

NOTICE OF MEETING

COMMITTEE : EXECUTIVE

DATE : MONDAY, 22 SEPTEMBER 2014

TIME : 18:00

**PLACE : COMMITTEE ROOM 3
TOWN HALL, LUTON, LU1 2BQ**

COUNCILLORS :	SIMMONS (CHAIR)	A. KHAN
	AKBAR	K. MALIK
	ASHRAF	SHAW
	N. AYUB	TAYLOR
	HUSSAIN	TIMONEY

QUORUM : 3 MEMBERS

Contact Officer: Matt Hussey (01582 54632)

Item Description

INFORMATION FOR THE PUBLIC


PURPOSE: The Executive is the Council's primary decision-making body dealing with a range of functions across the Council's activities and services.


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

IN PERSON, 9 am to 5 pm, Monday to Friday, or

CALL the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call the Contact Officer (shown above).

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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EMERGENCY EVACUATION PROCEDURE

Committee Rooms 1, 2, 4 & Council Chamber:

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

Committee Room 3:

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

- 1. APOLOGIES FOR ABSENCE**
- 2. PUBLISHED RECORD OF THE MEETING**

2 26th August 2014

SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

DISCLOSURES OF INTERESTS

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

3. BUSINESS NOT COVERED BY CURRENT FORWARD PLAN: GENERAL EXCEPTION

The Executive Leader to report on any business which it is proposed should be considered by the Executive following compliance with Regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

PUBLIC HEALTH

- | | | |
|---|---|--------|
| 3 | Release of Capital - Crematorium Improvements to the Accommodation
(Report of the Director of Environment & Regeneration) | 5 - 16 |
|---|---|--------|

4. BUSINESS NOT COVERED BY CURRENT FORWARD PLAN: SPECIAL URGENCY

The Executive Leader to report on any business which it is proposed should be considered following compliance with Regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

5. REFERENCES FROM COMMITTEES AND OTHER BODIES

6. RECOMMENDATIONS FROM SCRUTINY REVIEWS

7. PETITIONS

BUSINESS ITEMS

EXECUTIVE LEADER

- | | | |
|---|---|----------|
| 8 | Amendment to Part 6 of the Constitution - Scheme of Delegation to Officers (Executive Functions)
(Report of the Head of Human Resources and Monitoring Officer) | 17 - 112 |
|---|---|----------|

ADULT SOCIAL CARE

- | | | |
|---|---|-----------|
| 9 | Changes in the Formal Partnership Agreement the Council has with Luton Clinical Commissioning Group
(Report of the Directors of Housing and Community Living and Children and Learning) | 113 - 118 |
|---|---|-----------|

COMMUNITY SAFETY

- | | | |
|----|--|-----------|
| 10 | Youth Justice Plan for Luton 2014-15
(Report of the head of Youth Offending Service) | 119 - 150 |
|----|--|-----------|

FINANCE

- | | | |
|----|---|------------------|
| 11 | Budget Guidelines
(Report of the Head of Finance) | 151 - 156 |
| 12 | Capital Funding for Replacement of Telephony System
(Report of the Head of Procurement & Shared Services) | 157 - 160 |

13 **LOCAL GOVERNMENT ACT 1972, PART VA**

To consider whether to pass a resolution under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 to exclude the public from the meeting during consideration of the item(s) listed below as it is likely, that if members of the public were present during the transaction of the item(s), exempt information within the meaning of the Paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 indicated next to the item, would be disclosed to them.

14 **BUSINESS NOT COVERED BY CURRENT FORWARD
PLAN: GENERAL EXCEPTION**

The Executive Leader to report on any business which it is proposed should be considered by the Executive following compliance with Regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

REGENERATION

15 **Proposed Lease of Land**

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

Note: Five days' notice is hereby given of items to be considered in private as required by Regulations (4) and (5) of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

Details of any representations received by the Executive about why any of the above exempt decisions should be considered in public: none at the time of publication of the agenda. If representations are received they will be published separately, together with the statement given in response.

For: (x) <table border="1"> <tr> <td>Executive</td> <td><input type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td><input type="checkbox"/></td> </tr> </table> Meeting Date: 22 nd September 2014 Report of: Corporate Director of Environment & Regeneration Report author: Barry Timms	Executive	<input type="checkbox"/>	CLMT	<input type="checkbox"/>	Agenda Item Number: 3.1
Executive	<input type="checkbox"/>				
CLMT	<input type="checkbox"/>				

Subject: Release of capital – Crematorium Improvements to the accommodation (For Executive Only) Lead Executive Member(s): Cllr Khan Wards Affected: All	Consultations: Councillors Scrutiny Stakeholders Others	(x) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Recommendations 1. That the Executive approve the release of £300k for the provision of improving the accommodation at the crematorium.
Background 2. At full Council on 19 th Feb 2014 it was agreed that all new schemes shall require Executive approval on the basis of a business plan before release of the money.
The current position 3. Currently there are approximately 1,800 cremations per year with approximately 40 people attending each funeral, a total of 72,000 mourners per year which a significant footfall across the locality. The majority of these people have to wait outside for their funeral to arrive. 4. The current accommodation in respect of facilities for reception, office space, layout and waiting room facilities were not designed to accommodate this level of traffic. The reception area is not fully DDA compliant and waiting customers have to stand outside during busy periods and there are no private facilities for distressed mourners to use. The office space is minimal and the layout means that there is a constant flow of people through the offices. In addition the waiting room facilities cannot accommodate the majority of mourners meaning they have to wait again outside. 5. Following survey work carried out in 2013 customer feedback has indicated that this is an issue in terms of the end to end experience and subsequent distress caused by the cramped facilities. 6. Office space is also minimal, with only five works stations in an open office, with no alternative meeting room facilities available. The planned room for private consultations with the customers will also be made available for staff meetings etc. 7. This report is therefore seeking the release of capital funds and spends approval in order to extend the present facilities which will enable families and friends to wait in comfortable and private surroundings during a period of grief and bringing the Vale up to full DDA compliance.
Goals and Objectives 8. The goal and objective for the service is to improve the experience for the customer. Investing in the service ensures that customer return in the future
Proposal 9. This report is seeking the release of £300k capital funds for the provision to extend the present limited waiting facilities, improve the reception area and bring this area up to current disability discrimination act standards whilst also improving facilities for the office. 10. Alternative Options;

- The option of re-designing the existing internal areas was examined, but there is not sufficient space and there is no alternative but to consider building an extension to facilitate the above requirements.
- Do nothing but as outlined in the risks this option will lead to continued poor customer experience.

11. A drawing of the proposed extension will be made available at the meeting. The timetable would be for the finalised drawings, tendering and award process to be completed during the autumn with a view to commence construction February/ March 2015.

Key Risks

12. By not extending the existing facilities may lead to the loss of income due to lost business resulting in poor customer experience
13. With construction work taking place very close to the crematorium there is a high risk of service disruption from construction noise. In all the contracts used at the Vale there are clauses included requiring the contract to take this into consideration when tendering and in the planning of work programmes. Previously contractors have been very respectful of this condition of the contract and very few difficulties in the past have been experienced.

Consultations

14. Customer survey work completed during the summer of 2013

Appendices attached:

Appendix A - Integrated Impact Assessment

Background Papers:

Executive Decision EX/16/14

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		Clearance – agreed by:
Legal	This report has no legal implications	Kemi Onakoya, Principal Solicitor (Property & Planning) 5 September, 2014
Finance	Provision has been made in the 2014-15 Capital programme for the £300k to enable this scheme to proceed, subject to Executive approving the business case.	Darren Lambert Finance Manager for Environment and Regeneration on the 4 th September 2014
Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	The proposed improvements will have a positive impact on all users of the service. In addition the improvements will ensure accessibility as the reception area will be fully DDA compliant. Page 6 of 160	Maureen Drummond, Social Justice Adviser, 3rd September 2014
Environment	Any building/extension has a detrimental effect on	Agreed by Strategy &

	the natural and built environment. Mitigation will be to make the design as complimentary to the area as possible and the heating will be by using the waste heat from the cremators via a heat exchanger	Sustainability Manager on the 11/09/2014.
Health	Improvements to waiting and reception areas are likely to have a positive impact on the emotional health and wellbeing of visitors and staff	Public Health 04.09.14
Community Safety	By providing waiting facilities internal rather than external, this should afford the public more personal security	
Staffing	This report has no staffing implications	
Other		

FOR EXECUTIVE ONLY - Options:

- a) To reject the proposals
- b) To request further information

Integrated Impact Assessment Form (IIA) from June 2013



This form replaces the previous Integrated Impact Assessment form used by LBC.

The key aim of an impact assessment is to ensure that all Council policies, plans and strategies support the corporate mission statement that

‘The needs of Luton’s people will be first in everything we do’.

1. Why do I need to do an IIA?

The aim of this impact assessment process is to:

- Ensure adherence to the legal duties contained within the Equality Act 2010 and associated Public Sector Duty to analyse the impact of decisions to be undertaken by Council.
- Ensure the Council has **due regard** to equality taking a proportionate and timely approach to analysing the impact on citizens
- Minimise duplication of initial impact assessments with regards to Environment and Health and maximise consideration of other key Council priorities of Inclusion and Community Cohesion
- Ensure that the Council has been able to consider the social, health, environmental and economic impacts in its decision making in a single document and, where necessary enable the production of a comprehensive action plan to mitigate any potential negative impacts identified

2. When do I need to do an IIA?

An IIA must be started at the beginning of any project, policy or strategy, and cannot be finalised until such time as all consultations, as required, are undertaken.

- The Impact Table will help you to make early consideration of the potential impacts of your proposal and should be used from the point at which preliminary report is taken to Corporate Leadership and Management Team (CLMT) where appropriate. By using this table at your earliest point in the project, potential impacts can be highlighted and it will also be clear whether you need to carry out a full IIA.
- If you complete this table and *all* impacts identified are neutral, i.e. there is no noticeable impact on characteristics and priorities listed *and* you are fully confident of this, please contact the SJU by email setting out how you have reached this judgement as it is *unlikely* you will need to carry out a full IIA.
- An IIA must at all times identify those who will be affected by the decision, policy or strategy.
- At a time of economic austerity IIA authors are minded to consider the whole range of decisions, both locally and nationally when analysing the impact on citizens
- Your first early draft is to be sent to the Social Justice Unit for comments and guidance
- Once consultation has ended, the IIA must be updated with results of the consultation and returned to Executive, where required, for further consideration and approval – at this stage it will be signed off as completed by the Social Justice Unit

If at anytime you need further guidance please contact the Social Justice Unit.

For your convenience, please see links at the end of this document to key Corporate and Partnership documents that may help you complete this IIA.

[Page 9 of 160](#)

Tracker 2 No:

Proposal Title: Release of capital spend-
Accommodation improvement at the Crematorium

Date of IIA:

Updated after consultation - Date:

Lead Officer Name: Barry Timms

Early draft Seen by:¹

Finalised IIA Signed and seen by SJU :

Name:

Date:

Please include the names of all other contributors and stakeholders involved in the preparing of this proposal who have been consulted with and **agreed** this assessment. *(Please note the IIA must not be carried out by one person):*

Steve Judkins
Alex Constantinides

If there is any potential impact on staffing please include the name/s of the trade union representative/s involved in the preparation of this assessment or any supporting evidence of request to participate:

Please provide an outline of your proposal:

Information supporting the proposal (**who, what, where, how**²)

To provide improved waiting room, reception and office accommodation facilities

The poor facilities affects all the users of the crematorium and those customers going to the reception desk. The customers that use the facilities reflect that of the towns' population

People now have to stand outside waiting for their funeral as the existing facilities are too cramped and in the wrong location. Also if the reception is busy then people have to wait outside with no confidential interview room available. Also the reception area is so small that people with children in pushchairs/ or in wheelchairs cannot gain easy access to the facility.

The outcome will be that waiting area will be delivered inside and in the case of the reception then there will be a room for confident meetings to DDA standards and improved office accommodation

¹ Please send an early draft of your IIA to the SJU to ensure all impacts are being considered at the appropriate time

² Breakdown of present users by ethnicity, age, gender, disability, religion/belief, sexuality (if recorded)

Also, show areas in the town with the biggest and lowest needs.

Greater emphasis is required at the start of the IIA on the service, how it is delivered now and how the new service will be delivered

IMPACT TABLE

The purpose of this table is to consider the potential impact of your proposal against the Equality Act 2010 'protected characteristics' and the Council's Social, Environmental and Economic priorities.

Once you have completed this process you should have a clearer picture of any potential significant impacts³, **positive**, **negative** or **neutral**, on the community and/or staff as a result of your proposal. The rest of the questions on this form will help you clarify impacts and identify an appropriate action plan.

Protected Groups	Citizens/Community			Staff (for HR related issues)		
	Positive	Negative	Neutral	Positive	Negative	Neutral
Race	√					
Gender	√					
Disability	√					
Sexual Orientation	√					
Age	√					
Religion/Belief	√					
Gender Reassignment	√					
Pregnancy/Maternity	√					
Marriage/Civil Partnership (HR issues only)						
Care Responsibilities ⁴ (HR issues only)						
Social & Health ⁵						
Impact on community cohesion			√			
Impact on tackling poverty			√			
Impact on health and wellbeing	√					
Environment						
Impact on the quality of the natural and built environment		√				
Impact on the low carbon agenda		√				
Impact on the waste hierarchy		√				
Economic/Business						
Impact on Luton's economy and/or businesses	√					
Impact on jobs			√			

³ "Significant impact" means that the proposal is likely to have a noticeable effect on specific section(s) of the community greater than on the general community at large.

⁴ This is a Luton specific priority added to the 9 protected characteristics covered under the Equality Act and takes into account discrimination by association.

⁵ Full definitions can be found in section 3

Please answer the following questions

1. Research and Consultation

1.1 Have you made use of existing recent research, evidence and/or consultation to inform your proposal? Please insert links to documents as appropriate.

1.2 Have you carried out any specific consultation with people likely to be affected by the proposal? (if yes, please insert details, links to documents as appropriate).

Guidance Notes: If you have not yet undertaken any consultation you may wish to speak to the Consultation Team first as a lack of sufficient consultation could place the Council at risk of legal challenge.

[Click here Luton Observatory](#)

For local demographics and information

[Click here for LBC Consultation Portal](#)

To access available relevant research already carried out

1.1. Insert any links to references including websites below

1.2. Consultation – insert any links to consultation documents

[For advice and support from Consultation Team click here](#)

1.3 Have you carried out any specific consultation with citizens/staff likely to be affected by the proposal? If yes, please insert details, links to documents, as appropriate above. Please show clearly who you consulted with, when you consulted and the outcomes from the consultation. Mitigations from consultation should be clearly shown in Action Plan at end of document.

Larger waiting room, larger reception area, I found it very difficult to discuss my memorial order with staff in such a small area

Canopy for good/bad weather

Outside canopy for when there is bad weather as there is not a lot of shelter

Waiting rooms need a tidy up and need to make sure grass trimmings are removed from gravestones

These comments were received from the extensive consultation carried out during the summer of 2013 with regards the introduction of a potential café facilities. This consultation included two days carrying out one to one interviews, and giving out paid for self addressed reply cards on the day and in the premises for following three months

2. Impacts Identified

2.1 Where you have identified a **positive*** impact, for **communities or staff**, please outline how these can be enhanced and maintained **against each group identified**. Specific actions to be detailed in action plan below.

**By positive impact we mean, is there likely to be a noticeable improvement experienced by people sharing a characteristic?*

By providing the improved service it will have a positive effect on all users of the facilities in particular those mourners who have to wait outside for their funeral to arrive. Also on those people who have to visit the reception area at this difficult time of the lives where a confidential room will be available and improvements made in respect of DDA access issues

The facilities will be available to all users

[For advice & support from the Social Justice Unit click here](#)

2.2 Where you have identified a **negative*** impact please explain the nature of this impact and why you feel the proposal may be negative. Outline what the consequences will be **against each group identified**. You will need to identify whether mitigation is available, what it is and how it could be implemented. Specific actions to be detailed in action plan below.

**By negative impact we mean is there likely to be a noticeable detrimental effect on people sharing a characteristic?*

No negative effect on the customers

2.3 Where you have identified a **neutral*** impact for any group, please explain why you have made this judgement.

You need to be confident that you have provided a sufficient explanation to justify this judgement.

**By neutral impact we mean that there will be no noticeable impact on people sharing a characteristic*

Example statement:

There is no evidence currently available to suggest that the Policy will have a noticeable impact, either positive or negative, on the groups identified above namely *(please insert as appropriate)*:

N/A

[For advice & support from the Social Justice Unit click here](#)
[For advice and support from the Public Health team click here](#)

3. Social & Health Impacts

If you have identified an impact on community cohesion⁶, tackling poverty⁷ or health and wellbeing⁸, please describe here what this may be and who or where you believe could be affected, **Please also ensure that you consider any possible impacts on Looked After Children.**

Guidance Notes:

Please use this section to describe the social and health impacts and detail any specific actions or mitigations in the action plan below.

Improvements to waiting and reception areas are likely to have a positive impact on the emotional health and wellbeing of visitors and staff and neutral in respect of community cohesion and tackling poverty

[For advice and support from the Strategy & Sustainability Team click here](#)

4. Impacts on the natural & built environment

Environment Impacts

If you have identified any impacts related to the built and natural environment⁹, low carbon¹⁰ and waste minimisation please describe here what this may be and who or where you believe could be affected (please see footnote below)

Is the proposal likely to impact on the waste hierarchy which includes issues shown in the table below:

Waste Hierarchy



By extending any building which will have a detrimental effect on the natural and built environment. In respect of the built environment then the design will be made to complement the existing buildings. .

⁶ is the proposal likely to have a noticeable effect on relations within and between specific section(s) of the community, neighbourhoods or areas.

⁷ is the proposal likely to have a noticeable effect on households that are vulnerable to exclusion, e.g. due to poverty, low income and/or in areas of high deprivation

⁸ Is the proposal likely to have a positive or negative impact on health inequalities, the physical or mental health and wellbeing of an individual or group, or on access to health and wellbeing services?

⁹ Is the proposal likely to Impact on the built and natural environment covers issues such as heritage, parks and open space, cleanliness, design, biodiversity and pollution.

¹⁰ Is the proposal likely to impact on low carbon includes issues such as use of energy, fuel and transport.

Action will be taken to minimise the carbon impact by the building being heated from waste heat converted emitted from the cremators

[For advice and support on Economic Development click here](#)

5. Economic Impacts

If you have identified any impacts related to Luton's economy and businesses ¹¹, creating jobs¹² or improving skill levels ¹³, please describe here what this may be and who or where you believe could be affected (– please see footnote below)

By improving the facilities which will hopefully lead to more customers choosing the Vale for their funeral which will in turn allow the undertakers to prosper guaranteeing employment

Guidance Notes:

Please use this section to describe the social impacts and detail any specific actions or mitigations in the action plan below.

Please detail all actions that will be taken to enhance and maintain positive impacts and to mitigate any negative impacts relating to this proposal in the table below:

Action	Deadline	Responsible Officer	Intended Outcome	Date Completed/ Ongoing
Design of the building	Not set to date	Steve Judkins	To make sure that the intended outcomes are achieved	First draft has been prepared
Procurement	Not set to date	Steve Judkins	To make sure that the Council receives best value for money	
Build	Not set to date	Steve Judkins	To make sure the building is built to the required specifications and is of the correct quality	

¹¹ Is the proposal likely to impact on Luton's economy and businesses for example by creating an opportunity to trade with the Council, support new business opportunities?

¹² Is the proposal likely to impact on the creation of new jobs in the local economy? This will also link to health and well-being and the reduction of poverty in the social box.

¹³ There are significant skills gaps in Luton's economy. Is the proposal likely to create opportunities for up skilling the workforce or to create apprenticeships?

