Children's and Local Adults' Safeguarding Boards.

## 5. Responsibilities

Under this policy, all staff, volunteers and elected members have a responsibility to:

**Prevent abuse or harm of children, young people and adults at risk.** i.e. endeavour to ensure that all children, young people and adults at risk using the Council's services do so safely and appropriately, and are treated with respect and understanding.

**Protect children, young people and adults at risk from abuse or harm.** i.e. take all reasonable steps to safeguard and protect the rights, health and wellbeing of children, young people and adults at risk who take part in activities organised by the Council and within its facilities. As well as those of children, young people and adults at risk, whom staff may come into contact with, within the course of their work.

**Support children, young people and adults at risk.** i.e. promote the welfare of children, young people and adults at risk.

For children and young people, promoting welfare refers to creating opportunities to enable children and young people to have optimum life chances in adulthood.

For adults at risk, promoting welfare refers to the empowerment and wellbeing of adults at risk through the services it provides. To act in a way which supports the rights of individuals to lead a life based on self-determination and personal choice as well as recognise people who are unable to take their own decisions and/or protect themselves and their assets.

## 6. Recruitment

All staff and volunteers will be appointed in accordance with the Council's Recruitment and Selection Procedures and will be subject to Disclosure and Barring Service (DBS) clearance where appropriate. These are designed to provide a rigorous and thorough selection process and to carry out all necessary checks, particularly on individuals seeking to work with children, young people and adults at risk.

In accordance with DBS procedures, we will report to the DBS individuals who come to our attention through the recruitment process who have caused harm to a child, young person or adult at risk.

## 7. Training and development

Training, development and continuous review is key to ensuring that this Safeguarding Policy is implemented effectively.

Staff, volunteers and elected members will receive safeguarding training (including e-safety and CSE) or information regarding safeguarding and are expected to apply these principles as part of their day-to-day working practice. The training and/or information will be at a level appropriate to their role, depending on the degree to which they are in contact with, have sensitive information about and/or plan services for children, young people and adults at risk.

Designated Safeguarding Officers (DSOs) will receive additional higher-level training to enable them to support and advise staff, volunteers and elected members.

Staff training and development needs and opportunities relating to safeguarding and protection issues will be identified and addressed in an ongoing manner and in response to any changes in legislation. Training may include internal courses/workshops, externally accredited courses/seminars or workshops organised by child protection/adult at risk safeguarding agencies.

Elected Members' training and development will be identified and addressed through their induction as well as seminars when appropriate.

Co-ordination of training may also be extended to others, such as private hire or taxi drivers and B&B owners, where there are specific local concerns e.g. related to CSE.

## 8. Procurement

Partners or contractors working for, with, and on-behalf of the Council in areas where workers are likely to come into contact with children, young people or adults at risk will be required to comply with the requirements of this Policy and should reference e-safety, safeguarding and safer-recruitment where necessary.

All new contracts let by the Council which involve services for those who are likely to encounter children, young people and adults at risk will include appropriate reference to complying with this Policy. Evidence of this will be requested at the point of tender and then subsequently checked at periodic intervals or through contract management.

## 9. Funding agreements

Groups and organisations that receive funding from the Council for services and projects that affect children, young people and/or adults at risk will be required to prove that they discharge their safeguarding responsibilities in-line with Crawley Borough Council's statutory safeguarding responsibilities.

This will include evidence of appropriate and proportionate safeguarding policies, recruitment and vetting procedures and training and development for staff, volunteers, trustees etc.

## 10. Information sharing and partnerships

The Council supports the principle of sharing information with other agencies and will document information where appropriate to support this process. Data Protection should not be used as an excuse not to pass on important safeguarding information to relevant partner organisations. The Council is committed to close working with partners in all matters relating to safeguarding and protecting children, young people and adults at risk as well as to the relevant partnerships.

# 11. Referral procedures

This Safeguarding Policy informs all staff, volunteers and elected members of what actions they should take if they have concerns or encounter a case of alleged, disclosed or suspected child, young person or adult at risk abuse or neglect.

Staff, volunteers and elected members may come across cases of suspected abuse either through direct contact with children, young people and adults at risk, for example, running a holiday activity or for key staff (e.g. Housing Officers, Environmental Health, Benefit Officers) through visiting homes as part of their day to day work.

The primary responsibility of staff, volunteers and elected members is to ensure that any relevant information is passed to one of the Council's Designated Safeguarding Officers (DSO's) without delay (all DSO's contact details are listed on the Crawley Borough Council intranet), who will then discuss any action or referral to the relevant authority or authorities. These include the Police, West Sussex County Council Children's Social Care and Adults' Social Care. In addition to this, if a staff member receives a CSE disclosure, Sussex Police (Operation Kite) will be notified.

**It is not the Council's responsibility to investigate or decide whether or not a child, young person or adult at risk has been abused. It is, however, the Council's responsibility to report all concerns.**

## **Responding to Disclosures**

Abused children, young people and adults at risk are more likely to disclose details of abuse to someone they trust and with whom they feel safe. By listening and taking seriously what is disclosed, staff, elected members and volunteers are already helping the situation. The following points are a guide to help you respond appropriately:

### **If a child, young person or adult at risk discloses abuse to you, you must:**

- Stay calm and be sensitive.
- Inform the child, young person or adult at risk who discloses the abuse that you may need to refer this to one of the Council's Designated Safeguarding Officers (DSO's), and depending on the severity of the information disclosed, it may need to be referred to the Police, Children's Social Care or Adult's Social Care.
- Record all observations and everything that is said.
- Contact one of Crawley Borough Council's DSO's at the earliest possible opportunity.

## **Responding to Observations and Suspicions**

### **If you suspect abuse, you must:**

- Stay calm and be sensitive.
- If a child, young person or adult at risk is in immediate danger CALL 999 and ask for an emergency services response.
- In all cases record all observations and everything that is said.
- In all cases contact one of Crawley Borough Council's DSO's at the earliest possible opportunity. See the intranet for the most up-to-date list of DSO's.



**In the event that you have concerns about a child or young person and immediate action is not required (see above) the following process should be followed *within 1 working day of the recognition of risk*.**

The Designated Safeguarding Officer will support you to:

- Decide whether to refer to Children's or Adults' Social Care (Children's: Multi-agency Safeguarding Hub (MASH) or, Adults Care Point);
- Seek consent from the child's family for a referral to Social Care unless this may;
  - Place the child at risk of significant harm e.g. by the behavioural response it prompts or by leading to an unreasonable delay
  - Lead to the risk of losing evidential material or
  - In cases where fabricated or induced illness is suspected.

A decision not to seek parental agreement and the reasons for that should be recorded. Where the parent refuses to give consent for the referral further advice should be taken, unless this would cause undue delay, and the outcome fully recorded. If, having taken the parents' wishes into consideration it is still considered necessary to make a referral, the reason for proceeding should be recorded and social care told that consent has been withheld.

**You must seek consent from the adult at risk, unless there is an issue of lack of mental capacity. This should be recorded in the referral to Adult's social care.**

**Where appropriate, make a referral to Children's or Adults' social care:**

**Children's safeguarding referral:**

***Multi-agency Safeguarding Hub (MASH)***

- Referral form: <http://www.westsussexscb.org.uk/professionals/contacts-for-referral/>
- Secure GCSX email: [MASH@westsussex.gcsx.gov.uk](mailto:MASH@westsussex.gcsx.gov.uk)
- Telephone: 01403 22 99 00

**Adults at risk safeguarding referral:**

***Adults Care Point***

- Referral form: <https://www.westsussex.gov.uk/social-care-and-health/how-to-get-social-care-help/adults/raise-a-concern-about-an-adult/>
- Telephone: 01243 64 21 21

- Confirm the telephone referral in writing within 24 hours via the referral forms or a secure GCSX email.
- Ensure a copy of the referral is sent to the LDSO.
- Ensure that confidentiality is maintained unless discussion helps protect the child.
- Receive personal emotional support if necessary.

### **Out of Hours Arrangements**

If you suspect abuse, or abuse is disclosed to you outside normal office hours, you must:

***For Children:***

- Call 0330 222 6664 out of office hours (5pm to 8am weekdays) and for emergencies at weekends and bank holidays (24 hours).

***For Adults at risk:***

- Contact the West Sussex Adults' Services out-of-hours service directly on 01243 642 121.

**Record all observations and everything that is said**

**Report the disclosure / suspicions and subsequent action to one of the Council's DSO's the next working day.**

Should you wish to consult with one of Crawley Borough Council's Designated Officers before reporting your concerns to West Sussex Children and Adults Out-of-Hours Service, phone Chris Harris, the Council's Lead Safeguarding Officer on 07818 414 364 or Victoria Wise, Lead Designated Safeguarding Officer on 07807 824 537.

## 12. Allegations procedures

### **Allegations against staff, volunteers and elected members**

It is important that any concern arising from potential abuse, harassment, inappropriate conduct or neglect by a member of staff, volunteer or elected member of the Council should be reported immediately.

Where an allegation of abuse has been made, then the priority must be to ensure the wellbeing of the individual. However, if the allegation is of abuse by a member of Crawley Borough Council staff, volunteer, elected member or third party working on behalf of Crawley Borough Council, it is the responsibility of Crawley Borough Council to investigate immediately, and cooperate with the relevant authorities.

**If during working hours, the member of staff making or receiving the allegation against another member of staff should initially report to Chris Harris, LSO and Lucasta Grayson, Head of People and Technology as a matter of urgency.**

If an event or activity takes place outside of normal working hours then the officer who has received or is making the allegation must report his or her concerns as above by the next working day.

Crawley Borough Council will support all staff that in good faith report incidents where an individual may be harmed. However staff should be aware allegations made maliciously will be dealt with under the Council's Disciplinary Procedures.

If a member of staff or volunteer is disturbed by the incident then counselling will be considered and they should contact their line manager or a member of the HR team.

Where appropriate, following an initial investigation, the complaint against a member of staff will be considered under the Council's Disciplinary Procedure as Gross Misconduct, but any internal investigations will be conducted in consultation with West Sussex Local Authority Designated Officer (LADO), Social Services or the Police.

**If you have received an allegation about a member of staff / volunteer or are concerned about their poor practice, you must:**

- Stay calm and be sensitive.
- Record all observations and everything that is said.
- Contact the Lead Safeguarding Officer (LSO) and Head of People & Technology at the earliest possible opportunity.
- If you are unable to contact the LSO or Head of People & Technology, you should contact the LADO or HR & OD Manager.
- Crawley Borough Council's LSO must contact the Local Area Designated Officer (LADO) for West Sussex County Council immediately if the allegation concerns a child. They must also inform Ofsted (if the alleged incident has occurred in a childcare setting for children under 8 years).

