

SCRUTINY COMMITTEE

Thursday, 8th July, 2021
6.30 pm





SCRUTINY COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 8th July, 2021 at 6.30 pm

This agenda gives notice 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.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm on the day before the meeting. . Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:

<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance on social distancing there is a limited capacity for members of the public to attend meetings. You are advised to contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1) Apologies

To receive any apologies for absence.

2) Minutes

To approve as a correct record the minutes of the previous meeting.

5 - 8

3) Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4) Declarations of Interest

To receive any declarations of interest from Members relating to any item

on the agenda, in accordance with the provisions of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

5) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6) Public Question Time

To consider questions, statements or petitions from Members of the Public.

PUBLIC ITEMS

- 7) Notice of Key Decisions and Private Meetings** 9 - 16
To consider the list of future Executive key decisions and Private Meetings.
- 8) Annual Treasury Management Report Review of Activity** 17 - 26
To consider the Council's treasury management strategy activity during 2020/21.
- 9) 2020/21 Final Capital Outturn Report** 27 - 36
To consider the final capital outturn position for 2020/21.
- 10) 2020/21 Final Revenue Outturn Position** 37 - 52
To consider the Council's position on the revenue account for 2020/21.
- 11) Anti Social Behaviour Policy** 53 - 78
To consider the Council's Anti Social Behaviour Policy.
- 12) Homelessness Paper** 79 - 80
The attached paper was requested by Committee and considers the Council's approach to homelessness prevention and the response to the risk of eviction. The Executive Member for Housing will attend the meeting for this item.
- 13) Authority Monitoring Report 2019/20 (February 2021)** 81 - 84
This item is brought to Committee for discussion at the request of the Chair.

The report considers the progress being made with the plan making milestones set out in the Local Development Scheme and the implementation of the policies and proposals in the Local Plan.

Members can view the full report on the Council's website prior to the meeting at

www.burnley.gov.uk/sites/default/files/Burnley%20AMR%202019-20%20Final.pdf

An Officer will respond to any questions members may have about the report at the meeting.

14) Review Groups Update

Members will update Committee on progress, if any, with the current review groups and consider any future reviews that they might wish to carry out.

15) Work Programme 2021/22

85 - 86

To consider any amendments to the Work Programme for 2021/22.

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker (Chair)
Councillor Ann Royle (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Charlie Briggs
Councillor Paul Campbell
Councillor Saeed Chaudhary
Councillor Tom Commis
Councillor Scott Cunliffe
Councillor Dale Ferrier

Councillor Alan Hosker
Councillor Martyn Hurt
Councillor Mohammed Ishtiaq
Councillor Arif Khan
Councillor Shbana Khan
Councillor Gordon Lishman
Councillor Sehrish Lone
Councillor Cosima Towneley

PUBLISHED

Wednesday, 30 June 2021



SCRUTINY COMMITTEE COUNCIL CHAMBER TOWN HALL BURNLEY

Wednesday, 2nd June, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors H Baker (Chair), A Royle (Vice-Chair), G Birtwistle, P Campbell, S Chaudhary, T Commis, S Cunliffe, D Ferrier, A Hosker, M Hurt and C Towneley

OFFICERS

Howard Hamilton-Smith – Head of Finance and Property
Paul Gatrell – Head of Housing & Development Control
Imelda Grady – Democracy Officer

IN ATTENDANCE

Councillor Sue Graham, Deputy Leader and Executive Member for Resources and Performance Management

1. Apologies

Apologies were received from Councillors C Briggs, M Ishtiaq, G Lishman, S Lone, A Khan and S Khan.

2. Minutes

The minutes of the meeting held on 17th March 2021 were approved as a correct record and signed by the Chair.

3. Additional Items of Business

There were no additional items of business.

4. Declarations of Interest

Councillor Baker declared a personal and prejudicial interest in that part of item 8 relating to the Housing Review. He vacated the Chair for this item and left the room and took no part in the discussions.

5. Exclusion of the Public

There were no items requiring the public to be excluded from the meeting.

6. Public Question Time

There were no public questions.

7. Notice of Key Decisions and Private Meetings -28 day Notice and Urgent Notice

Members considered the Executive`s Notice of Key Decisions and Private Meetings for June onwards and noted that an additional Notice had been published on Holiday Activities and Food (HAF) Programme for 2021 as the requirement to give 28 days notice had not being met due to the timelines regarding the Programme.

IT WAS AGREED

That the 28 days notice of key decisions and the additional notice for the HAF Programme be noted.

The Chair vacated the Chair due to his interest in part of the next item of business.

Councillor Ann Royle in the Chair

8. Scrutiny Review Groups-Update on Active Review Groups from 2020-21, and consider Reviews for 2021-22

Councillor Ann Royle appraised members on the work of the Housing Review Group and sought support for the Review to be continued into 2021/22. She informed members that a meeting had been held with the Managing Director of Calico and a further meeting was planned in order to consider progress and hopefully conclude the review.

IT WAS AGREED

That the Housing Review Group be taken forward into 2021/22 and that the following members be assigned to it: Councillors Paul Campbell, Tom Commis, Dale Ferrier, Alan Hosker, Martyn Hurt and Ann Royle.

Councillor Ann Royle vacated the Chair .

Councillor Howard Baker in the Chair.

Consideration was also given to the Market Review that had been brought forward from the last municipal year.

IT WAS AGREED

- (1) That it be agreed that the Market Review continue in 2021/22 and the group be re-established to comprise Councillors Gordon Birtwistle, Saeed Chaudhary, Scott Cunliffe, Dale Ferrier, Alan Hosker and Cosima Towneley.
- (2) That the Head of Economy and Growth provide an update on the Market Hall by 11th June to the above members for their consideration prior to a Review Group meeting being convened.

Members then considered topics for future reviews and were advised to complete a review proposal proforma for them which could be considered by the Committee at its next meeting in July.

9. Work Programme 2021-22

Members considered the work programme for 2021/22.

IT WAS AGREED

1. That the work programme be noted.
2. That a paper be prepared on how those at risk of homelessness might be supported when the Covid legislation on evictions ends and that the Executive Member for Housing be invited to the next Scrutiny meeting to advise on the Council's approach to this issue.
3. That the Executive's Progressive Partnership for Burnley be monitored over the next 12 months.
1. That a further all member briefing be requested on the Covid 19 Recovery Programme.

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BURNLEY BOROUGH COUNCIL

NOTICE OF KEY DECISIONS AND PRIVATE MEETINGS

This Notice contains:

- a) A list of Key Decisions to be taken by the Executive (unless otherwise stated) during the month of July 2021 onwards, published by 15th June 2021. Due to current circumstances, these decisions could also be taken by Officers using urgency powers.
- b) Details of dates of meetings of the Executive during the same period at which decisions may be taken in private or partly in private

A Key Decision is an Executive decision that is likely:

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are significant, having regard to the local authority's budget for the service or function to which a decision relates. The Council has said that Capital or Revenue spending over £100,000 will be a Key Decision; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough;

A private meeting is a meeting or part of a meeting of the Executive during which the public must be excluded whenever:

- a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
- b) the Executive passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

| Matter for Decision | Purpose | Key Decision – Yes or No | Anticipated date of decision | Public or Private report. If Private give reasons | List of documents to be submitted including any background papers | Contact person & Executive Portfolio |
|--|--|---|-------------------------------------|--|--|---|
| Anti-Social Behaviour Policy | To consider a report to approve the revised Anti-Social Behaviour Policy for the Borough | Yes | July 2021 | Public | Report to set out the key issues | Joanne Swift Head of Streetscene Executive Member for Community and Environmental Services |
| 2020/21 Final Revenue Outturn Position | To consider a report on the 2020/21 Final Revenue Outturn Position | No (Full Council Policy Framework decision) | July 2021 | Public | Report setting out the key issues. | Howard Hamilton Smith Head of Finance and Property Executive Member for Resources and Performance |
| 2020/21 Final Capital Outturn Position | To consider a report on the 2020/21 Final Capital Outturn Position | No (Full Council Policy Framework decision) | July 2021 | Public | Report setting out the key issues. | Howard Hamilton Smith Head of Finance and Property Executive Member for Resources and Performance |

| Matter for Decision | Purpose | Key Decision – Yes or No | Anticipated date of decision | Public or Private report. If Private give reasons | List of documents to be submitted including any background papers | Contact person & Executive Portfolio |
|---|---|---|-------------------------------------|---|--|---|
| Annual Treasury Management Review of 2020/21 Activity | To consider a report on the Annual Treasury Management Review of 2020/21 Activity | No (Full Council Policy Framework decision) | July 2021 | Public | Report setting out the key issues. | Howard Hamilton Smith Head of Finance and Property Executive Member for Resources and Performance |
| Sale of land at Holme Road | To consider a report on the Sale of land at Holme Road | Yes | July 2021 | Private – The report contains exempt information and is therefore NOT FOR PUBLICATION by virtue of Local Government Act 1972 schedule 12A, Part 1, Paragraph 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Report setting out the key issues. | Howard Hamilton Smith Head of Finance and Property Executive Member for Resources and Performance |
| Updated Additional Restrictions Grant Scheme | To consider a report on Additional Restrictions Grant | Yes | July 2021 | Public | Report setting out the key issues. | Kate Ingram Strategic Head of Economy and Growth Executive Member for Economy and Growth |

| Matter for Decision | Purpose | Key Decision – Yes or No | Anticipated date of decision | Public or Private report. If Private give reasons | List of documents to be submitted including any background papers | Contact person & Executive Portfolio |
|--|--|---------------------------------|-------------------------------------|---|--|---|
| Burnley College | To consider a report on Burnley College | Yes | July 2021 | Private – The report contains exempt information and is therefore NOT FOR PUBLICATION by virtue of Local Government Act 1972 schedule 12A, Part 1, Paragraph 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Report setting out the key issues. | Kate Ingram Strategic Head of Economy and Growth Executive Member for Economy and Growth |
| Empty Homes-Various Compulsory Purchase Orders (CPO) | To consider a report on Empty Homes-Various Compulsory Purchase Orders (CPO) | Yes | July 2021 | Public | Report setting out the key issues. | Paul Gatrell Head of Housing and Development Control Executive Member for Housing and Development Control |
| Future of Charter Walk Shopping Centre | To consider a report on the Future of Charter Walk Shopping Centre | Yes | July 2021 | Private – The report contains exempt information and is therefore NOT FOR PUBLICATION by virtue of Local Government Act 1972 schedule 12A, Part 1, Paragraph 3. | Report setting out the key issues. | Kate Ingram Strategic Head of Economy and Growth Executive Member for Economy and Growth |

| Matter for Decision | Purpose | Key Decision – Yes or No | Anticipated date of decision | Public or Private report. If Private give reasons | List of documents to be submitted including any background papers | Contact person & Executive Portfolio |
|--|--|--------------------------|------------------------------|--|---|---|
| | | | | Information relating to the financial or business affairs of any particular person (including the authority holding that information). | | |
| Selective Licensing Consultation in the Burnley Wood and Leyland Road areas. | To consider a report on selective licensing consultation in the Burnley Wood and Leyland Road areas. | Yes | July 2021 | Public | Report setting out the key issues. | Paul Gatrell Head of Housing and Development Control Executive Member for Housing and Development Control |
| Covid Recovery Update | To consider a report on Covid Recovery Update | Yes | July 2021 | Public | Report setting out the key issues. | Rob Dobson Head of Policy and Engagement Leader |

| Matter for Decision | Purpose | Key Decision – Yes or No | Anticipated date of decision | Public or Private report. If Private give reasons | List of documents to be submitted including any background papers | Contact person & Executive Portfolio |
|---------------------------------|---|---------------------------------|-------------------------------------|--|--|---|
| Strategic Risk Register 2021-22 | To consider a report on the Strategic Risk Register 2021-22 | Yes | July 2021 | Public | Report setting out the key issues. | Howard Hamilton Smith Head of Finance and Property Executive Member for Resources and Performance |

Meetings of the Executive will be held on the following dates: 17th June, 24th June tbc ,14th July, 18th August, and 22nd September 2021. Meetings normally start at 6.30pm but times can change so please check the council website nearer the date of the meeting. All meetings are usually held at the Town Hall.[Youtube channel](#)

This Notice will be further updated by the following dates: 20th July, 23rd August and 28th September 2021

A further Notice will be given 5 clear days before each meeting listed above if the meeting or part of the meeting is to be held in private. If you wish to make any representations about why any meeting or part of a meeting proposed to be held in private should be open to the public please send them to: Catherine Waudby, Head of Legal and Democratic Services, Town Hall, Manchester Road, Burnley BB11 9SA.

E-mail: [HYPERLINK "mailto:"cwaudby@burnley.gov.uk](mailto:cwaudby@burnley.gov.uk)
"mailto:"HYPERLINK "mailto:"

Published: By 15 June 2021 [HYPERLINK](#)

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|----------------------------|
| REPORT TO EXECUTIVE |
|----------------------------|



| | |
|----------------------|---|
| DATE | 14th July 2021 |
| PORTFOLIO | Resources and Performance Management |
| REPORT AUTHOR | Howard Hamilton-Smith |
| TEL NO | 01282 477172 |
| EMAIL | Hhamilton-smith@burnley.gov.uk |

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|---|
| Annual Treasury Management Report Review of 2020/21 Activity |
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| PURPOSE |
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1. To inform members of the Council’s treasury management activity during 2020/21.

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|-----------------------|
| RECOMMENDATION |
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2. That the Executive recommends that Full Council note the annual treasury management activity for the year ended 31 March 2021.

| |
|-----------------------------------|
| REASONS FOR RECOMMENDATION |
|-----------------------------------|

3. To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report review of activities and the actual prudential and treasury indicators for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). Performance against the approved prudential and treasury indicators are shown in Appendix 1.

During 2020/21 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Full Council 26 February 2020)
- a mid-year treasury update report (Full Council 16 December 2020)
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore

important, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Scrutiny Committee before they were reported to Full Council. Member training on treasury management issues was undertaken during the year on 10 March 2021 in order to support Members' scrutiny role.

SUMMARY OF KEY POINTS

4. The Economy and Interest Rates (Provided by Link Asset Services)

Coronavirus. The financial year 2020/21 will go down in history as being the year of the pandemic. The first national lockdown in late March 2020 did huge damage to an economy that was unprepared for such an eventuality. This caused an economic downturn that exceeded the one caused by the financial crisis of 2008/09. A short second lockdown in November did relatively little damage but by the time of the third lockdown in January 2021, businesses and individuals had become more resilient in adapting to working in new ways during a three month lockdown, so much less damage was caused than in the first one. The advent of vaccines starting in November 2020, were a game changer. The way in which the UK and US have led the world in implementing a fast programme of vaccination which promises to lead to a return to something approaching normal life during the second half of 2021, has been instrumental in speeding economic recovery and the reopening of the economy. In addition, the household saving rate has been exceptionally high since the first lockdown in March 2020 and so there is plenty of pent-up demand and purchasing power stored up for services in the still-depressed sectors like restaurants, travel and hotels as soon as they reopen. It is therefore expected that the UK economy could recover its pre-pandemic level of economic activity during quarter 1 of 2022.

Both the Government and the Bank of England took rapid action in March 2020 at the height of the crisis to provide support to financial markets to ensure their proper functioning, and to support the economy and to protect jobs.