A review of the action plan will be prompted 6 months after the date of completion of this IIA

Key Contacts:

Next Steps

- All Executive Reports, where relevant, must have an IIA attached
- All report authors must complete the IIA section of Executive Reports (equalities, cohesion, inclusion, health, economic, business and environment)
- All reports are to be forwarded to the Social Justice Unit, Public Health and Strategy & Sustainability Unit for sign off in time for Executive deadline
- On the rare occasion that the Social Justice Unit are unable to sign off the report, e.g. recommendations are in breach of legislation, a statement will be submitted by Social Justice Unit Manager or Equality and Diversity Policy Manager

Completed and signed IIA's will be published on the internet once the democratic process is complete

Corporate Plan

<http://intranet/SupportServices/Document%20library/Corporate%20plan%2011th%20July%202011.doc>

Equality Charter

<http://intranet/SupportServices/socialjustice/Document%20library/Equality%20charter.pdf>

Social Justice Framework

http://www.luton.gov.uk/Community_and_living/Lists/LutonDocuments/PDF/Social%20Justice/Social%20Justice%20Framework%202012%20-2026.pdf

Family Poverty Strategy

http://www.lutonforum.org/Forum/Documents/Family-Poverty-Strategy-Final-October2011_001.pdf

Joint Strategic Needs Assessment (JSNA)

http://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/Consultation/Reports/Final%20JSNA%202011.pdf

Community Involvement Strategy

<http://www.lutonforum.org/Forum/Documents/CISfinaljune2010.pdf>

For: (x) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Executive</td> <td style="width: 30px; text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">CLMT</td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table> Meeting Date: 29 September 2014 Report of: Head of Human Resources and Monitoring Officer Report author: J. Newman	Executive	<input type="checkbox"/>	CLMT	<input type="checkbox"/>	Agenda Item Number: 8
Executive	<input type="checkbox"/>				
CLMT	<input type="checkbox"/>				

Subject: Amendment to Part 6 of the Constitution (For Executive Only) Lead Executive Member(s): Councillor Simmons Wards Affected: None	Consultations: Councillors <input type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>	(x) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Recommendations
1. It is RECOMMENDED that the Executive:- (i) approve the revised Part 6 of the Constitution as attached at Appendix A, and; (ii) authorise the Head of Human Resources and Monitoring Officer to amend the Constitution as appropriate.
Background
2. Part 6 of the Constitution (The Scheme of Delegation to Officers (Executive Functions) was last updated by the Executive on 12 February 2014.
The current position
3. The revised Part 6 attached at Appendix A seeks to update the position incorporating consequential changes including statutory changes and save for this does not seek to substantially update the same.
Goals and Objectives
4. To ensure that the published Part 6 of the Constitution properly reflects the current delegations to Officers
Proposal
5. To approve the revised Part 6 of the Constitution.
Key Risks
6. Not applicable
Consultations
7. Not applicable
Appendices attached:
Appendix A Amended Part 6 of the Constitution
Background Papers:
None

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		Clearance – agreed by:
Legal	There are no Legal implications to this Report .	J. Josen 18/08/2014
Finance	There are no Financial implications to this Report .	D. Kempson 18/08/2014

Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	There are no equalities implications to this report.	Maureen Drummond, Social Justice Adviser, 10 September 2014
Environment	This report does not have any direct environmental implications.	Agreed by Strategy & Sustainability Manager on the 11/09/2014.
Health	There are no Public Health Implications to this report.	Public Health
Community Safety		
Staffing		
Other		

FOR EXECUTIVE ONLY - Options:

- a) To reject the proposals
- b) To request further information**

APPENDIX A



LUTON BOROUGH COUNCIL

CONSTITUTION

PART 6

**SCHEME OF DELEGATION TO OFFICERS
(EXECUTIVE FUNCTIONS)**

LUTON BOROUGH COUNCIL

CONSTITUTION

PART 6: SCHEME OF DELEGATION TO OFFICERS **(EXECUTIVE FUNCTIONS)**

1. INTRODUCTION

- 1.1 The Officers of the Council shall in respect of Executive Functions have delegated to them the functions, powers and duties referred to in Paragraphs 3 and 4 below, but subject to the general reservations, conditions and qualifications set out in Paragraphs 5 and 6 below.

2. DEFINITIONS

- 2.1 In this Scheme the following expressions shall have the meanings assigned to them below:-

“the Articles” means the Articles of the Constitution as set out in Part 2 of the Constitution;

“the Constitution” means the Constitution of the Council prepared and maintained under Section 37 of the 2000 Act;

“Corporate Director” means an officer who reports to the Chief Executive, whose post title includes the word “Director” and who is responsible for one or more Heads of Service;

“the Council” means Luton Borough Council;

“the Executive” means the Executive of Luton Borough Council appointed under the provisions of Part II of the 2000 Act and includes a Committee of the Executive;

“Executive Functions” means those functions of the Council which by virtue of Section 13 of the 2000 Act are the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is the responsibility of the Executive;

“Financial Regulations” means the Financial Regulations as set out in Part 5 of the Constitution;

“the Functions Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

“the general reservations” means the reservations, conditions and qualifications set out in Paragraphs 5 and 6 of this Scheme;

“Head of Service” means an officer who reports to a Corporate Director, or an

officer other than a Corporate Director who reports to the Chief Executive, irrespective of that officer's post title, but does not include an officer whose duties are wholly or substantially in the nature of secretarial, administrative or clerical support;

"Local Choice Function" means a function of the Council which under Regulation 3(1) of and Schedule 2 to the Functions Regulations may or may not be the responsibility of the Executive;

"Non-Executive Functions" means those functions of the Council which under Regulation 2 of and Schedule 1 to the Functions Regulations are not the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is not the responsibility of the Executive;

"Portfolio Holder" means a member of the Executive to whom the Executive Leader has assigned responsibility to take a lead role in relation to a particular matter or particular matters, whether or not that person has power to take decisions in relation to any such matter or matters;

"power" includes any function, power or duty;

"the relevant budget" means the total approved revenue budget for the relevant financial year for, in the case of the Chief Executive or a Corporate Director, the Department for which the Chief Executive or Corporate Director is responsible, and, in the case of a Head of Service, the service area for which the Head of Service is responsible, with, in any case, no commitment to additional expenditure in any future year above the level of the budget for the relevant financial year;

"the relevant Corporate Director" means the Corporate Director responsible for the function in question or the Corporate Director to whom the Head of Service taking, proposing to take, or responsible for, the action or function in question reports;

"the relevant financial year" means the financial year in which the decision or action in question is taken;

"the relevant Head of Service" means the Head of Service responsible for the function in question or the Head of Service to whom the officer taking, proposing to take, or responsible for, the action or function in question reports;

"the relevant Portfolio Holder" means the Portfolio Holder with responsibility for the matter in question;

"Schedule 1" means Schedule 1 to this Scheme;

"Schedule 2" means Schedule 2 to this Scheme.

"Scheme of Devolved Financial Management" means the Scheme of Devolved Financial Management referred to in Financial Regulations;

“Standing Orders” means the Standing Orders as set out in Part 4 of the Constitution; and

“the 2000 Act” means the Local Government Act 2000.

2.2 Subject to the definitions in Paragraph 2.1 above and to any other provision in this Scheme all expressions in this Scheme shall have the same meaning as they do in the Articles or in Standing Orders, and, if there be any conflict between the meaning of any expression in the Articles and the same expression in Standing Orders, the meaning of the expression in the Articles shall prevail.

2.3 Any reference in this Scheme to any Statute, Bye-law, Regulation or Scheme made by the Council or to any Part of the Constitution shall include any amendment, modification, re-enactment or re-issue of the Statute, Bye-law, Regulation, Scheme or Part of the Constitution.

3. GENERAL DELEGATIONS TO OFFICERS

3.1 Each officer of the Council or category of officer of the Council specified in column (1) of Schedule 1 shall have delegated to her/him/them the powers specified in column (3) of Schedule 1 in relation to each such officer or category of officers.

3.2 For reference purposes each power specified in column (3) of Schedule 1 shall have the reference number in relation to that power specified in column (2) of Schedule 1.

3.3 The delegation of any power specified in column (3) of Schedule 1 shall be subject to any condition(s) or qualification(s) specified in column (4) of Schedule 1, which shall apply in addition to the general reservations.

4. SPECIFIC DELEGATIONS TO OFFICERS

4.1 Each officer of the Council specified in column (1) of Schedule 2 shall have delegated to her/him the powers specified in column (3) of Schedule 2 in relation to that officer.

4.2 For reference purposes each power specified in column (3) of Schedule 2 shall have the reference number in relation to that power specified in column (2) of Schedule 2.

4.3 The delegation of any power specified in Column (3) of Schedule 2 shall be subject to any condition(s) or qualification(s) specified in Column (4) of Schedule 2, which shall apply in addition to the general reservations.

5. GENERAL RESERVATIONS CONDITIONS AND QUALIFICATIONS APPLYING TO DELEGATIONS

5.1 The following reservations, conditions and qualifications apply to the exercise

of all powers delegated to officers:-

- (1) all powers and duties shall be exercised on behalf of and in the name of the Council;
- (2) the Constitution shall be complied with;
- (3) the right of the Executive to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
- (4) the right of the Executive to exercise any power delegated to an officer, or to issue directions to an officer on the exercise of any power or duty, but the Executive shall not act in either of these ways if:-
 - (a) the officer concerned has already acted in the exercise of the delegated power; or
 - (b) to do so would involve or potentially involve the Executive or the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or
 - (c) any third party rights would be adversely affected; or
 - (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
- (5) an officer may decline to exercise her/his delegated power in any case and make a recommendation to the Executive but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise her/his delegated power.

6. AMENDMENT TO SCHEME

- 6.1 This Scheme may be amended at any time by the Executive.
- 6.2 Nothing in this Scheme shall preclude the Executive from revoking an officer's delegated authority (either generally or in respect of specific matters) if the Executive considers that it is necessary to do so urgently in the interests of the Council.
- 6.3 In an emergency the Chief Executive shall have authority to exercise the power given to the Executive under Paragraph 6.2 above.

SCHEDULE 1**GENERAL DELEGATIONS TO OFFICERS**

<u>(1)</u> OFFICER	(2) REFERENCE NUMBER	(3) POWER DELEGATED	(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT
ALL HEADS OF SERVICE	1/01	To award a contract to the person or firm submitting the lowest (or, in the case of income to the Council, the highest) or most economically advantageous Quotation or Tender.	Compliance with Chapter 9 of Standing Orders.
	1/02	To approve final accounts.	
	1/03	To implement any decision of the Executive or of any person or body authorized by or under the authority of the Executive or the Executive Leader to take the decision in question.	
	1/04	To proceed with any project within the capital or revenue budgets approved by the Executive.	

	1/05	In a case of urgency, to proceed with a project even though the Executive has not approved the project under Chapter 9 of Standing Orders.	Subject to prior consultation with:- (1) the Chief Executive; (2) the Head of Finance; (3) the relevant Corporate Director; and (4) the relevant Portfolio Holder, who shall be informed of the views of the officers referred to at (1) to (3) above.
	1/06	To undertake consultation, discussion and negotiation relating to all schemes and proposals which are included in the approved capital or revenue budgets.	
	1/07	To use Council land and premises in accordance with Council policy or as approved by the Executive.	
	1/08	In any case where an enactment provides, authorises or requires a power to be carried out by an authorised officer of the Council, to authorise an officer to carry out that power under that enactment and to provide the officer with a warrant of authority, identity card or similar document.	

	1/09	To permit filming or sound recording on Council premises in relation to any matter within the Head of Service's area of responsibility.	Subject to prior consultation with the Council's Head of Policy and Performance.
	1/10	To exercise any power delegated to Heads of Service or Chief Officers by Standing Orders, Financial Regulations or the Scheme of Devolved Financial Management.	Any condition or qualification imposed by the Standing Order, Financial Regulation or provision of the Scheme of Devolved Financial Management under which the power is delegated.
	1/11	To request the Head of Finance to write off debts in accordance with Financial Regulations.	Subject to a maximum of £20,000 following consultation with the Head of Finance. In excess of £20,000.00 a recommendation to write off may be made jointly with the Head of Finance to the Executive.
	1/12	To appoint specialist advisers or consultants in respect of any matter within the Head of Service's area of responsibility.	Subject to the relevant budget not being exceeded.
	1/13	To approve an ex gratia payment to an employee who has suffered physical injury or damage to her/his personal property arising out of her/his employment.	Subject to the payment or payments in relation to a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Head of Finance. Any payment over £1,000.01 will require Executive approval.

	1/14	To authorise an employee to undertake a training course and to approve financial assistance for such training.	Subject to the Council's Policies and Procedures and to the relevant budget not being exceeded.
	1/15	To recover (or to waive recovery of) any financial assistance which the Council may be entitled to recover from employee who discontinues a training course.	As for Delegation 1/14.
	1/16	To offer work experience placements to students.	Subject to the Council's Policies and Procedures and to the relevant budget not being exceeded.
	1/17	To approve attendance by an employee at any conference relevant to the employee's area of work or professional discipline.	Subject to the Council's Policies and Procedures and to the relevant budget not being exceeded.

	1/18	To take all necessary action to deal with any emergency, whether or not such emergency relates to the Head of Service's area of responsibility.	<p>(1) If a Head of Service takes any action in an emergency relating to the responsibilities of any other Head of Service, or of a Corporate Director or the Chief Executive, (s)he shall, if practicable, consult the relevant Corporate Director or Chief Executive before taking the action and, in any event, shall inform that other Head of Service as soon as practicable after taking the action.</p> <p>(2) Any action taken in an emergency which would otherwise be outside the delegated authority of a Head of Service or which involves expenditure for which there is no provision shall be reported to the relevant Corporate Director, to the Head of Finance and to the Executive at the earliest opportunity.</p>
	1/19	To do anything necessarily incidental to the powers and duties delegated under this Scheme, or to the Head of Service's area of responsibility.	

	1/20	To levy any fee or charge and to change the amount of any fee or charge levied.	Where the fee or charge, or the change in the amount of the fee or charge, is prescribed by or under statute or has been approved by or under the authority of the Executive.
	1/21	To arrange for another Officer to carry out any power delegated to that Head of Service, either under Schedule 1 or under Schedule 2.	Subject to the other Officer having the necessary qualifications and experience to exercise the power delegated.

THE RELEVANT HEAD OF SERVICE	1/22	To exercise any power delegated under this Scheme to an officer who reports to the relevant Head of Service.	<p>The relevant Head of Service shall not exercise this power if any of the following apply:-</p> <ul style="list-style-type: none"> (1) the officer concerned has already acted in the exercise of the delegated power; or (2) to do so would involve or potentially involve the Executive or the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or (3) any third party rights would be adversely affected; or (4) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
	1/23	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the Council.	SUBJECT to the payment in respect of a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Head of Finance.

THE RELEVANT CORPORATE DIRECTOR	1/24	To exercise any power delegated under this Scheme to a Head of Service who reports to the relevant Corporate Director.	<p>The relevant Corporate Director shall not exercise this power if any of the following apply:-</p> <ul style="list-style-type: none"> (1) the officer concerned has already acted in the exercise of the delegated power; or (2) to do so would involve or potentially involve the Executive or the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or (3) any third party rights would be adversely affected; or (4) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
	1/25	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the Council.	SUBJECT to the payment in respect of a single incident being in excess of £1,000.01 but not exceeding £2,000. Any payment over £2,000 will require the approval of the Executive.

CHIEF EXECUTIVE	1/26	In relation to Heads of Service in the Chief Executive's Department, to exercise the power delegated to the relevant Corporate Director under delegated power 1/24 above.	Subject to the conditions set out in (1) to (4) in relation to Delegation 1/24 above.
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SCHEDULE 2

SPECIFIC DELEGATIONS TO OFFICERS

(1) OFFICER	(2) REFERENCE NUMBER	(3) POWER DELEGATED	(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT
HEAD OF ADULT SOCIAL CARE	2/01	To consider all requests from clients for access to their social services records compiled prior to 1 April 1985.	Subject to compliance with the provisions of the Data Protection Act 1998.

	2/02	<p>To act as a receiver appointed by order of the Court of Protection to conduct the financial affairs of elderly and disabled clients in the care of the Council, including:-</p> <ol style="list-style-type: none"> (1) making application to the Court for powers, or amendment of powers, to act as a Receiver; (2) attendance at Court as necessary; (3) service of Court documents to clients or their relatives; (4) complying with the Orders of the Court and to conduct the financial affairs of the client in accordance with instructions received; (5) collection of all income due to the client and payment of just debts; (6) sale of property in appropriate cases; (7) investment of surplus funds as necessary; 	
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		(8) completion of Income Tax Returns and checking of assessment; (9) making funeral arrangements.	
	2/03	To exercise the statutory duties of the Local Authority under Sections 8(1) and Section 20(8) of the Mental Health Act 1983.	
	2/04	To procure the provision of residential care or other forms of social care.	Up to a limit in any single case of £500,000 per year.
	2/05	To deal with admissions and discharges from establishments under the management of the Council or approved Voluntary Organisations and transfers between such establishments.	
	2/06	To deal with assessment and collection of charges from persons accommodated in residential establishments or making use of social services provided by the Council, or from the persons liable for their maintenance	
	2/07	To deal with the provision of temporary protection under Section 4 of the National Assistance Act 1948 for property of persons admitted to hospitals, etc.	

	2/08	To approve the payment of increases in maintenance or residential accommodation under Section 26 of the National Assistance Act 1948 and related legislation.	
	2/9	To exercise discretion in waiving or reducing charges to persons accommodated in residential establishments or making use of social services facilities provided by the Council or to persons liable for their maintenance.	
	2/10	To arrange for and, if necessary, to instruct the Head of Human Resources and Monitoring Officer to take steps to secure a legal charge against property owned by a person in or to be taken into residential care.	
HEAD OF BUSINESS AND CONSUMER SERVICES	2/11	To exercise the Council's powers under the Traffic Management Act 2004	

	2/12	To exercise the Council's powers in relation to environmental and consumer protection (including licensing) in a relevant enactment, in so far as such powers are the responsibility of the Executive.	<p>(1) For the purposes of this delegation "a relevant enactment" means any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulations made under any of the following enactments:-</p> <p>Accommodation Agencies Act 1953;</p> <p>Administration of Justice Act 1970;</p> <p>Agriculture (Miscellaneous Provisions) Act 1968;</p> <p>Alkali and Works (Regulations) Act 1954;</p> <p>Animal Boarding Establishment Act 1963;</p> <p>Animal By-Products (Enforcement) (England) Regulations 2011;</p> <p>Animal Health Act 1981;</p> <p>Animal Health and Welfare Act 1984;</p> <p>Animal Welfare Act 2006;</p> <p>Anti-Social Behaviour Act 2003;</p>
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			<p>Breeding of Dogs Acts 1973 and 1991;</p> <p>Breeding and Sale of Dogs (Welfare) Act 1999;</p> <p>Building Act 1984;</p> <p>Business Names Act 1985;</p> <p>Cancer Act 1939;</p> <p>Children and Young Persons (Protection from Tobacco) Act 1991;</p> <p>Children and Young Persons Act 1933;</p> <p>Clean Air Act 1993;</p> <p>Clean Neighbourhoods and Environment Act 2005;</p> <p>Companies Act 2006;</p> <p>Consumer Credit Acts 1974 and 2006;</p> <p>Consumer Protection Act 1987;</p>
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			<p>Control of Pollution Act 1974;</p> <p>Copyright Designs and Patents Act 1988;</p> <p>Countryside Act 1968;</p> <p>Courts and Legal Services Act 1990 (Sections 104-107 only);</p> <p>Crime and Disorder Act 1998;</p> <p>Criminal Attempts Act 1981;</p> <p>Criminal Justice and Police Act 2001;</p> <p>Customs and Excise Management Act 1979;</p> <p>Dangerous Wild Animals Act 1976;</p> <p>Dangerous Dogs Acts 1989 and 1991;</p> <p>Dangerous Dogs (Amendment) Act 1997;</p> <p>Data Protection Act 1998;</p> <p>Development of Tourism Act 1969;</p> <p>Disability Discrimination Act 1995;</p>
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			<p>Dogs Act 1906;</p> <p>Dogs (Fouling of Land) Act 1996;</p> <p>Dogs (Protection of Livestock) Act 1953;</p> <p>Education Reform Act 1988;</p> <p>Energy Acts 1976, 1983 and 2004;</p> <p>Energy Conservation Act 1988;</p> <p>Enterprise Act 2002;</p> <p>Environment Act 1995;</p> <p>Environmental Protection Act 1990;</p> <p>Estate Agents Act 1979;</p> <p>European Communities Act 1972;</p> <p>Explosives Acts 1875 ;</p> <p>Factories Act 1961;</p>
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			<p>Fair Trading Act 1973;</p> <p>Farm and Garden Chemicals Act 1967;</p> <p>Fireworks Acts 1964 and 2003 (Section 12);</p> <p>Food Act 1984;</p> <p>Food and Environmental Protection Act 1985;</p> <p>Food Safety Act 1990;</p> <p>Forgery and Counterfeiting Act 1981;</p> <p>Fraud Act 2006;</p> <p>Gambling Act 2005;</p> <p>Game Licences Act 1860;</p> <p>Ground Game Act 1880;</p> <p>Guard Dogs Act 1975;</p> <p>Hallmarking Act 1973;</p> <p>Hares Act 1848;</p>
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			<p>Health and Safety at Work etc. Act 1974;</p> <p>Highways Act 1980;</p> <p>Health Act 2006;</p> <p>House to House Collections Acts 1939 and 1947;</p> <p>Housing Acts 1985 and 2004;</p> <p>Insurance Brokers (Registration) Act 1977;</p> <p>Intoxicating Substances (Supply) Act 1985;</p> <p>Knives Act 1997;</p> <p>Land Drainage Act 1976;</p> <p>Licensing Act 2003;</p> <p>Litter Act 1983;</p> <p>Local Government Acts 1933, 1972, 1981 and 2000;</p> <p>Local Government and Housing Act 1989;</p>
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			<p>Local Government (Miscellaneous Provisions) Acts 1976 and 1982;</p> <p>Lotteries and Amusements Act 1976;</p> <p>Malicious Communications Act 1988;</p> <p>Medicines Act 1968;</p> <p>Motorcycles Noise Act 1987;</p> <p>Motor Vehicles (Safety Equipment for Children) Act 1991;</p> <p>National Lotteries Act 1993;</p> <p>Noise and Statutory Nuisance Act 1993;</p> <p>Noise Act 1996;</p> <p>Non-automatic Weighing Instruments Regulations 2000;</p>
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			<p>Offensive Weapons Act 1996;</p> <p>Offices, Shops and Railway Premises Act 1963;</p> <p>Open Spaces Act 1906;</p> <p>Performing Animals (Regulation) Act 1925;</p> <p>Pet Animals Act 1951;</p> <p>Petroleum (Consolidation) Act 1928;</p> <p>Petroleum (Transfer of Licences) Act 1936;</p> <p>Poisons Act 1972;</p> <p>Police and Criminal Evidence Act 1984;</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916;</p> <p>Pollution Prevention and Control Act 1999 together with the Pollution Prevention and Control (England and Wales) Regulations 2000;</p>
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			<p>Prevention of Damage by Pests Act 1949;</p> <p>Prices Act 1974;</p> <p>Private Security Industry Act 2001;</p> <p>Proceeds of Crime Act 2002;</p> <p>Property Misdescriptions Act 1991;</p> <p>Protection of Animals Act 1911;</p> <p>Protection of Badgers Act 1992;</p> <p>Protection from Harassment Act 1997;</p> <p>Public Health Acts 1936 and 1961 (Section 73 only);</p> <p>Public Health (Control of Diseases) Act 1984;</p> <p>Refuse Disposal (Amenity) Act 1978;</p> <p>Regulation of Investigatory Powers Act 2000;</p> <p>Removal and Disposal of Vehicles Regulations 1986;</p>
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			<p>Riding Establishments Acts 1964 and 1970;</p> <p>Road Traffic Acts 1972, 1988 and 1991;</p> <p>Road Traffic (Consequential Provisions) Act 1988;</p> <p>Road Traffic (Foreign Vehicles) Act 1972;</p> <p>Road Traffic Offenders Act 1988;</p> <p>Slaughter Houses Act 1974;</p> <p>Slaughter of Poultry Act 1987;</p> <p>Solicitors Act 1974;</p> <p>Sunday Trading Act 1994;</p> <p>Telecommunications Act 1984;</p> <p>Theft Act 1968 and 1978;</p> <p>Timeshare, Holiday Product, Resale and Exchange Contracts Regulations 2010;</p> <p>Tobacco Advertising and Promotion Act 2002;</p>
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			<p>Town and Country Planning Act 1990 (in relation to the Control of Advertisements);</p> <p>Town Police Clauses Act 1847;</p> <p>Trade Descriptions Act 1968;</p> <p>Trade Marks Act 1994;</p> <p>Unfair Contract Terms Act 1977;</p> <p>Unsolicited Goods and Services Acts 1971 and 1975;</p> <p>Vehicle Excise Duty (Immobilisation, Removal and Disposal) Regulations 1997;</p> <p>Video Recordings Act s 1984 and 2010;</p> <p>Violent Crime Reduction Act 2006;</p> <p>Weights and Measures Acts 1976 and 1985; and</p> <p>Wildlife and Countryside Act 1981.</p>
			<p>(2) The exercise of delegated powers under the Administration of Justice Act 1970 and the Solicitors Act 1974 are subject to prior consultation with the Head of Human Resources and Monitoring Officer.</p>

	2/13	To authorise any Officer of the Council to make purchases of alcohol for the purposes of the discharge of the Council's duties under the Licensing Act 2003.	
	2/14	To take such action as is necessary for and to authorise any young person or child to make purchases of alcohol for the purposes of the discharge of the Council's duties under the Licensing Act 2003.	
	2/15	To determine, following consultation with the Purley Centre Market Traders and as many of the relevant Ward Councillors as is possible, the Christmas opening hours of the Purley Centre Market.	
	2/16	To let market stalls.	
	2/17	To act or to authorise another officer of the Council to act as the Council's Chief Inspector of Weights and Measures and be responsible for the safe custody and maintenance of the Council's Local and Working Standards as maintained by the Council under the Weights and Measures Act 1985.	
	2/18	To operate a Consumer Advice Service.	

