

Crawley Borough Council

Overview and Scrutiny Commission

Agenda for the **Overview and Scrutiny Commission** which will be held in **Committee Rooms A & B**, Town Hall, Crawley, on **Monday 28 November 2016** at **7.00p.m.**

PLEASE BRING THE CABINET/OSC REPORTS BOOKLET AND FORWARD PLAN TO THIS MEETING

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:

Councillors: B A Smith (Chair), R G Burgess (Vice-Chair), M L Ayling, T G Belben, Dr H S Bloom, C A Cheshire, I T Irvine, R A Lanzer, T Rana, K Sudan and L Vitler

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

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The order of business may change at the Chair's discretion

Part A Business – (Open to the Public)

1. Apologies for Absence

2. Members' Disclosures of Interest and Whipping Declarations

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.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Minutes

To approve as a correct record the minutes of the meeting of the Overview and Scrutiny Commission held on 7 November 2016 (**Enclosure A**) and consider any matters arising.

4. Public Question Time

To answer any questions or hear brief statements from the public which are relevant to the items on this agenda. The period will end after **15 minutes** or later at the Chair's discretion.

5. Treasury Management Mid-Year Review 2016/2017

To consider Report FIN/396 of the Head of Finance, Revenues and Benefits. This is **Enclosure 1** in the OSC/Cabinet joint reports booklet for this meeting.

6. Review of the Council Tax Reduction Scheme

To consider Report FIN/399 of the Head of Finance, Revenues and Benefits. This is **Enclosure 2** in the OSC/Cabinet joint reports booklet for this meeting

7. Review of Statement of Licensing Policy Gambling Act 2005

To consider Report PES/222 of the Head of Economic and Environmental Services. This is **Enclosure 3** in the OSC/Cabinet joint reports booklet for this meeting.

8. Safeguarding Children, Young People and Adults at Risk Policy 2016

To consider Report HCS/03 of the Head of Community Services. This is **Enclosure 4** in the OSC/Cabinet joint reports booklet for this meeting

9. Health and Adult Social Care Select Committee (HASC)

To receive a brief update on the Health and Adult Social Care Select Committee (HASC).

10. Forward Plan – 1 January and Provisional List of Reports for the Commission's following Meetings

To consider any requests for items to be referred to the Commission.

11. 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 the Overview and Scrutiny Commission Monday 7 November 2016 at 7.00pm

Present:

Councillor R G Burgess (Vice-Chair/Acting Chair)
Councillors M L Ayling, T G Belben, C A Cheshire, I T Irvine, R A Lanzer, T Rana,
K Sudan and L Vitler

Also in Attendance:

Councillors S J Joyce, C J Mullins, A C Skudder and G Thomas

Apologies for Absence:

Councillors Dr H S Bloom and B A Smith

Officers Present:

Tony Baldock	Environmental Health Manager
Heather Girling	Democratic Services Officer
Chris Harris	Head of Community Services
Lee Harris	Chief Executive
Sam Pegram	Environmental Health Administrative Assistant
Iain Pocknell	Principal Environmental Health Practitioner
Karen Rham	Parks and Streetscene Manager
Nigel Sheehan	Head of Partnership Services

44. Members' Disclosure of Interests and Whipping Declarations

No disclosures of interests or whipping declarations were made.

45. Minutes and Matters Arising

The minutes of the meeting of the Commission held on [3 October 2016](#) were approved as a correct record and signed by the Acting Chair.

46. Public Question Time

No questions from the public were asked.

47. Transformation Update – Streetscene Redesign

The Commission received an update from the Head of Community Services and the Parks and Streetscene Manager on the Streetscene System Thinking Review.

The main conclusions from the 'check phase' were:

- An acknowledgement that the review covered a huge amount of services, including the Cleansing Team, Grass Cutting and Shrub/Hedge Maintenance.
- Considerable "waste" had been discovered in having specialist teams focusing on narrow areas of responsibility.
- There were differences in "thinking" and "behaviour" between the various teams.
- The new purpose was "Help me to live in a safe, clean and well maintained town".