The Monetary Policy Committee cut Bank Rate from 0.75% to 0.25% and then to 0.10% in March 2020 and embarked on a £200bn programme of quantitative easing QE (purchase of gilts so as to reduce borrowing costs throughout the economy by lowering gilt yields).

The MPC increased QE by £100bn in June and by £150bn in November to a total of £895bn. While Bank Rate remained unchanged for the rest of the year, financial markets were concerned that the MPC could cut Bank Rate to a negative rate; this was firmly discounted at the February 2021 MPC meeting when it was established that commercial banks would be unable to implement negative rates for at least six months – by which time the economy was expected to be making a strong recovery and negative rates would no longer be needed.

Average inflation targeting. This was the major change adopted by the Bank of England in terms of implementing its inflation target of 2%. The key addition to the Bank's forward guidance in August was a new phrase in the policy statement, namely

that “it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably”. This sets a high bar for raising Bank Rate and no increase is expected by March 2024, and possibly for as long as five years. Inflation has been well under 2% during 2020/21; it is expected to briefly peak at just over 2% towards the end of 2021, but this is a temporary short lived factor and so not a concern to the MPC.

Government support. The Chancellor has implemented repeated rounds of support to businesses by way of cheap loans and other measures, and has protected jobs by paying for workers to be placed on furlough. This support has come at a huge cost in terms of the Government’s budget deficit ballooning in 2020/21 and 2021/22 so that the Debt to GDP ratio reaches around 100%. The Budget on 3rd March 2021 increased fiscal support to the economy and employment during 2021 and 2022 followed by substantial tax rises in the following three years to help to pay the cost for the pandemic. This will help further to strengthen the economic recovery from the pandemic and to return the government’s finances to a balanced budget on a current expenditure and income basis in 2025/26. This will stop the Debt to GDP ratio rising further from 100%. An area of concern, though, is that the government’s debt is now twice as sensitive to interest rate rises as before the pandemic due to QE operations substituting fixed long-term debt for floating rate debt; there is, therefore, much incentive for the Government to promote Bank Rate staying low e.g. by using fiscal policy in conjunction with the monetary policy action by the Bank of England to keep inflation from rising too high, and / or by amending the Bank’s policy mandate to allow for a higher target for inflation.

BREXIT. The final agreement on 24th December 2020 eliminated a significant downside risk for the UK economy. The initial agreement only covered trade so there is further work to be done on the services sector where temporary equivalence has been granted in both directions between the UK and EU; that now needs to be formalised on a permanent basis. There was much disruption to trade in January as form filling has proved to be a formidable barrier to trade. This appears to have eased somewhat since then but is an area that needs further work to ease difficulties, which are still acute in some areas.

5. The Strategy for 2020/21

5.1 Investment Strategy and control of interest rate risk

Investment returns which had been low during 2019/20, plunged during 2020/21 to near zero or even into negative territory. Most local authority lending managed to avoid negative rates and one feature of the year was the growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2020/21 was that Bank Rate would continue at the start of the year at 0.75 % before rising to end 2022/23 at 1.25%. This forecast was invalidated by the impact of the Covid-19 pandemic in March 2020 which caused the Monetary Policy Committee to cut Bank Rate in March, first to 0.25% and then to 0.10%, in order to counter the hugely negative impact of the national lockdown on large swathes of the economy. The Bank of England and the Government also introduced new programmes of supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the lockdown. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in

financial markets than there was demand to borrow, with the consequent effect that investment earnings rates plummeted.

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

5.2 **Borrowing Strategy and control of interest rate risk**

During 2020/21, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were very low and minimising counterparty risk on placing investments also needed to be considered.

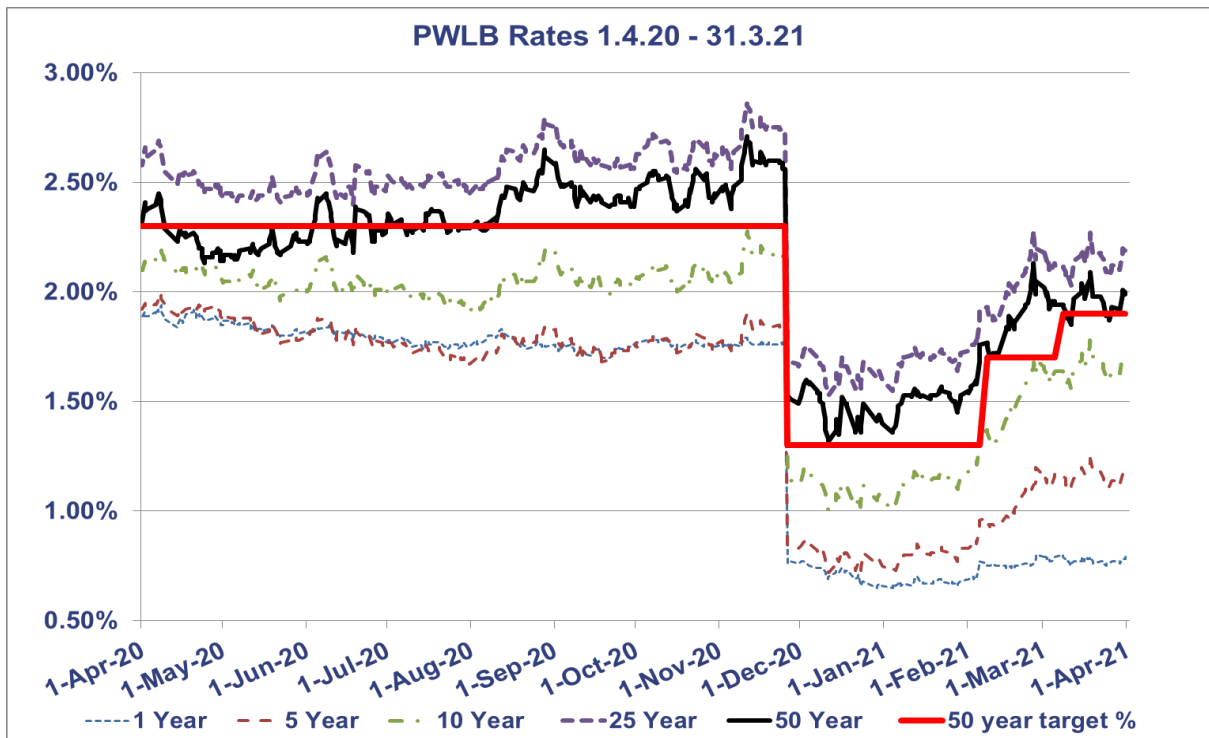
The policy of avoiding new borrowing by running down spare cash balances has previously been adopted and has served well over the last few years. However, this has been kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure.

6. **The Borrowing Requirement and Debt**

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR). The table below shows the Council's CFR for 2020/21.

| £m | 31 March 2020 Actual | 31 March 2021 Budget | 31 March 2021 Actual |
|------------------|---------------------------------|---------------------------------|---------------------------------|
| CFR General Fund | 37.7 | 43.8 | 41.7 |

7. Borrowing Rates in 2020/21



PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields.

Gilt yields fell sharply from the start of 2020 and then spiked up during a financial markets melt down in March caused by the pandemic hitting western countries; this was rapidly countered by central banks flooding the markets with liquidity. While US treasury yields do exert influence on UK gilt yields so that the two often move in tandem, they have diverged during the first three quarters of 2020/21 but then converged in the final quarter. Expectations of economic recovery started earlier in the US than the UK but once the UK vaccination programme started making rapid progress in the new year of 2021, gilt yields and PWLB rates started rising sharply as confidence in economic recovery rebounded.