	2/19	To recruit (on such basis as the Head of Business and Consumer Services may determine) members of the public, including persons under 18 years of age and children, to make test purchases on behalf of the Council.	
	2/20	To make arrangements, under Section 101 of the Local Government Act 1972, for another local authority to prosecute any person for an offence alleged to have been committed in the Borough of Luton, where the alleged offence is an offence under a statute which the Head of Business and Consumer Services has delegated authority to enforce.	
	2/21	To make representations on behalf of the Council as "a responsible authority" under the Licensing Act 2003 or the Gambling Act 2005.	
	2/22	To determine the charge to be made for the supply of publications in relation to regeneration and intended to be made available to the public.	

CHIEF BUILDING CONTROL SURVEYOR	2/23	To exercise the Council's powers in relation to building control contained in a relevant enactment, in so far as such powers are the responsibility of the Executive.	For the purposes of this delegation "a relevant enactment" means any of the following enactments, any Regulations made under any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulations made under any of the following enactments:- Building Act 1984; Sustainable and Secure Buildings Act 2004; Building Regulations 2010; Safety of Sports Grounds Act 1975; Fire Safety and Safety at Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005; Building (Local Authority Charges) Regulations 2010; Any enactment relating to building control.
HEAD OF POLICY AND PERFORMANCE	2/24	To approve the use of the Borough Coat of Arms.	
	2/25	To approve the use, either on payment of, free of charge, of Committee Rooms by approved Organisations or Bodies.	The delegation does not permit approval of the use of Committee Rooms by political parties.

DEVELOPMENT CONTROL MANAGER	2/26	To determine and issue Certificates of Lawfulness of Existing or Proposed Use or Development.	
	2/27	To determine the charge to be made for the supply of documents intended to be made available to the public in relation to Development Control matters.	
	2/28	To lodge objections or other representations with the Traffic Commissioners, on planning grounds, to the grant of Heavy Goods Vehicle Operators' Licences if they relate to matters which are contrary to the development plan or to good planning practice.	
	2/29	To determine the extent of Environmental Statements to be submitted by prospective developers in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.	
DIRECTOR OF CHILDREN AND LEARNING	2/30	To make and sustain arrangements to promote co-operation between the Council and its partner Organisations to improve the well being of children in the authority's area under Section 10, Children Act 2004.	

	2/31	To make arrangements to ensure the authority's functions are discharged having regard to the need to safeguard and promote the welfare of children under Section 11, Children Act 2004.	
	2/32	To establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation under Section 12, Children Act 2004.	
	2/33	Under Sections 13, 14, 15 and 16 of the Children Act 2004, to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the authority's area.	
	2/34	To prepare and publish a Children and Young People's Plan (CYPP) to set out the authority's strategy for discharging their functions in relation to children and young people under Section 17, Children Act 2004.	

	2/35	Subject to Regulations, to co-ordinate statements of proposed action in light of a Joint Area Review report, in consultation with partners under Section 20(9)(d) Children Act 2004.	
	2/36	To arrange for the seconding of at least one children's social worker and at least one education professional to the Youth Offending Team under Section 39(5) of the Crime and Disorder Act 1998.	
	2/37	To promote the educational achievement of looked after children under Section 22(3A) of the Children Act 1989.	
	2/38	To provide the Secretary of State, if the Council is so directed, with information on individual children under Section 83(4A) of the Children Act 1989.	
	2/39	To approve new Instruments of Government in relation to schools.	
HEAD OF ENGINEERING AND STREET SERVICES	2/40	To cancel excess charge notices issued in relation to car parks, on-street parking and bus lane enforcement.	

	2/41	To exercise the powers under Section 14(3) of the Road Traffic Regulation Act 1984 temporarily to prohibit or restrict traffic on roads where urgently necessary owing to the likelihood of danger to the public or of serious damage to the highway.	
	2/42	To issue Notices and Orders under the Road Traffic Regulation Act 1984, in respect of the temporary prohibition of traffic as empowered by the Road Traffic (Temporary Restriction) Act 1991, and authority to make Temporary Orders under the Road Traffic Regulation Act 1984 in relation to Notices issued by the public utilities ('concessionaires') under the New Roads and Street Works act 1991.	
	2/43	To invoke procedures to make minor deletions or insertions to existing Road Traffic Regulation Orders and the suspension of experimental Traffic Regulation Orders.	
	2/44	To make Road Traffic Regulation Orders under the Road Traffic Regulation (Special Events) Act 1994, to close roads for a temporary period for special events.	

	2/45	To approve requests for road adoptions including road classification.	
	2/46	To exercise the powers under Section 78 of the Building Act 1984 relating to dangerous buildings.	
	2/47	To issue licences under the New Roads and Street Works Act 1991 and, insofar as the function concerned is not the responsibility of any other Head of Service.	
	2/48	To introduce Traffic Regulation Orders as necessary to implement Highway Schemes approved by the Executive or schemes required as part of the Development Control process.	
	2/49	To determine objections received in relation to proposed Traffic Regulation Orders, where these do not require a Public Inquiry.	After consulting the relevant Portfolio Holder.
	2/50	To take such action as is necessary under Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005.	
	2/51	To exercise the Council's powers under the Traffic Management Act 2004.	

	2/52	To determine reasonable charges in relation to the commercial waste collection service.	
	2/53	To waive charges for special collections of bulky household refuse.	
	2/54	To waive charges in respect of disposal charges, abandoned vehicle charges.	
	2/55	To apply for Waste Management Licences for relevant waste management facilities.	
	2/56	To apply for any necessary planning permissions, to sign Notices required under relevant planning legislation, and to sign any notice under the Environmental Statement Regulations.	
	2/57	In relation to waste management facilities, to sign and enter Public Notices in the local media in relation to planning applications, Environmental Statements, Site Licences and Discharge Consents.	
	2/58	To sign waste disposal contracts let under Section 51 of the Environmental Protection Act 1990.	

	2/59	To agree waste management contract variations up to £30,000.	
	2/60	<p>To exercise the Council's powers contained in the following enactments:-</p> <p>(1) Litter Act 1983 (except those provisions relating to Non-Executive functions);</p> <p>(2) Refuse Disposal (Amenity) Act 1978;</p> <p>(3) Environmental Protection Act 1990 - Sections 34, 35, 37, 40, 42, 44A, 45, 46, 47, 48, 49, 50, 51, 52, 55, 59, 60, 63, 75, 87, 88, 89, 90, 91, 95 and Schedule 4;</p> <p>(4) Environment Act 1995 - Sections 93, 94 and 95; and</p> <p>(5) Clean Neighbourhoods and Environment Act 2005 - Sections 3 and 4.</p>	
	2/61	To determine applications for the temporary use of parks, recreation grounds and open spaces.	

	2/62	To let games areas, etc., at prescribed fees.	
	2/63	To issue grants of grave spaces and approval of inscription in Book of Remembrance and Memorials.	
	2/64	To instruct a Principal Solicitor to issue and serve directions under Section 77 and to commence proceedings in the Magistrates Court under Section 78 of the Criminal Justice and Public Order Act 1994.	
	2/65	To permit openings in the highway by Statutory Undertakers under the New Roads and Street Works Act 1991.	
	2/66	To approve requests for the siting of Home Watch signs on the highway.	
	2/67	To let Allotments.	
	2/68	To serve notice to quit allotments.	
	2/69	To approve requests for the hanging of banners in streets.	

	2/70	To exercise the Council's powers in a relevant enactment in so far as such powers are the responsibility of the Executive.	<p>For the purposes of this delegation "a relevant enactment" means any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulation made under any of the following enactments:-</p> <p>Anti-Social Behaviour Act 2003;</p> <p>Clean Neighbourhoods and Environment Act 2005;</p> <p>Climate Change Act 2008;</p> <p>Control of Pollution Act 1974;</p> <p>Countryside Act 1968;</p> <p>Countryside and Rights of Way Act 2000;</p> <p>Dogs (Protection of Livestock) Act 1953;</p> <p>Environment Act 1995;</p> <p>Environmental Protection Act 1990;</p> <p>Highways Act 1980;</p> <p>Household Waste and Recycling Act 2003;</p>
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			<p>Litter Act 1983;</p> <p>Sections 16 and 41 Local Government (Miscellaneous Provisions) Act 1976;</p> <p>New Roads and Street Works Act 1991;</p> <p>Open Spaces Act 1906;</p> <p>Public Health Act 1936;</p> <p>Public Health Act 1961 (Section 73 only);</p> <p>Police and Criminal Evidence Act 1984;</p> <p>Refuse Disposal Amenity Act 1978;</p> <p>Road Traffic Acts 1972, 1981 and 1988;</p> <p>Road Traffic Regulation Act 1984;</p> <p>Road Traffic Regulations (Special Events) Act 1994;</p> <p>Road Traffic (Temporary Restrictions) Act 1991;</p> <p>Town and Country Planning Act 1990 (in relation to the Control of Advertisements);</p>
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			<p>Waste and Emissions Trading Act 2003;</p> <p>Waste Minimisation Act 1998;</p> <p>Water Industry Act 1991;</p> <p>Wildlife and Countryside Act 1981.</p>
	2/71	To approve requests for Grave Maintenance Agreements for 100 years at the cemeteries of the Council at the fee contained in the Scale of Charges.	
	2/72	To exercise the Council's powers under the Traffic Management Act 2004.	
HEAD OF FINANCE	2/73	To Implement the policies set out in the Council's Treasury Policy Statement.	
	2/74	To pay accounts.	

	2/75	To approve the issue of Notices of Variation to Mortgagors in the light of the determination by the Secretary of State of the Standard National Rate in force from time to time and the local Average Rate of Interest determined by the Executive from time to time whichever is the higher and to determine the rate of interest applicable to mortgages granted prior to 3 October 1980 and mortgages granted by the Council.	Subject, in the case of mortgages granted on or after 3 October 1980, to the policy determined by the Council at Minute 329/81 being continued
	2/76	To make an election to treat as taxable supply land or property in which the Council has a legal interest.	
	2/77	Serve Demand Notices.	
	2/78	To enter into agreements to receive payments on account of amounts due.	
	2/79	To take appropriate recovery procedures, e.g. apply to the Courts for Liability Orders, Destrainment on Goods, Attachment of Earnings Order, etc.	
	2/80	To approve the write off of debts in accordance with Financial Regulations.	Subject to a maximum of £20,000. In excess of £20,000 a Recommendation to write off should be made to the Executive.

	2/81	To approve payments made for and on behalf of the Council.	
	2/82	To accept on behalf of the Council any future grants, subject to the terms and conditions of those grants, where specific acceptance of the grant and its terms and conditions is required.	Subject to prior consultation with the relevant Portfolio Holder.
HEAD OF FIXED ASSETS	2/83	<p>To negotiate and to finalise terms for:-</p> <ul style="list-style-type: none"> a) the freehold sale of Council owned land and premises, and b) the grant of new leases of land and premises (in excess of 15 years for property held in the investment portfolio and in excess of 5 years for all other property) <p>and to report back to the Executive for approval of the negotiated terms.</p>	Subject to the Executive having approved the principle of such disposal.
	2/84	To grant new leases and to approve the terms of such for terms of up to and including 15 years for property held in the investment portfolio and up to and including 5 years for all other property.	

	2/85	To approve terms negotiated for leases, licences etc of Council owned land or premises on the renewal of existing terms.	
	2/86	To grant new leases on new terms for any term of years on Council owned property contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954.	
	2/87	To re-negotiate the terms of existing leases for the purposes of maximising income and enhancing capital value.	
	2/88	To approve terms negotiated for the acquisition of the freehold or leasehold interest in land or premises.	Subject to the Executive having approved the principle of such acquisition and provision having been made in the approved Capital and/or Revenue Budget.
	2/89	To grant licences, easements or tenancies at will for temporary third party use and occupation of Council owned property for any period of time.	
	2/90	To grant a wayleave easement or deed of access over Council owned land to a third party.	

	2/91	To negotiate with any lessee of Council owned property changes to any absolute clause in the lease in the interests of good estate management.	
	2/92	To accept an early surrender of any lease of Council owned property in the interests of good estate management or for strategic asset management or regeneration purposes.	
	2/93	Authority to appoint bailiffs or to take peaceable re-entry of Council owned property as part of the debt management strategy.	Subject to any prior judicial proceedings where necessary.
	2/94	<p>To dispose of the freehold interest in any Council land which is surplus to requirements:-</p> <p>a) for the purpose of permitting an extension of a garden, or</p> <p>b) where the open market value has been established at less than £20,000.</p>	

	2/95	To apply for planning permission for development, re-development or change of use of Council owned property, or third party property in connection with proposals or projects to further asset management or regeneration objectives.	
	2/96	To negotiate and settle schedules of dilapidations on behalf of the Council and landlord or tenant.	
	2/97	To secure orders for possession from the County Court for dwellings occupied by Council staff under a service tenancy.	
	2/98	To negotiate energy purchase agreements	
	2/99	To approve Home Loss Payments in accordance with the provisions of the Land Compensation Act 1973.	
	2/100	To make interim payments on acquisition of freehold and leasehold interest.	
	2/101	To make payment on account to owners/occupiers of properties included in a compulsory purchase order.	

	2/102	To make discretionary payments of up to £250 under the Land Compensation Act 1973, to persons displaced by the Council by compulsory purchase, demolition or closing orders, etc.	
	2/103	To approve use of the "Gap", St. George's Square by non-commercial Organisations.	
	2/104	To approve the use of the Town Hall Forecourt for specific events.	
	2/105	To process transactions for the Buy Back of Council Housing under the Housing Act 2004 (the Right of First Refusal) until they are handed over to the Head of Human Resources and Monitoring Officer for legal transfer.	
	2/106	To approve transactions affecting land relating to construction projects which have been approved by the Executive for implementation by the Luton Learning & Community Partnership where these transactions are ancillary to the implementation of those approved projects.	
HEAD OF HOUSING	2/107	To authorise a bailiff to distraint on goods of tenants in arrears with rent.	Subject to prior consultation with the relevant Portfolio Holder and having informed the relevant Ward Councillors.

	2/108	To allocate Council housing in accordance with the Council's Allocations Policy.	
	2/109	To waive the Council's requirement for a legal determination of a marriage (divorce or judicial separation or civil partnership) and "custody" of any children in cases where the Head of Housing is satisfied that there is likely to be a delay in securing a court decision and where such a delay would cause the applicant or their family undue hardship.	
	2/110	To offer accommodation on a temporary basis where the need arises due to extensive repair or refurbishment works required to the applicant's existing property.	If any applicant is dissatisfied with the decision of the Head of Housing (s)he shall have a right of appeal in writing to the Housing Appeal Panel.
	2/111	To approve the erection of garages of approved design within the curtilage of Council dwellings.	
	2/112	To revise the changes in the list of items rechargeable to tenants every 6 months to take account of any increases in the costs of materials and labour during the intervening period.	Subject to prior consultation with the relevant Portfolio Holder.

	2/113	To approve assignments of Agreements relating to spaces at the Municipal Caravan Site and to collect the appropriate commission on the sale of a mobile home at the Municipal Caravan Site.	
	2/114	To serve notices under the Secure Tenancies (Right to Repair Scheme) Regulations 1985.	
	2/115	To implement the deposit scheme on Travellers Site Caravan plots and to determine the amount of deposit requested up to a maximum of £200.	
	2/116	To take any action which she/he considers necessary in regard to the management of any land or premises owned or occupied by, or let to, the Council whether or not then sub-let by the Council to a third party, including, but not limited to, the issuing of any statutory or other legal notice in relation to such land or premises or in relation to any interest in such land or premises, the taking of any steps to obtain possession of such land or premises and the institution of any proceedings in relation to such land or premises.	Provided that prior to the obtaining of actual possession of any land or premises used for residential purposes the Head of Housing has given not less than 48 hours notice to each of the Councillors for the Ward in which the land or premises is situated.

	2/1117	<p>To chair the Housing Needs Review Panel, or nominate a delegate. To make decisions relating to :-</p> <p>the award of Emergency or Band A priority to housing applicants or</p> <p>to decide where special circumstances merit a departure from the terms of the published Allocations Policy.</p>	Subject to a right for the applicant to request a further review of any decision of the Housing Needs Review Panel to the Housing Review Panel.
	2/118	Where exceptional circumstances, or overriding management requirements, exist to approve offers of accommodation, either in person or through a nominated delegate, outside of the Choice Based Lettings scheme by way of a direct let.	
	2/119	To implement the Right of First Refusal provisions of the Right to Buy.	Subject to prior consultation with the Head of Fixed Assets.
	2/120	To take any necessary action in respect of any application for a Demotion Order under the Anti Social Behaviour Act 2003 and any action subsequent to the grant of such an Order.	
	2/121	To use Demoted Tenancies as a further method to tackle anti-social behaviour.	

	2/122	To agree, where the decision to acquire has to be made within strict time limits, the acquisition of dwellings for housing of applicants for Council housing.	Subject to prior consultation with the relevant Portfolio Holder and the Head of Fixed Assets.
	2/123	<p>To agree the acquisition of dwellings or properties that are:-</p> <p>(1) part owned by the Council under shared ownership leases; or</p> <p>(2) are former Council properties sold under the Right to Buy; or</p> <p>(3) required for redevelopment.</p>	Subject to prior consultation with the relevant Portfolio Holder
	2/124	To decide on extensions to any temporary or fixed term tenancies.	
	2/125	To agree the disposal of stock (homes and garages) where necessary to provide development sites.	Where a development scheme has been approved or authorised by the Executive.
	2/126	To nominate Registered Social Landlords to exercise the buy back option on the Council's behalf.	Subject to prior consultation with the relevant Portfolio Holder

	2/127	<p>Under the Housing Assistance, subject to the availability of resources within the General Fund Capital Programme, to offer such assistance as is authorised thereby and to:-</p> <ol style="list-style-type: none"> (1) determine specifications for works; (2) approve or refuse applications; (3) make payments; (4) recalculate or withhold payments; (5) determine repayment on breach of conditions; (6) waive conditions regarding payments; and (7) execute works towards which assistance aid may be paid and any further works necessary through the Council's Agency Scheme. 	Subject to a right for the applicant(s) to ask for a review by a Panel of Relevant managers and a subsequent further review by the Council's Housing Review Panel against any decision of the Head of Housing.
	2/128	To exercise the powers contained in the Housing Grants, Construction and Regeneration Act 1996.	

	2/129	To exercise the powers under the Housing Acts 1985 and 1996 to give directions to prevent or reduce overcrowding and for the making of management orders in respect of houses in multiple occupation.	
	2/130	To approve the determination of Closing Orders under Section 278 of the Housing Act 1985 where the properties in question have been rehabilitated to the required standard.	
	2/131	To determine, whether or not an applicant for assistance is entitled to assistance under Part XVI of the Housing Act 1985 and whether a reinstatement grant or an offer of repurchase should be made, and to serve notice admitting or denying the right to assistance, notice of determination to make a reinstatement grant or to repurchase and to administer the payment of reinstatement grant.	Subject to prior consultation with the Head of Fixed Assets.
	2/132	To administer and determine applications under Section 435 of the Housing Act 1985.	
	2/133	To exercise the powers contained in Sections 255 and 256 the Housing Act 2004.	