As a result of the 'redesign' several changes had been made to the system:

- Experimentation had taken place with different types of equipment and tools.
- In order to trial different ways of working the town had been divided into 5 'patches' (areas) and primarily focused on the West Patch (Bewbush, Broadfield, Gossops Green) for the trial in order to ascertain the "best way of working" before "rolling in" town wide.
- On site staff had worked closely with residents and as a result motivation had increased, although it may potentially also raise public expectations.
- The team regularly reviewed ways of working in order to share knowledge and improve learning. There was recognition that Systems Thinking had changed the team's thinking, behaviour and as a result improved performance.

During the discussion, the following points were expressed:

- Tilgate Park was significant to be an individual patch and was identified through its 5 year business plan.
- It was anticipated that Patch Leaders would liaise with management establishments/contractors regarding private areas such as private housing and schools.
- The allocation of resources between patches was determined based on current staffing levels and facilities. It was acknowledged that this was flexible in its arrangement.
- There was support for the future preservation of shrub beds throughout the town.
- Clarity was sought and obtained on the responsibility of street sign cleansing, whilst recognising the need for joined up working with WSCC.
- The need to continually experiment throughout the changing of the seasons was of paramount importance.

RESOLVED

That the Acting Chair thanked the officers for their contribution and attendance at the Commission.

48. Transformation Update – Environmental Health Check

The Commission received an update from the Environmental Health Manager and members from the Systems Thinking Team on the Environmental Health System Thinking Review.

The main conclusions from the 'check phase' were:

Environmental Health:

- Gatwick Airport makes the council unique as an inland port health authority.
- The majority of the team's work was reactive (77%) compared to proactive (23%).

- Correspondence was being issued to customers that were not easy to understand.
 - There were multiple “hand offs” meaning that work was passed between several departments which caused delays and duplication.
 - There was confusion over the different roles between Environmental Health and the Nuisance and Anti-Social Behaviour Teams.
- Licensing:
- Licensing applications can result in ‘waste’ with duplicate information required to be re-entered.
 - Delays had occurred during the licensing application consultation period required from the police together with the need for identification to be provided. In addition some applications are categorised as invalid.
- Pest Control:
- There were multiple “hand offs” between team members, resulted in delays for customers.
 - There was a lack of access to technology for some officers, causing a duplication of work.
 - There was a need to prioritise customers’ needs and appointments, particularly in receipt of cancellations.
- Port Health
- Delays had occurred as a result of ICT downtime.
 - Health certification was issued in paper format as opposed to electronic.
 - Laboratory analysis turnaround times were variable.

During the discussion, the following points were expressed:

- Recognition that as an outcome of the restructure in 2012, savings have been generated and the service has been able to redesign its operation, resulting in improved performance.
- Acknowledgement that it was important that all officers dealing with the team’s enquiries had the skills and training to carry out necessary tasks.
- Appreciation that the service was both varied and complex, covering many diverse areas.

RESOLVED

That the Commission welcomed the presentation and thanked members of the project team for attending. The Acting Chair thanked individual officers for their contribution and attendance at the Commission.

49. Cabinet Member Discussion with the Cabinet Member for Environmental Services and Sustainability

The Commission noted the update given by Councillor Thomas on his portfolio and questioned him on a variety of other issues relating to his [portfolio](#).

The following topics were discussed:

- The development of the new cemetery was progressing and it was anticipated that phase one would be completed in summer 2017. Councillor Thomas wished to thank all the officers and Members for their involvement in this important project.
- Waste management was highlighted, with particular reference to communal bins at flats within the town. It was felt that the type and capacity of the bins could be addressed, along with the need to focus on practical ways to increase recycling rates, together with reducing the actual packaging generally.