In the case of an allegation or concern about the Council's Head of People & Technology, this should be reported to the Head of Community Services or the Chief Executive.

**Local Area Designated Officer (LADO) for Safeguarding and Allegations Management Team**

***Contact details for the LADO:***

- Tel: 0330 222 3339
- Address: Safeguarding in Education and Allegations Management Team, Room 24, Durban House, Durban Road, Bognor Regis, PO22 9RE
- Email: [lindsey.tunbridge-adams@westsussex.gov.uk](mailto:lindsey.tunbridge-adams@westsussex.gov.uk),
- Assistant LADO: [Claire.coles@westsussex.gov.uk](mailto:Claire.coles@westsussex.gov.uk), [anne.richards@westsussex.gov.uk](mailto:anne.richards@westsussex.gov.uk)

**If you have received an allegation about an elected member or are concerned about their poor practice, you must:**

- Stay calm and be sensitive.
- Record all observations and everything that is said.
- Contact the Head of Legal and Democratic Services at the earliest possible opportunity, who will investigate in liaison with the Council's Lead Safeguarding Officer, as appropriate.

**Once the LADO has been informed then you and colleagues will follow all instructions from appropriate professionals and cooperate fully with any further investigations.**

Crawley Borough Council's Disciplinary Procedure will also be implemented, although it can be superseded at any time by statutory requirements as set out in:

- <http://sussex.procedures.org.uk/>
- <http://sussexsafeguardingadults.procedures.org.uk/>

## 13. Responding, recording and reporting allegations, disclosures and suspicions

### **Confidentiality**

All suspicions, enquiries and external investigations are kept confidential and shared only with those who need to know. Any information is shared in-line with guidance from the Local Children's Safeguarding Board (LSCB) and the Local Adult's Safeguarding Board.

### **Recording**

Staff, volunteers and elected members must fill in the appropriate forms online when making a referral to either Children's Social Care via the MASH (Multi-agency safeguarding hub) or Adults Care Point for all allegations, disclosures and suspicions relating to the safeguarding of children and adults at risk.

A copy of the referral form must be kept and sent immediately to the DSO and LDSO to ensure that all facts are recorded properly and accurately. Details of all safeguarding referrals sent to MASH or Adults Care Point will be held in a single corporate database and managed by the LDSO.

All staff, volunteers and elected members must report safeguarding allegations, disclosures and suspicions to one of the DSO's, the LDSO or LSO immediately.

It is the responsibility of the Council's DSO's to take a lead on and report allegations, disclosures and suspicions to the Police and/or MASH and Adult Care Point. It is also their responsibility to ensure completed records are passed to the LDSO and to take any other action appropriate.

### ***Reporting allegations made against staff, volunteers and elected members***

#### **Unfounded allegations**

False or Unfounded allegations will result in all rights being re-instated.

#### **Founded allegations**

Founded allegations will be passed on to the relevant organisations including the local authority children's social care team, LADO and where an offence is believed to have been committed, the police, and will result in the termination of employment.

Where the incident has taken place in a childcare establishment for children under the age of 8 years Ofsted will be notified immediately of the decision.

The LSO or Head of People and Technology will notify the Disclosure and Barring Service of this immediately and also if the individual concerned leaves the Council's employment during the investigation process and the allegation is subsequently substantiated.

### ***Recording allegations made against staff, volunteers and elected members***

All records relating to an allegation against staff, volunteers and elected members will be kept until the

person reaches normal retirement age or for 10 years, if that is longer.

This information must be provided on all future references for that individual.

# 14. Quick reference summary

## Suspicion/Observation

Stay calm and be sensitive



Observe. Intervene if emergency medical attention is required or there is immediate risk of harm.



Inform DSO  
(If out of hours, contact the MASH or Adult's Care Point directly (*page 11*) and report to one of the DSO's the next working day)



With advice from the DSO, record all details and if appropriate refer to MASH or Adult's Care Point (*page 10*) (and Police if necessary) using their relevant online referral forms.



## Disclosure

Stay calm and be sensitive



Inform the child, young person or adult at risk disclosing the abuse that you may need to refer this to one of the Council's Designated Safeguarding Officers (DSO's) and depending on the severity of the information disclosed, it may need to be referred to the Police and Children's and Adults' Social Care.



Listen. Intervene if emergency medical attention is required or there is immediate risk of harm.



Inform DSO  
(If out of hours, contact the MASH or Adult's Care Point directly (*page 11*) and report to one of the DSO's the next working day)



With advice from the DSO, record all details and if appropriate refer to MASH or Adult's Care Point (*page 10*) (and Police if necessary) using their relevant online referral forms.



## Allegation against a member of staff

Stay calm and be sensitive



Listen. Observe. Intervene if emergency medical attention is required or there is immediate risk of harm.



Inform the LSO (Head of Community Services) and Head of People and Technology. If not available inform the LDSO and HR & OD Manager



Record all details and send to LSO and Head of People and Technology.

LSO and Head of People and Technology to take appropriate action (referral to LADO and Ofsted, *page 12*)



## Allegation against an elected member

Stay calm and be sensitive



Listen. Observe. Intervene if emergency medical attention is required or there is immediate risk of harm.



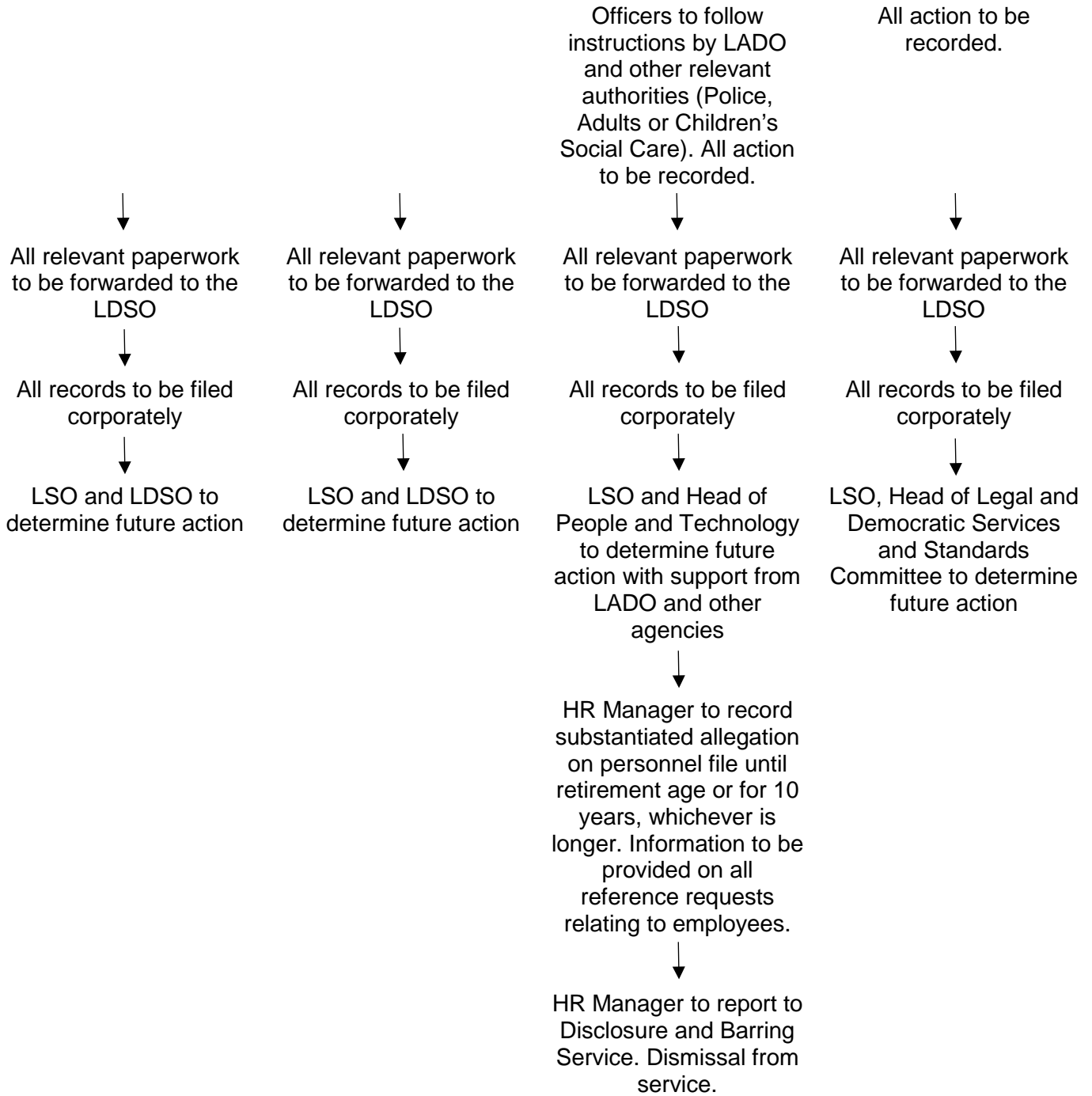
Inform the LSO and Head of Legal and Democratic Services.



Record all details and send to LSO and Head of Legal and Democratic Services.

LSO and Head of Legal and Democratic Services to take appropriate action.





## 15. Support for reporter of alleged abuse

Strong feelings may be generated by an allegation, disclosure or suspicion of abuse to, or neglect of, children, young people and adults at risk, especially if the allegation relates to a member of staff, volunteer or elected member. This can raise concerns among other staff, volunteers or elected members and create difficulties in reporting such matters.

The Council will fully support and protect all staff, volunteers or elected members who, in good faith and without malicious intent, report his or her concern about a colleague's practice or the possibility that a child, young person or adult at risk may be being abused.

## 16. Behavioural expectations

Whilst providing services for children, young people and adults at risk, Crawley Borough Council staff are in a position of trust and responsibility and this should be uppermost in practitioners' minds at all times. It is more important than ever for staff and volunteers to understand how they can best protect children, young people and adults at risk and themselves from false allegations whether working directly with, or inadvertently coming into contact with, children, young people and adults at risk during their work.

This section outlines the behaviour expected of Crawley Borough Council staff, volunteers, contractors, elected members and staff from other organisations who engage with children, young people and adults at risk through Crawley Borough Council and its services.

### **Code of conduct for adults working with children, young people and adults at risk**

This code has been developed to provide advice which will not only help to protect children, young people and adults at risk but will also help identify any practices which could be misconstrued and perhaps lead to false allegations of abuse being made against individuals.

Following this good practice code will also help to protect Crawley Borough Council by reducing the possibility of anyone using their role within the organisation to gain access to children, young people and adults at risk in order to abuse them.