HM Treasury imposed two changes of margins over gilt yields for PWLB rates in 2019/20 without any prior warning. The first took place on 9th October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then, at least partially, reversed for some forms of borrowing on 11th March 2020, but not for mainstream non-HRA capital schemes. A consultation was then held with local authorities and on 25th November 2020, the Chancellor announced the conclusion to the review of margins over gilt yields for PWLB rates; the standard and certainty margins were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchase of assets for yield in its three year capital programme.

There is likely to be only a gentle rise in gilt yields and PWLB rates over the next three years as Bank Rate is not forecast to rise from 0.10% by March 2024 as the Bank of England has clearly stated that it will not raise rates until inflation is sustainably above its target of 2%.

8. **Borrowing Outturn for 2020/21**

Borrowing – Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

Rescheduling – No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

Repayments – The following PWLB loans were repaid during the year, as scheduled:

| Date | Lender | Principal | Balance at Repayment | Type | Interest Rate | Duration |
|---------|--------|-----------|----------------------|----------|---------------|------------|
| 30/9/20 | PWLB | £1.0m | £1.0m | Maturity | 5.15% | 17 years |
| 31/3/21 | PWLB | £1.0m | £1.0m | Maturity | 5.00% | 20.5 years |

9. **Investment Rates in 2020/21**

The Council operates a deposit account with its bank, HSBC, which pays an interest rate of 0.15% below Bank Rate. As Bank Rate is currently below this, HSBC have applied a rate of 0.01% to the account since August 2020. There was an average daily total of £19.4m being invested within the HSBC “sweep” deposit account in 2020/21. This was higher than the usual level of deposit due to the large amount of government funding being made available for distribution to businesses during the pandemic.

10. **Investment Outturn for 2020/21**

Investment Policy – the Council’s investment policy is governed by MHCLG investment guidance, which has been implemented in the annual investment strategy approved by Full Council on 26 February 2020. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data. This guidance is enhanced by advice from Link Asset Services.

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments held by the Council - the Council maintained a daily average balance of £28.5m of internally managed funds during 2020/21. These investments earned an average rate of return of 0.15%.

There were a total of 5 market investments made during the financial year, totalling £12m. The table below shows the amount deposited, and the rate of return against the market benchmark.

| Counterparties | Date of Investment | Investment Made £m | Return | Benchmark |
|---------------------------|--------------------|--------------------|--------|-----------|
| Santander (95 Day Notice) | 05/08/2020 | 4.0 | 0.48% | 0.015% |
| HSBC (31 Day Notice) | 12/08/2020 | 2.0 | 0.12% | 0.052% |

| | | | | |
|------------------------------------|------------|-----|-------|--------|
| Close Brothers Ltd (6 month fixed) | 11/09/2020 | 2.0 | 0.45% | 0.073% |
| Goldman Sachs (6 month fixed) | 12/03/2021 | 2.0 | 0.28% | 0.073% |
| Moray Council (6 month fixed) | 19/03/2021 | 2.0 | 0.18% | 0.073% |

All investments were for one year or under.

The table below shows the maximum amount invested with any of the counterparties at any one time during the period April 2020 to the end of March 2021 against the maximum limits approved in the 2020/21 Treasury Management Strategy.

| Counterparties | Maximum Limits £m | Highest level of Investment 2020/21 (£m) |
|------------------------|----------------------|---|
| HSBC | 50.0 | 40.3 |
| Bank of Scotland | 4.0 | 4.0 |
| Goldman Sachs | 4.0 | 2.0 |
| Santander UK plc | 4.0 | 4.0 |
| Close Brother Ltd | 2.0 | 2.0 |
| Suffolk County Council | 2.0 | 2.0 |
| Moray Council | 2.0 | 2.0 |

11. **Interest payable on External Borrowing / Interest Receivable on Investments**

The total PWLB interest payable on external borrowing for 2020/21 was £1,156,188 compared to the annual budget of £1,144,466.

The total interest receivable on temporary investments in 2020/21 amounted to £40,107 compared to the annual budget of £119,995. The shortfall in interest received was due to the cut in Bank Rate at the start of the year and sustained low interest rates throughout the year.

12. **Property Fund Investments, & dividends received**

The Council continues to invest £2m in property funds with CCLA and Hermes. Dividends receivable amounted to £74,397 compared to a budget of £60,000.

The aim of the Property Fund investments is to provide high levels of income and long-term capital appreciation. During the pandemic, the UK economy and commercial property market have proved to be more resilient than many initial forecasts. The UK economy outlook and business confidence have been improving following positive outcomes from the vaccination programme and a gradual lifting of lockdown restrictions. Whilst the long-term social, economic, and political risks associated with the current pandemic are still unknown, there are signs that the impact to occupier and investor confidence in certain property market segments is starting to ease.

Valuations were reported on the basis of material value uncertainty (issued without expected confidence in their accuracy) at the end of March 2020, and trading was temporarily suspended in both property funds. This was removed in September 2020 and trading was resumed.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. None arising as a direct result of this report.

POLICY IMPLICATIONS

14. All transactions are in accordance with the Council's approved Treasury Policy Statement

DETAILS OF CONSULTATION

15. None

BACKGROUND PAPERS

16. Treasury Management Strategy Report & Prudential Indicators Report for 2020/21.

**FURTHER INFORMATION
PLEASE CONTACT:**

**Howard Hamilton-Smith,
Head of Finance & Property**

Appendix 1: Prudential and Treasury Indicators

During 2020/21, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

| Actual prudential and treasury indicators £m | 2019/20 Actual | 2020/21 Original | 2020/21 Actual |
|---|---------------------------|-----------------------------|---------------------------|
| Capital expenditure General Fund | 14.0 | 19.4 | 11.9 |
| Capital Financing Requirement: General Fund | 37.7 | 43.8 | 41.7 |
| Gross borrowing | 37.7 | 35.7 | 35.7 |
| Investments Under 1 year | 17.9 | 23.1 | 19.8 |
| Net borrowing | 19.8 | 12.6 | 15.9 |

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2020/21) plus the estimates of any additional capital financing requirement for the current (2021/22) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2020/21.

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2020/21 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

| £m | 2020/21 |
|---|---------|
| Authorised limit | 53.0 |
| Maximum gross borrowing position | 35.7 |
| Operational boundary | 48.1 |
| Average gross borrowing position | 37.2 |
| Financing costs as a proportion of net revenue stream | 13.3% |

Overall Treasury Position as at 31 March 2021 – At the beginning and end of 2020/21 the Council's treasury position was as follows:

The maturity structure of the debt portfolio was as follows:

| | 31 March 2020 Principal £m | Rate/Return | Average Life yrs | 31 March 2021 Principal £m | Rate/Return | Average Life yrs |
|-------------------------------|----------------------------|-------------|------------------|----------------------------|-------------|------------------|
| Fixed rate funding: | | | | | | |
| PWLB | 37.7 | 2.76% | 16.8 | 35.7 | 3.07% | 17.5 |
| | 31 March 2020 Actual £m | | | 31 March 2021 Actual £m | | |
| Total debt | 37.7 | | | 35.7 | | |
| Capital Financing Requirement | 37.7 | | | 41.7 | | |
| Over / (under) borrowing | - | | | (6.0) | | |
| Total investments | 17.9 | | | 19.8 | | |
| Net debt | 19.8 | | | 15.9 | | |

The maturity structure of the debt portfolio was as follows:

| | 31 March 2020 Actual £m | 2020/21 Original Limits £m | 31 March 2021 Actual £m |
|--------------------------------|-------------------------|----------------------------|-------------------------|
| Under 12 months | 2.0 | 1.2 | 1.2 |
| 12 months and within 24 months | 1.2 | 1.1 | 1.1 |
| 24 months and within 5 years | 6.0 | 4.9 | 4.9 |
| 5 years and within 10 years | 1.1 | 1.1 | 1.1 |
| 10 years and within 20 years | 0.1 | 0.1 | 0.1 |
| 20 years and within 30 years | - | - | - |
| 30 years and within 40 years | 4.5 | 5.5 | 5.5 |
| 40 years and within 50 years | 22.8 | 21.8 | 21.8 |
| Totals | 37.7 | 35.7 | 35.7 |

| |
|----------------------------|
| REPORT TO EXECUTIVE |
|----------------------------|



| | |
|----------------------|---|
| DATE | 14th July 2021 |
| PORTFOLIO | Resources & Performance Management |
| REPORT AUTHOR | Howard Hamilton Smith |
| TEL NO | 01282 477173 |
| EMAIL | hhamiltonsmith@burnley.gov.uk |

| |
|---|
| 2020/21 Final Capital Outturn Position |
|---|

| |
|----------------|
| PURPOSE |
|----------------|

1. To report to Members on the performance of the 2020/21 capital investment programme and present the financing of capital expenditure incurred during 2020/21.
2. To seek approval of a revised 2021/22 capital budget after incorporating net carry forward commitments (slippage) from 2020/21.