- Green waste was increasing with a current waiting list for the green bins. However it was noted that practical steps needed to be investigated to increase the percentage of recyclable material, particularly as other areas have different recycling rates.
- With reference to abandoned trolleys, a meeting had taken place with Trolleywise and a further meeting was being sought with the newly formed Patch Managers to develop future working, whilst it also relied on residents taking the initiative to report abandoned trolleys and to inform of the current 'hotspots'. The council's website and Trolleywise systems assisted in this process.
- It was recognised that fly-tipping occurred in every neighbourhood, however there were 'hotspots' within the town. There were suggestions for 'collection days' where residents bring unwanted items to temporary skip sites which could be trialled in a particular neighbourhood. There was also an idea of 'goods street-swap'/'freecycle', where streets set up areas and swap items between themselves on a particular day.
- Councillor Thomas was pleased to inform Commission members that the consultation on the Boulevard public conveniences had received over 200 responses and that the refurbishment would now take place as part of the town centre regeneration resources permitting.
- It was recognised that action to mitigate climate change and promote sustainability should feature in many different activities. For instance, the communication to relevant Crawley retailers following the recommendation of the Environmental Audit Committee to the Government that microbeads were banned in cosmetics and cleaning products, solar panels on council buildings and the proposed heat and power system in the town centre.
- Residential improvement schemes were highlighted as being able to provide additional parking spaces. Whilst it was noted that parking was still a concern within the borough, a balance needed to be struck between providing innovative working solutions and meeting the financial challenges.
- Clarity was sought and obtained as to the process for street naming, with particular reference to Forge Wood.

RESOLVED

That the Overview and Scrutiny Commission thanked Councillor Thomas for attending and for the informative discussion that had ensued.

50. Review of Democratic Structures Scrutiny Panel Final Report

The Commission considered report [OSC/253](#) of Councillor B A Smith as Chair of the Review of Democratic Structures Scrutiny Panel. The Panel was established to consider assessing the Council's current governance arrangements, to consider the key attributes for an effective governance system, consider the drivers for change and then consider improvements to the current system.

- Members were in favour of Recommendations 2.1a, b, c, d, e, f and g.
- It was felt that recommendation 'h' was unnecessary as this was already understood to be actioned.
- It was commented that recommendation 'i' should be removed as training should be arranged by the Members' Executive Support Group as the independent body as opposed to the Overview and Scrutiny Commission.
- The Commission would seek to instigate recommendation 'e' as it was within its remit to do so.
- Support made to the important reference of the Portfolio Advisory Groups taking place only subject to sufficient items of business being available for consideration, which

- would avoid unnecessary meetings. However it was questioned who would consider when a meeting would then occur and how.
- It was felt there were areas of uncertainty covering the Portfolio Advisory Groups. In particular, greater clarity was sought as to the formalisation and operation of the Portfolio Advisory Groups, especially the membership and chairing. Some Members felt the Groups should be chaired by a Cabinet Member so the Portfolio Holder could 'advise' other Members of initial policy proposals (as in most other authorities' models). Other Members from the Scrutiny Panel agreed that having evaluated the merits and options that the Portfolio Advisory Groups should not be chaired by a Cabinet Member.
 - Recognition that the Portfolio Advisory Groups could support the development of policy, although there was also concern expressed that the Portfolio Advisory Groups may slow the decision making process.
 - Financial implications were noted.
 - It was felt that if recommendation 2.1b was approved, the need to establish a review within 12 months of operation was of paramount importance.

RESOLVED

That the Commission agreed to endorse recommendations a, b, c, d, e, f and g in paragraph 2.1.

Members did not fully support recommendations 2.1h and i. The comments and recommendations would be submitted to the Governance Committee on 14 November 2016.

51. Health and Adult Social Care Select Committee (HASC)

The next meeting of the HASC would take place on 10 November 2016. The agenda featured:

- Health and Adult Social Care Plans for Winter 2016/17
- Meals on Wheels Contract Update
- Patient Transport Service Update, with particular reference that South Central Ambulance NHS Foundation Trust (SCAS) would be taking over the contract from Coperforma.

52. Forward Plan – December 2016 and Provisional List of Reports for the following meetings of the Commission

None.