When working with children, young people and adults at risk for Crawley Borough Council, all staff and volunteers are considered to be acting in a position of trust. It is therefore important that staff, volunteers and peer leaders are aware that they may be seen as role models by children and must act in an appropriate manner at all times and follow the code of conduct.

All members of staff and volunteers are expected to report breaches of this code to the Council's LSO, line manager or HR.

Staff breaching this code may be subject to Crawley Borough Council disciplinary procedures.

Any breach of this code involving a volunteer or member of staff from another agency may result in them being asked to leave the project. Serious breaches of this code may also result in a referral being made to a statutory agency such as the police, children's or adult's social care.



### **When working with children, young people and adults at risk it is important to:**

- Always follow the Crawley Borough Council safeguarding policy.
- Listen to and respect children, young people and adults at risk at all times.
- Always avoid favouritism.
- Behave in a professional manner at all times and ensure professional boundaries are in place.
- Use respectful language.
- Ensure written parental consent, for example when taking photographs and transporting children.
- Avoid situations that could potentially be perceived as compromising you, for example giving a child a lift in your personal car, on your own.
- Respect confidentiality unless the information you have may impact on the safety or welfare of the child.
- Treat children and young people fairly and without prejudice.
- Ensure the appropriate child : staff ratio is adhered to during activities.
- Value and take children's contributions seriously.
- Ensure that, whenever possible, there is more than one adult present during activities or at least that you are within sight or hearing of others.
- Always inform another member of staff, preferably your manager, if you are concerned that your actions have been or could be misconstrued by a child, adult at risk or a third party.
- Respect an individual's right to personal privacy.
- Always ensure equipment is used appropriately and for the purpose it was designed for.
- Ensure any contact with children, young people and adults at risk is appropriate and in relation to the work or project.
- Always ensure language is appropriate and not offensive or discriminatory.
- Follow the ICT security policy and social media policy and report any breaches.
- Actively involve children and young people in planning activities wherever possible.
- Provide examples of good conduct you wish others to follow.
- Challenge unacceptable behaviour and report all allegations / suspicions of abuse.
- Ensure you record and report to your line manager and DSO any behaviour or incident that could compromise you, for example if a child touches you inappropriately.

### **You must not:**

- Believe it could never happen to me.
- Allow allegations to go unchallenged, unrecorded and unreported.
- Use any kind of physical punishment or chastisement such as smacking, hitting or rough handling.
- Engage in rough or physical games including tickling or horseplay.
- Use any racist, sexist, discriminatory or offensive language.
- Use an aggressive tone of voice whilst speaking to children, young people and adults at risk.
- Develop inappropriate relationships such as contact with children and young people that is not a part of the work of the project and agreed with the manager or leader. Sexual relationships between any adult member of staff or volunteer and a child, young person or adult at risk using Council services represents a serious breach of trust and are not permissible in any circumstances.
- Let children and young people have your personal contact details (mobile number, Facebook profile, any personal social media, address etc) or communicate on a personal level outside of the work environment.
- Allow abusive peer activities e.g. bullying.
- Use sarcasm or insensitive comments to children, young people and adults at risk.
- Act in a way that can be perceived as threatening, demeaning or intrusive.
- Make inappropriate promises to children and young people, particularly in relation to confidentiality.

### **Use of mobile phones and cameras**

It is prohibited for staff to use their personal mobile phones to take pictures of the children, young people or adults at risk attending the council's services. In childcare settings, personal mobile phones will be stored in a pre-specified location whilst staff are on duty.

In Crawley Borough Council childcare settings, no cameras will be allowed to be used on the premises other than a camera belonging to the Council which is used with written parental permission.

## **17. E-safety**

E-safety is the process of limiting risks to children, young people and adults at risk when using information and communications technology (ICT). E-safety is primarily a safeguarding issue, not a technological issue, which relates to the use of all ICT-fixed or mobile, current, emerging and future ICT. ICT is used daily as a tool to improve teaching, learning, communication and working practices to the benefit of our children and young people and those that work to support them. The use of ICT is recognised as being of significant benefit to all members of our community, in personal, social, professional and educational contexts. However alongside these benefits, there are potential risks that we have a statutory duty of care to manage, to ensure they do not become actual dangers to children and young people in our care or for employees.

Safeguarding against these risks is not just the responsibility of ICT departments, it is everyone's responsibility and this is reflected in the overall arrangements in place that safeguard and promote the welfare of all members of the community, particularly those that are vulnerable.

Much of the material on the internet is published for an adult audience and some is unsuitable for children and young people. In addition, there is information on weapons, crime, racism and extremist radicalisation that would be considered inappropriate. It is also known that adults who wish to abuse others may pose as another child/young person/peer to engage with them and then attempt to meet up with them. This process is known as 'grooming' and may take place over a period of months using chat rooms, social networking sites and mobile phones.

Cyberbullying is bullying through the use of communication technology and can take many forms e.g. sending threatening or abusive text messages or e-mails either personally or anonymously, making insulting comments about someone on a social networking site or blog or making/sharing derogatory or embarrassing videos of someone via mobile phone or e-mail.

As part of the ICT security policy, Crawley Borough Council requires all staff / volunteers to agree to the acceptable use policy before accessing the council's network.

### **Managing Incidents**

It is unlikely that any child, young person or adult at risk is able to access any inappropriate online sites due to Crawley Borough Council's limited and controlled public points of access. However, if any member of staff, volunteer or elected member has any concerns about a child, young person or adult at risk being groomed or accessing inappropriate online content, the incident should be reported to a Designated Safeguarding Officer like any other potential abuse.

The LSO is responsible for ensuring that the following procedures are followed in the event of any misuse of the internet or Crawley Borough Council ICT systems involving children, young people or adults at risk:

**If there has been inappropriate online contact, disclosed grooming, online bullying or any inappropriate or illegal websites viewed on CBC property:**

- Report to the LSO, LDSO or a designated Safeguarding Officer,
- Advise the child, young person or adult at risk on how to terminate the communication and save all evidence,
- Contact the parent(s)/carer(s),
- Contact the police on 101 as appropriate,
- The LSO or LDSO may inform Children's or Adult's Social Care if appropriate,
- Log the incident, including the date and time and send a copy to the LDSO,
- Identify support for the child, young person or adult at risk.

If a child, young person or adult at risk discloses to any member of Crawley Borough Council staff, volunteer or elected member that they have accessed inappropriate or illegal online content, are being groomed, bullied or having contact with inappropriate online individuals or groups, it is the responsibility of all staff, volunteers and elected members to report this to a DSO. And for the DSO to report onto Adults or Children's social care as well as the Police, as appropriate (and following the procedures detailed in section 11, 12 and 13).

## 18. Designated safeguarding officers

Contact details for all of Crawley Borough Council's Designated Safeguarding Officers (DSO's) can be found on the intranet, within the safeguarding section.

**All disclosures or suspicions must be reported to a Designated Safeguarding Officer.**

The DSO is responsible for ensuring that all safeguarding and welfare concerns are reported to the relevant investigating agencies in accordance with this Safeguarding Policy and ensuring that information is recorded appropriately.

The specific functions of the DSO include:

- Acting as a source of support, advice and expertise when deciding whether to make a referral through liaison with the relevant agencies.
- Ensure consent has been appropriately sought when appropriate (see page 10).
- Supporting staff, volunteers and elected members to write and submit referrals.
- Ensuring that detailed, accurate and secure written records of referrals are recorded and kept and provide advice to staff that have concerns on what to record.
- Having a working knowledge of the joint Sussex safeguarding Protocol and the Common Assessment Framework.
- Challenging a referral not taken up by Children's and Adult's Social Care when it is considered an appropriate case.

In addition to the above, the Council's LSO and LDSO, have responsibility to:

- Monitor the number of safeguarding referrals and outcomes of these.
- Co-ordinate and deliver training to staff, volunteers and elected members in accordance with the West Sussex Training Framework.
- Liaise with and support the Council's DSOs.
- Facilitate an internal Safeguarding Working Group and cascade relevant information from the Local Safeguarding Boards and the District/Borough Safeguarding Officer Group.
- Ensure policy and procedures are in place and up-to-date.
- Oversee the development, implementation and monitoring of an action plan developed and updated annually (as part of Section 11 Assessment) to ensure the Council's safeguarding responsibilities are effectively carried out.
- Ensure that arrangements are made to identify staff that require training in child and adult at risk protection issues within their responsive area.
- Ensure that copies of the policy and procedures are available in their respective service areas.
- Ensuring the Council meets its statutory requirements, as set out in this report, and responds to requests from the Local Safeguarding Boards.
- Representing the Council on formal investigations into allegations of abuse led by Children and Adult Services including Serious Case Reviews.
- Working with the corporate management team and elected members to ensure that the Council's Safeguarding Policy is reflected in the Council's practice.
- Ensuring the Council is represented on the Local Safeguarding Boards and the District/Borough Safeguarding Officer Group(s).
- Ensuring that the lead elected member for safeguarding is informed and updated.

## 19. Associated policies

This Safeguarding Policy should also be read in conjunction with the following Crawley Borough Council documents:

- Recruitment and Selection Procedures
- ICT and social media policies and procedures
- Corporate Equalities Statement
- Complaints & Comments Policy and Procedures
- Health and Safety Policy
- Whistle Blowing Policy
- Lone Working Procedure
- Disciplinary Procedures
- Officers' Code of Conduct
- Members' Code of Conduct
- Home Office Prevent Strategy

## Appendix 2

### EQUALITY IMPACT ASSESSMENT

<b>Name of activity:</b>	<b>'Safeguarding Children, Young People and Adults at Risk Policy 2016'</b>	<b>Date Completed:</b>	<b>4/11/2016</b>
<b>Directorate / Division responsible for activity:</b>	<b>Community Services</b>	<b>Lead Officer:</b>	<b>Victoria Wise, Community Services Manager and Lead Designated Safeguarding Officer Chris Harris, Head of Community Services and Lead Safeguarding Officer</b>
<b>Existing Activity</b>	<b>x</b>	<b>New / Proposed Activity</b>	<b><input type="checkbox"/></b>
		<b>Changing / Updated Activity</b>	<b><input type="checkbox"/></b>

#### **What are the aims / main purposes of the activity? (Why is it needed? What are the main intended outcomes?)**

To promote the safeguarding of children, young people and adults at risk through all services that Crawley Borough Council delivers.  
 To consult with children, young people and adults at risk, so that they may help shape Crawley Borough Council's services.  
 To ensure that all Crawley Borough Council staff (casual, temporary and permanent), volunteers and elected members understand that they have a duty to report allegations, disclosures and suspicions of abuse or neglect.  
 To ensure that all staff are aware of their roles and responsibilities should an allegation, disclosure or suspicion of abuse or neglect occur.  
 To ensure all staff are aware of their roles and responsibilities should an allegation regarding a member of staff occur.  
 To ensure all staff are aware of behavioural expectations, to reduce the risk of false allegations.