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

3. That the Executive Members are requested to recommend that Full Council approve:
 - a) The final position on capital spending and financing of £11.915m for 2020/21 as shown in Appendices 1 & 2, which equates to 87% of the final resources position.
 - b) The revised capital budget for 2021/22 totalling £20.527m as outlined in Appendix 3, (including net carry forward of £1.735m).

| |
|-----------------------------------|
| REASONS FOR RECOMMENDATION |
|-----------------------------------|

4. To conclude the capital budget monitoring process for 2020/21 and report the final outturn position as outlined in the Council's Statement of Accounts for 2020/21.
5. To increase the 2021/22 Council capital programme for amounts carried forward from 2020/21 and other budget adjustments as shown in Appendix 3.

SUMMARY OF KEY POINTS

Capital Outturn Position

6. Budget Changes and Expenditure Outturn Position:

After incorporating all the recommendations approved throughout the financial year, the original capital budget of £19.468m (approved at Full Council on 26 February 2020) was revised to a final position of £14.477m per the cycle 3 capital monitoring report presented to the Executive on the 15 February 2021.

Appendix 1 shows the final resources and outturn position. Additional resources have been utilised in financing the outturn expenditure position totalling £0.085m split between:

- £0.068m of brought-forward funding from 2021/22 (“reverse slippage”), utilising in advance, resources originally approved within the 2021/22 capital programme at Full Council on 24 February 2021.
- £0.017m of other additional resources were identified, utilising more of the Better Care Funding.

Resources of £0.853m were no longer required, including £0.549m of Housing Capital underspends, and £0.295m Lower St James Street funding from LCC, which were deducted from the budget.

Therefore, the final position available to finance capital expenditure in 2020/21 totalled £13.719m. The final outturn level of expenditure incurred for 2020/21 totalled £11.915m which gives a net underspend of £1.804m or 87% spend against the final resources position.

Appendix 2 lists the financing elements of each scheme within the 2020/21 capital programme spend, totalling £11.915m.

7. Carry Forward Requests (slippage)

Members are asked to note that a net £1.735m (£1.803m slippage less £0.068m reverse slippage) is the total that has been recommended to be carried forward into 2021/22. The following schemes account for the majority of the total slippage requested:

Safer Streets (£396k)

The Home Office funded Safer Streets project is one that has encountered delays as a result of conditions relating to Covid. As such we have applied for, and received, an extension to the program into 2021/22. The expenditure will be completed by the end of quarter 1 of this financial year.

Sandygate Halls (£219k)

This work has been delayed due to the Covid pandemic and will now take place during the summer of 2021/22.

Burnley Pendle Growth Programme (£300k)

Works to the Rosegrove junction, being undertaken by Lancashire County Council, have been slipped into quarter 1 of 2021/22.

Building Infrastructure Works (£668k)

The capital schemes included within this budget were being undertaken during the 2020/21 and 2021/22 financial years and an estimate of the allocation between the years was included within the quarter 3 monitoring report. This outturn report now reflects the actual spend in 2020/21 and the balance is requested to be slipped into 2021/22.

Further details can be seen in Appendix 1.

8. **Revised Capital Budget for 2021/22**

Members are asked to approve a revised capital budget for 2021/22 after incorporating the adjustments identified within this outturn report.

Appendix 3 details the 2021/22 capital programme financing elements along with incorporating the year end resources adjustments and brought-forward funding elements identified within this outturn report, and incorporating the carry forward requests. This results in a revised capital programme totalling £20.527m.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. As shown in the body of the report and appendices.

POLICY IMPLICATIONS

10. The final outturn position will be reflected in the Statement of Accounts which shows the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending. Following a consultation exercise by MHCLG the deadline for the completion of the draft Statement of Accounts has been extended from 31st May to 31st July and the audited Statement of Accounts from 31st July to 30th September. These deadlines are in accordance with recommendation 10 of the Redmond Review and the change will initially be for a 2 year period: 2020/21 and 2021/22. The Statement of Accounts will be reported to the Audit and Standards Committee.

DETAILS OF CONSULTATION

11. None.

BACKGROUND PAPERS

12. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Howard Hamilton Smith
Head of Finance & Property**