53. Closure of Meeting

The meeting ended at 9.45pm.

R G Burgess
Acting 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**

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
Total	117,963	126,515	0.91%	0.59

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
AUSTRALIA BANKS									
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-
UK BANKS									
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
UK BUILDING SOCIETIES									
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
CANADA BANKS									
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-
CORPORATE BONDS									
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
FRANCE BANKS									
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
GERMANY BANKS									
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
LOCAL AUTHORITIES									
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
MONEY MARKET FUNDS									
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
NETHERLANDS BANKS									
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+
SINGAPORE BANKS									
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-
SWEDEN BANKS									
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+
SWITZERLAND BANKS									
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+
				----- 220 -----			----- 126.514 -----		
Investment Properties							14.124		
							----- 140.638 -----		

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
Maturity structure of fixed rate borrowing - upper and lower limits:		
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%
Upper limit of fixed interest rates based on:		
- Debt only	270,325	260,325
- Investments only	140,000	117,201
Upper limit of variable interest rates based on:		
- 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

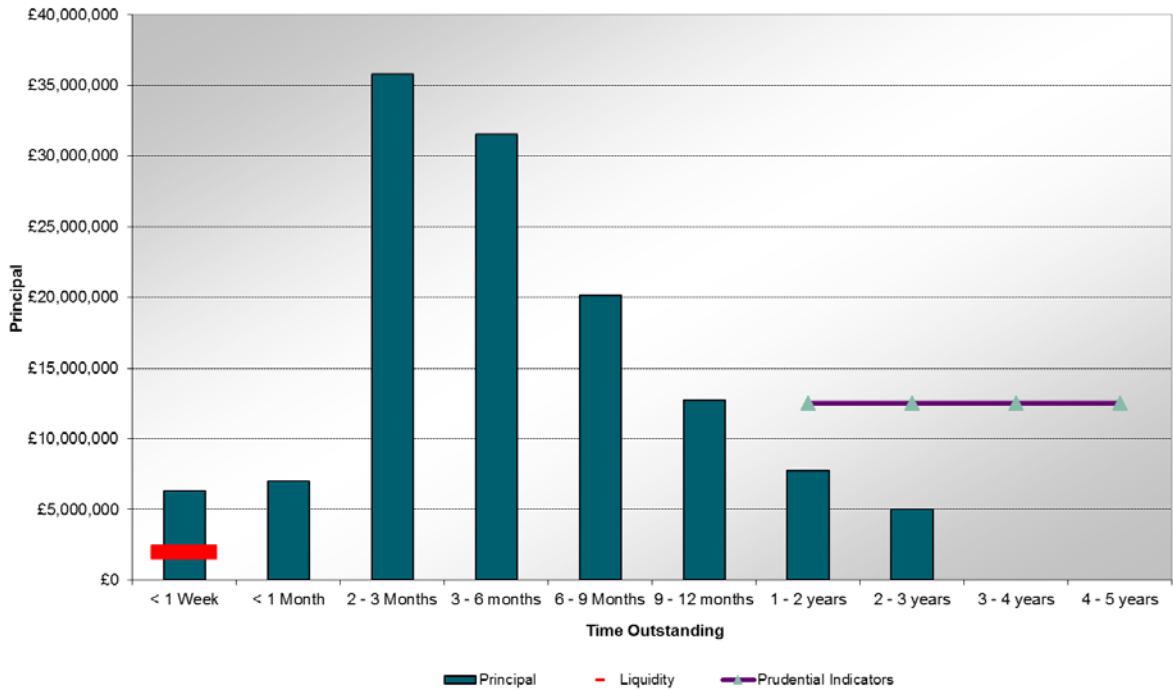
Capital expenditure	23,751	18,810
Capital Financing Requirement (CFR)	(207)	0
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	-7.50%	-6.73%