#### **What are the main actions and processes involved?**

This policy seeks to ensure that all children, young people and adults at risk who come into contact with Crawley Borough staff, volunteers and elected members are fully safeguarded. It also seeks to ensure that all Crawley Borough Council staff, volunteers and elected members understand and carry out their safeguarding responsibilities effectively.

#### **Who is intended to benefit & who are the main stakeholders? (e.g. tenants, residents, customers or staff. How will they benefit?)**

The purpose of the policy is to protect and promote the welfare of the children, young people and adults at risk using or receiving services provided or commissioned by Crawley Borough Council. To also protect the council, its staff, volunteers and elected members.

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The ultimate beneficiary of this policy will be the local community – in particular children, young people and adults at risk. Crawley Borough Council has a duty to protect children, young people and adults at risk from maltreatment as well as a duty to prevent impairment.

**Have you already consulted on / researched the activity?** (What consultation has taken place & what were the key findings?  
What evidence already exists? Are there any gaps that need further investigation? What still needs to be done?)

The policy has been updated in-line with changes to legislation and statutory guidance. Other district and borough council safeguarding representatives across West Sussex have been liaised with to ensure parity where appropriate. Therefore it has been judged that full consultancy is not necessary for this policy. However, in-depth communication and (where relevant) training, with all staff, volunteers and elected members is key in delivery of this policy.

The policy works in association with the following Sussex safeguarding policies and procedures:

- Pan Sussex Child Protection and Safeguarding Procedures:  
<http://sussex.procedures.org.uk/>
- Sussex Safeguarding Adults' Policy and Procedures:  
<http://sussexsafeguardingadults.procedures.org.uk>

The policy is in-line with legislation and statutory guidance (detailed under evidence).

**Impact on people with a protected characteristic** (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
<b>Age</b> (older / younger people, children)	No	The policy applies to people of all ages
<b>Disability</b> (people with physical / sensory impairment or mental disability)	Yes	<b>Positive</b> - The policy applies to all children and young people equally. With regards adults at risk – one of the criteria for establishing whether an adult is at risk or not is whether they have needs for care and support. Therefore disability could meet this part of

## Appendix 2

		the criteria.
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	No	The policy makes no reference to gender and is applied equally to all children, young people and adults at risk.
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	The policy makes no reference to race and applies equally to all children, young people and adults at risk. Although cultural and language issues may need to be recognised and addressed.
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	No	The policy makes no reference to religion or belief and applies equally to all children, young people and adults at risk.
<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	No	The policy makes no reference to sexual orientation and applies equally to all children, young people and adults at risk.

**What evidence has been used to assess the likely impacts?** (e.g. demographic profiles, research reports, academic research, benchmarking reports, consultation activities, staff surveys, customer surveys, public surveys, complaints, grievances, disciplinary cases, employment tribunal cases, ombudsman cases, media reports)

### ***Pan Sussex policies and procedures:***

- Pan Sussex Child Protection and Safeguarding Procedures:  
<http://sussex.procedures.org.uk/>
- Sussex Safeguarding Adults' Policy and Procedures: <http://sussexsafeguardingadults.procedures.org.uk>

### ***Legislation***

- The Housing Act (1996)
- The Human Rights Act (1998)
- The Terrorism Act (2000)



## Appendix 2

- The Licensing Act (2003)
- The Children Act (1989 and 2004)
- The Safeguarding Vulnerable Groups Act (2006)
- The Child Care Act (2006)
- The Equality Act (2010)
- The Care Act (2014)
- The Modern Slavery Act (2015)
- The Counter Terrorism and Security Act (2015)

### **Statutory guidance**

- United Nations Convention on the Rights of the Child (1991)
- Department of Health 'No Secrets' (2000)
- Safeguarding children and young people from sexual exploitation (2009)
- Working Together to Safeguard Children (2015)
- What to do if you're worried a child is being abused (2015)
- FGM Mandatory Reporting Duty (2015)
- Information Sharing Guidance (2015)

Serious case reviews (for example, Victoria Climbié, Baby P, Orchid House, Rotherham etc) inform legislation and statutory guidance. The local West Sussex safeguarding boards respond to the recommendations from serious case reviews which feed into the Sussex policies and procedures too. Crawley Borough Council regularly reports into, and is audited by, the local WS safeguarding boards.

### **What resource implications are there to deliver actions from this EIA? (Quantify: people, time, budget, etc.)**

For all employees who come into contact with children, young people and adults at risk, safeguarding is a fundamental part of their duties.

The Lead Safeguarding Officer and Lead Designated Safeguarding Officer both have additional safeguarding responsibilities detailed in their job descriptions.

Specific staff across key teams have additional responsibilities as Designated Safeguarding Officers and are trained to a higher level.

Budget implications for regular training for all key teams across the Council.

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Outcome following initial assessment		
Does the activity have a <b>positive</b> impact on any of the protected groups or contribute to promoting equality, equal opportunities and improving relations within target groups?	Yes	If yes, record the evidence below. If no STOP and re-examine the activity.  The policy supports the council's duties to protect children, young people and adults at risk from maltreatment and to prevent impairment.
Does the activity have a <b>negative impact</b> on any of the protected groups, i.e. disadvantage them in any way.	No	If yes, identify necessary changes and record appropriate actions below. If no, record the evidence and assessment is complete.  The policy is fully compliant with the Equality Act and all relevant legislation, as detailed under evidence.

Decision following initial assessment			
<b>Continue with existing or introduce new / planned activity</b>	Yes	<b>Amend activity based on identified actions</b>	No

<b>Action Plan</b> (Has the EIA identified any positive or negative impact on any of the protected groups which requires action? E.g. adjustments to the approach or documents, changes to terminology, broadening parameters of policy, etc. If so record any actions to be undertaken and monitored)			
Impact identified	Action required	Lead Officer	Deadline
Ensuring all staff are aware of their safeguarding responsibilities.	Revision of all job descriptions to include reference to the safeguarding policy (also highlighted in the new Agency workers' contract)	Victoria Wise and Carron Burton	2017
Ensuring all staff are aware of their safeguarding responsibilities.	Ongoing relevant training and communication regarding safeguarding responsibilities for key staff – to be regularly reviewed, particularly after recommendations from serious case reviews, changes in legislation or statutory guidance.	Victoria Wise and Carron Burton	Ongoing

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Ensuring contractors are aware of their safeguarding responsibilities	Working closely with Procurement to ensure that safeguarding legislation is adhered to in all contracts.	Victoria Wise and Jo Newton-Smith	Ongoing
Ensuring all Elected Members are aware of their safeguarding responsibilities	Update Members induction handbook to include summary information and linking to the policy. Members' safeguarding seminars – if requested and appropriate.	Victoria Wise	

### Monitoring & Review

<b>Date of last review or Impact Assessment:</b>	Not known
<p><b>It is recommended that this policy is reviewed whenever there are updates to relevant legislation and statutory guidance as and when required.</b></p> <p><b>Crawley Borough Council's safeguarding practices, policy, procedures and training plan are all audited in detail (through the Section 11 Audit) by the West Sussex Local Children's Safeguarding Board every two years. This is a statutory audit for all public sector organisations. In our last review, we had improved our rating and are currently designated as 'good'.</b></p> <p><b>Along with all other West Sussex district and borough councils, we are also required, on a quarterly basis, to report to both the Local Children's Safeguarding Board and the Local Adults' Safeguarding Board with all updates to our safeguarding practices as well highlighting any issues.</b></p>	Ongoing
<b>Date of next 3 year Impact Assessment (from the date of this EIA):</b>	November 2019

<b>Date EIA completed:</b>	4 November 2016
<b>Signed by Person Completing:</b>	Victoria Wise
<b>Date Sent to HR and Equalities Team:</b>	4 November 2016
<b>Approved by Head of Service:</b>	Chris Harris

## **Appendix 2**

NB – The original signed hard copy & an electronic copy should be kept within your Department for audit purposes. Send an electronic copy to the OD Officer in HR & Development. Also, please complete the summary document overleaf. This will be included on the Council's website.

The EIA Toolkit provides guidance on completing EIAs & HR&D can provide further advice.

## Crawley Borough Council Equality Impact Assessment



Completed Equality Impact Assessment	Key findings	Future actions
<p><b>Directorate / Division:</b> Community Services</p> <p><b>Function or policy name:</b> Safeguarding Children, Young People and Adults at Risk Policy 2016'</p> <p><b>Officer completing assessment (Job title):</b> Victoria Wise, Community Services Manager and Lead Designated Safeguarding Officer</p> <p><b>Date of assessment:</b> 4 November 2016</p>	<p>This policy is fit for purpose. It will be regularly reviewed and updated when changes to legislation or statutory guidance are implemented.</p> <p>All key staff have already received tailored training throughout 2015 and 2016 to ensure all are up-to-date with the current legislation, statutory guidance and best practice procedures.</p> <p>Once this policy is approved, all staff, volunteers and elected members will be communicated with to ensure that all have easy access to the revised policy and understand their responsibilities. Communications will be through all relevant channels including: the intranet, members' bulletin, Outline staff newsletter, Team Brief and posters on walls of depots for front-line staff.</p> <p>All staff will be sign-posted to contact the designated safeguarding officers for advice and to ensure the correct reporting procedures are followed.</p>	<p>Revision of all job descriptions to include reference to the safeguarding policy (also highlighted in the new Agency workers' contract)</p> <p>Ongoing relevant training and communication regarding safeguarding responsibilities for key staff – to be regularly reviewed, particularly after recommendations from serious case reviews, changes in legislation or statutory guidance.</p> <p>Working closely with Procurement to ensure that safeguarding legislation is adhered to in all contracts.</p> <p>Update Members induction handbook to include summary information and linking to the policy. Members' safeguarding seminars – if requested and appropriate.</p>

# Crawley Borough Council



## Report to Cabinet 30 November 2016

### 2016/2017 Budget Monitoring - Quarter 2

Report of the Head of Finance, Revenues & Benefits, **FIN/395**

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#### 1. Purpose

- 1.1 The report sets out a summary of the Council's actual revenue and capital spending for the second Quarter to September 2016. It identifies the main variations from the approved spending levels and any potential impact on future budgets.