Final Capital Outturn Position for 2020/21

APPENDIX 1

| Scheme Name | Final Budget Position Approved by Executive £ | Additional Resources Utilised at Year End | | Resources no longer required / available £ | Final Resources Position At Year End £ | Expenditure Outturn Position £ | Expenditure Outturn to Final Resources Position as at Year End % | Slippage Requested £ |
|---|--|--|---|---|---|-----------------------------------|---|-------------------------|
| | | Additional Financing made available at Year End £ | "Reverse Slippage" Budgets utilised from 2021/22 £ | | | | | |
| GREEN SPACES AND AMENITIES | | | | | | | | |
| Brun Valley Forest Park | 2,019 | - | - | - | 2,019 | 2,019 | 100% | - |
| Play Area Improvement Programme | 9,139 | - | - | - | 9,139 | 9,139 | 100% | - |
| Worsthorne Recreation Ground Improvements | 195,000 | - | - | - | 195,000 | 141,475 | 73% | 53,525 |
| Vehicle and Machinery Replacement | 159,128 | - | - | - | 159,128 | 159,128 | 100% | - |
| Thompson Park Restoration Project | 84,065 | - | 1,427 | - | 85,492 | 85,492 | 100% | - |
| Stoops Wheeled Sport | 3,792 | - | - | - | 3,792 | 2,867 | 76% | 925 |
| Prairie Artificial Turf Pitch | 46,221 | - | - | - | 46,221 | 5,409 | 12% | 40,812 |
| | 499,364 | - | 1,427 | - | 500,791 | 405,529 | 81% | 95,262 |
| STREETSCENE | | | | | | | | |
| Alleygate Programme | 26,245 | - | - | - | 26,245 | 25,561 | 97% | 684 |
| River Training Walls | 18,384 | - | 5,993 | - | 24,377 | 24,377 | 100% | - |
| CCTV Infrastructure | 2,409 | - | - | - | 2,409 | 2,409 | 100% | - |
| Purchase Replacement Vehicle | 7,400 | - | - | - | 7,400 | 7,400 | 100% | - |
| Safer Streets | 470,800 | - | - | - | 470,800 | 74,544 | 16% | 396,256 |
| | 525,238 | - | 5,993 | - | 531,231 | 134,291 | 25% | 396,940 |
| REGENERATION AND PLANNING POLICY | | | | | | | | |
| Padiham Townscape Heritage Initiative | 359,000 | - | - | - | 359,000 | 333,879 | 93% | 25,121 |
| Pioneer Place | 135,432 | - | - | - | 135,432 | 71,833 | 53% | 63,599 |
| Sandygate Halls | 4,172,079 | - | - | - | 4,172,079 | 3,953,141 | 95% | 218,938 |
| NW Burnley Growth Corridor | 2,259,626 | - | 27,658 | - | 2,287,284 | 2,287,284 | 100% | - |
| Burnley-Pendle Growth Programme | 722,000 | - | - | - | 722,000 | 422,000 | 58% | 300,000 |
| Lower St James Street Historic Action Zone | 960,000 | - | 33,350 | (295,000) | 698,350 | 698,350 | 100% | - |
| Padiham Town Hall Improvements | 331,379 | 8,996 | - | - | 340,375 | 340,375 | 100% | - |
| Finsley Wharf & Canal Towpath Improvements | 33,000 | - | - | - | 33,000 | 33,000 | 100% | - |
| Former Open Market & Former Cinema Block | 30,108 | - | - | - | 30,108 | 22,370 | 74% | 7,738 |
| | 9,002,624 | 8,996 | 61,008 | (295,000) | 8,777,628 | 8,162,232 | 93% | 615,396 |
| FINANCE | | | | | | | | |
| Leisure Centre Improvements | 95,058 | - | - | - | 95,058 | 65,989 | 69% | 29,069 |
| Building Infrastructure Works | 1,648,938 | (8,996) | - | - | 1,639,942 | 973,225 | 59% | 666,717 |
| | 1,743,996 | (8,996) | - | - | 1,735,000 | 1,039,214 | 60% | 695,786 |
| LEISURE | | | | | | | | |
| Mechanics Lighting Equipment | 55,000 | 71 | - | - | 55,071 | 55,071 | 100% | - |
| | 55,000 | 71 | - | - | 55,071 | 55,071 | 100% | - |
| HOUSING AND DEVELOPMENT CONTROL | | | | | | | | |
| Emergency Repairs | 70,000 | 17,077 | - | - | 87,077 | 87,077 | 100% | - |
| Better Care Grant | 1,200,000 | - | - | (110,447) | 1,089,553 | 1,089,553 | 100% | - |
| Energy Efficiency | 40,000 | - | - | (2,224) | 37,776 | 37,776 | 100% | - |
| Empty Homes Programme Interventions, Acquisitions and Demolitions | 1,300,000 | - | - | (436,149) | 863,851 | 863,851 | 100% | - |
| | 25,943 | 94 | - | - | 26,037 | 26,037 | 100% | - |
| | 2,635,943 | 17,171 | - | (548,820) | 2,104,294 | 2,104,294 | 100% | - |
| CHIEF EXECUTIVE | | | | | | | | |
| Ward Opportunities Fund | 14,500 | - | - | - | 14,500 | 14,500 | 100% | - |
| | 14,500 | - | - | - | 14,500 | 14,500 | 100% | - |
| Final Capital Outturn Position for 2020/21 | 14,476,665 | 17,242 | 68,428 | (843,820) | 13,718,515 | 11,915,131 | 87% | 1,803,384 |

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CAPITAL 2020/21 - FINAL SPEND POSITION

APPENDIX 2

| Scheme Name | Final Spend Position £ | FINANCING ELEMENTS | | | | | | | | | | | | Total Financed Position £ | |
|---|---------------------------|---------------------------|---------------------------------------|------------------------|----------------------------|----------------------------|--|----------------|--------------------------|--------------------|------------------|-----------------------|--|------------------------------|--|
| | | Prudential Borrowing £ | Revenue Contributions / Reserves £ | Better Care Grant £ | Historic England Fund £ | Heritage Lottery Fund £ | Lancashire Enterprise Partnership £ | LCC £ | Football Foundation £ | Sport England £ | Home Office £ | Capital Receipts £ | Vacant Property Initiative Receipts £ | | S106 Payments / 3rd Party Contributions £ |
| SERVICE UNIT: GREEN SPACES AND AMENITIES | | | | | | | | | | | | | | | |
| !Brun Valley Forest Park | 2,019 | - | - | - | - | - | - | - | - | - | - | - | - | 2,019 | 2,019 |
| !Play Area Improvement Programme | 9,139 | - | - | - | - | - | - | - | - | - | - | - | - | 9,139 | 9,139 |
| !Worsthorne Recreation Ground Improvements | 141,475 | - | - | - | - | - | - | 60,606 | - | - | 47,000 | - | - | 33,869 | 141,475 |
| !Vehicle and Machinery Replacement | 159,128 | - | 159,128 | - | - | - | - | - | - | - | - | - | - | - | 159,128 |
| !Thompson Park Restoration Project | 85,492 | - | - | - | - | 85,492 | - | - | - | - | - | - | - | - | 85,492 |
| !Stoops Wheeled Sport | 2,867 | - | - | - | - | - | - | - | 2,867 | - | - | - | - | - | 2,867 |
| !Prairie Artificial Turf Pitch | 5,409 | - | - | - | - | - | - | 5,409 | - | - | - | - | - | - | 5,409 |
| | 405,529 | - | 159,128 | - | - | 85,492 | - | 66,015 | 2,867 | - | 47,000 | - | - | 45,027 | 405,529 |
| SERVICE UNIT: STREETSCENE | | | | | | | | | | | | | | | |
| !Alleygate Programme | 25,561 | - | - | - | - | - | - | - | - | - | 25,561 | - | - | - | 25,561 |
| !River Training Walls | 24,377 | - | - | - | - | - | - | - | - | - | 24,377 | - | - | - | 24,377 |
| !CCTV Infrastructure | 2,409 | - | - | - | - | - | - | - | - | - | 2,409 | - | - | - | 2,409 |
| !Purchase Replacement Vehicle | 7,400 | 7,400 | - | - | - | - | - | - | - | - | - | - | - | - | 7,400 |
| !Safer Streets | 74,544 | - | - | - | - | - | - | - | - | 74,544 | - | - | - | - | 74,544 |
| | 134,291 | 7,400 | - | - | - | - | - | - | - | 74,544 | 52,347 | - | - | - | 134,291 |
| SERVICE UNIT: REGENERATION AND PLANNING POLICY | | | | | | | | | | | | | | | |
| !Padiham Townscape Heritage Initiative | 333,879 | - | - | - | - | 233,715 | - | - | - | - | 73,190 | - | 26,974 | - | 333,879 |
| !Pioneer Place | 71,833 | - | 71,833 | - | - | - | - | - | - | - | - | - | - | - | 71,833 |
| !Sandygate Halls | 3,953,141 | 3,953,141 | - | - | - | - | - | - | - | - | - | - | - | - | 3,953,141 |
| !NW Burnley Growth Corridor | 2,287,284 | - | - | - | - | - | 2,287,284 | - | - | - | - | - | - | - | 2,287,284 |
| !Burnley-Pendle Growth Programme | 422,000 | - | 422,000 | - | - | - | - | - | - | - | - | - | - | - | 422,000 |
| !Lower St James Street Historic Action Zone | 698,350 | - | 215,000 | - | 283,350 | - | - | 200,000 | - | - | - | - | - | - | 698,350 |
| !Padiham Town Hall Improvements | 340,375 | 42,174 | - | - | - | - | 298,201 | - | - | - | - | - | - | - | 340,375 |
| !Finsley Wharf & Canal Towpath Improvements | 33,000 | - | 33,000 | - | - | - | - | - | - | - | - | - | - | - | 33,000 |
| !Former Open Market & Former Cinema Block | 22,370 | 22,370 | - | - | - | - | - | - | - | - | - | - | - | - | 22,370 |
| | 8,162,232 | 4,017,685 | 741,833 | - | 283,350 | 233,715 | 2,585,485 | 200,000 | - | - | 73,190 | - | 26,974 | - | 8,162,232 |
| SERVICE UNIT: FINANCE | | | | | | | | | | | | | | | |
| !Leisure Centre Improvements | 65,989 | 65,989 | - | - | - | - | - | - | - | - | - | - | - | - | 65,989 |
| !Building Infrastructure Works | 973,225 | 789,010 | 131,000 | - | - | - | - | - | - | - | 53,215 | - | - | - | 973,225 |
| | 1,039,214 | 854,999 | 131,000 | - | - | - | - | - | - | - | 53,215 | - | - | - | 1,039,214 |
| SERVICE UNIT: LEISURE | | | | | | | | | | | | | | | |
| !Mechanics Lighting Equipment | 55,071 | 55,071 | - | - | - | - | - | - | - | - | - | - | - | - | 55,071 |
| SERVICE UNIT: HOUSING AND DEVELOPMENT CONTROL | | | | | | | | | | | | | | | |
| !Emergency Repairs | 87,077 | - | - | 87,077 | - | - | - | - | - | - | - | - | - | - | 87,077 |
| !Better Care Grant | 1,089,553 | - | - | 1,089,553 | - | - | - | - | - | - | - | - | - | - | 1,089,553 |
| !Energy Efficiency | 37,776 | - | 10,000 | 27,776 | - | - | - | - | - | - | - | - | - | - | 37,776 |
| !Empty Homes Programme | 863,851 | - | - | - | - | - | - | - | - | - | - | 863,851 | - | - | 863,851 |
| !Interventions, Acquisitions and Demolitions | 26,037 | - | - | - | - | - | - | - | - | - | - | 26,037 | - | - | 26,037 |
| | 2,104,294 | - | 10,000 | 1,204,406 | - | - | - | - | - | - | - | 889,888 | - | - | 2,104,294 |
| SERVICE UNIT: CHIEF EXECUTIVE | | | | | | | | | | | | | | | |
| !Ward Opportunities Fund | 14,500 | - | - | - | - | - | - | - | - | - | 14,500 | - | - | - | 14,500 |
| Total | 11,915,131 | 4,935,155 | 1,041,961 | 1,204,406 | 283,350 | 319,207 | 2,585,485 | 200,000 | 66,015 | 2,867 | 74,544 | 240,252 | 889,888 | 72,001 | 11,915,131 |