HRA

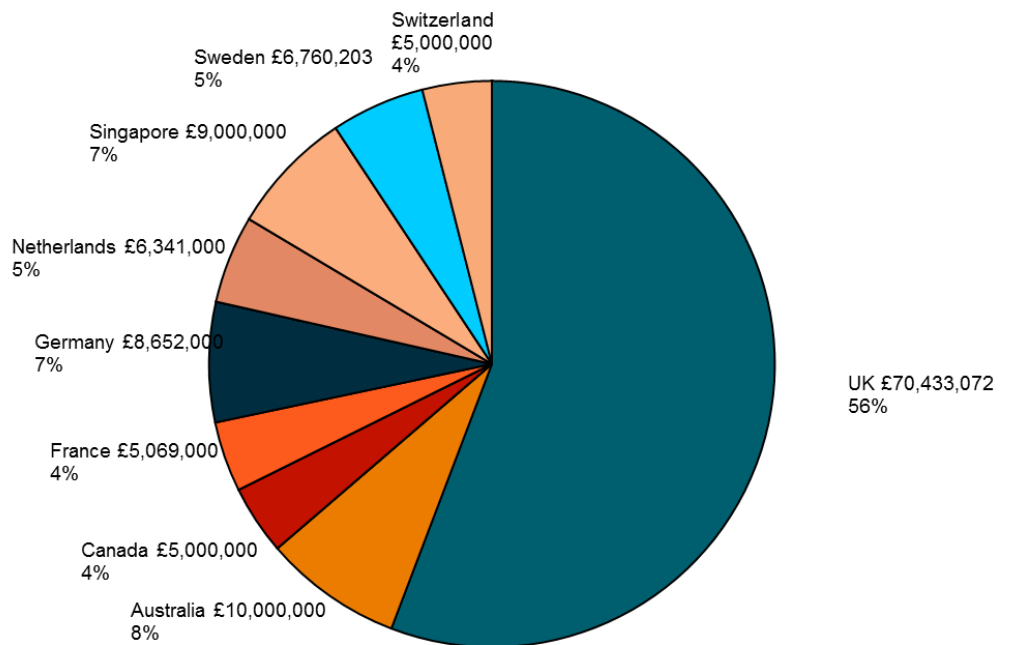
Capital expenditure	35,837	15,933
Capital Financing Requirement (CFR)	260,147	260,325
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	17.39%	17.35%

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

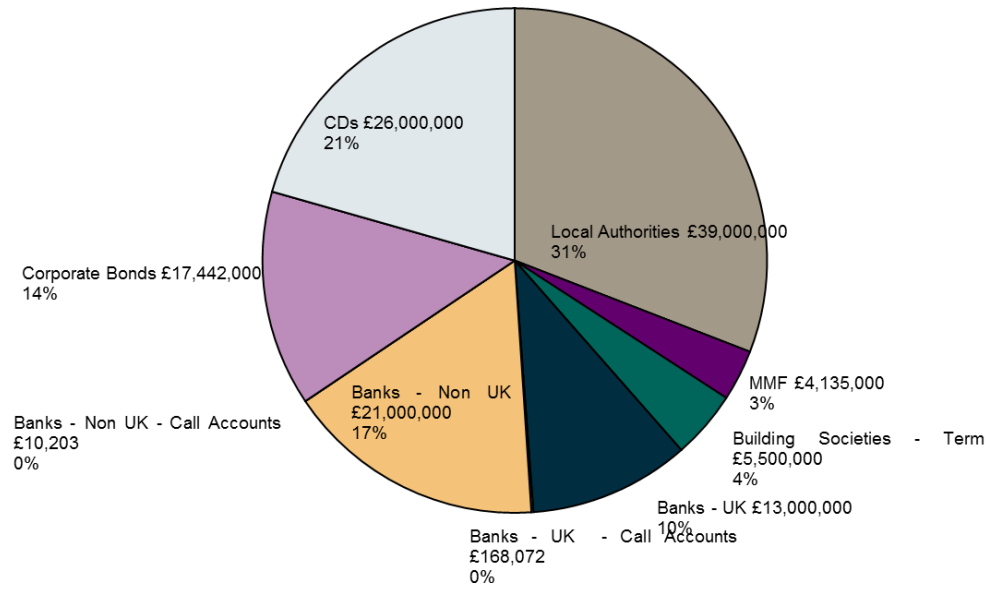
Compliance with Liquidity and Prudential Indicator Limits