	2/134	To exercise the powers contained in Sections 13, 18, 24, 28 to 32, 34 to 43, 45 to 52, 56, 57, 76, 77, 81, 82 and 84 to 86 (in all cases inclusive) of the Housing Grants, Construction and Regeneration Act 1996.	Subject to the right of any person required to repay any grant paid under any of these provisions because of a breach of any of the conditions subject to which the grant was paid to appeal to the Housing Appeal Panel.
	2/135	In exceptional cases to waive the requirement for 2 estimates under Section 2(2)(b) of the Housing Grants, Construction and Regeneration Act 1996.	Subject to prior consultation with the relevant Portfolio Holder
	2/136	In exceptional cases to waive the requirement for ownership, tenancy and/or residency under Section 10(3) of the Housing Grants, Construction and Regeneration Act 1996.	
	2/137	To consider and determine oral and written representations against intended action in accordance with the Housing (Fitness Procedures) Order 1996 or under Section 377A of the Housing Act 1985, or under any subsequent Order made under Section 86 or Section 377A of the Housing Act 1985.	

	2/138	Under the terms of reference of the Luton Home Improvement Agency to make the service available in exceptional cases to persons under 60 years of age.	
	2/139	To assess and recover fees and costs incurred in the preparation and service of notices and orders under any of the following provisions:- Sections 10, 11, 20, 21 and 41 of the Housing Act 2004.	After consulting the Head of Finance, or such other officer as may be authorised.
	2/140	To approve and administer the giving of mortgages under Part XIV of the Housing Act 1985 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.	
	2/141	To take appropriate recovery procedures, e.g. apply to the Courts for Liability Orders, Destraint on Goods, Attachment of Earnings Order, etc.	
	2/142	To allocate Council housing in accordance with the Council's Allocations Policy.	

	2/143	<p>To exercise the powers contained in the following enactments in so far as they relate to housing and in so far as they are the responsibility of the Executive:-</p> <p>Building Act 1984 Sections 59, 64 and 76;</p> <p>Caravan Sites and Control of Development Act 1960 (Licensing and Regulatory Controls);</p> <p>Environmental Protection Act 1990 Section 80;</p> <p>Housing Act 2004 Parts 1, 2, 3, 4 and 7;</p> <p>Local Government (Miscellaneous Provisions) Act 1976 Section 16;</p> <p>Local Government (Miscellaneous Provisions) Act 1982 Section 29;</p> <p>Prevention of Damage by Pests Act 1949 Sections 4 and 6;</p> <p>Public Health Act 1936 Sections 45, 48, 49, 50, 51, 52, 83, 84, 85, 140, 141, 259, 268, 284, 285 and 287; and</p>	
		Public Health Act 1961 Sections 17, 22 and 35.	

	2/144	To take such action as is necessary under the Council's Housing Assistance Policy.	
	2/145	To make decisions in relation to persons who apply for housing as homeless/potentially homeless under Part III of the Housing Act 1985 as amended by the Asylum and Immigration Appeals Act 1993, Housing Act 1996 and Homeless Act 2002.	If any applicant is dissatisfied with the decision of the Head of Housing (s)he shall have a right of appeal in writing to the Housing Appeal Panel.
	2/146	To take any action which she/he considers necessary in regard to the management of any land or premises owned or occupied by the Council or let to the Council whether or not then sub-let by the Council to a third party, including, but not limited, to the issuing of any statutory or other legal notice in relation to such land or premises or in relation to any interest in such land or premises, the taking of any steps to obtain possession of such land or premises and the institution of any proceedings in relation to such land or premises.	Provided that prior to the obtaining of actual possession of any land or premises used for residential purposes the Head of Housing has given not less than 48 hours to each of the Councillors for the Ward in which the land or premises is situated.

	2/147	To receive and disperse such grants as may be awarded (Department of Communities and Local Government, Local Government Association, Home Office etc) (or its successor(s)) where application is made by the Council for funding, or such grant is awarded in respect of the Council's duties towards homeless households/ threatened with homelessness or prevention of homelessness or Asylum Seekers accommodated by the Council.	
	2/148	To discharge the Council's duties towards homeless households or households threatened with homelessness in accordance with the Council's stated Policies.	
	2/149	To collect all necessary charges in relation to the provision of temporary or interim accommodation provided under the provisions of the Housing Act 1985, Part III, Housing Act 1996, Part VII, Homeless Act 2002 and Asylum and Immigration Act 1996.	

	2/150	To select a partner or partners to manage Houses in Multiple Occupation or any other properties secured through action under Empty Dwelling Management Orders or to receive ownership of any properties acquired following action under a Compulsory Purchase Order and to waive Standing Orders should the contract sum for the management of these properties exceed agreed limits.	After consulting the relevant Portfolio Holder.
	21/1516	To notify those entitled to assistance in accordance with Section 562 of the Housing Act 1985 (defective dwellings).	
	21/152	To notify new applicants to purchase designated dwellings, in accordance with Section 563 of the Housing Act 1985 when serving Form RTB2.	
	21/153	To negotiate for the purchase of any property in respect of which a valid Purchase Notice has been served on the Council under Section 227 of the Housing Act 1985.	

	21/154	To process Right to Buy sales (including procedures such as rent to mortgage or shared ownership) until they are handed over to the Head of Human Resources and Monitoring Officer for legal transfer.	
HEAD OF HUMAN RESOURCES AND MONITORING OFFICER	2/155	To acquire monitoring data from all Departments in order to fulfil monitoring requirements of the Equal Opportunities Strategy in Employment.	
	2/156	To terminate, renew and assign leases, except in those cases where an assignment involves a change of use of the land or premises.	At the request of the Head of Fixed Assets.
	2/157	To serve notices under the Dutch Elm Disease (Local Authorities (Amendment)) Order 1971, and, as and where necessary, to execute works in default and to institute proceedings for failure to comply.	
	2/158	To apply for the grant or as the case may be, renewal or transfer of any permit in force under Section 34 of and Schedule 9 to the Gaming Act 1968 relating to the provision of amusements with prizes by means of machine.	At the request of the Director of Housing, Community Living and Adult Social Services.

	2/159	To serve appropriate Notices from time to time under the Agricultural Holdings Act 1948, to enable the Head of Fixed Assets to review the rent of the various agricultural tenancies.	
	2/160	To enter into agreements to payment by instalments to reimburse Council expenses incurred in executing works in default under the Public Health Acts 1936 - 1961.	After consulting the Head of Finance.
	2/161	To enter into agreements under Section 38 of the Highways Act 1980 and Section 104 of the Water Industry Act 1991.	After consulting the Head of Engineering and Street Services.
	2/162	To take the necessary action to make minor adjustments or suspensions under the Advance Payments Code, the Highways Act 1980.	After consulting the Head of Engineering and Street Services.
	2/163	To implement the legal transfer stage of Right to Buy sales (including procedures such as rent to mortgage or shared ownership).	
	2/164	To deal with the procedures defined in Part XVI of the Housing Act 1985 for the repurchase of defective dwellings.	Except those delegated to the Head of Fixed Assets.

	2/165	To determine applications for postponement of discount charges in favour of subsequent mortgages under the Right to Buy or Cash Incentive Scheme.	Subject to a right of appeal to the Housing Appeal Panel.
	2/166	To implement the discount repayment provisions of the Right to Buy.	After consulting with the Head of Fixed Assets and in accordance with the guidance of the Secretary of State subject to a right of appeal in writing on the ground of social and financial hardship to the Housing Appeal Panel.
	2/167	To approve assignments of Leases of Shops.	At the request of the Head of Fixed Assets.
	2/168	To serve notices terminating leases or licences of properties or land where such leases or licences were granted on a short term basis or for periods of less than 3 years and, as appropriate, to instruct the Head of Fixed Assets to negotiate a renewal of such leases or licences.	
	2/169	To take steps to secure a legal charge against property owned by a person in or to be taken into residential care.	At the request of the Head of Adult Social Care.

	2/170	To use Compulsory Purchase Powers where appropriate for properties which have been empty for a significant amount of time or have potential or actual structural failure or are causing nuisance within the neighbourhood or are infested with rodents or vermin (or a combination of these factors) and cannot be dealt with by the use of the Enforced Sale procedure on long term Empty Homes where appropriate or the use of Empty Dwelling Management Orders on appropriate dwellings which have been empty for an unreasonable time and are suitable for this action.	On the instructions of the Head of Housing.
PRINCIPAL SOLICITORS	2/171	To prosecute for offences both under statute and at common law and institute proceedings.	In respect of Executive Functions.
	2/172	To exercise the powers contained in the Local Land Charges Act 1975.	
	2/173	To institute proceedings in order to ensure compliance with the Sunday Trading Act 1994.	At the request of the Head of Business and Consumer Services.

	2/174	To issue and serve directions under Section 77, and to commence proceedings in the Magistrates Court under Section 78, of the Criminal Justice and Public Order Act 1994, where appropriate, taking into account the guidance in Department of the Environment Circular 18/94, and to implement any Order of the Magistrates Court obtained.	
	2/175	To authorise any officer of the Council to appear in Court under the provisions of Section 223 of the Local Government Act 1972.	With respect to Executive Functions.
	2/176	To make arrangements, under Section 101 of the Local Government Act 1972, for another local authority to prosecute any person for an offence alleged to have been committed in the Borough of Luton, where such an offence is one in respect of which the a Principal Solicitor has delegated authority to prosecute.	

	2/177	To apply to the Magistrates' Court for Anti-Social Behaviour Orders under the Crime and Disorder Act 1998 and to take action under the Anti Social Behaviour Act 2003 in accordance with the Council's Anti-Social Behaviour Protocol and to take action under the Anti Social Behaviour Act 2003.	
	2/178	To take any action, in any circumstances which she/he considers necessary in regard to any land or premises owned or occupied by, or let to the Council, including, but not limited to the issuing of any statutory or other legal notice in relation to such land or premises or in relation to any interest in such land or premises, the taking of any steps to obtain possession of such land or premises and the institution of any proceedings in relation to such land or premises.	

	2/179	<p>In cases of rent or site charge arrears, to:-</p> <p>(1) serve Notices to Quit or Notices of Seeking Possession or to make applications to the County Court for permission to terminate site agreements (Municipal Caravan Site);</p> <p>(2) institute proceedings for possession; and</p> <p>(3) take any other action as necessary.</p>	At the request of the Head of Housing.
HEAD OF PREVENTION AND EARLY INTERVENTION SERICE	2/180	The assessment of and provision for pupils with special educational needs under the Education Act 1996.	
	2/181	To determine whether to provide transport and other facilities for pupils with statements of special educational needs under Section 509 of the Education Act 1996.	
	2/182	The provision of education at non-maintained schools under Section 18 of the Education Act 1996.	

	2/183	To assist with the provision of clothing and maintenance under the Education Act 1996.	
	2/184	To exercise discretion in waiving day nursery charges where hardship would result or in the interest of particular children.	
	2/185	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti-Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the Council's Anti-Social Behaviour Protocol.	
	2/186	To deal with applications for grants under the Council's scheme for grant-aid approved Voluntary Organisations.	
HEAD OF SPECIALIST FAMILY SUPPORT SERVICES	2/187	The service of school attendance orders and the enforcement of school attendance under Section 437 of the Education Act 1996.	

	2/188	To apply for an education supervision order under Section 437 of the Education Act 1996.	
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	2/189	<p>To make discretionary allowances and to meet expenditure in connection with the boarding out of children, as follows:-</p> <ol style="list-style-type: none"> (1) to make an additional allowance up to double the basic rate for the age in the case of children requiring special skilled care, children with special needs and difficult children; (2) to authorise retaining fees to be paid to foster parents when a child is absent in hospital or for some other special reason; or (3) to make provision for other items of expenditure, e.g. additional fares to school or a bicycle in lieu, fees for playgroup or day nursery, fees for evening classes, school journeys, wedding presents, etc. and to cover expenses incurred because of visits and other contacts with a child's own parents. (4) to make provision for other items of expenditure, e.g. additional fares to school or a bicycle in lieu, fees for 	
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		(5) playgroup or day nursery, fees for evening classes, school journeys, (6) wedding presents, etc. and to cover expenses incurred because of visits and other contacts with a child's own parents.	
	2/190	To approve payments to foster parents in respect of damage or loss sustained by them arising from the actions of children in care.	Subject to no payment exceeding £1,000
	2/191	To approve, or refuse, applications for children looked after by the authority, to be placed in secure accommodation.	
	2/192	To consider all requests from clients for access to their social services records compiled prior to 1 April 1985.	
	2/193	To approve, or refuse, the registration of residential and day care services under both the Registered Homes Act 1984 and the Children Act 1989.	
	2/194	To procure the provision of residential care or other forms of social care.	Up to a limit in any single case of £100,000 per year.
	2/195	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti-Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the Council's Anti-Social Behaviour Protocol.	Subject to prior consultation with the relevant Portfolio Holder

	2/196	To deal with applications for grants under the Council's scheme for grant-aid approved Voluntary Organisations.	
HEAD OF PLANNING AND TRANSPORT	2/197	To exercise the powers under Section 78 of the Building Act 1984 relating to dangerous buildings.	
	2/198	To approve (including stage and conditional approval) and reject full plans submitted under the Building Act 1984 and the Building Regulations for the time being in force.	
	2/199	To accept and reject building notices submitted under the provisions of the Building Regulations for the time being in force.	
	2/200	To accept and reject notices and certificates submitted in accordance with the Building (Approved Inspectors etc) Regulations for the time being in force.	
	2/201	To enforce the provisions of the Building (Local Authority Charges) Regulations for the time being in force.	

2/202	To ensure compliance with the provisions contained within the Council's Policy Statement on Building Control and Level of Service.	
2/203	To determine applications for the relaxation/dispensation of the Building Regulations 1985 or any statutory amendment thereof for the time being in force.	
2/204	To serve notice under Section 32 of the Building Act 1984 declaring plans submitted under the Building Regulations to be of no effect.	
2/205	To issue notices under Section 81 of the Building Act 1984 in respect of the demolition of buildings.	
2/206	To issue Regularisation Certificates in respect of unauthorised building works.	
2/207	To implement the provisions of the Party Wall etc. Act 1996.	

	2/208	To serve Building Preservation Notices in respect of those buildings identified as meeting the criteria for inclusion in the Statutory List of Buildings of Special Architectural or Historic Interest.	
	2/209	To make representations on behalf of the Council as a "responsible authority" under the Licensing Act 2003 or the Gambling Act 2005.	
	2/210	To approve street naming and numbering and the numbering of buildings in streets.	

	2/211	<p>To exercise the Council's powers as the Lead Local Flood Authority and SuDS Approving Body under the Flood and Water Management Act 2010:-</p> <ul style="list-style-type: none"> (1) to request information from any person in connection with the authorities' flood risk management functions and sanction a person who fails to comply with this request under Sections 14 and 15, (2) to designate structures or features under Section 30 and Schedule 1, (3) to carry out works that will or may cause flooding under Section 39, and (4) to carry out works to manage flood risk from surface water, ground water or ordinary watercourse under Schedule 2 (29). 	
	2/212	To exercise the Council's powers under the Countryside and Rights of Way Act 2000.	
HEAD OF PROCUREMENT AND SHARED SERVICE	2/213	To purchase equipment required to link with the Council's computer information and voice network.	

HEAD OF REVENUES, BENEFITS AND CUSTOMER SERVICES	2/214	To institute proceedings for arrears of Council Tax or any other arrears of a similar nature.	
	2/215	To grant the full discretionary rate relief permissible for up to a maximum period of 8 weeks in respect of applications for relief from Charities occupying premises on short term tenancies.	
	2/216	To determine applications for Discretionary Rate Relief for Charitable Organisations and Community Amateur Sports Groups in accordance with all relevant Policy Frameworks.	
	2/217	To determine applications for Discretionary Rate Relief where there is Central Government funding in accordance with all relevant Policy Frameworks.	
	2/217	To determine applications for Discretionary Rate Relief in accordance with the Business Growth Incentive Scheme Policy Framework.	

	2/219	Serve Demand Notices.	
	2/220	To agree to receive payments on account of amounts due.	
	2/221	To Publish the amount of Council Tax in newspapers.	
	2/222	To take appropriate recovery procedures, e.g. apply to the Courts for Liability Orders, Destraint on Goods, Attachment of Earnings Order, etc.	
	2/223	To determine applications for discretionary Housing Benefit Payments.	Within the permitted total expenditure allowed.
	2/224	To carry out the proper administration of the recovery and collection of Council Tax.	
	2/225	To represent the Council, and to appoint any other Officer to represent the Council, at the Bedfordshire Valuation Tribunal.	
	2/226	To award discretionary rate relief, or reduction or remission of Non-Domestic Rate on the grounds of hardship.	Subject to prior consultation with the relevant Portfolio Holder,

	2/227	<p>To exercise the following powers, in relation to Council Tax under the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992:-</p> <ul style="list-style-type: none"> (1) to decide that a dwelling is a chargeable dwelling; (2) to decide that a person is liable to pay or is exempt from payment of Council Tax; (3) to decide that a person may be disregarded for the purposes of discount entitlement; (4) to calculate the amount a person is liable to pay by way of Council Tax; (5) to issue and serve a completion notice in respect of any new dwelling; 	
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		<p>(6) to consider appeals in respect of liability, completion dates, or the amount a person is liable to pay by way of Council Tax, or the imposition of a penalty;</p> <p>(7) to represent the Council at the Bedfordshire Valuation Tribunal;</p> <p>(8) to impose a penalty in respect of the non-supply of information or the supply of information which the Billing and Recovery Manager believes to be knowingly inaccurate in a material particular;</p> <p>(9) to quash a penalty imposed under (8) above;</p> <p>(10) to request information from any resident, owner, managing agent or public body for the purposes of identifying liable persons or exempt dwellings;</p> <p>(11) to supply information to any other billing authority for the purposes of the exercise by them of their functions;</p>	
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		<p>(12) to make enquiries as to whether a dwelling is or has been an exempt dwelling;</p> <p>(13) to issue and serve demand notices, reminder notices, joint taxpayer notices, penalty notices, adjustment notices, and final notices;</p> <p>(14) to make alternative agreements for payments other than the statutory instalment scheme;</p> <p>(15) to collect and receive payments;</p> <p>(16) to make complaint for the issue of a summons;</p> <p>(17) to issue and serve summonses;</p> <p>(18) to request employment and financial information following the issue of a liability order;</p> <p>(19) to institute legal proceedings in respect of the non-supply of, or the supply of false, employment or financial information;</p>	
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		<p>(20) to make and serve an Attachment of Earnings Order;</p> <p>(21) to make and serve an order discharging an Attachment of Earnings Order;</p> <p>(22) to institute legal proceedings against an employer who fails to comply with an Attachment of Earnings Order;</p> <p>(23) to make application for the deduction of sums from income support or job seekers allowance;</p> <p>(24) to make an order for the attachment of an elected member's allowances;</p> <p>(25) to discharge an order in respect of an attachment of an elected member's allowances;</p> <p>(26) to issue and send a Compliance Notice (;</p> <p>(27) to take control of Goods;</p>	
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		<p>(28) to apply for the issue of a warrant of commitment;</p> <p>(29) to institute bankruptcy or winding up proceedings under the Insolvency Act 1986; and</p> <p>(30) to apply for the imposition of a charging order.</p>	
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	2/2228	<p>To exercise the following powers in relation to non-domestic rates, under the Local Government Finance Act 1988 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989:-</p> <ol style="list-style-type: none"> (1) to decide that a person is liable to pay or exempt from payment of occupied or unoccupied Non-Domestic Rates; (2) to calculate the amount a person is liable to pay by way of non-domestic rates; (3) to issue and serve a completion notice in respect of any new dwelling; (4) to require the Valuation Officer to apportion the rateable value of any partly occupied hereditament; (5) to consider appeals in respect of completion dates; (6) to represent the Council at the Bedfordshire Valuation Tribunal; 	
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		<p>(7) to issue and serve demand notices, further (reminder) notices, adjustment notices, and reminder (final) notices;</p> <p>(8) to make alternative agreements for payments other than the statutory instalment scheme;</p> <p>(9) to collect and receive payments;</p> <p>(10) to make complaint for the issue of a summons;</p> <p>(11) to issue and serve summonses;</p> <p>(12) to take control of Goods;</p> <p>(13) to apply for the issue of a warrant of commitment;</p> <p>(14) to institute bankruptcy or winding up proceedings under the Insolvency Act 1986; and</p> <p>(15) to institute legal proceedings for the recovery of an unpaid sum of Non-Domestic Rates.</p>	
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	2/229	<p>To exercise the following powers, in relation to Housing Benefit and Council Tax Benefit overpayments, under the Social Security Administration Act 1992 and the Housing Benefit (General) Regulations 1987:-</p> <ol style="list-style-type: none"> (1) to determine the rate of recovery; (2) to recover overpaid Housing or Council Tax Benefit by deductions from on-going Housing Benefit, arrears of benefit owed, deductions from a landlord's personal benefit, or from the Housing Benefit of tenants unrelated to the overpayment; (3) to request the recovery of an overpayment from Social Security benefits; (4) to issue a demand for payment and take subsequent recovery action; (5) to register an overpayment as an Order of Court; (6) to recover an administrative penalty; 	
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		<p>(7) to collect and receive payments;</p> <p>(8) to institute legal proceedings for the recovery of an unpaid overpayment; and</p> <p>(9) to institute bankruptcy or winding up proceedings under the Insolvency Act 1986.</p>	
HEAD OF SUPPORT, CHALLENGE AND INTERVENTION	2/230	To allocate places to children applying for admission to community schools.	
	2/231	To direct schools to admit children under Sections 96 and 97 of the Schools Standards and Framework Act 1998.	
	2/232	To determine whether to provide transport and other facilities for pupils other than those with statements of special educational need under Section 509 of the Education Act 1996.	
	2/233	To make arrangements for the election of school governors under Schedule 11 of the School Standards and Framework Act 1998.	