#### 2. Recommendations

- 2.1 The Cabinet is recommended to:

- a) **Note the projected outturn for the year 2016/2017 as summarised in this report.**
- b) **Approve an allocation of £1.1m from the £3.91m capital programme sum allocated for the Town Centre to extend the environmental improvement scheme in Queens Square along Queensway, The Pavement and Kingsgate, as part of the next phase of the Town Centre Regeneration Programme as outlined in paragraph 8.9.**

#### 3. Reasons for the Recommendations

To report to Members on the projected outturn for the year compared to the approved budget.

#### 4. Background

- 4.1 As part of the Budget Strategy, the Council has in place robust budget monitoring systems to ensure that unapproved overspends are avoided. The Council also manages and analyses underspending to identify potential savings that could help meet current and future years' priorities.
- 4.2 Budget monitoring is undertaken on a monthly basis with budget holders. There are quarterly budget monitoring reports to Cabinet with the Corporate Management Team receiving monthly update reports on key areas and any other areas of concern. The Overview and Scrutiny Commission also have the opportunity to scrutinise expenditure. Quarterly monitoring information is also included in the Members Information Bulletin.
- 4.3 This report outlines the projected outturn for 2016/2017 as at the end of September 2016.

## 5. Budget Monitoring Variations

### 5.1 General Fund

The table below summarises the projected variances in the relevant Portfolio at Quarter 2.

[F indicates that the variation is favourable, U that it is unfavourable]

Further details of these projected variances are provided in Appendix 1(i & ii) attached to this report.

	Variance at Quarter 2 £'000		Variance at Quarter 1 £'000
Cabinet	(119)	F	(74)
Public Protection & Community Engagement Resources	(1)	F	(2)
Environmental Services & Sustainability	(211)	F	(145)
Housing	(226)	F	(231)
Wellbeing	207	U	322
Planning & Economic Development	(153)	F	(154)
	(727)	F	(671)
Investment Interest	146	U	245
Transfer to Tilgate Park investment reserve	130		100
<b>TOTAL SURPLUS</b>	<b>(954)</b>	<b>F</b>	<b>(610)</b>

### 5.2 Significant variances variations over £20,000

#### 5.2.1 Cabinet

Staffing vacancies totalling £50,000 are forecast within Revenue Collection (£30,000) and Communications teams (£20,000).

#### 5.2.2 Public Protection & Community Engagement

There are no significant variations to report this quarter.

#### 5.2.3 Resources

Staffing vacancies totalling £65,000 are forecast within People & Technology and Print Services as shown in Appendix 1(ii).

Individual Electoral Registration (IER) costs are expected to exceed the government grant allocation by £25,000 due to additional mailing and printing costs.

Some non-essential Town Hall maintenance costs are being put on hold pending a formal decision on the future of the Town Hall, saving £18,000. Income generation for the Civic Hall is exceeding budget by £18,000 due to a successful publicity campaign.

#### **5.2.4 Environmental Services & Sustainability Services**

There are no significant variations to report this quarter.

#### **5.2.5 Housing Services**

The overspend reported at quarter one on temporary accommodation has been revised down to £240,000 based on an expectation that caseload will reduce from 70 to 40 in nightly paid accommodation from November onwards. This is in response to policy change on housing allocations.

#### **5.2.6 Wellbeing**

Tilgate Park & Nature Centre are projecting an increase of £30,000 above the additional £100,000 income identified in quarter one. This will be transferred to a reserve for reinvestment in the park.

#### **5.2.7 Planning & Economic Development**

Following a review of the Development Management staff structure, there has been a delay in recruiting to some positions which has increased the forecast overspend to £95,000 due to the extended use of temporary staff. The recruitment is expected to be complete by the third quarter. Improved confidence in planning application fee income is forecast to offset this overspend with additional income of £125,000.

#### **5.2.8 Investment Income**

The investment interest position has improved by £99,000 on the quarter one projection as a result of two factors. Notional interest on shared equity properties in the Forge Wood development accounts for £88,000 of this and the remainder is mostly because of higher investment balances than originally forecast. However, interest rates are low and are expected to remain low for the remainder of the year.

### **6. Virements**

Virements up to £50,000 can be approved by Heads of Service under delegated powers and reported to Cabinet for information.

6.1 There were no virements this quarter.

### **7. Council Housing Service – Revenue**

7.1 The table below provides details of the 2016/2017 HRA variances.



**HOUSING REVENUE ACCOUNT  
QUARTER 2**

	<b>Q2 Variation £000's</b>		<b>Q1 Variation £000's</b>
<b>Income</b>			
Rental Income	(304)	F	(157)
Other Income	234	U	165
Interest Received on balances	21	U	(23)
	<b>(49)</b>	<b>F</b>	<b>(16)</b>
<b>Expenditure</b>			
Employees	(70)	F	(92)
Repairs & Maintenance	42	U	0
Other running costs	(56)	F	(55)
Support services	0		0
	<b>(84)</b>	<b>F</b>	<b>(147)</b>
<b>Net (Surplus) / Deficit</b>	<b>(133)</b>	<b>F</b>	<b>(162)</b>
Available to fund future investment in housing	133		162

Further details of these projected variances are provided in Appendix 1(iii & iv).

- 7.2 Additional rental income of £226,000 has been projected due to an increase in voids and a subsequent increase in properties being let at target rent. New developments also account for some of the increase. Shortfall of Shared Owner rental income as two properties accounted for twice in the target and one property is no longer a shared ownership unit.
- 7.3 A number of vacant posts in the Think Family service has affected income and expenditure. One post no longer funded by the HRA with budget transferred for use as a Financial Inclusion officer post. Transfer of remaining staff on CBC contracts anticipated by April 2017.
- 7.4 There is a projected overspend of £40,000 in respect of asbestos surveys due to a change in legislation for void properties.

## **8. Capital**

- 8.1 The table below shows the 2016/17 projected capital outturn and proposed carry forward into 2017/18. Further details on the Capital Programme are provided in Appendix 2 to this report.

	Approved Budget 2016/17	Spend to Qtr 2	Estimated Outturn 2016/17	Re-profiled (to)/from future years	Under Spend
	£000's	£000's	£000's	£000's	£000's
Cabinet Resources	2,721	514	2,601	(120)	
Environmental Services & Sustainability	605	277	605		
Planning & Economic Development	2,926	306	2,926		
Public Protection & Community Engagement	7,899	7,899	7,899		
Housing Services	139	7	139		
Wellbeing	1,021	644	1,021		
	3,735	1,257	3,596	(99)	(39)
<b>Total General Fund</b>	<b>19,046</b>	<b>10,904</b>	<b>18,787</b>	<b>(219)</b>	<b>(39)</b>
Council Housing	17,093	5,315	15,943	(1,150)	
<b>Total Capital</b>	<b>36,139</b>	<b>16,220</b>	<b>34,730</b>	<b>(1,369)</b>	<b>(39)</b>

- 8.2 The current year's Operational Buildings Solar PV installation programme for K2 Crawley installation was originally proposed to be a 200 kwp system, due to technical issues the size was reduced to 100 kwp. As a result it is now anticipated that the year 1 spend will be lower than originally envisaged, therefore £120,000 budget has been moved to 2017/18.
- 8.3 Proposals for the new design of the K2 Crawley fitness area expansion have led to changes to the Fire Strategy (building escape plan etc.). This has resulted in specialist engineers having to review the drawings and prepare a revised design proposal. This delay has led to the initial start date being moved back to avoid January which is always the busiest time of year for the health & fitness area. This has resulted in £39,000 budget being moved to 2017/18.
- 8.4 The skate park improvements have been delayed due to Crawley Freestyle Association (the skate park user group) wishing to undergo additional consultation regarding preferred options. Crawley Freestyle Association are also looking into sourcing potential supplementary external funding in order to achieve additional improvements to the park. The £23,000 budget has been moved to 2017/18.
- 8.5 The Memorial Garden Improvements were delayed until the Community Services Manager position was recruited into. This post has now been filled and the Memorial Garden Improvement works have been programmed into the workload for 2017/18. The £37,000 budget has been moved to next year.
- 8.6 The K2 Crawley Crib Wall work is now complete and has come in under budget, the £39,000 underspend has been returned to capital reserves.
- 8.7 Historically the Council has provided discretionary grant funding to assist private sector residents improve their home insulation and is currently the only local authority in West Sussex to do so. Demand for grants has fallen significantly over the past few years. During this period the Council has introduced an alternative means of supporting residents in reducing fuel costs through the energy switch scheme. The Council can sustain support to residents through this scheme and by signposting to alternative

sources of funding that become available to residents from time to time, through both national and individual fuel company schemes. The Council also operates a repair loan scheme to enable residents to make essential repairs or improvements including those that will improve thermal insulation. The £156,000 future year's capital funding currently set aside for Home Insulation Grants can therefore be re-prioritised for either investment or other capital projects.

- 8.8 There has been some slippage in the HRA Development projects as follows:
- 8.8.1 The 2016/17 hostel refurbishments had a change of priorities with two properties being included within the hostel stock during the financial year. These properties have both been designed and an application for planning permission made, £450,000 budget has been moved to 2017/18 to cover the cost of these works.
- 8.8.2 There is a delay of approximately 4 months on the initial project plan on Telford Place development with £70,000 budget to be moved to 2017/18. Extra time was required for Soft Market testing and a revision of documents before procurement could be started and an extension to the tender period has resulted in delays to the Telford Place Development programme.
- 8.8.3 Timescale adjustments for 83-87 Three Bridges Road planning approval and decant of the existing hostels mean that payments relative to the construction phase will now not be made until the next financial year. At present this does not affect the overall completion date for the project, but has resulted in £500,000 budget being moved to 2017/18.
- 8.8.4 It was originally anticipated that the 2016/17 HRA Prelims budget would be used to progress Bewbush Phase 2 own build project and a number of smaller own build projects to planning. Revisions to the own build programme have resulted in Bewbush Phase 2 being pushed back, anticipated start on site now being 2019/20. The smaller own build projects have not been prioritised within the current revised plan. £130,000 of HRA Prelims budget has been moved to 2017/18 for use in progressing Bewbush Phase 2 to planning.
- 8.9 Extending the environmental improvement scheme in Queens Square along Queensway, The Pavement and Kingsgate, as part of the next phase of the Town Centre Regeneration Programme is scheduled to commence during 2017/18 with design development, consultation and a planning application. Construction is anticipated to begin in early 2018 and the project will be jointly funded by Crawley Borough Council and West Sussex County Council. Consequently, £1.1m of the Town Centre capital budget of £3.91m has been allocated as Crawley Borough Council's contribution to the scheme.
- 8.10 In the second quarter of 2016/2017 twenty Council Houses with a sale value of £2,873,000 were sold compared to nine in the second quarter last year. Of these receipts £260,000 was paid over to the Government with the balance being retained by the Council with £847,000 available for general capital expense and £1,766,000 set aside for 1-4-1 receipts. [The 1-4-1 arrangement is one where the Council retains a larger proportion of right to buy receipts than they otherwise would, in return for a commitment to spend the additional receipts on building or acquiring properties.]
- 8.11 The total cumulative 1-4-1 receipts retained is £18,786,000 which can be used to fund 30% of any expenditure on new affordable housing. It cannot be used on schemes supported by HCA Funding.
- 8.12 To date, £9,067,000 of 1-4-1 receipts has been used to partially fund the purchase of properties. Any unused 1-4-1 receipts that are unspent within 3 years are to be returned to the Government with interest. The risk of returning any unspent 1-4-1 receipts is managed by closely monitoring all affordable housing schemes.