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:

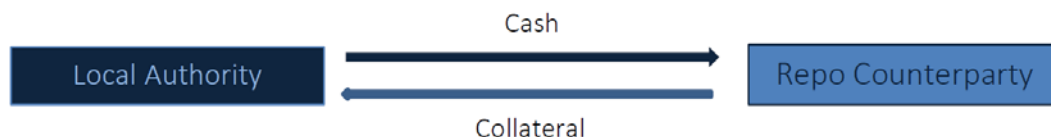
A Local authority lends £3mIn to a Repo Counterparty

Start date: 15/12/2016

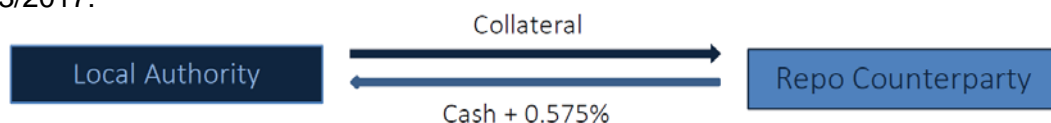
End Date: 15/03/2017

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**

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 31st 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 1st 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
Total	100%	8,167	100%	8,097

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
Total	100%	7,897	100%	7,581

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
Total	1,546.07	100.00%	144,543

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.¹

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.

¹ 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 ²

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)

² 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 1st 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 1st April 2017
- It avoids additional costs to the Council Tax Reduction Scheme, for any **new** claims from 1st 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 new 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 31st 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%

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

3

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**

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 5th 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 29th 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 4th July - 25th 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) 5th 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:

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

Act:	Means the Gambling Act 2005
Regulations:	Means Regulations made under the Gambling Act 2005
Premises:	Means any place and includes a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means any specified condition provided by regulations to be attached to a licence
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 gaming machines.
Responsible Authority:	<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"> • The Licensing Authority (Crawley Borough Council) • The Gambling Commission • Sussex Police • West Sussex Fire & Rescue Service • Head of Planning Services, Development Control, Crawley Borough Council • Head of Environmental Services, Crawley Borough Council • Children's Safeguarding Unit, Social Services, West Sussex County Council (WSSCC) • HM Revenues and Customs
Interested Party:	<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"> • Lives sufficiently close to the premises to be likely to be affected by the authorised activities. • 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. • Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations. • 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.

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

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
Website: 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