	2/234	To appoint a person as a Governor of a Local Education Authority Maintained School, or of such other school or educational institution for which the Local Education Authority is the appointing authority, where in any case a meeting of the body to which the appointment is to be made is scheduled to take place on or before the date of the next ordinary meeting of the Executive.	After consulting the relevant Portfolio Holder.
DIRECTOR OF PUBLIC HEALTH	2/235	To take all steps necessary under the Council's duties to improve public health.	
	2/236	To exercise any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council either by arrangement or under Regulations.	
	2/237	To exercise any of the Secretary of State's public health functions exercised by the Council under section 7A of the National Health Service Act 2006 as amended.	
	2/238	To exercise the Council's functions that relate to planning for, or responding to, emergencies that present a risk to public health.	

	2/239	To co-operate as necessary with any prison service with a view to improving the exercise of functions in relation to securing and maintaining the health of prisoners	
	2/240	To write the annual report on the health of the local population.	
	2/241	Subject to Regulations to formulate the Council's public health response under the Licensing Act 2003.	
	2/242	To take appropriate action with regard to maternity or child health clinics under the Healthy Start and Welfare Food Regulations 2005 as amended.	
	2/243	To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of the Joint Strategic Needs Assessment and Joint Health and wellbeing Strategy, and commissioning appropriate services accordingly.	

	2/244	<p>To take such action as is necessary to ensure that:-</p> <ul style="list-style-type: none"> (a) steps are taken to protect the health of the local population; (b) NHS commissioners receive the public health advice they need; (c) there is appropriate access to sexual health services; (d) all steps are taken with regard to the National Child Measured programme and (e) all steps are taken with regard to the NHS Health Check assessments. 	
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	2/245	<p>To take such steps as are necessary with regard to:-</p> <ul style="list-style-type: none"> (a) tobacco control and smoking cessation services; (b) alcohol and drug misuse services; (c) public health services for children and young people aged 5-19 (including the Health Child Programme 5-19) (and in the longer term all public health services for children and young people); (d) interventions to tackle obesity such as community lifestyle and weight management services; (e) locally-led nutrition initiatives; (f) increasing levels of physical activity in the local population; (g) public mental health services; (h) dental public health services; (i) accidental injury prevention; 	
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		<ul style="list-style-type: none"> (j) population level interventions to reduce and prevent birth defects; (k) behavioural and lifestyle campaigns to prevent cancer and long-term conditions; (l) local initiatives on workplace health; (m) supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes; (n) local initiatives to reduce excess deaths as a result of seasonal mortality; (o) public health aspects of community safety, violence prevention and response; (p) public health aspects of local initiatives to tackle social exclusion; and (q) local initiatives on workplace health 	
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	2/246	To undertake the day to day management of ring-fenced public health grant provided to the Council to discharge its new public health responsibilities	
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<p>For: (x)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%; padding: 2px;">Executive CLMT</td> <td style="width: 20%; text-align: center; padding: 2px;"> <input checked="" type="checkbox"/> <input type="checkbox"/> </td> </tr> </table> <p>Meeting Date: 22 September 2014</p> <p>Report of: Corporate Directors, of Housing and Community Living and Children and Learning</p> <p>Report author: Caroline Thomas and Maud O'Leary Head of Adult Social Care</p>	Executive CLMT	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p style="font-size: 1.2em; font-weight: bold;">Agenda Item Number: 9</p>
Executive CLMT	<input checked="" type="checkbox"/> <input type="checkbox"/>		

<p>Subject: Changes in the formal partnership agreement the Council has with Luton Clinical Commissioning Group (LCCG) (For Executive Only)</p> <p>Lead Executive Member(s): Cllr Hussain and Cllr Akbar</p> <p>Wards Affected: All</p>	<p><u>Consultations:</u></p> <table style="width: 100%;"> <tr> <td style="width: 80%;">Councillors</td> <td style="width: 20%; text-align: center;">(x) <input type="checkbox"/></td> </tr> <tr> <td>Scrutiny</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Stakeholders</td> <td style="text-align: center;">x <input type="checkbox"/></td> </tr> <tr> <td>Others</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Councillors	(x) <input type="checkbox"/>	Scrutiny	<input type="checkbox"/>	Stakeholders	x <input type="checkbox"/>	Others	<input type="checkbox"/>
Councillors	(x) <input type="checkbox"/>								
Scrutiny	<input type="checkbox"/>								
Stakeholders	x <input type="checkbox"/>								
Others	<input type="checkbox"/>								

<p>Recommendations</p> <p>1. Executive is recommended to agree to:</p> <p style="margin-left: 40px;">i) the proposed changes to the formal partnership agreements the Council has with Luton Clinical Commissioning Group (LCCG) to take forward the health and social care integration agenda, enable greater flexibility, best use of limited resources and improve accountability.</p> <p style="margin-left: 40px;">ii) delegate authority to the Corporate Director, Housing and Community Living and Corporate Director for Children and Learning in consultation with the Portfolio Holders for Adult and Children's Services and the Joint Management Group to agree final sign off of the new partnership agreement to cover the services outlined in paragraphs 5&6 (existing pooled budget services) and paragraph 14 (new services with pooled arrangements)</p> <p style="margin-left: 40px;">iii) instruct officers to identify and negotiate further services that could be better managed through a pooled budget integrated delivery or lead commissioning arrangement, with the aim of incorporating further schemes into the Partnership Agreement.</p>
<p>Background</p> <p>2. Section 75 and 76 of the National Health Act 2006 provide a legal framework in respect of Health Care flexibilities that enable partnership arrangements by the introduction of innovative, cross-sectoral working through pooled budgets, lead commissioning and integrated provision. (S75 enables the NHS to transfer money to a local authority and to pool budgets, whereas S76 allows the local authority to transfer money to the NHS).</p> <p>3. Section 75 and 76 Agreements provide legal and financial frameworks for integrated commissioning and service delivery including the establishment of pooled budgets. They also enable officers of the lead organisation (either the Council or LCCG) to be legally accountable for the commissioning of services on behalf of the other organisation.</p>
<p>The current position</p> <p>4. The Council has two formal Partnership Agreements in place with Luton Clinical Commissioning Group (LCCG) which were approved by Executive in March 2013 (one covers Adults and the other Children's Services). The Council also has a formal Partnership Agreement with the current Mental Health Provider South Essex Partnership Trust (SEPT) which is about to expire.</p>

5. The agreement with LCCG for adults covers: the Joint Commissioning Post for Adults, the Joint Equipment Service (which covers adults and children), the integrated Community Learning Disability Team for adults and care purchasing budgets including lead commissioning of an NHS budget.
6. The agreement with LCCG for children covers: the integrated Commissioning Team, the integrated Disability Service, Out of Borough Residential Places for children with complex needs and disabilities, Keech Hospice (Respite and Palliative Care Services), Occupational Therapy, Speech and Language Therapy, Mellow Parenting and Child and Adolescent Mental Health Services (CAMHS)
7. The agreement with SEPT pays for the salaries and on costs of Adult Social Care staff who were transferred to the NHS provider under TUPE in 2006. (Similar arrangements operate in Central Bedfordshire and Bedford Borough Councils and monitoring has been undertaken by the three councils together for services which covered the County). LCCG are in the process of selecting a new Mental Health provider for Luton. The contract price includes the Adult Social Care Service for which a service specification has been drawn up.
8. The Department of Health (DH) have stated that from 2015/16 the Better Care Fund (BCF) will need to be included in a formal Partnership Agreement with LCCG as a pooled budget for 2015/16 and for the life of BCF.
9. Discussions are at an advanced stage with LCCG about the Council delivering several services on behalf of the CCG in an integrated way; these are likely to include Communications and Engagement, Complaints, PALS and FOI. (An agreement covering Equality and Diversity is already in place).

Goals and Objectives

10. To promote integration and partnership across health and social care through promoting joined up commissioning and integrated delivery of services across the NHS, Social Care and Public Health by ensuring a co-ordinated approach.
11. To achieve better outcomes for residents especially service users and carers and enable more effective commissioning activity across partners.

Proposal

12. Advice from Legal Services is that best way to achieve a suitable agreement that is flexible enough to accommodate new services as the need arises is to agree a new formal Partnership Agreement with LCCG, which would incorporate and replace the current agreements. The current agreements which operate until March 2016, would therefore end on the day the new agreement- covering services for both adults and children - came into force.
13. The new agreement would be similar in many ways to the old agreement but would have broader aims and enable different timescales and monitoring arrangements to operate for the different types of services which would be captured in the individual schedules.
14. In addition to the current services included in the existing agreements for adults' and children's services the new agreement would include schedules for:
 - The Adult Social Care Mental Health Service (budget £1.7m) using S76 of the Health Act 2006 which enables lead commissioning by LCCG. This is only a minor change from the current arrangements whereby LBC has a separate partnership agreement with the Mental Health Provider. Under the new arrangement the Council will monitor effective delivery of MH services with LCCG, improving accountability, rather than separately as happens now;
 - Integrated delivery of Communications and Engagement, Complaints, PALS and FOI services which are currently delivered separately by the CCG and Council, using S75 of the

Health Act which enables pooled budgets and integrated service delivery. The service would be managed by the Council and would incorporate the current agreement for integrated delivery of Equality and Diversity services.

- BCF funding using S75 pooled budget arrangements in line with DH guidance and timescales;
- Other services to meet the goals and objectives outlined above as the need arises in the future.

Key Risks

15. The key risks with all lead commissioning and pooled budget agreements are that the funding will be inadequate to meet the need and that further provision will then need to be made. This will be mitigated by regular monitoring through formal arrangements and a risk sharing protocol included for each arrangement.
16. Adult Mental Services is complicated and involves risk for both health and social care in the handover to a new provider because it involves disaggregating what are currently county wide services (funded by LBC, CBC and BBC and LCCG and BCCG). In terms of legal responsibility the Council must retain overall responsibility for the Approved Mental Health Professionals (AMHP) and Deprivation of Liberty Safeguards (DoLS) services. This involves ensuring that an AMHP rota operates across the Borough and DoLS assessments and authorisations take place within DH timescales. Currently the AMHP rota covers Luton and South Bedfordshire with another rota covering North Bedfordshire. The Luton and South Bedfordshire rota includes AMHPS drawn from both Luton and Central Bedfordshire and this will need to change. It is likely that shared hosting arrangements will be agreed with CBC and BBC, SEPT and the new provider for an interim period to manage the risk. To reduce and manage these risks a specification for Adult Social Care Mental Health Services is included in LCCG's contract with the new provider; the Corporate Director for Housing and Community Living and the Head of Adult Services sit on the CCG's Procurement Steering Group which is overseeing the procurement and Adult Social Care is involved in the competitive dialogue process to select the new provider. Luton's Safeguarding Adults Board is also monitoring the risks involved in the handover. Ongoing monitoring of mental health services by the new provider will be undertaken by the CCG and the Council together through regular formal arrangements.
17. BCF is complicated by future funding for services being linked to delivery of a reduction in emergency admissions to the hospital. To mitigate the risk a risk sharing arrangement will be developed and included in the schedule. To reduce and manage BCF risks the Better Together Programme Board will monitor delivery and report regularly to the Health and Well Being Board.
18. The Partnership Agreement will need to be reviewed by the Council's Legal Department and LCCG's solicitors both of whom may propose minor amendments to reduce risk to either party.

Consultations

19. Consultation has taken place with Attain (the NHS England Commissioning Support Team) and Luton CCG. Managers involved in the services together with relevant Finance Officers have been consulted. A report was taken to Joint Management Board in August.

Appendices attached:

None

Background Papers:

- Reports to Executive March 2013 - Section 75 and 76 Agreements between Luton Borough Council and Luton Clinical Commissioning Group. One Report covering Adults, the other Children's Services. The current S75 agreements.
- Current S75 Partnership Agreement with SEPT
- ASC specification sent by LCCG to bidders pertaining to Lot 2 Adult Mental Health Services and included in the contract.
- BSF reports to HWB in 2013/14

IMPLICATIONS

		Clearance – agreed by:
Legal	Legal Services have been consulted and involved in the construction of the existing S75/S76 Partnership Agreements. A new agreement is proposed.. Legal implications concerning Mental Health Act Services have been mentioned in paragraphs 16 of this report	Graham Cole – Solicitor, Legal Services – on 03.09.14.
Finance	These recommendations will enable more effective use of the financial resources under the section 75 and 76 Pooled budget agreement.	Agreed by: Comie Campbell Finance Manager - Housing, Community Living and Public Health 4 th September 2014
Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	The S75/S76 Agreement is a document setting out lead commissioning and pooled budget arrangements between two organisations and as such has no direct impact on service users and carers. However user and carers and Healthwatch have been actively involved in LCCG's contracting process for MH services.	Agreed Sandra Legate Equality and Diversity Policy Manager 3 rd September 2014
Environment	There are no environmental issues immediately arising from the Agreement. However the disaggregation of what are currently countywide MH services could in the longer term lead to a reduction in in-patient facilities in Luton	Agreed by Strategy & Sustainability Manager, 11 September 2014
Health	The proposed Agreement deals specifically with joint commissioning arrangements between the Council and the Clinical Commissioning Group. Although there is no immediate effective for Public Health, there may be impacts depending on what is jointly commissioned in future	Approved by Morag Stewart, Public Health 3 rd September 2014
Community Safety	There are community safety and safeguarding implications arising from the changes in provider for Mental Health Services which need to be carefully managed. Paragraph 16 summarised the action being taken to manage these risks.	Approved by Head of Business and Consumer Services 04 September 2014
Staffing	MH Services - All staff funded by ASC employed by SEPT will TUPE transfer to the successful bidder.	
Other	There are no other identified implications.	

FOR EXECUTIVE ONLY - Options:

Executive may decide to:

- Approve the proposal to replace the current S75 Agreements for Adults and Children with one new agreement with several schedules that can be added to as need arises.
- Decline to replace the current agreements with one new agreement. This option would mean that a new schedule for MH services would need to be added to the current Adult S75 Agreement
- Defer a decision pending further information and/or clarification.

<p>For: (x)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Executive</td> <td style="width: 20%; text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>Meeting Date: 22 September 2014</p> <p>Report of: Head of Youth Offending Service</p> <p>Report author: Anita Briddon, Head of Youth Offending Service</p>	Executive	<input checked="" type="checkbox"/>	CLMT	<input type="checkbox"/>	<p style="font-size: 1.2em; font-weight: bold;">Agenda Item Number: 10</p>
Executive	<input checked="" type="checkbox"/>				
CLMT	<input type="checkbox"/>				

<p>Subject: Youth Justice Plan for Luton 2014/15</p> <p>(For Executive Only)</p> <p>Lead Executive Member(s): Cllr N Ayub & Cllr W Akbar</p> <p>Wards Affected: All</p>	<p><u>Consultations:</u></p> <table style="width: 100%;"> <tr> <td>Councillors</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Scrutiny</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Stakeholders</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Others</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Councillors	<input checked="" type="checkbox"/>	Scrutiny	<input type="checkbox"/>	Stakeholders	<input checked="" type="checkbox"/>	Others	<input type="checkbox"/>	<p>(x)</p>
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<p>Recommendations</p> <p>1. That the Executive:</p> <ul style="list-style-type: none"> (i) approve the content of the Youth Justice Plan 2014/15 as attached at Appendix A. (ii) Recommend that the Council approve the content of the Youth Justice Plan 2014/15 as part of the Councils Policy Framework.
<p>Background</p> <p>2. The Youth Offending Service (YOS) has a statutory responsibility to prevent offending and reoffending by those aged under 18 years resident in Luton. Luton YOS is well respected nationally as a high performing service achieving good outcomes for children and young people. This good performance was recently confirmed by an HMIP short inspection. There is a statutory requirement to produce and submit, to the Youth Justice Board, a Youth Justice Plan as set out in the Crime and Disorder Act 1998 section 40. The plan should set out how youth justice services are to be provided and funded, how the Youth Offending Service will be composed and funded, how it will operate and what functions it will carry out. The Plan must be submitted for approval to the Youth Justice Board and published in accordance with the directions of the Secretary of State. The submission of the plan is also a condition for receipt by the service of the second instalment of the Youth Justice Board Good Practice Grant.</p>
<p>The current position</p> <p>3. The Youth Justice Plan 2014/15 has been produced in accordance with the Youth Justice Board guidance and is set out in Appendix A. It remains in draft form until approved by the Youth Justice Board following submission on 30 September 2014.</p>
<p>Goals and Objectives</p> <p>4. Our priorities going forward continue to be to ensure Luton is a safe place to grow up, live and work in and to enable children and young people to make a positive contribution to their communities and achieve positive outcomes for themselves. These priorities are drawn from national research and national performance indicators, alongside local data and priorities identified across the partnership. The priorities take account of local partnership and inspection actions plans.</p> <p>5. In achieving our priorities we aim to:</p> <ul style="list-style-type: none"> • Reduce the number of children and young people entering the youth justice system for the first time

- Reduce re-offending by children and young people already in the youth justice system
- Reduce the number of young people being remanded or sentenced to the secure estate by providing strong effective bail packages and community sentences
- Protect the public and support victims including the increased use of restorative justice
- Promote the safety and welfare of children and young people at risk of entering or who are in the youth justice system

Proposal

6. The Executive is asked to:

- approve the Youth Justice Plan for Luton 2014/15
- recommend Council to approve the Youth Justice Plan for Luton 2014/15

Key Risks

7. The reduction in recent years of approximately 50% in the overall budget has already seen restructures of the service but with minimal impact on service delivery. However, the continuing financial constraints on public services, including statutory partners, is likely to see further reductions in contributions which will make a further reconfiguration of services necessary. At present the service intends to manage funding reductions through a variety of means including exploring other funding options, greater partnership working and continued review of costs and service delivery.
8. The coming year will see the service move into new office accommodation as part of LBC rationalisation of centrally located office accommodation, which will mean all staff based within the same building for the first time since 2002. The new accommodation will provide a better environment for both staff and service users.
9. Serious youth crime and particularly violent crime pose the greatest risk in terms of increased use of the secure estate and reoffending so continued strong partnership work and engagement with local communities will prove critical going forward. Detailed analysis of reoffending rates will be undertaken to identify common factors which may assist both the service and partner agencies to halt the current include in reoffending rates.

Consultations

10. The plan draws on self-assessment and consultation within the multi-agency Youth Offending Service and partner agencies particularly those represented on the YOS Chief Officer Board.

Appendices attached:

Appendix A - Draft Youth Justice Strategic Plan 2014/15

Background Papers:

N/A

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		Clearance – agreed by:
Legal	This statutory plan confirms that Luton is compliant with its statutory responsibilities to provide a multi-agency YOS	Graham Cole, Solicitor - Legal Services, on 3.9.14
Finance	There are no financial implications in this report	Steve Dickman, Finance Manager, Children and Learning has seen and agreed the report Tuesday

		2 nd September 2014.
Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	<p>The YOS works with some of the most vulnerable young people in the town including the victims of young people's offending many of whom are also young people. Its work contributes to social cohesion by reducing crime committed by young people and fear of crime, particularly through its work with victims, restorative justice approaches and contribution to the multi-agency work to combat serious youth violence. This plan commits the YOS to continuing this work and this approach.</p> <p>In common with the national picture, black and minority ethnic young people are over represented both as perpetrators and the effective work of the YOS in reducing offending will therefore have a positive impact on these communities. The great majority of young offenders are boys. This plan commits the YOS to continuing to reduce offending by young people. A full Integrated Impact assessment will be completed once the plan has been signed off by the Youth Justice Board and will be used to inform the detailed implementation of the plan</p>	Maureen Drummond, Social Justice Adviser, 2 September 2014
Environment	There are no Environment implications	Agreed by Strategy & Sustainability Manager on the 11 September 2014.
Health	This plan will have a positive impact on young peoples' health. It confirms the YOS's holistic approach to addressing young people's offending behaviour, including addressing their health needs. It identifies the prevalence of speech, language and communication difficulties in this cohort of young people and the steps being taken by the YOS to address these. A full Integrated Impact assessment will be completed once the plan has been signed off by the Youth Justice Board and will be used to inform the detailed implementation of the plan	Public Health Morag Stewart, Ass DPH 01.09.2014
Community Safety	The Youth Offending Service is a key partner and member of the Community Safety Partnership. The report sets out current performance and priorities for 15/16 which align with community safety priorities.	Laura Church Head of Business Services 1.9.2014 Head of Business Services 1.9.2014
Staffing	None	
Other		

FOR EXECUTIVE ONLY - Options:

- **To approve the Youth Justice Plan and recommend Council to approve the Youth Justice Plan for Luton 2014/15** – The Plan is required to meet statutory requirements and ensure that partnership resources are aligned to the work of the Youth Offending Service.
[Page 121 of 160](#)
- **To seek amendments to the Youth Justice Plan** – The plan has already been the subject of

consultation and comments have been incorporated.

- **To reject the Plan** – This would impact on partner funding and could create a risk for the service. The Plan is a statutory requirement and a condition of the Youth Justice Grant received by the YOS



A Partnership between Bedfordshire Police, Luton Borough Council, Luton Clinical Commissioning Group, Luton Health & Wellbeing Board & the National Probation Service

Youth Justice Strategic Plan for Luton 2014-2015



Forward

I am delighted to report that the Youth Offending Service has maintained its high performance and strong service provision at a time when the service has been faced with a number of significant challenges. The service continues to play an important role in efforts to reduce crime and disorder in Luton and to keep the town a safe place to live and work.