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2021/22 CAPITAL BUDGET AND FINANCING ELEMENTS

APPENDIX 3

| Service Unit | Scheme Name | Original Budget £ | Reprofiled from 2020/21 £ | Reverse Slippage £ | Revised Budget £ | FINANCING ELEMENTS | | | | | | | | | | | | | Total Proposed Budget £ | |
|-----------------------------|---|----------------------|---------------------------------|-----------------------|---------------------|------------------------------|--------------------------------------|---------------------------|-------------------------------|-------------------------------|--|----------------|-----------------------------|--------------------|------------------|--------------------------|---|--|-------------------------------|-----------|
| | | | | | | Prudential Borrowing £ | Revenue Cont'n / Reserves £ | Better Care Grant £ | Historic England Fund £ | Heritage Lottery Fund £ | Lancashire Enterprise Partnership £ | ERDF £ | Football Foundation £ | Sport England £ | Home Office £ | Capital Receipts £ | Vacant Property Initiative Receipts £ | 3rd Party / Section 106 Unsecured £ | | |
| Green Spaces & Amenities | Play Area Improvement Programme | 110,927 | | | 110,927 | | | | | | | | | | | | | 46,500 | 64,427 | 110,927 |
| Green Spaces & Amenities | Vehicle and Machinery Replacement | 150,000 | | | 150,000 | | 150,000 | | | | | | | | | | | | | 150,000 |
| Green Spaces & Amenities | Playing Pitch Improvements | 88,000 | | | 88,000 | | | | | | | | | | | | | | 88,000 | 88,000 |
| Green Spaces & Amenities | Extention of Burnley Cemetery | 25,000 | | | 25,000 | 25,000 | | | | | | | | | | | | | | 25,000 |
| Green Spaces & Amenities | Brun Valley Forest Park | 35,219 | | | 35,219 | | | | | | | | | | | | | | 35,219 | 35,219 |
| Green Spaces & Amenities | Worsthorne Recreation Ground Improvements | 69,180 | 53,525 | | 122,705 | | | | | | | | 122,705 | | | | | | | 122,705 |
| Green Spaces & Amenities | Thompson Park HLF | 67,600 | | (1,427) | 66,173 | | | | | 51,173 | | | | | | | | | 15,000 | 66,173 |
| Green Spaces & Amenities | Stoops Wheeled Sport | - | 925 | | 925 | | | | | | | | | | 925 | | | | | 925 |
| Green Spaces & Amenities | Prairie Artificial Turf Pitch | - | 40,812 | | 40,812 | | | | | | | | 40,812 | | | | | | | 40,812 |
| Streetscene | Alleygate Programme | 25,000 | 684 | | 25,684 | | | | | | | | | | | | | 25,684 | | 25,684 |
| Streetscene | River Training Walls | 111,255 | | (5,993) | 105,262 | | | | | | | | | | | | | 105,262 | | 105,262 |
| Streetscene | Refill Fountains | 20,500 | | | 20,500 | | 20,500 | | | | | | | | | | | | | 20,500 |
| Streetscene | Safer Streets | - | 396,256 | | 396,256 | | | | | | | | | | | 396,256 | | | | 396,256 |
| Economy & Growth | Padiham Townscape Heritage Initiative | 731,651 | 25,121 | | 756,772 | | | | | 715,585 | | | | | | | | 14,811 | 26,376 | 756,772 |
| Economy & Growth | Pioneer Place | 5,000,000 | 63,599 | | 5,063,599 | 5,000,000 | 63,599 | | | | | | | | | | | | | 5,063,599 |
| Economy & Growth | NW Burnley Growth Corridor - Phase 1 | 900,000 | | (27,658) | 872,342 | | | | | 180,000 | 692,342 | | | | | | | | | 872,342 |
| Economy & Growth | NW Burnley Growth Corridor - P+B37hase 2 | 1,030,000 | | | 1,030,000 | | | | | | 680,000 | 350,000 | | | | | | | | 1,030,000 |
| Economy & Growth | Lower St James Street Historic Action Zone | 1,116,926 | | (33,350) | 1,083,576 | 127,455 | 185,000 | | 597,227 | | | | | | | | | | 173,894 | 1,083,576 |
| Economy & Growth | Finsley Wharf & Canal Towpath Improvements | 33,000 | | | 33,000 | | 33,000 | | | | | | | | | | | | | 33,000 |
| Economy & Growth | Vision Park | 39,386 | | | 39,386 | | | | | | 32,733 | | | | | | | 6,653 | | 39,386 |
| Economy & Growth | Former Open Market & Former Cinema Block | 50,000 | 7,738 | | 57,738 | 57,738 | | | | | | | | | | | | | | 57,738 |
| Economy & Growth | Town Centre & Weavers Triangle Project Work | 536,370 | | | 536,370 | 500,000 | | | | | | | | | | | | 36,370 | | 536,370 |
| Economy & Growth | Sandygate Halls | - | 218,938 | | 218,938 | 218,938 | | | | | | | | | | | | | | 218,938 |
| Economy & Growth | Burnley-Pendle Growth Corridor | - | 300,000 | | 300,000 | | 300,000 | | | | | | | | | | | | | 300,000 |
| Finance & Property | Leisure Centre Improvements | 75,000 | 29,069 | | 104,069 | 104,069 | | | | | | | | | | | | | | 104,069 |
| Finance & Property | Building Infrastructure Works | 3,323,326 | 666,717 | | 3,990,043 | 3,445,505 | | | | | | | | | | | | 544,538 | | 3,990,043 |
| Housing & Development | Emergency Repairs | 120,000 | | | 120,000 | | | 120,000 | | | | | | | | | | | | 120,000 |
| Housing & Development | Better Care Grant | 3,794,007 | | | 3,794,007 | | | 3,794,007 | | | | | | | | | | | | 3,794,007 |
| Housing & Development | Energy Efficiency | 40,000 | | | 40,000 | | | 40,000 | | | | | | | | | | | | 40,000 |
| Housing & Development | Empty Homes Programme | 1,300,000 | | | 1,300,000 | | | | | | | | | | | | | 1,300,000 | | 1,300,000 |
| TOTAL OF ALL SCHEMES | | 18,792,347 | 1,803,384 | (68,428) | 20,527,303 | 9,478,705 | 752,099 | 3,954,007 | 597,227 | 946,758 | 1,405,075 | 350,000 | 163,517 | 925 | 396,256 | 779,818 | 1,300,000 | 402,916 | 20,527,303 | |