Appendix A

Borough of Crawley



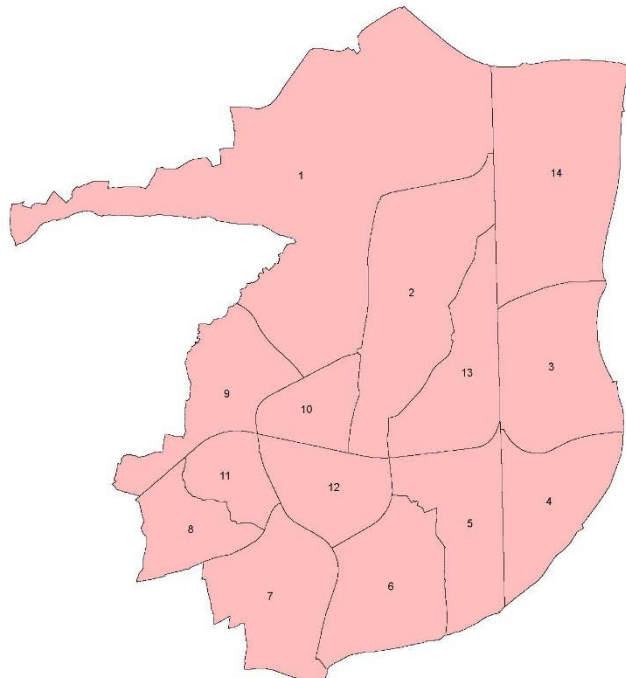
Shown within West Sussex

Geography

Status:	Borough
Region:	South East England
Admin. County:	West Sussex
Area:	44.97 km ²
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><u>The Licensing Authority</u> Premises Licensing Crawley Borough Council Town Hall, The Boulevard Crawley West Sussex, RH10 1UZ</p>	<p><u>WSCC Fire & Rescue Service</u> (FAO Fire Safety) West Sussex Fire & Rescue Service Business Fire Safety Horsham Fire Station Hurst Road Horsham West Sussex RH12 2DN</p>
<p><u>HM Revenue & Customs</u> National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p><u>Chief Officer of Police</u> Licensing Section Horsham Police Station Hurst Road Horsham West Sussex RH12 2DJ</p>
<p><u>Children's Safeguarding Unit</u> Room 24 Durban House Durban Road Bognor Regis PO22 9RE</p>	<p><u>Gambling Commission</u> Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p><u>Crawley Borough Council</u> (Planning) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	
<p><u>Crawley Borough Council</u> (Environmental Protection) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	<p><u>Crawley Borough Council</u> (Health & 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

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

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Lyons, Michael

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 27th 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

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Lyons, Michael

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 25th 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

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

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

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
Age (older / younger people, children)	Yes	The policy applies to people of all ages
Disability (people with physical / sensory impairment or mental disability)	Yes	Positive - The policy applies to all children and vulnerable persons.
Gender reassignment (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.
Race (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..
Religion & belief (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.
Sexual orientation (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>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)</p>			
<p>Legislation</p> <ul style="list-style-type: none"> - The Gambling Act 2005 <p>Statutory guidance</p> <ul style="list-style-type: none"> - 5th edition September 2015. <p>Local Area Profiles</p> <ul style="list-style-type: none"> - Key role in the protection of children and vulnerable persons 			
<p>What resource implications are there to deliver actions from this EIA? (Quantify: people, time, budget, etc.)</p>			
<p>No additional resource required</p>			
<p>Outcome following initial assessment</p>			
<p>Does the activity have a positive 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 negative impact 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>Decision following initial assessment</p>			
<p>Continue with existing or introduce new / planned activity</p>	<p>Yes</p>	<p>Amend activity based on identified actions</p>	<p>No</p>

Appendix E

Action Plan (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
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

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

Date EIA completed:	17 November 2016
Signed by Person Completing:	Tony Baldock
Date Sent to HR and Equalities Team:	17 November 2016
Approved by Head of Service:	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>Directorate / Division: Economic & Environmental Services</p> <p>Function or policy name: Statement of Licensing Principles In accordance with the Gambling Act 2005</p> <p>Officer completing assessment (Job title): Tony Baldock Environmental Services Manager</p> <p>Date of assessment: 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

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:

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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
- 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,
- Assistant LADO: Claire.coles@westsussex.gov.uk, 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.