Youth Offending Service throughput data indicates 0.8% of the 10-17 population of Luton received a formal youth justice disposal in the financial year 2013 – 2014. This compares to 1.3% of the 10-17 population in 2012-13. We should acknowledge therefore that 99.2% of the 10-17 year olds in Luton are not involved in the criminal justice system which I believe to be another testament to the preventative work of this service and our partner agencies.

Performance linked to prevention work and reducing the numbers of children and young people aged under 18 years becoming involved in crime remains strong, and the prevention of reoffending by those young people under 18 years of age already in the system continues to be below both national and family group data sets. However we are not complacent and we are very mindful that reoffending rates have been creeping up. As the numbers coming into the youth justice system decrease through strong prevention measures, those left within the system tend to be the young people who are more entrenched in their behaviour and prolific in their offending behaviour. We must work hard to address the needs of these young people and, in doing so, protect the public from the harm caused by the behaviour.

We have seen a worrying increase in young people under 18yrs being drawn into the small groups of mainly young adults involved in serious gang style behaviour. Though the numbers of young people involved aged under 18 are small, this is nevertheless a concerning trend and one we intend to continue to address with partners and the local community. We are also committed to working alongside partners to prevent other young people being drawn into this type of activity, as we believe that this will help to our young people achieve the best possible outcomes for themselves as they move forward through their teenage years into adulthood. The successful conference held in January 2014 has helped to raise awareness of this issue amongst professionals in Luton and laid a strong foundation for working across all the agencies to address this issue.

The service has historically been known for its strong partnership working and this remains a key component for us in the prevention of offending and re-offending by children and young people in Luton. Only by working together can we be really successful in achieving the brightest of futures for our children and young people whilst also ensuring the community of Luton are safe and secure.

The award of the Restorative Services Quality Mark (RSQM) has been a great achievement for the service and underlined the importance we place on services to victims and restorative approaches.

Finally, on behalf of the Chief Officer Board, I would like to thank the staff within the service and our partner agencies for the achievements of last year.

Chief Superintendent Jim Saunders
Bedfordshire Police
Chair, Luton Youth Offending Service Chief Officer Board

Demography of Luton

Luton is located approximately 30 miles north of central London on the M1 motorway and with its own international airport.

The official estimate of the population¹ of Luton is 208,000 for 2013 which is an increase of 1% from the 2012 estimate.

With an area of 4336 hectares, the official population figure translates into a population density of 48.0 persons per hectare which is greater than many London Boroughs.

According to the 2013 mid-year population estimates, the age structure of Luton's population differs from that of the country as a whole. Luton has a younger population than the national average. The under 18 age group account for 26 per cent of the Luton population compared with 21 per cent nationally.

The town is ethnically diverse, with approximately 55% of the population being of Black and Minority Ethnic (BME) origin, with significant Pakistani, Bangladeshi, Indian and African Caribbean communities².

In recent years the diversity of the population has increased with foreign students coming to the University of Bedfordshire. There has been a significant shift in the population over recent years, primarily driven by those arriving from newly EU acceded A8 countries of Eastern Europe. Since May 2004, there have been nearly 20,000 new National Insurance registrations by people from A8 countries, with over 80 per cent of these coming from Poland. A study by Mayhew Harper Associates³ showed concentrations of new communities of Congolese, Somalians, Ghanaians, Nigerians, Turks and Zimbabweans in Luton. There is increasing acceptance that Luton is a "super-diverse" community.

Luton is ranked as the 69th (out of 326) most deprived local authority⁴. In 2007 Luton was ranked as the 87th most deprived local authority and in 2004 as the 101st. This indicates that Luton is becoming relatively more deprived in comparison to the other local authorities of England. Luton has nine output areas in the top ten per cent most deprived areas in the country.

The 2011 Family Poverty⁵ analysis showed that nearly one-quarter of households in Luton can be classed as living in poverty. Further work suggested that this would increase given the national policy framework and, more recently, the welfare reform programme.

¹ 2013 Mid Year Population Estimate, Office for National Statistics 2014

² 2011 Census

³ The Growth and Changing Complexion of Luton's Population, Mayhew Harper Associates, 2011

⁴ 2010 Indices of Multiple Deprivation, Communities & Local Government 2011

⁵ Luton Child Poverty Needs Assessment (2010) and Experian (2011) Family Poverty Study.

Economy in Luton

Gross Value Added (GVA) is a measurement of economic activity and GVA⁶ per head in Luton is £18,812 which means Luton is 12 per cent lower than the national average.

According to the Business Register and Employment Survey (BRES)⁷ (2011) there are 80,000 jobs in Luton. There are now more service sector jobs than manufacturing ones but manufacturing employment is still higher than the national average and has remained stable since the loss of many jobs from Vauxall. Major employers in Luton are Luton Borough Council, health services, easyJet, TUI UK Ltd, Monarch Airlines and General Motors.

Luton Airport is a major employer in the region and also a strong driver of the economy of Luton. An analysis of employment of the airport carried out by Luton Borough Council in 2011 showed that 8,100 people were employed at the airport.

The average annual salary⁸ of people living in Luton is £25,200 per annum which is less than national average of £27,000. The average annual salary of those who work in Luton (but who don't necessarily live in Luton) is £25,800 which is slightly higher than the residence based figure but lower than the national average.

The unemployment rate⁹ in Luton of 3 per cent is higher than both the national and regional averages of 2.7 per cent and 2.0 per cent respectively. In some Wards of the town the rate is between 4.5 and 4.8%.

Partnership & Governance

The Crime & Disorder Act 1998 placed local authorities under a duty to develop strategies for the reduction of crime and disorder. Each local authority must ensure that appropriate youth justice services are in place through the setting up of a Youth Offending Service (YOS). The Police, Probation and Health are required to co-operate with the Local Authority to ensure such services are available. Youth Offending Services are not envisaged as belonging to any one department or agency. The initial guidance outlined the expectation that all statutory partner agencies were expected to participate fully, with the local authority Chief Executive expected to take the lead, in ensuring youth justice services outlined in section 38 (4) of the Crime & Disorder Act 1998 are delivered.

⁶ Gross Value Added 2012, Office for National Statistics 2013

⁷ Business Register & Employment Survey 2012, Office for National Statistics 2013

⁸ Annual Survey of Hours & Earnings, 2013, Office for National Statistics 2013

⁹ Unemployment Claimant Count, May 2014, Office for National Statistics via NOMIS

Youth Offending Services have a duty to co-operate with a number of other agencies and bodies – for example:

- Under section 325 of the Criminal Justice Act 2003: YOSs are one of the named 'duty to co-operate' bodies within Multi Agency Public Protection arrangements (MAPPA).
- Under section 10(4) of the Children Act 2004, the YOS is under a duty to cooperate with children's services in making arrangements to improve the wellbeing of children in the authority.
- Local Safeguarding Children Boards (LSCB) Regulations 2006 (SI 2006/90) state that the YOS is under a duty to co-operate in the establishment and operation of the local LSCB
- The Child Poverty Act (2010) identifies the YOS as a 'partner authority'. As such it must make arrangements to 'promote cooperation' between authorities with a view to 'reducing and mitigating the effects of' child poverty'. The YOS should also be consulted in the development of strategies.
- Code of Practice for Victims of Crime - YOSs have a statutory duty to comply with this Code. This requires YOSs to take victims' needs into account in general, but also reinforces youth justice National Standards re:
 - ensuring staff working with victims have appropriate training
 - contacting victims and allowing victims to make informed choices about involvement in restorative processes
 - keeping victims who participate in restorative justice informed about case progress
 - storing victims' information
- The Police Reform and Social Responsibility Act 2011 puts in place a flexible framework for partnership working between the Police and Crime Commissioner and their community safety and criminal justice partners. The criminal justice duty states that the Commissioner and criminal justice bodies in that police area, "must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area." The criminal justice bodies included within this duty are Police, Prosecution, Courts, Youth Offending Services, Prisons and Probation.

In Luton the service is hosted by the local authority within the Children and Learning Department with the Head of Service line managed by the Head of Specialist Family Support Services. Each statutory agency second members of staff and there is a pooled budget which also finances a significant number of staff. The service cannot be an employer in its own right and therefore any staff financed by the pooled budget are employed via the local authority.

The governance of the service lies with the multi agency partnership Chief Officer Board. The Board meets at least quarterly and consists of Chief Officers or very senior managers of the statutory partners in addition to others and is responsible for supporting and holding the Head of Service to account on all aspects of service provision.

The role of the Chief Officer Board includes:

- Managing the performance of the prevention of youth crime agenda and ensure the delivery of the statutory principal aim (to prevent offending and re-offending by those under 18 years) at local level
- Assuming corporate ownership of preventing and tackling youth crime
- Ensuring proper accountability arrangements for, and oversight of, the operation of the YOS partnership
- Overseeing the appointment and designation of a Head of Youth Offending Service;
- Requiring the Head of Youth Offending Service and his/her staff to provide regular performance reports on YOS progress against YJB performance, outcome data as well as any local targets
- Ensuring delivery of the local strategic plan for youth justice
- Ensuring YOS staff receive appropriate training and development opportunities to address any competence deficits identified.
- Ensuring a significant proportion of total staff from the statutory agencies remain in the YOS to form a core staff group
- Ensuring the YOS is adequately resourced with equitable contributions from all partner agencies included in the pooled budget
- Ensuring children and young people with whom the YOS works have access to appropriate mainstream services
- Ensuring the YOS provides and receives maximum operational intelligence to and from the partners in their work
- Ensuring the YOS's infrastructure needs are addressed

In addition to the statutory partners each youth offending service may have other agencies on their Board which can differ from area to area. For example in Luton Victim Support, local authority housing, Bedfordshire & Luton Fire & Rescue Service, Luton Drug and Alcohol Partnership, Her Majesty's Court Service and Luton Community Safety Partnership (SoLUTiONs) are all involved in the Luton YOS Partnership.

The YOS is fully integrated into local planning arrangements for both children and young people and criminal justice services. The service is a member of a number of other partnerships within their area including:

- Luton Community Safety Partnership (soLUTiONs)
- Bedfordshire Criminal Justice Board
- Luton Safeguarding Children Board
- Luton Children's Trust Board
- Luton Early Intervention Board
- Bedfordshire Multi Agency Public Protection Arrangements (MAPPA) Board
- Bedfordshire Channel Panel

- Luton Early Intervention Board
- Luton Borough Council Corporate Parenting Board
- Bedfordshire Integrated Offender Governance Board
- Luton Borough Council's Community Cohesion Committee Planning Group (CCCPG)
- Bedfordshire Missing Children Panel
- Bedfordshire Children Sexual Exploitation Panel (CSEP)
- Bedfordshire Demand Reduction Board (reducing offending & re-offending)

The government's Prevent Strategy deals with all kinds of terrorist threat and concentrates on some aspects of non-violent extremism that create an environment conducive to all forms of extremist radicalisation. Within that strategy is the multi agency Channel Programme which identifies and provides support for vulnerable people at risk of radicalisation. The Youth Offending Service is a member of the area Channel Panel which is chaired by the Head of Early Intervention Services, Children and Learning Department, Luton Borough Council and reports into the Luton Safeguarding Children Board. Within the service new and refresher training has been undertaken by practitioners regarding the Prevent and Channel agenda. The YOS has taken a lead in facilitating early intervention training on Prevent issues for staff in partner agencies. The service has strong strategic and operational links with the Youth Justice Board Regional Prevent Forum in the development of responses for work in this area in addition to an effective working relationship between the Luton Borough Council Prevent Co-ordinator in relation to the local needs and service delivery requirements.

What Services Do We Provide?

The Youth Offending Service is well placed to provide a range of services to children, young people and their families. There is no minimum age though most referrals involve families with children aged above 7 years through to and including 17 years. Whilst referrals are based around an individual child or young person, the service aims to provide a 'whole family' integrated approach. We have the benefit of staff from many disciplines working together, and with other agencies, to assess and intervene with families. Disciplines within the service include Youth Justice Officers, Probation Officer, education, training and employment specialists, police, restorative justice workers, and health workers specialising in drugs and alcohol, physical health, mental health, speech and language. We also have workers skilled in working with parents and have workers able to work very intensively with families where that need is identified. The Centre for Social Justice describes the family environment as generally a 'key factor' in children's offending behaviour, therefore 'their criminality is unlikely to be effectively addressed in isolation from family considerations'. We recognise that to achieve best outcomes for children, young people, families, victims and the wider community we need to intervene to meet the needs of the whole family. Luton Youth Offending Service has a lot of experience and knowledge as a multi-agency and multi-disciplinary service working holistically in this way for many years and gaining the confidence and involvement of the families we work with. Sanctions will be used in suitable circumstances, dependent on the nature of the

intervention, but our aim is to work alongside families to achieve strong sustainable outcomes. Each family has a case manager within the service who is responsible for the coordination of all intervention work.

We have a history of many years successfully working with families on a voluntary basis through our previous venture 'Project Turnaround' in collaboration with Nacro. Though this project no longer exists the work with families is still undertaken within the main service.

We manage all statutory criminal orders made by the courts on under 18s resident in Luton including criminal orders made on Looked After children.

In addition the service undertakes direct work with the victims of crime perpetrated by the young people known to the service which may include the provision of information, referral to support services as well as indirect and direct restorative justice provision including restorative conferencing.

We are in the process of developing a much closer working partnership with the University of Bedfordshire who are already involved in an evaluation of our 'Weapons Awareness Programme' with a view to having more of our work and interventions evaluated.

Examples of services provided:

- Prevention and early intervention work where children and young people are identified to be at risk of anti social behaviour, offending, gang affiliation, and/or vulnerability to radicalised or extremist views. Referrals are normally made via the CAF process.
- Triage service at Luton Police Station to assess all children and young people brought into police custody; making joint decisions with the police regarding suitable outcomes to address the seriousness of the offending, the needs of the victim(s) and the needs of the child/young person. This will include informal and formal criminal disposals and the need for interventions from the YOS and/or other services.
- Interventions where a child/young person in the family has been given a formal police Caution or Conditional Caution. These are normally low level offences where prosecution is not deemed appropriate
- Interventions where a child/young person in the family has been remanded to the youth justice secure estate awaiting trial or where the Courts have asked us to intervene whilst the child/young person is subject to court bail.
- Interventions where a child/young person in the family has been made subject to a criminal court order by any of the criminal courts including sentences in the community and in the youth justice secure estate.

- Services to Luton and South Bedfordshire Youth Court and to Luton Crown Court and other criminal courts to provide information to Justices, Crown Prosecution Service lawyers and defence lawyers to assist them in the court process and decision making.
- Services to all identifiable victims (personal or corporate) of children and young people known to the service. This may include the provision of information, shuttle mediation and/or full restorative conferencing. The service works to the Restorative Justice Council (RJC) Codes of Practice and is currently going through an Accreditation process with the RJC.
- Reparation, also known as unpaid work, where children and young people will be involved in local projects or undertake work in order to make some recompense to the local community for the harm they have caused.

With both statutory and voluntary interventions various approaches with families are utilised depending on assessment and resulting tailored intervention plans. Methods include one to one, group work, intensive family work, family group conferencing, restorative approaches, evidence led approaches, surveillance monitoring (statutory orders only) etc.

Resources and Value for Money

The statutory partnership contributions to the service for 2014/15 are as follows:

Agency	Cash (£)	Seconded Staff (£)	Total (£)
Luton Borough Council	1,040,829	66,195	1,128,024
Bedfordshire Police	54,711	41,850	96,561
National Probation Service	0	38,409	38,409
Luton Clinical Commissioning Group (Health)	0	50,363	50,363
Total	1,095,540	196,817	1,313,357

The service now works across the family environment of children and young people at risk of or involved in criminal behaviour thus providing a wider response to risk posed/need. We aim to achieve positive outcomes for all family members by supporting each family's capacity to change and embed and sustain those changes thus improving the experiences of families and communities.

Our aim is to support families to achieve a range of improved outcomes for all family members including outcomes relating to health, education, employment, offending behaviour, parenting etc

Other funding for 2014/15:

- £454,179 Youth Justice Board Good Practice Grant (Appendix B) – ring fenced for activities outlined in Conditions of Grant 2014/15 to develop and commission research in relation to good practice, with a view to achieving the following outcomes:
 - Reduction in the number of first time entrants to the youth justice system
 - Reduction in re-offending by those already in the system
 - Reduction in the use of the youth secure estate ie: Remands into the secure estate and custodial sentences
- £70,000 Bedfordshire Police & Crime Commissioner's Community Safety Fund - ring fenced for contribution to Drug & Alcohol Worker post & contribution to Youth Justice Assistant posts
- £9,699 Youth Justice Board Restorative Justice Grant – ring fenced for Restorative Justice training and services
- £7,440 Youth Justice Board Unpaid Work Grant - ring fenced for unpaid work services
- In addition Victim Support utilise a donation received from London Luton Airport Limited to provide the service with a worker to undertake liaison with and support of victims of youth crime.

All public authorities continue to be hit hard by the national economic situation and resulting central government spending reductions. Luton Youth Offending Service is no exception. The service has seen a number of budget reductions in recent years amounting to approximately 50% reduction since 2010/11.

Our objective is to ensure the Youth Offending Service is suitably placed to deliver quality services within budget which will increase public confidence in the youth justice system and meet the Service's principle aim to prevent offending and re-offending by children and young people.

In 2011 the service underwent a major restructure as a result of changing responsibilities and an initial reduction in budget. Essentially this restructure deleted a number of very specialist posts and created some more generic posts. We also brought our prevention and early intervention service in house to reduce costs. There has been another structure change on a much smaller scale since that time. Despite these reductions we have managed to maintain a strong level of front line delivery resources.

We are keen to ascertain a greater understanding of 'what works' with children and young people who are at risk of offending and re-offending. To this aim we are in the process of developing a much closer working partnership with the University of Bedfordshire who have just completed an evaluation of our 'Weapons Awareness Programme'.

We have placed an emphasis on maintaining and developing prevention and early intervention services to avoid children and young people becoming embroiled in offending behaviour thus reducing the numbers entering the system. As the numbers of first

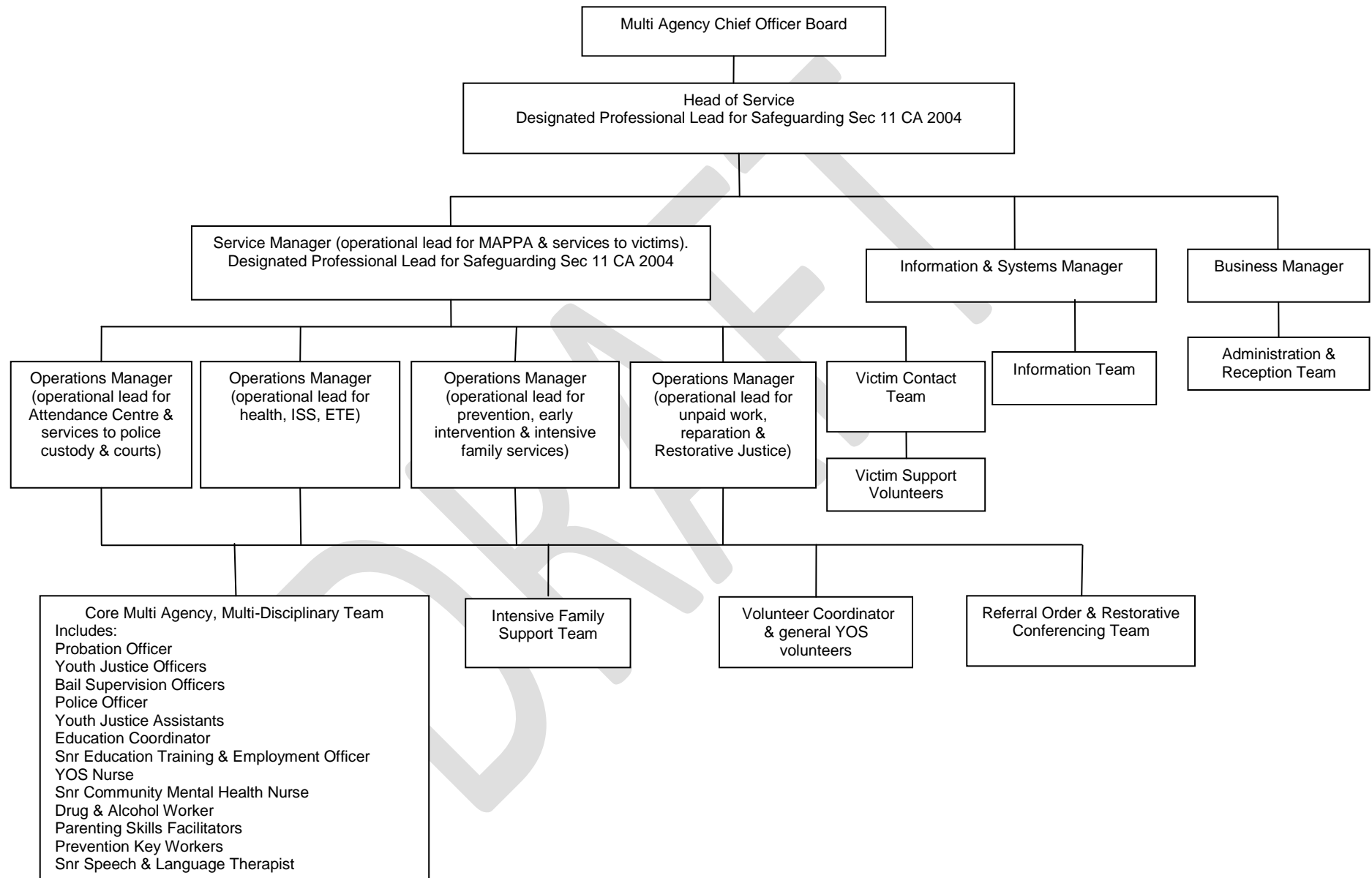
time entrants reduce, so the service finds itself working with the more complex, high risk young people and their families and in doing so contributing significantly to agendas of our partners.