**9. Background Papers**

Budget and Council Tax 2016/17 Cabinet 10 February 2016 Fin/380  
[Budget Monitoring Quarter 1 Cabinet 5 October 2016 Fin/392](#)

Contact Officer: - Paul Windust Corporate Accountant and Treasury Manager.  
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**Appendix 1 (i)**

	Original Estimate £000's	Latest Estimate £000's	Projected Outturn £000's	Variance £000's
Cabinet	1,437	1,559	1,440	(119)
Public Protection & Community Engagement	1,573	1,573	1,572	(1)
Resources	1,286	1,270	1,058	(211)
Environmental Services & Sustainability	5,984	6,027	5,801	(226)
Housing	3,275	3,330	3,537	207
Wellbeing	6,761	6,773	6,620	(153)
Planning & Economic Development	(2,142)	(2,144)	(2,826)	(682)
	18,174	18,388	17,203	(1,185)
Depreciation & Capital Financing	(2,984)	(2,984)	(2,984)	0
Renewals Fund	400	388	388	0
<b>NET COST OF SERVICES</b>	<b>15,590</b>	<b>15,792</b>	<b>14,606</b>	<b>(1,185)</b>
Interest on Balances	(1,118)	(1,118)	(1,017)	101
<i>Transfer to Tilgate Park investment reserve</i>			130	130
Grant Funding	0	(201)	(201)	
Council Tax	(6,387)	(6,387)	(6,387)	0
RSG	(1,776)	(1,776)	(1,776)	0
NNDR	(4,279)	(4,279)	(4,279)	0
New Homes Bonus	(1,881)	(1,881)	(1,881)	0
Section 31 Grants	(582)	(582)	(582)	0
				0
	(16,022)	(16,223)	(15,992)	231
<b>Net contribution from / (-to) Reserves</b>	<b>(432)</b>	<b>(432)</b>	<b>(1,386)</b>	<b>(954)</b>

## Main Variations identified for 2016/17 - General Fund

Appendix  
1 (ii)

### Cabinet

Corporate Policy - NGDP vacant post  
Finance - vacancies and reduced hours  
Revenue Collection - vacancy  
Communications - vacancies  
Minor variations

	Q2 Variation £000's	Q1 Variation £000's	
	(30)	(30)	one-off
	(26)	(26)	ongoing
	(30)	0	one-off
	(20)	0	one-off
	(13)	(18)	
	<b>(119)</b>	<b>(74)</b>	
	(1)	(2)	
	<b>(1)</b>	<b>(2)</b>	
	(50)	(50)	ongoing
	(65)	(65)	one-off
	(22)	(22)	one-off
	35	0	one-off
	(30)	0	one-off
	(20)	0	one-off
	(35)	0	one-off
	(15)	0	one-off
	(9)	(8)	
	<b>(211)</b>	<b>(145)</b>	
	(130)	(130)	ongoing
	(60)	(60)	ongoing
	(20)	(20)	ongoing
	(20)	(20)	ongoing
	4	(1)	
	<b>(226)</b>	<b>(231)</b>	

### Public Protection & Community Engagement

Minor variations

### Resources

Contact Centre - Review of management roles due in Autumn 16 with the potential to save one post  
Legal & Democratic Services - vacancies  
Savings in members NI and members training  
Additional cost of Individual Electoral Registration  
ICT staff vacancies  
HR staff vacancies  
Town Hall maintenance cost reduction and Civic Hall increased income  
Print Services - vacancies  
Minor variations

### Environmental Services & Sustainability

Community Warden vacancies  
Corporate Support Team - Salary surplus budget retained following last year's Admin Review, together with current part-year under spend due to vacant periods/grade changes.

New stationery contract savings  
Green waste service - additional income  
Minor variations

### Housing

Temporary accommodation - overspend based on an expectation that placements in nightly paid accommodation will reduce from November onwards as a result of temporary changes to policy.

Housing Services - staff vacancies

Minor variations

### Wellbeing

Expected net additional income at Tilgate in line with five-year development plan.

Community Services Officer vacancies

Minor variations

### Planning & Economic Development

Forward Planning - Staff savings pending 2016/17 service review

Development Management – use of agency staff whilst undertaking service restructure. Recruitment underway and staff expected to be in place by the third quarter.

Development Management – increase in planning application income

Commercial property income - increased rent base as a result of new investment property, including Ashdown House.

Built Environment Team - vacant officer hours

Minor variations

### **TOTAL GENERAL FUND VARIANCES**

Investment interest below budget

Transfer to Tilgate Park investment reserve

### **TRANSFER TO GENERAL FUND RESERVE**

	Q2 Variation £000's	Q1 Variation £000's	
	240	330	ongoing
	(30)	(20)	one-off
	(3)	12	
	<b>207</b>	<b>322</b>	
	(130)	(100)	ongoing
	(40)	(40)	one-off
	17	(14)	
	<b>(153)</b>	<b>(154)</b>	
	(130)	(130)	ongoing
	95	39	one-off
	(120)	0	one-off
	(560)	(570)	ongoing
	(20)	(20)	ongoing
	8	10	
	<b>(727)</b>	<b>(671)</b>	
	<b>(1,230)</b>	<b>(955)</b>	
	146	245	ongoing
	130	100	
	<b>(954)</b>	<b>(610)</b>	

<b>HOUSING REVENUE ACCOUNT</b>			
<b>Expenditure Description</b>	<b>Latest Estimate</b> £'000s	<b>Projected Outturn</b> £'000s	<b>Variation</b> £'000s
<b>Income</b>			
Rental Income	(45,028)	(45,332)	(304)
Other Income	(2,456)	(2,223)	234
Interest received on balances	(77)	(56)	21
<b>Total income</b>	<b>(47,561)</b>	<b>(47,610)</b>	<b>(49)</b>
<b>Expenditure</b>			
Employees	3,618	3,549	(70)
Repairs & Maintenance	11,342	11,384	42
Other running costs	2,352	2,296	(56)
Support services	2,645	2,645	0
	<b>19,957</b>	<b>19,873</b>	<b>(84)</b>
<b>Net (Surplus) / Deficit</b>	<b>(27,605)</b>	<b>(27,737)</b>	<b>(133)</b>
Use of Reserves:			
Debt Interest Payments	8,309	8,309	0
Depreciation, Revaluation & Impairment	0	0	0
Financing of Capital Programme & Transfer to Housing Reserve for Future Investment	19,296	19,428	133
<b>Total</b>	<b>27,605</b>	<b>27,737</b>	<b>133</b>

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**Main Variations Identified - Housing Revenue Account**

	Q2 Variation £'000s	Q1 Variation £'000s
<b><u>Income</u></b>		
WSSC Funding reduction for Supporting people to £70,000 from 1st October	61	61
Supporting people charges due to Removal of Alarm and Support charges effective 1st December	58	58
Kilnmead Car Park Rental Income Lease due to expire August extended to full year	(57)	(57)
Interest on Balances - Lower interest rates due to BOE rate cut	21	(23)
Reduced Think Family Costs Reimbursed due to vacant posts	72	45
Additional Dwellings Rental income	(226)	(100)
Other Variations	23	
	<b>(49)</b>	<b>(16)</b>
<b><u>Employees</u></b>		
Leasehold Services – vacancies and re-evaluated posts	(47)	(44)
Sheltered Management backfilling of staff during systems thinking review	70	65
Housing Management - vacancies	(40)	(34)
Think Family (recovered as above)	(54)	(84)
Minor Variations	1	5
	<b>(70)</b>	<b>(92)</b>
<b><u>Repairs &amp; Premises Costs</u></b>		
Increased Cost of Asbestos Surveys	40	
Minor variations	2	7
	<b>42</b>	<b>7</b>
<b><u>Other Running Costs</u></b>		
Supporting People payments for Customers Eligible for Funding (see loss of income above from WSSC)	(74)	(74)
Minor Variations	18	12
	<b>(56)</b>	<b>(62)</b>
<b>TOTAL VARIANCES</b>	<b>(133)</b>	<b>(162)</b>

2016/17 Qtr2 Capital Appendix 2

Portfolio Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
Cabinet	7,724	2,721	514	2,601	(120)	0	185	2,632	2,971
Resources	387	605	277	605	0	0	60	60	0
Environmental Services & Sustainability	3,139	2,926	306	2,926	0	0	1,147	852	1,247
Planning & Economic Development	8,792	7,899	7,899	7,899	0	0	200	5,000	1,700
Public Protection & Community Engagement	100	139	7	139	0	0	70	0	70
Housing Services	914	1,021	644	1,021	0	0	822	880	1,996
Wellbeing	2,492	3,735	1,257	3,596	(99)	(39)	838	1,869	272
<b>Total General Fund</b>	<b>23,548</b>	<b>19,046</b>	<b>10,904</b>	<b>18,787</b>	<b>(219)</b>	<b>(39)</b>	<b>3,322</b>	<b>11,293</b>	<b>8,256</b>
<b>Housing Revenue Account</b>	<b>35,837</b>	<b>17,093</b>	<b>5,315</b>	<b>15,943</b>	<b>(1,150)</b>	<b>0</b>	<b>39,923</b>	<b>47,382</b>	<b>34,954</b>
<b>Total Capital</b>	<b>59,385</b>	<b>36,139</b>	<b>16,220</b>	<b>34,730</b>	<b>(1,369)</b>	<b>(39)</b>	<b>43,245</b>	<b>58,676</b>	<b>43,210</b>

Cabinet Portfolio - Scheme Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
Town Centre	3,991	20	9	20				1,000	2,971
Queens Square Env Improvements	2,727	1,500	92	1,500			85	1,412	
Broadfield Barton		116	102	116					
Town Hall Refurbishment	311	305	85	305					
Town Hall - Air Conditioning	24	22		22					
Town Hall Toilet Refurb	30	21	20	21					
New Town Hall Design & Development		40		40					
Solar Pv CBC Operational Buildings	400	434	114	314	(120)		100	220	
Southgate Maisonette Works (PM)	93	93	93	93					
Town Hall - Maintenance (PM)	148	170		170					
<b>Total</b>	<b>7,724</b>	<b>2,721</b>	<b>514</b>	<b>2,601</b>	<b>(120)</b>	<b>0</b>	<b>185</b>	<b>2,632</b>	<b>2,971</b>