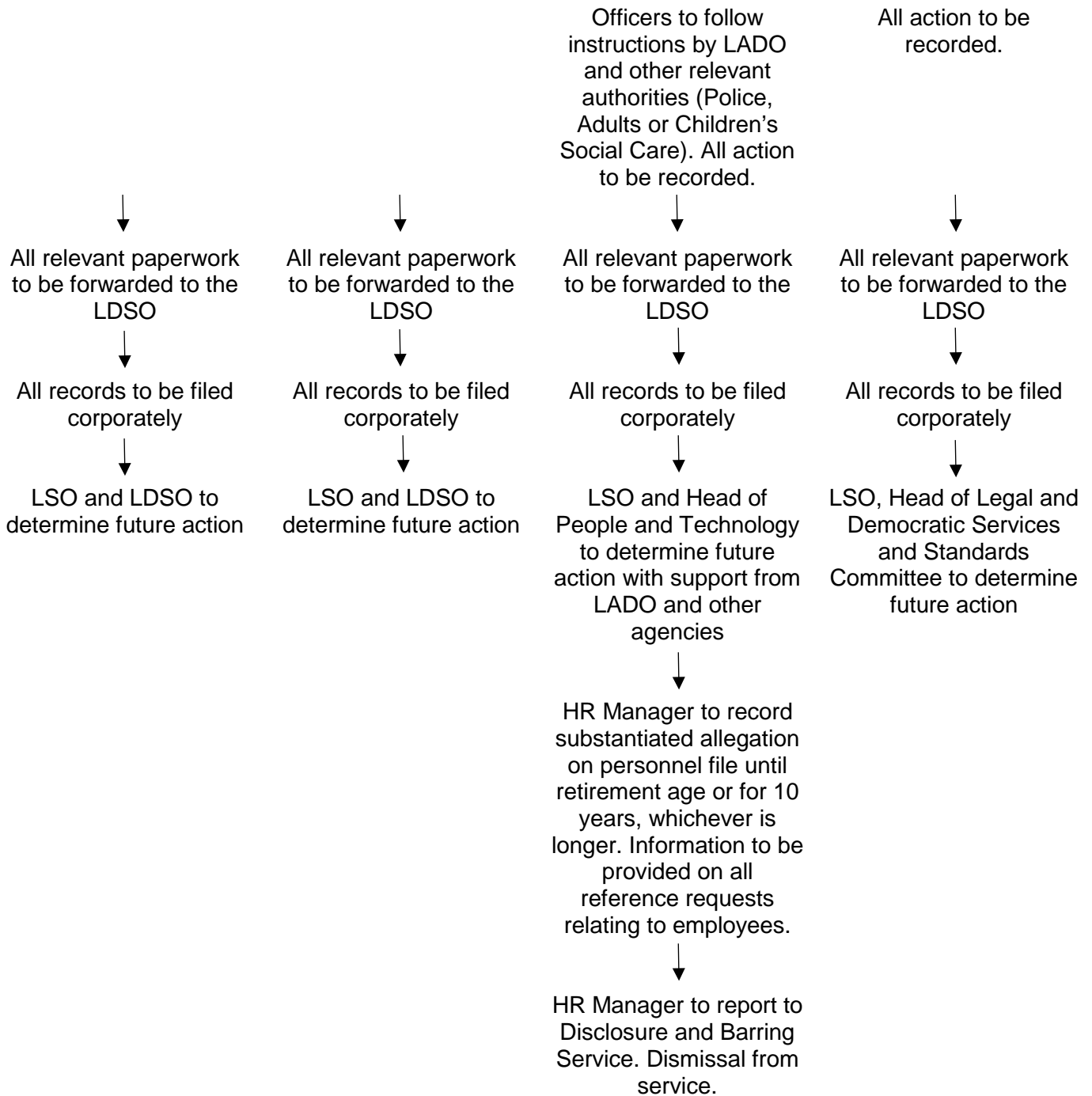
Inform the LSO and Head of Legal and Democratic Services.



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

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

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
Age (older / younger people, children)	No	The policy applies to people of all ages
Disability (people with physical / sensory impairment or mental disability)	Yes	Positive - 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

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		the criteria.
Gender reassignment (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.
Race (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.
Religion & belief (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.
Sexual orientation (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)

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- 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 positive 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 negative impact 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			
Continue with existing or introduce new / planned activity	Yes	Amend activity based on identified actions	No

Action Plan (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

Appendix 2

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

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

Date EIA completed:	4 November 2016
Signed by Person Completing:	Victoria Wise
Date Sent to HR and Equalities Team:	4 November 2016
Approved by Head of Service:	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>Directorate / Division: Community Services</p> <p>Function or policy name: Safeguarding Children, Young People and Adults at Risk Policy 2016'</p> <p>Officer completing assessment (Job title): Victoria Wise, Community Services Manager and Lead Designated Safeguarding Officer</p> <p>Date of assessment: 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>