The Centre for Social Justice describes the family environment as generally a 'key factor' in children's offending behaviour, therefore 'their criminality is unlikely to be effectively addressed in isolation from family considerations'. We are therefore developing strong and effective pre and post court interventions that enable a more whole family and system approach for young people who offend or who are at risk of offending to ensure they receive effective interventions and support that reduces the likelihood of further offending and poor outcomes. Parents and carers are key to the success and sustainability of youth crime prevention and need to be supported and enabled to fulfil their responsibilities thus ensuring a 'whole family' approach to young people's problems and offending behaviour.

We are working closely with Luton's Stronger Families initiative (part of the government's Troubled Families Programme) to ensure there is avoidance of duplication of work between agencies. This work is with those families that have problems and cause problems to the community around them, putting high costs on the public sector and aims to ensure the children in these families have the chance of a better life, and at the same time bring down the cost to the taxpayer.

Staff training during the last year has focused on assessment particularly around the use of the ASSET assessment tool and the elements of risk: re-offending, harm to the public and vulnerability. Work has also been undertaken to embed a more 'whole family' approach to work with children and young people known to the service. All these elements of training and development will continue into the forthcoming year to embed processes, thinking and enhance the quality of assessments, interventions and outcomes. Training has also taken place regarding other areas of our work including the assessment of young people who display sexually inappropriate behaviour, restorative justice, serious youth violence, brief therapy, solution focused therapy, group work.

Service Structure



Review of 2013 – 14

Over the last nine years Luton has consistently been a high performing service. However, there is no complacency as the service aims to continue striving for improvement in services to ensure strong outcomes for children and young people, a quality service to the courts and victims of youth crime. We aim to continue reducing the risk of offending and re-offending by children and young people in Luton and in doing so reduce the harm caused and help make Luton a safer environment for all.

Despite losing a significant proportion of the budget over recent years, the service has maintained a high standard of service delivery and performance. Through recent restructure we have been able to increase the number of staffing hours devoted to restorative justice approaches. Sustained performance resulting in a reduction in throughput has enabled the service to focus resources on those children and young people who pose the highest risk in terms of their reoffending, harm to the public and/or harm to themselves, as well as maintaining a preventative service.

In recent times, research and reports¹⁰ have highlighted speech, language and communication difficulties experienced by young people in trouble with the law as a significant area of unmet need, and also that they may be more prevalent in the offending population than the general population. It is estimated that at least 60% of young people in the justice system have speech, language and communication needs. Luton Youth Offending Service has been fortunate to successfully acquire funding from the Department of Health to have a Speech and Language Therapist join the service until March 2016. Evidence suggests that improving the communication skills of offenders by providing targeted speech and language therapy significantly reduces the risk of reoffending.

The last year has seen a focus of working with partners to address serious youth violence and gang affiliation by young people. A local strategic plan is currently being developed to address gang related crime and activity. The YOS has been instrumental in the setting up of a local Multi Agency Gangs Panel (MAGPan). The focus of the MAGPan is:

- To coordinate intervention and support activity in relation to identified individuals and, where appropriate, their families.
- To ensure appropriate action is being taken to safeguard individuals, their families and members of the public.

¹⁰ Bercow Review (2008); Talbot J (2010) *Seen and Heard: Supporting vulnerable children in the youth justice system* London: Prison Reform Trust; Baker K, Jones S, Roberts C, Merrington S (2002) *The Validity and Reliability of Asset: Findings from the first two years of the use of Asset* Oxford: University of Oxford; HM Inspectorate of Probation (2010) *Message in a Bottle: A joint inspection of youth alcohol misuse and offending* Manchester: HM Inspectorate of Probation

The stated aims and objectives of the MAGPan process are to:

- To minimise the risk of harm to the communities of Luton, particularly those most affected by serious violent crime and gang style activity.
- To provide effective safeguarding that maximises the safety of victims of serious violent crimes.
- To minimise the risk of harm to those who witness crimes related to serious violent crime.
- To actively share information between the partner agencies represented on the Multi-Agency Gang Panel
- To identify risks to and maximise the safety of multi agency staff engaged to make interventions with individuals involved in serious violent crime.
- To source and implement interventions which divert those at high risk of becoming involved in gang-related activity and serious violent crime.
- To take account of the specific issues around women and girls associated with gang and serious youth violence.
- Identify lead agencies to coordinate and oversee interventions to ensure effective interventions and positive outcomes to safeguard, reduce risk of harm and prevent and reduce reoffending.

Within the service staff have received training to understand the issues associated with gang affiliation and to enhance their skills to work with these young people. January 2014 saw the YOS host a Luton conference on Serious Violent Crime by Young Adults and Young People. Presentations were heard from academics and from professionals working in other areas around the country with young people involved in gangs. The conference proved a resounding success with nearly 200 local professionals and other participants attending and providing overwhelmingly positive feedback. Plans are in place to hold a follow up conference with a more local focus.

March 2014 also saw the service awarded the Restorative Services Quality Mark (RSQM) by the Restorative Justice Council. Luton Youth Offending Service was only the second Youth Offending Service nationally to be awarded the RSQM which is backed by the Ministry of Justice (MoJ), and requires organisations to show that they are consistently meeting six Restorative Service Standards. Both the standards and the RSQM were developed in consultation with experts and practitioners in the restorative field as part of the Ministry of Justice's Restorative Justice Action Plan 2012. The RSQM demonstrates that Luton YOS, through independent review, is delivering good quality, safe, sustainable restorative services

Performance

Luton Youth Offending Service continually strives to ensure our goals are consistently being met in an effective and efficient manner. We aim to align our resources, systems and staff to meet our strategic objectives and priorities. The service is proud of its nine year history of high performance and strong outcomes for children, young people, families and victims of youth crime. However, with reducing budgets and resources it is paramount to ensure we are able to maintain this as we move forward.

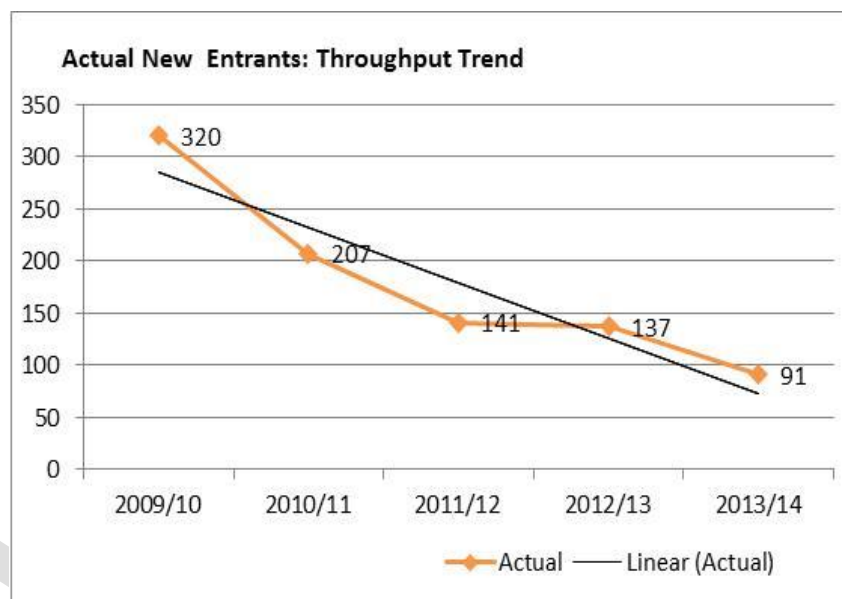
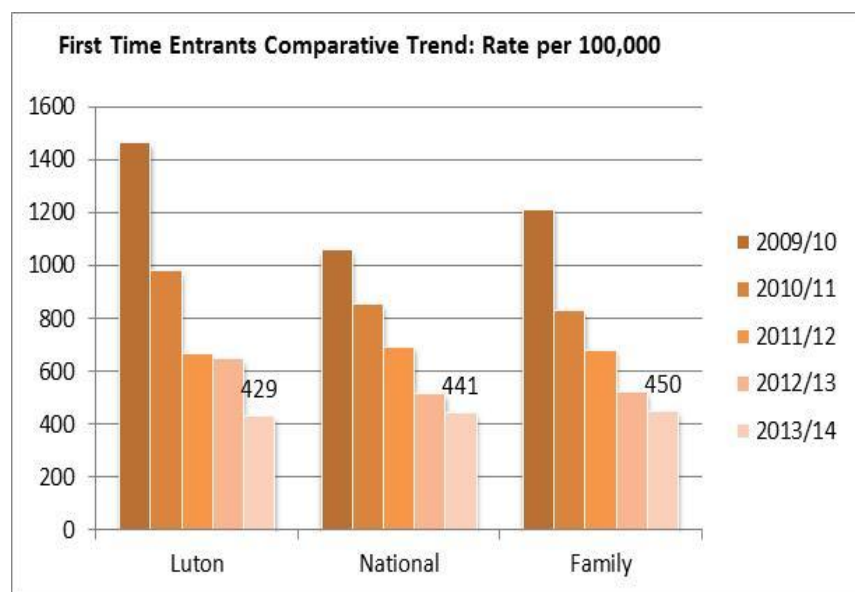
The data below is based on a 12 month reporting year unless noted

REDUCING FIRST TIME ENTRANTS TO THE YOUTH JUSTICE SYSTEM

The primary aim of the youth justice system is to prevent youth offending, and the effectiveness of the system is therefore judged in part on its progress in reducing the number of young people entering the criminal justice system for the first time. This service seeks to drive down these numbers via voluntary interventions targeted at young people judged to be at risk of offending, and responding to minor offending in an informal way.

There is now a good understanding of the risk factors which increase the likelihood of a young person offending, based on over 30 years research in the UK, United States and other countries. Professor Brian Littlechild¹¹ has listed the key factors associated with youth offending: poor education and employment prospects; inconsistent parenting; poor housing or homelessness; poor physical and mental health; poor access to financial resources; peer pressure; anti-social behaviour; drug and alcohol abuse; and difficulties in forming and sustaining relationships.

¹¹ House of Commons Justice Committee, Youth Justice, Seventh Report of Session 2012-13, Published 14 March 2013



Interpretation note: Good performance equates to reduction per 100,000 population and reduction in number of actual new entrants.

Luton has recorded its lowest level of first time entrants to the youth justice system since the inception of performance monitoring. There has been a four year consecutive annual reduction; when comparing 2009/10 to current, this is a 72% point reduction from 320 entrants down to 91 in 2013/14.

Luton's annual rate of reduction is greater than the national average and between 2012/13 and 2013/14 was 33% compared to 14% nationally, further emphasising the strides to reduce new entrants within the Borough. This brings Luton below the national average (based on data available as at May 2014), thus exceeding the performance of national and average data of authorities deemed similar in nature to Luton and evidencing the success of the service's focus on early intervention and prevention work.

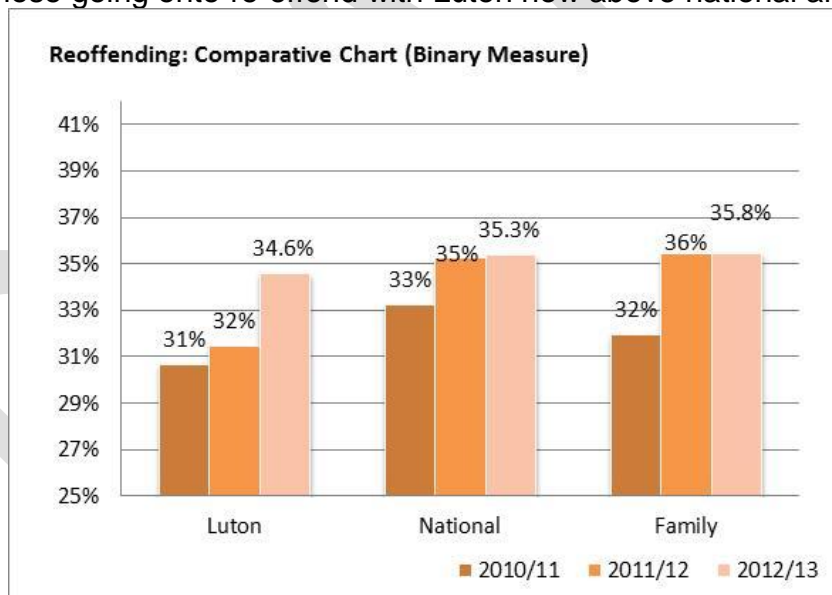
REDUCING RE-OFFENDING BY CHILDREN & YOUNG PEOPLE ALREADY IN THE YOUTH JUSTICE SYSTEM

As time progresses reducing the rate of re-offending becomes increasingly challenging as greater numbers of young people are diverted away from the criminal justice system for minor offences, thus leaving the more entrenched offenders within the system ie the reduction of first-time entrants means that offenders now in the system are disproportionately more challenging and persistent. This reflects the national position where as the overall rate of re-offending has risen in the last few years, the number of young

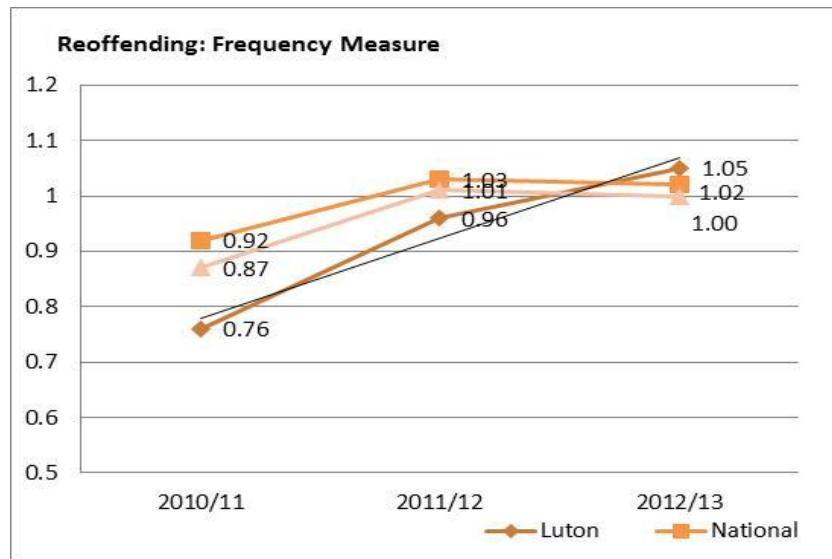
people in the re-offending cohort has gone down, with particular reductions among those with no previous offences and those receiving pre-court disposals. Because of this, those young people coming into the criminal justice system are, on balance, more challenging to work with. This is reflected in the national higher predicted rate of re-offending and the higher average previous number of offences for each young person.

With respect to the binary measure Luton (34.6%) continues as it has done for five consecutive years to outperform, albeit now marginally, the average comparative family (35.8%) and national (35.3%) groups with strong outcomes in terms of reducing reoffending in Luton. However there has been a rise which reflects the entrenched nature of the offending behaviour of the cohort as a result of the less serious offenders being diverted from the system. This will prove to be a challenge for the service going forward with many resources focused on reducing the offending behaviour of these more serious and prolific youngsters.

However current performance shows a significant 3% rise in re-offending, which has narrowed the gap between Luton and comparative groups. Whilst Luton remains inside the upper half of all services nationally the performance status is at risk if the current rise in re-offending is continued. The upward trend is further underlined by the frequency measure which monitors the number of offences committed by those going onto re-offend with Luton now above national and comparative family.

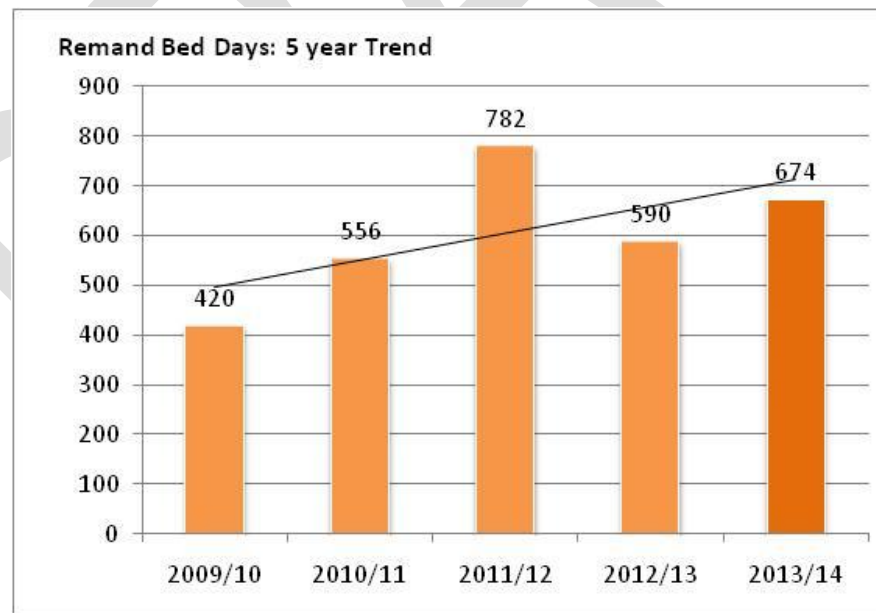


Interpretation/Guidance note: Guidance: Low is Good Aim: Reduce number of young people committing further offence within a year of qualifying Youth Justice Disposal



Guidance: Low is Good; Aim: Reduce number of further offences committed by tracked cohort

REMANDS INTO THE SECURE ESTATE



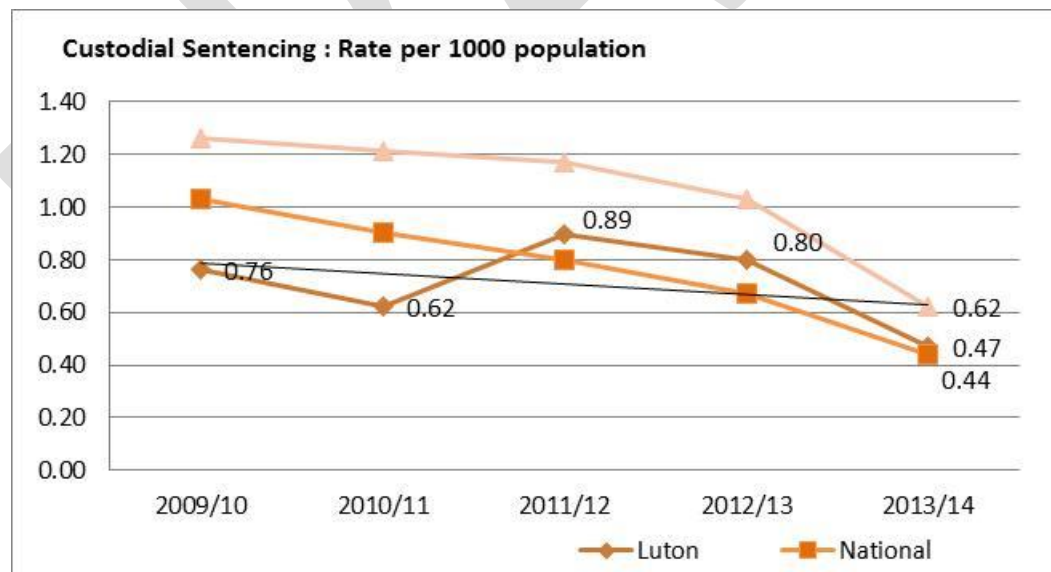
Interpretation/Guidance note: Indicator monitors level of bed nights in relation to secure remands

Serious offences have resulted in a rise in secure remands. However, the above chart relates to the number of nights young people spent on remand; the figure of 674 in respect of 2013/14 relates to 12 individual young people compared 8 young people in 2012/13.

Analysis of court episode outcomes indicates that between 45% -50% went onto receive custodial orders compared to 35% nationally (source: 2013 Annual Statistics). This demonstrates effective work to support bail for those young people not likely to receive a custodial sentence.

Where young people are remanded to the secure estate they also become Looked After by the local authority by virtue of that remand and therefore, as with all Looked After children, the service works closely with colleagues in the local authority Children & Learning Department.

CUSTODIAL SENTENCING



Interpretation/Guidance note: Low is Good. Indicator monitors levels of custodial sentencing expressed as a rate per 1000 population.

Luton was marginally above the national figure, but lower than family, at the conclusion of the reporting year though the trend is similarly downward

VICTIM SATISFACTION

Restorative Justice (RJ) is 'a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' (Marshall, 1996:37). At its most efficient and effective, RJ resolves conflict and repairs harm through accountability from offenders and acknowledgement of the impact of their actions on others. RJ changes the conventional notions of crime being committed against the state, to those that focus on the victim and community where it occurred (Morris 2002).

The service contacts all victims of crime committed by children and young people known to the service. It is essential that victims have informed choice whether or not to participate in a restorative process. The service offers the opportunity for victims of youth crime to meet young people face to face, receive information on progress and/or to exchange views verbally or in writing as part of a shuttle mediation process. We will also sign post people to the wider support services of Victim Support and other organisations where that is appropriate.