Resources - Scheme Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
ICT Capital - Future Projects	109	32		32					
On Line Self Service	73	110	55	110					
FMS Enhancements	5	5		5					
Enterprise Content Migration	50	67	11	67			60	60	
Relocation Of Data Centre	150	325	171	325					
ICT Replacements		14		14					
Veeam Backup Solution		45	39	45					
Windows Server 2003 Upgrade		6		6					
<b>Total</b>	<b>387</b>	<b>605</b>	<b>277</b>	<b>605</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>60</b>	<b>0</b>

<b>Environment Services &amp; Sustainability Portfolio - Scheme Description</b>	<b>Original Budget 2016/17 £000's</b>	<b>2016/17 Latest Budget £000's</b>	<b>Spend to Date £000's</b>	<b>Projected Outturn 2016/17 £000's</b>	<b>Slippage £000's</b>	<b>Under Spend £000's</b>	<b>Budget Book 2017/18 £000's</b>	<b>2017/18 Latest Budget £000's</b>	<b>2018/19 Latest Budget £000's</b>
New Cemetery	1,100	904	141	904			42	337	
Cycling Signage	10	15		15					
K2 Crawley Heat Network (Heat & Power)	650	400		400				250	
Cycle Paths	58	58		58					
Boulevard Cycle Path		100	5	100					
Sussex House Cycle Path		54	42	54					
Grass Verge Improvements	30								
Env Imp Future Schemes	500	314	3	314			940		1,247
Ifield Drive		52	29	52					
Flooding Emergency Works	10	18		18			20	20	
Ifield Mill Pond Improvements	224	257		257					
Tilgate (EA Flood Alleviation)		28	17	28					
Grattons Park - Pound Hill Flood Works		14		14					
Creaseys Drive - Broadfield - Flood Works	110	112		112					
Operation Watershed Flood Works		5		5					
Cheals Broadfield Pond Flood Works		9	2	9					
Titmus Lake Tilgate & F/Green Flood Work	30	47		47					
Stafford Bridge Ifield Green H&S Imp	77	90	1	90					
Waterlea Furnace Green Flood Works	70	70	3	70					
Billington Drive Maidenbower Flood Works	10	28		28					
Tilgate Silt Lake Flood Works		65	21	65					
Leat Stream Ifield Flood Alleviation		49		49					
Park Close Maidenbower Flood Works		76	38	76					
Balcombe Road Pound Hill Flood Works	50	50	3	50					
Broadfield Brook Flood Works							115	115	
River Mole Flood Works							30	30	
Telemetry Measuring Equipment	30	30		30					
Northgate Add Flood Atten Work	47	47	2	47					
Crabbett Park Add Flood Works	33	33		33					
Crawters Brook Flood Works	100							100	
<b>Total</b>	<b>3,139</b>	<b>2,926</b>	<b>306</b>	<b>2,926</b>	<b>0</b>	<b>0</b>	<b>1,147</b>	<b>852</b>	<b>1,247</b>

<b>Planning &amp; Economic Development Portfolio - Scheme Description</b>	<b>Original Budget 2016/17 £000's</b>	<b>2016/17 Latest Budget £000's</b>	<b>Spend to Date £000's</b>	<b>Projected Outturn 2016/17 £000's</b>	<b>Slippage £000's</b>	<b>Under Spend £000's</b>	<b>Budget Book 2017/18 £000's</b>	<b>2017/18 Latest Budget £000's</b>	<b>2018/19 Latest Budget £000's</b>
Investment Property Aquisition	8,792	7,899	7,899	7,899				5,000	
Manor Royal Business Group							200		200
Three Bridges Station									1,500
<b>Total</b>	<b>8,792</b>	<b>7,899</b>	<b>7,899</b>	<b>7,899</b>	<b>0</b>	<b>0</b>	<b>200</b>	<b>5,000</b>	<b>1,700</b>

<b>Public Protection &amp; Community Development - Scheme Description</b>	<b>Original Budget 2016/17 £000's</b>	<b>2016/17 Latest Budget £000's</b>	<b>Spend to Date £000's</b>	<b>Projected Outturn 2016/17 £000's</b>	<b>Slippage £000's</b>	<b>Under Spend £000's</b>	<b>Budget Book 2017/18 £000's</b>	<b>2017/18 Latest Budget £000's</b>	<b>2018/19 Latest Budget £000's</b>
Community Safety Initiatives	100	139	7	139			70		70
<b>Total</b>	<b>100</b>	<b>139</b>	<b>7</b>	<b>139</b>	<b>0</b>	<b>0</b>	<b>70</b>	<b>0</b>	<b>70</b>

Housing Services - Scheme Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
Housing Enabling Future Schemes	20							20	
Temp Accom Acquisitions	274							274	1,843
Langley Green Affordable Housing		231	231	231					
Disabled Facilities Grants	500	716	380	716			575	537	48
Home Insulation Grants	60	25	10	25			120		
Improvement/Repair Loans	60	50	23	50			127	50	105
<b>Total</b>	<b>914</b>	<b>1,021</b>	<b>644</b>	<b>1,021</b>	<b>0</b>	<b>0</b>	<b>822</b>	<b>880</b>	<b>1,996</b>

Wellbeing Portfolio - Scheme Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
Hawth - Flat Floor		18		18					
Hawth - Flying Equipment	41	46	49	46					
Hawth Air Conditioning Replace							45	45	
Hawth Chaucer/Elgar Room Works		25	25	25					
K2 Crawley Gym Equipment Replacement	17	22		22					
K2 Crawley-Crib Wall		40	1			(39)			
K2 Crawley-Door Replace H&F & Poolside		15	4	15					
K2 Crawley-Poolside Sauna & Steam Room	40	40		40					
K2 Crawley-Poolside Timing Equipment							65	65	
K2 Crawley-Auto Chemical Contrlls (PM)	10	10		10					
K2 Crawley-Fxd Plnt Energy Saving (PM)	17	17	9	17					
K2 Crawley-Pool Filter Replacemnt (PM)	39	74	66	74					
K2 Crawley-Replaster Sqsh Courts (PM)	23	21	21	21					
K2 Crawley-Replace Artificial Turf Pitch									185
K2 Crawley-Expansion Of Fitness Area		119	43	80	(39)			916	
Vehicle Replacement Programme		139	86	139					
Travellers Prevention Measures	15							15	
Bewbush HLC - Gym Equipment	55	85		85					
New Museum Tree (HLF)	900	1,520	731	1,520					
Ifield Community Facilities	29	23		23					
West Green 15/16 Play Refurb		10		10					
Adventure Playgrounds							400	400	
Broadfield Barton -Play Refurb		57		57					
Cherry Lane Adv Playground	175	200	26	200					
Maidenbower 15/16 play Refurb	65	65		65					
P/H Wakehams 15/16 play Refurb							65	65	
Skate Park Equipment		23		0	(23)		23	46	
Halnaker Walk 15/16 Play Refurb	13	49		49					
Refurb Playgrounds Future Schemes	235	3		3					
Play Refurb (2016/17 Type A)		40	16	40					
Furnace Green Play Refurbishment		65		65					
Lutyens Play Refurbishment		40		40					
Cherry Lane L/Green Play Refurbishment		90		90					
Cherry Lane CC Windows & Doors (PM)		10		10					
Community Centre Kitchen Refurb (PM)	26	26	14	26					
Hawth Fixed Plant Energy Savng (PM)	10	10		10					
Maidenbower CC Toilet Refurb (PM)		15		15					
Southgate West CC Roof Improvement (PM)	46	46		46					
Vehicle Workshop Heat Plant Rep (PM)	19	19		19					
Worth Park Discovery Trail	40							40	
Memorial Gardens Improvement	37	37			(37)			37	
Parks C/Pks Operational Improvements	30	30	18	30					
Parks Infrastructure		4	3	4					
Parks & Open Spaces Spend To Save		11		11					
Tilgate Park & Nature Centre Five Year Plan	610	610	129	610	0	0	240	240	87
Tilgate Park Access Road		64	15	64					
<b>Total</b>	<b>2,492</b>	<b>3,735</b>	<b>1,257</b>	<b>3,596</b>	<b>(99)</b>	<b>(39)</b>	<b>838</b>	<b>1,869</b>	<b>272</b>

<b>Total General Fund</b>	<b>23,548</b>	<b>19,045</b>	<b>10,904</b>	<b>18,786</b>	<b>(219)</b>	<b>(39)</b>	<b>3,322</b>	<b>11,293</b>	<b>8,256</b>
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HRA - Scheme Description	Original Budget 2016/17 £000's	2016/17 Latest Budget £000's	Spend to Date £000's	Projected Outturn 2016/17 £000's	Slippage £000's	Under Spend £000's	Budget Book 2017/18 £000's	2017/18 Latest Budget £000's	2018/19 Latest Budget £000's
Capitalisation of Repair Work	500	300		300			500	500	500
<b>Total Programmed Repairs</b>	<b>9,060</b>	<b>9,525</b>	<b>3,163</b>	<b>9,075</b>	<b>(450)</b>	<b>0</b>	<b>9,380</b>	<b>10,830</b>	<b>9,380</b>
Adaptations For The Disabled	300	300	63	300			300	300	300
Disabled Adaptations-Major Room	900	900	347	900			900	900	900
<b>Total HRA Improvments</b>	<b>10,760</b>	<b>11,025</b>	<b>3,573</b>	<b>10,575</b>	<b>(450)</b>	<b>0</b>	<b>11,080</b>	<b>12,530</b>	<b>11,080</b>
Breezehurst Drive & Brunel Place		6		6					
Acquisitions Buy Back Of Dwgs									
Acquisitions Of Land	500						500	1,000	500
Purchase Of Properties	1,000						1,000	2,000	1,000
151 London Road (New Build)	239	50		50				200	
Kilnmead	4,348	20	9	20			1,152	3,628	2,000
Gales Place	2,000	1,952	1,313	1,952					
Forge Wood	3,795	2,500	282	2,500			4,387	5,838	4,517
Southern Counties Hsg	2,021		1				8,673	2,667	7,998
Telford Place Development		100	11	30	(70)		10,145	7,070	4,867
Woolborough Road Northgate	1,370	26		26				1,143	657
Goffs Park (Depot Site)	5,836	200	53	200			1,564	6,000	1,386
83-87 Three Bridges Road	2,124	900	59	400	(500)		576	2,399	
Dobbins Place	794	50	10	50			576	1,157	189
Barnfield Road	850	24		24				850	
257/259 Ifield Road		10		10				500	760
Prelims	200	230	4	100	(130)		270	400	
<b>Total Other HRA</b>	<b>25,077</b>	<b>6,068</b>	<b>1,742</b>	<b>5,368</b>	<b>(700)</b>	<b>0</b>	<b>28,843</b>	<b>34,852</b>	<b>23,874</b>
<b>Total HRA</b>	<b>35,837</b>	<b>17,093</b>	<b>5,315</b>	<b>15,943</b>	<b>(1,150)</b>	<b>0</b>	<b>39,923</b>	<b>47,382</b>	<b>34,954</b>

<b>Total Capital Programme</b>	<b>59,385</b>	<b>36,139</b>	<b>16,220</b>	<b>34,730</b>	<b>(1,369)</b>	<b>(39)</b>	<b>43,245</b>	<b>58,676</b>	<b>43,210</b>
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<b>Funded By</b>									
Capital Receipts	12,292	7,662	1,610	7,427	(196)	(39)	2,816	10,090	8,169
Capital Reserve	8,792	7,899	7,899	7,899	(0)		0	0	0
Disabled Facilities Grant	378	716	380	716	(0)		396	378	0
Lottery & External Funding	1,830	1,825	430	1,825	0		0	707	0
1-4-1 Receipts	5,836	1,627	624	1,627	(0)		6,964	7,682	7,273
MRR	30,001	15,697	5,148	14,546	(1,150)		32,959	39,701	27,681
Replacement Fund/Revenue Financing	163	476	86	453	(23)		60	23	87
Section 106	93	236	42	236			50	95	0
<b>TOTAL FUNDING</b>	<b>59,385</b>	<b>36,139</b>	<b>16,220</b>	<b>34,730</b>	<b>(1,369)</b>	<b>(39)</b>	<b>43,245</b>	<b>58,676</b>	<b>43,210</b>

## Report to Cabinet 30 November 2016

### Supporting Business through Crawley Small Business Grant Scheme

Report of Head of Economic & Environmental Services and the Portfolio Holder for Planning and Economic Development, **PES/226**

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#### **1. Purpose**

- 1.1 Crawley Borough Council have been allocated £83,333 from the West Sussex Pooled Business Rates Fund, to administer grants to new and existing small businesses for apprenticeship grants and business support.
- 1.2 This report is to inform Cabinet of the establishment of a Small Business Grant Scheme in Crawley and seeks approval of the process to enable the Council to allocate these associated grants.

#### **2. Recommendations**

- 2.1 To the Cabinet:
  - a. To note the establishment of a Crawley Small Business Grant Scheme for new and existing small businesses, as set out in section 5, supported by £83,333 allocated from the Pooled Business Rates Fund;
  - b. To delegate authority to the Head of Economic & Environmental Services and Head of Finance, Revenues and Benefits in consultation with the Portfolio Holder for Planning and Economic Development to set the criteria and subsequently approve grants under the scheme.
  - c. To request that Full Council approve the amendments to the Functions of the Grants Appeals Panel as set out in Appendix B to this report.

#### **3. Reasons for the Recommendations**

- 3.1 This report seeks the approval of Cabinet for the establishment of the Small Business Grant Scheme within Crawley and to delegate approval for the administration of the process, so that the scheme can be launched on Small Business Saturday (3<sup>rd</sup> December 2016), in line with other West Sussex authorities, and grants can be administered.

#### **4. Background**

- 4.1 Since 2014, Arun District Council have been operating an 'Enabling Grant Scheme' named LEAP (Local Enterprise and Apprenticeship Platform) offering small

businesses grants of up to £2,000 and apprenticeship grants of £1,500 to companies in the Bognor Regis area. Businesses must 50% match fund the grants they receive.

- 4.2 Between December 2015 and April 2016, Arun District Council paid 10 apprenticeship grants and 19 business grants. 11 jobs and 10 apprenticeships were created as a direct result.
- 4.3 Following the success of the scheme, Arun District Council successfully leveraged £500,000 funding from the Pooled Business Rates Fund for all district and boroughs in West Sussex to operate similar grant schemes.
- 4.4 Crawley Borough Council has received £83,333 to administer the same Small Business Grant Scheme for businesses in Crawley.
- 4.5 Crawley Borough Council will be responsible for their own scheme, assessing applications and associated PR. Arun District Council are the accountable body and will be providing monitoring returns to WSCC.

## **5. Description of issue to be resolved**

- 5.1 Currently Crawley Borough Council do not have grant funding available for businesses. There are also no local grant funding schemes currently available but the Economic Development & Regeneration team have identified a need for grant funding for businesses, particularly those of smaller amounts.
- 5.2 Crawley has the highest rate of business births in West Sussex, however, only 45.7% of businesses survive after 5 years. Stronger business support and grants could help to ensure that more businesses survive early years.
- 5.3 Crawley has a smaller proportion of micro businesses (85.7% compared to South East rate of 89.8%) and a higher rate of large businesses (0.9% compared to South East rate of 0.4%). Providing business grants could help to nurture more micro business.
- 5.4 Crawley Borough Council has the funding approved from West Sussex Pooled Business Rates who have identified the need. The administration processes need to be agreed so that grants can begin to be administered.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 As the scheme has been run by Arun District Council previously and will be rolled out wider across West Sussex, there are existing press packages and application forms which can be adapted and used by Crawley Borough Council. The scheme can be rolled out in Crawley with minimal officer resources but maximum benefit.
- 6.2 Crawley Borough Council currently administers Community Grants, which has a set appeals process in place, through the Grants Appeal Panel. If there were any appeals which arose as part of the small business grants scheme, it is therefore proposed to use the Grants Appeal Panel to consider such appeals. To enable this to occur it would require a minor constitutional amendment as detailed in Appendix B to give the Grants Appeal Panel the authority to hear such appeals and require Full Council approval of such a change
- 6.3 The project has been shown to create various strong outcomes in other areas. The enabling grants will create jobs and growth by:
  - Giving small business the opportunity and confidence to try something new
  - Enhancing the entrepreneurial culture within the borough

- Increasing access to new markets for small businesses
- Increasing apprenticeships across the borough
- Assisting individuals who are currently out of work
- Increasing viability, success and growth potential of existing small businesses

6.4 The scheme will be in line with other West Sussex authorities, who are launching the same scheme on Small Business Saturday. More information is available regarding the proposal in Appendix A.

## **7. Implications**

- a. The total budget of £83,333 will be funded from the Pooled Business Rates Fund. We will receive the full funding in advance of the commencement of the scheme. At least £83,333 will be invested by the businesses as match funding. No funding will come from Crawley Borough Council's budget.
- b. The scheme will be administered by the Economic Development and Regeneration Team and no additional resources are required.
- c. The scheme is being coordinated county-wide by Arun District Council's Economic Development Team, who are responsible for monitoring and associated reports.
- d. The grants need to be spent by 30 September 2017.
- e. An equalities impact assessment will be completed for individual projects as they come forward, where and when appropriate.
- f. There are no legal implications associated with this report.

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## **Local Entrepreneur & Apprenticeship Platform (LEAP)**

### **Proposal for a Crawley Small Business & Apprenticeship Grants Scheme**

#### **1. Background**

Following an application to WSCC Pooled Business Rates Fund, the West Sussex Chief Executives and Leaders group have approved funding of £500,000 for the West Sussex districts and boroughs to operate local small grants schemes, based on a scheme Arun District Council (ADC) had previously run.

Crawley Borough Council has been allocated £83,333 which will be available from December 2016.

ADC will be administering the County wide scheme on behalf of all Boroughs and Districts, including monitoring to WSCC.

The previous scheme run by ADC offered small business grants of up to £2,000 and apprenticeship grants of up to £1,500 to companies in the Bognor Regis area. The grants were for start-ups or early years businesses and could be used for any purpose. Apprenticeship grants were for companies with less than 250 employees. For all grants, 50% match funding was required by the businesses.

Between the end of 2015 and April 2016 ADC paid 10 apprenticeship grants and 19 business grants. 11 jobs and 10 apprenticeships were created as a direct result.

#### **2. The Proposed New Programme**

It is proposed that the West Sussex wide programme, including Crawley's, is launched on Small Business Saturday (3<sup>rd</sup> December).

In order to proceed with a grants programme in Crawley using the above allocation, Cabinet approval will be required to delegate approval of grant applications to the Head of Economic and Environmental Services and Head of Finance, Revenue and Benefits, in consultation with the Portfolio Holder for Planning and Economic Development.

Officers propose that small business and apprenticeship grants in Crawley take the following form:

- Apprenticeship grants for micro and small businesses to offset the costs of hiring and training apprentices.
- Grants for small business start-up, available to encourage Crawley residents to set up their own enterprises, by helping them meet business set up costs.
- Grants to help existing small businesses to grow. For example this could help a business to pay for access to relevant training modules such as business planning, employment law and recruitment, marketing, finance. The grant could also be used to help a small business access university research and development expertise.

CBC have application forms and publicity from ADC which can easily be amended to suit CBC needs. The small business growth grant applications should also include an outline business plan to demonstrate how the investment will unlock business growth.

Additional wording is shown as underlined

## RESPONSIBILITY FOR COUNCIL FUNCTIONS GRANTS APPEALS PANEL

**The powers and duties of the Council relating to the functions set out below are delegated to the Grants Appeals Panel. As far as possible, the functions of the Grants Appeals Panel will be carried out by a politically balanced panel of 5 Members drawn from the membership of that panel.**

**Membership:** Councillors: M L Ayling, T G Belben, C A Cheshire, C R Eade, R S Fiveash, I T Irvine, K L Jaggard, M G Jones, S J Joyce, P K Lamb, T Lunnon, C J Mullins, D M Peck, M Pickett, C Portal Castro, B J Quinn, T Rana, R Sharma, A C Skudder, B A Smith, P C Smith, J Stanley, K Sudan, J Tarrant, G Thomas and L Vitler

(The Cabinet Member for Public Protection and Community Engagement to attend in an advisory and non-voting capacity for grants appeals for functions 1 and 2 below)

(The Cabinet Member for Planning and Economic Development to attend in an advisory and non-voting capacity for grants appeals for functions 3 below)

### Functions of the Grants Appeals Panel

- (1) To determine appeals by voluntary organisations in respect of grant applications received for the financial year
- (2) To determine appeals against the refusal of applications for discretionary business rate relief
- (3) To determine appeals against the refusal of applications for small business grant scheme

### Delegation of Functions (concurrently with the Grants Appeals Panel)