The chart below indicates the rate of satisfaction with contact, information and RJ processes offered by the service derived from completed questionnaires returned by victims of youth crime. It should be noted that this particular data is based on a low number of completed questionnaires following completion of service delivery. High performance is good. (No national/comparative data available)

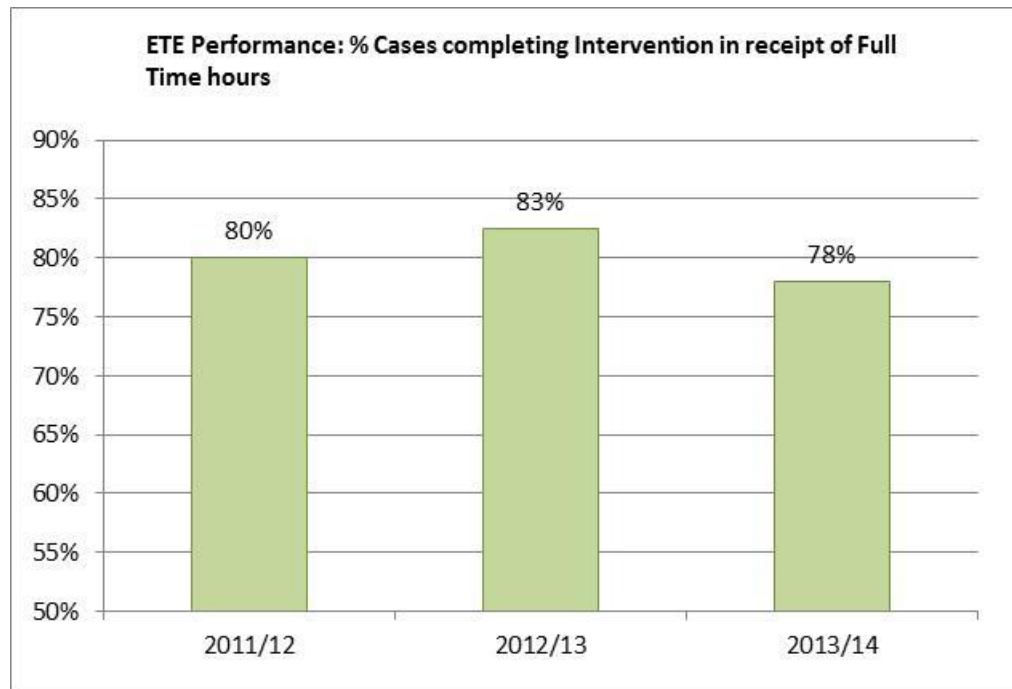


During 2013/14 the service was awarded the Restorative Justice Quality Mark (RSQM) by the Restorative Justice Council (RJC) and during the next year we aim to increase our use of direct restorative approaches working in line with the RJC Best Practice Guidance for Restorative Practice (2011) and RJC Principles of Restorative Processes.

EDUCATION, TRAINING & EMPLOYMENT

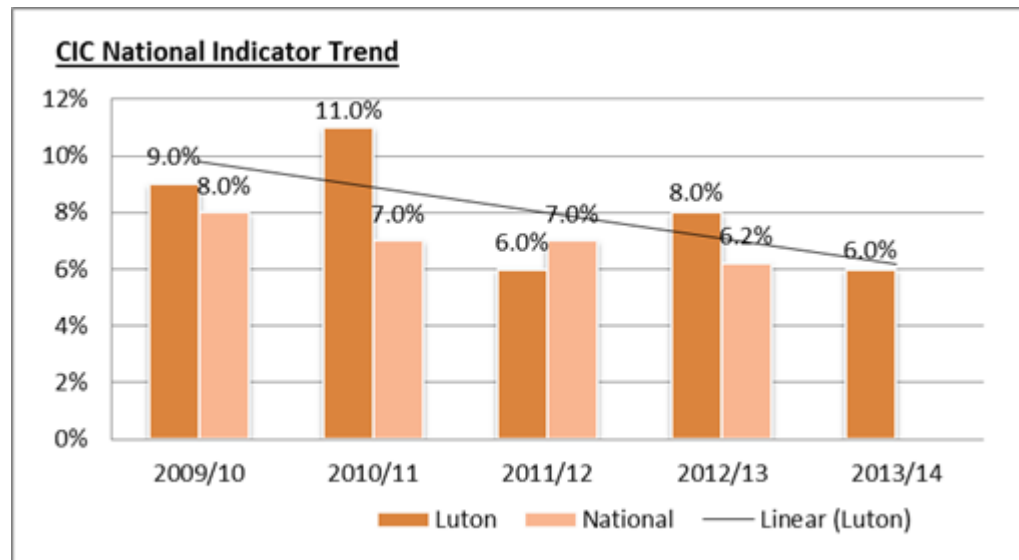
The importance of full participation in school and college life for young people's personal and social development cannot be overestimated. This along with the attainment of the vital skills and qualifications for employment are widely recognised as major protective factors in preventing children becoming offenders, and in reducing the longer term risks of reoffending.

Although education and training is delivered direct in custodial establishments to the small minority of young people who go to custody, the vast majority of young people who offend or who are at risk of offending are dealt with in the community. The challenge therefore is to ensure that young people are sustained and supported in their education when they enter the system or re-engaged if they were not accessing provision before they became known to the service. The key to re-engagement is working with mainstream providers such as schools, colleges and training providers to ensure that young people can access and sustain learning.



Historically Luton has consistently achieved upper quartile status in comparison against other Youth Offending Services both nationally and comparative family services though this comparative data is no longer available.

LOOKED AFTER CHILDREN



- Positive outturn for Luton, minimal offending behaviour of tracked long term Looked After cohort enabled the Borough to attain parity with national performance. This is significant as the prevailing trend has often seen Luton to be significantly above national average.
- Positive performance is tempered however by the underlying entrenched offending behaviour of some within the cohort; further convictions included 3 young persons receiving custodial sentences and 4 being subject to secure remands.

Priorities for 2014 – 15

Our priorities going forward continue to be to ensure Luton is a safe place to grow up, live and work in and to enable children and young people to make a positive contribution to their communities and achieve positive outcomes for themselves. These priorities are drawn from national research and national performance indicators, alongside local data and priorities identified across the partnership. The priorities take account of local partnership and inspection actions plans.

In achieving our priorities we aim to:

- Reduce the number of children and young people entering the youth justice system for the first time
- Reduce re-offending by children and young people already in the youth justice system
- Reduce the number of young people being remanded or sentenced to the secure estate by providing strong effective bail packages and community sentences
- Protect the public and support victims including the increased use of restorative justice
- Promote the safety and welfare of children and young people at risk of entering or who are in the youth justice system

In order to achieve our priorities we will:

- Continue to strive to improve practice through effective and appropriate staff training. Training in the forth coming year will be focused on intervening with young people displaying sexualised behaviour, assessment and analysis, risk and safeguarding.
- Improve the quality of our risk and vulnerability assessments and their transformation into effective programmes of intervention
- Further embed our triage services to the local police station in Luton when children and young people are arrested.
- Review and improve our management oversight of case work and quality assurance processes especially around risk and safeguarding issues.
- Increase our analysis work regarding understanding crime trends, feedback from service users, effective interventions and use this data to inform future service delivery by ourselves and by our partners
- Work in partnership with the YJB (Youth Justice Board) regarding the implementation of the forthcoming revised national assessment framework ASSET Plus
- Further develop restorative justice approaches and aim to have practitioners within the service accredited with the Restorative Justice Council.
- Continue to develop and promote a 'whole family' approach by practitioners and make a significant contribution to the Stronger Families (Troubled Families) Programme in Luton
- Undertake a full review and prioritise areas of interventions pertaining to health issues

- Develop a formal partnership with the University of Bedfordshire to co-operate in a broad range of areas and to work together for mutual benefit.
- Work in close partnership with other agencies and the community to address the risks of children and young people being drawn into behaviour involving weapons and 'gangs' and to respond appropriately to those already involved in gang style behaviour.
- Further develop work with the local authority Children & Learning Department to review and embed working practices to avoid unnecessary remands to the secure estate and to ensure those who are so remanded receive suitable support and exit strategies.
- Review relevant thematic and other inspection reports and devise and implement action plans to ensure Luton applies the relevant learning

Risks to Future Delivery

The reduction in recent years of approximately 50% in the overall budget has already seen restructures of the service but with minimal impact on service delivery. However, the continuing financial constraints on public services, including our statutory partners, is likely to see further reductions in contributions which will make a further reconfiguration of services necessary. At present the service intends to manage funding reductions through a variety of means including exploring other funding options, greater partnership working and continued review of costs and service delivery. Strong budget management in past years has also given the service a contingency fund to help cushion the service during the current difficult financial climate.

The coming year will see the service move into new office accommodation which will mean all staff based within the same building for the first time since 2002. The new accommodation will provide a better environment for both staff and service users.

Serious youth crime and particularly violent crime pose the greatest risk in terms of increased use of the secure estate and reoffending so continued strong partnership work and engagement with local communities will prove critical going forward. Detailed analysis of reoffending rates will be undertaken to identify common factors which may assist both the service and partner agencies to halt the current include in reoffending rates.

Conclusion

During 2014 - 2015 we aim to build on the successes of recent years. Although resources to support children and young people are likely to continue to be reduced in the Borough and nationally, we will continue to strive to ensure our performance is maintained and outcomes for children, young people and the community continue to be positive. We will maintain an emphasis on preventing offending by children and young people and on reducing the reoffending of those already within the criminal justice

system. We will continue to work alongside partners, who remain fully supportive, to ensure we play our part in making Luton a more positive place to live, work and grow up.

DRAFT

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For: (x) <table border="1"> <tr> <td>Executive</td> <td>X</td> </tr> <tr> <td>CLMT</td> <td><input type="checkbox"/></td> </tr> </table> Meeting Date: 22 September 2014 Report of: Head of Finance Report author: Dave Kempson	Executive	X	CLMT	<input type="checkbox"/>	Agenda Item Number: 11
Executive	X				
CLMT	<input type="checkbox"/>				

Subject: Budget Guidelines (For Executive Only) Lead Executive Member(s): Cllr Ashraf Wards Affected: All	Consultations: Councillors <input type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>	(x) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Recommendations 1. That Executive Approve the 2015/16 estimate guidelines set out in Appendix A, as the basis for the initial preparation of the Executive's proposed budget.
Background 2. Financial Regulations state that 'Guidelines on budget preparation are issued to Members, Corporate Directors and Heads of Service by the Executive following agreement with the Head of Finance.
The current position 3. Appendix A sets out proposed guidelines on budget preparation in line with standing orders. On a much more detailed level, budget preparation guidelines for cost centre managers and accountants are produced directly by the Head of Finance. 4. The medium term financial plan approved by Council in February set out the estimated financial challenge at that time. It showed £34.9million of savings and additional income proposed for 2014/15 and 2015/16 combined, which appeared able to balance the budget for 2015/16, and a further requirement for more savings and additional income of £38.9million over the following 3 years to 2018/19. 5. However, this is all subject to significant potential variation. The many uncertainties include the following. a) The impact of Universal Credit on council tax collection rates and on care, housing and advice services. b) The actual impact of the Better Care Fund, the final share of costs, grant and benefit with the Luton Clinical Commissioning Group, and how long this will continue beyond 2015/16. c) The impact of the Care Act, and whether the funding that will be provided by the Department of Health will cover all the costs that arise in the short and long-term. d) The impact of the 2016 pension revaluation (which will take effect from April 2017). e) Variations in the level of demand for council tax benefit and of income from business rates. f) Whether any future government will change the local government finance system. (The Chief Executive of Cipfa, Rob Whiteman, predicts that 'the ping- pong of fiscal gerrymandering will continue.') 6. One positive point is that the Quarter 1 financial monitoring reported to Executive at its August meeting showed a predicted underspend of £4.5million for 2014/15. Many of the savings/additional income items giving rise to this should be on-going in future years, and members will also wish to consider, in the light of year-on-year underspends, whether the general contingency budget of £1.3million is necessary in future years.

Goals and Objectives	
7.	To ensure that the Council can set a robust budget for 2015/16 and future years
Proposal	
8.	That the Estimates Guidelines set out as Appendix A are approved.
Key Risks	
9.	In order to meet the continuing requirements for budget reductions, the choices members will face in the future are likely to become more and more difficult. The remaining discretionary budgets are largely preventative in nature, and it may be necessary to reduce budgets that are currently helping to keep down longer-term demand for statutory services, or to impact on those statutory services.
10.	The current financial system makes the Council's income significantly dependent on business success generating business rates, and on good employment in the town minimising the level of council tax support that has to be paid – as there is no longer a specific grant from Government to cover the costs of that support. Hence economic expansion in each council's area is key to that council's financial health. This increases competition between councils to encourage business development in their areas, and means that if businesses relocate, employees are made redundant and business premises are demolished, a council's income will reduce just at the point the demands on its services increase.
11.	Luton is now in a position where it has a very substantial unmet housing need. Analysis by Milton Keynes Council shows that in an area like Luton, where the average dwelling's council tax valuation is below the band B level, housing is a net cost generator. This is because income from council tax and new homes bonus is more than offset by the costs of providing school places, refuse collection etc.
12.	There is potential volatility of income from business rates resulting from successful appeals against the Valuation Office's rating valuations (the Valuation Office is part of Her Majesty's Revenue and Customs, not part of the Council) or from business premises being converted to non-business.
13.	The Council does have the opportunity to increase its income from its airport company's dividend, and from business rates, as a consequence of the approval of the proposal to allow development at London Luton Airport Limited to enable 18million passengers a year to travel through the airport. This opportunity will be very important for the Council's medium and long-term financial position.
Consultations	
14.	None
Appendices attached:	
A. Budget Guidelines 2015/16 for Members, Corporate Management Leadership Team and Heads of Service.	
Background Papers: None	

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		Clearance – agreed by:
Legal	There are no specific legal implications arising from this report	J. Newman 21 August 2014

Finance	The financial implications are dealt with in the body of the report	Dave Kempson, Head of Finance, 19 August 2014
Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	There are no specific implications arising from this report. As a key part of budget preparations, the implications of the savings proposals will be assessed and reported on to Executive.	Maureen Drummond, Social Justice Adviser, 21 August 2014
Environment	There are no specific implications arising from this report. As a key part of budget preparations, the implications of the savings proposals will be assessed and reported on to Executive.	Sustainable Travel Officer, Strategy and Sustainability Team, 22 August 2014
Health	There are no specific implications arising from this report. As a key part of budget preparations, the implications of the savings proposals will be assessed and reported on to Executive.	Morag Stewart, Deputy Director of Public Health, 22 August 2014
Community Safety		
Staffing		
Other		

FOR EXECUTIVE ONLY - Options:

The Executive could approve the budget guidelines or ask for alternative proposals to be developed.

Budget Guidelines 2015-16

For Members, Corporate Directors, and Heads of Service

1. Budget preparation is one of the most important of all Council activities, affecting everyone in Luton who pays Council Tax. It must therefore be given the highest priority. It has become even more crucial due to the ongoing reductions in public sector spend.
2. For 2015/16 'in principle' proposals for savings and additional income have been put forward as part of the 2014/15 budget process, and included in the 2014/15 Budget Book. Where those proposals involve a change of policy or a reduction in staffing, they need to be considered individually by Executive; and where they change the level of service to the public, then detailed consultation is required and the results of that consultation needs to be considered by the Executive before any decision is reached on whether a proposal should be implemented, or alternative savings sought. Plus the practicality of achieving each of the initially proposed savings has to be verified.
3. The Executive will propose a budget in February 2015, for submission to Budget Council. The Finance Review Group is undertaking scrutiny of budget issues on an ongoing basis. Officers and members will need to make clear to the Group where any proposals need to be considered in private, and for what reason.
4. Officers will prepare an initial base revenue budget for 2015-16. This is intended to represent the minimum cost of maintaining current service and staffing levels, prior to proposals for growth and savings.
5. All projects developing budget savings proposals will be managed and monitored using the corporate savings tracker. However, cost centre managers will be expected to review budgets and opportunities for further savings as part of the base budget preparations, and a Star Chamber budget challenge process will also add a further review and challenge of base budgets.
6. It is essential that everyone works together to maximise the amount of savings available while minimising the impact on the outcomes of services to the public. This is essential for the health of public services in Luton and for the most vulnerable in society who have the greatest need for public services. Protectionism of budgets will not be tolerated.
7. Bids for additional funding will all be reviewed independently by the Luton Excellence team. No new spend proposals are expected unless they

clearly relate to unavoidable pressures arising from statutory requirements.

8. Services are expected to meet any new demand-driven increases in their base budgets by further savings elsewhere in their budgets. However decisions on exactly which savings will be included in the budget are always for the Executive to make and propose to Full Council.
9. Services will use benchmarking information to assess costs and performance and highlight areas where major review is required. All services will be expected to use their staff's training in lean principles to review the opportunities for further waste minimisation, savings opportunities and service improvements, in order to make more suggestions for ways of making savings and implementing them on an ongoing basis throughout the year.
10. The Executive can consider in private its approach to revenue and capital budget prioritisation. Following consideration of these relative priorities, the cost of the base budget and the potential funding available, Executive will propose revenue and capital budgets, a medium term financial plan and strategy, and a Council Tax for 2015/16 to Council.
11. Officers will provide base revenue budget information on request to any political group when it has been produced and subjected to an initial check by the Head of Finance. Officers will work on request with any political group on a confidential basis should that group wish to develop proposals to amend the Executive's recommended budget.
12. Members wishing to propose amendments to the Executive's budget should note that any financial amendment will need to be accompanied by a report of the Head of Finance on the robustness of the proposal, in accordance with Section 25 of the Local Government Act 2003. It is therefore very helpful if, as per the Budget Council Protocol that has been in operation in recent years, members discuss possible amendments with the Head of Finance on a confidential basis 2 days prior to their submission to Council.

For: (x) <table border="1"> <tr> <td>Executive</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td><input type="checkbox"/></td> </tr> </table> Meeting Date: 22 nd September 2014 Report of: Head of Procurement & Shared Services Report author: William Clapp	Executive	<input checked="" type="checkbox"/>	CLMT	<input type="checkbox"/>	Agenda Item Number: 12
Executive	<input checked="" type="checkbox"/>				
CLMT	<input type="checkbox"/>				

Subject: Capital Funding for Replacement of Telephony System Lead Executive Member(s): Cllr Ashraf Wards Affected: All	Consultations: Councillors <input type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input checked="" type="checkbox"/> Others <input type="checkbox"/>	(x) <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
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Recommendations 1. To approve the release of funding in the 2014-19 capital programme to enable the replacement of the Council's telephony system
Background 2. The capital programme includes an item in the sum of £450,000 for Customer Service Centre Telephony System Replacement. This investment is required, along with the use of existing, already-approved capital programme items, to transform the Council's aging telephony, protect the Council against the risk of its telephony failing, and deliver ongoing revenue savings. 3. There is a pressing need to replace the Council's existing outdated telephony systems. The Council has two switchboards, both of which are old (the main Council switchboard was purchased in 1997, and the second was purchased in 2002). 4. The main switch is reaching the end of its maintainable life. The maintenance contract cannot be renewed beyond April 2015 as the equipment is deemed obsolete and although replacement parts are still available, it is unlikely that it will be maintainable in the near future. If the switch ceases to function, the Council's ability to deliver services will be severely limited. 5. The secondary switch is fast reaching maximum capacity. It operates on a rapidly out-dating software platform. Like the main switch, it cannot be maintained beyond 2015.
The current position 6. A Telephony Implementation Group (TIG) has managed a procurement process to specify the Council's telephony requirements and procure a solution. This has involved service representatives, the procurement team, external telephony advice and the Council's IT managed services partner Civica. 7. On release of the funding the procurement process will be concluded and implementation planning with the contractor will commence. 8. The procurement process at this stage involves two potential contractors. The financial business case for making the investment is that it will enable delivery of significant revenue savings which are built into the Council's Medium Term Financial Plan. Depending on the contractor that is appointed the investment will pay for itself within between 3.5 and 5.9 years. 9. In addition to the financial benefits of approving the investment there are also other non-financial benefits, including: <ul style="list-style-type: none"> • Much improved resilience of telephony infrastructure, protecting the Council from the risk that its ability to communicate with its customers, partners and other stakeholders

will be compromised.

- Each individual employee will have their own extension which will follow them around, reducing the complexity and cost of office moves.
- Home workers will have better telephone access - any calls made to and from these individuals will react as calls made over the corporate exchange via the network not their individual mobile/landline numbers removing the need for separate lines.
- Conference call facilities available
- The Contact Centre will have call recording which will greatly enhance training and also assist in resolution of any disputed customer issues.
- Contact Centre messaging and routing of calls will be much more robust and flexible allowing for an improved customer experience.
- There will be greatly improved Contact Centre reporting which will help to better understand demand times and services and therefore focus resources where these are required - both ongoing and real time.

Goals and Objectives

10. To replace the existing aging telephony system and deliver a modern, resilient telephony system that supports agile working and delivers significant revenue savings

Proposal

11. To approve the release of funding within the 2014/19 capital programme approved by Council on 19th February 2014.

Key Risks

12. Not approving the investment would lengthen the period during which the Council was exposed to the risk of its telephony system failing. This is particularly acute from April 2015 for the reasons set out in paragraphs 3 and 4 above.
13. Not approving the investment would prevent the achievement of significant revenue savings which are assumed within the Medium Term Financial Plan.

Consultations

N/A

Appendices attached:

None

Background Papers:

There are no background papers to the report.

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		Clearance – agreed by:
Legal	There are no direct legal implications to this report.	John Newman 8/9/2014
Finance	The Council's agreed capital programme includes a new item for 2014/15 of £450,000 for replacement of the customer service centre telephony system. The Council's Medium Term Financial Strategy includes a savings item in 2015/16 of £190,000 to be delivered from managed services and other ICT contracts. This investment is required in order to deliver a significant element of that savings item.	John Hulme 8/9/2014
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Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	There are no direct equalities/cohesion/inclusion implications to this report.	Maureen Drummond, Social Justice Adviser, 8 September 2014
Environment	There are no direct environmental implications to this report.	Agreed by Strategy & Sustainability Manager on the 11/09/2014.
Health	There are no direct health implications to this report.	Kelly O'Neill, Public Health, 9 September 2014
Community Safety		
Staffing		
Other		

FOR EXECUTIVE ONLY - Options:

- i) To reject the recommendation
- ii) To request further information