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REPORT TO EXECUTIVE



| | |
|----------------------|---|
| DATE | 14th July 2021 |
| PORTFOLIO | Resources & Performance Management |
| REPORT AUTHOR | Amy Johnson |
| TEL NO | 01282 477172 |
| EMAIL | ajohnson@burnley.gov.uk |

Final Revenue Outturn Position 2020/21

PURPOSE

1. To report the provisional position on the Council's revenue accounts for 2020/21.

RECOMMENDATION

2. That the Executive Members are requested to recommend that Full Council approve:
 - a) The provisional final position on the Council's revenue account for 2020/21 shows a net underspend of £31k which has been transferred to the Revenue Support Reserve. The projected overspend from the outturn position estimated during quarter 3 budget monitoring was £49k.
 - b) The transfers to/from Earmarked Reserves totalling a net £5.058m increase to reserves (see Appendix 2).
 - c) The approval of additional revenue budget carry forward requests from Heads of Service totalling £2.198m (see Appendix 3).

REASONS FOR RECOMMENDATION

3. To conclude the revenue budget monitoring process for 2020/21 and report the final outturn position as outlined in the Council's Statement of Accounts for 2020/21.

SUMMARY OF KEY POINTS

Revenue Outturn position

4. Members will recall that there were three quarterly budget monitoring reports to the Executive during 2020/21. These reports disclosed that there were anticipated variations in spending and income compared with the revised budget. The third and most recent in-year monitoring report to Full Council, in February 2021, estimated a year end overspend of £49k on the revenue account.
5. Throughout the 2020/21 financial year the Government announced a series of financial interventions to help support local authorities and their residents/businesses during the current Coronavirus pandemic. Of these financial interventions this Council has received a direct funding allocation of £2.486m out of a Central Government fund of £4.43bn. Of our £2.486m allocation, £6k was a ringfenced grant towards tackling homelessness and £79k was ringfenced as part of the 'Re-opening High Streets Safely' scheme. A further £2.106m was received in four tranches: £75k received in Tranche 1 which was allocated to tackling homelessness, £882k in Tranche 2, £229k in Tranche 3 and £920k in Tranche 4. Tranche 2, 3 and 4 monies are un-ringfenced funding to assist with reductions in income received and additional cost pressures incurred by the Council caused by the Covid pandemic. Members approved, during the quarter 2 budget monitoring cycle, that the balance of £860k from the Tranche 4 funding would be transferred into a Covid-19 reserve which can be called upon when required to fund any related additional expenditure, loss of income and to support the recovery phase.
6. The Government also provided support for losses of income. Where these income losses were more than 5% of a council's planned income from sales, fees and charges, the Government provided funding for 75p in every pound lost due to the pandemic. The Council has submitted claims for income losses totalling £1.016m for the 2020/21 financial year. The scheme is to be continued for the first quarter of 2021/22.
7. Support for collection fund losses has also been provided through the Government's Tax Income Guarantee Scheme. For both business rates and council tax, the loss will be calculated by comparing estimated income due with actual income received in respect of 2020/21. The calculation is complex and figures used within the calculation have been taken from the relevant Government returns that the Council is required to submit. Compensation of 75% of the resulting loss will be paid via a Section 31 grant. The Council's 25% share of both business rates and council tax losses will be funded from the Volatility Reserve.
8. The final outturn on the Council's revenue account for 2020/21 has moved from an overspend position of £49k as estimated in the quarter 3 budget monitoring report to a year end underspend of £31k (see Appendix 1).

Table 1 below shows actual spend compared to budget and the associated variance for each service department.

Table 1:

| | | REVISED BUDGET £000 | ACTUAL £000 | SFC COMPENSATION INCOME £000 | REVISED ACTUAL £000 | VARIANCE £000 |
|---|--|---------------------------|----------------|---------------------------------------|---------------------------|------------------|
| a | Economy and Growth | 846 | 815 | -11 | 804 | -42 |
| b | Policy and Engagement | 174 | 201 | -16 | 185 | 11 |
| c | Management Team | 352 | 346 | 0 | 346 | -6 |
| d | Sport and Culture Leisure Client | 712 | 769 | -187 | 582 | -129 |
| e | Green Spaces and Amenities | 870 | 561 | -97 | 464 | -406 |
| f | Streetscene | 3040 | 3430 | -374 | 3056 | 16 |
| g | Housing and Development Control | -49 | 131 | -93 | 38 | 88 |
| h | Strategic Partnership | 3880 | 3899 | | 3899 | 19 |
| i | Finance and Property | 496 | 538 | -27 | 511 | 15 |
| j | Revenues and Benefits Client | -1341 | -309 | -202 | -511 | 831 |
| k | Legal and Democratic Services | 1045 | 794 | -9 | 785 | -260 |
| l | People and Development | 207 | 188 | 0 | 188 | -19 |
| m | Central Budgets - Other (includes corporate costs eg utilities, apprenticeship levy) | -2250 | -4736 | 1016 | -3720 | -1469 |
| | Central Budgets - Savings Targets (see Table 2) | -213 | 0 | 0 | 0 | 213 |
| | | | | 0 | 0 | |
| | NET SERVICE BUDGET | 7767 | 6628 | 0 | 6628 | -1140 |
| | Pensions | 761 | 820 | 0 | 820 | 59 |
| | Provisions (Balance to be determined at year end) | 0 | 27 | 0 | 27 | 27 |
| | Impairments (Provisions for Bad Debt) | 0 | 0 | 0 | 0 | 0 |
| | Parish Precepts (Disbursement to Parishes) | 166 | 166 | 0 | 166 | 0 |
| | Treasury (Investment Income & Expenditure) | 879 | 987 | 0 | 987 | 108 |
| | Capital Financing | 2392 | 1976 | 0 | 1976 | -416 |
| | Earmarked Reserves (to / (from)) | 4121 | 4894 | 0 | 4894 | 773 |
| | Strategic Reserves (to / (from)) | -393 | 164 | 0 | 164 | 558 |
| | NET CORPORATE ITEMS | 7925 | 9034 | 0 | 9034 | 1109 |
| | Council Tax | -7202 | -7202 | 0 | -7202 | 0 |
| | Parish Precepts (Receipts from Council Tax Payers) | -166 | -166 | 0 | -166 | 0 |
| | Business Rates: Retained Income | -4771 | -4771 | 0 | -4771 | 0 |
| | Business Rates: S31 Grants (For award of business rates relief) | -1219 | -1219 | 0 | -1219 | 0 |
| | Prior Year Collection Fund (Surplus)/Deficit | 0 | 0 | 0 | 0 | 0 |
| | Revenue Support Grant | -1640 | -1640 | 0 | -1640 | 0 |
| | New Homes Bonus | -694 | -694 | 0 | -694 | 0 |
| | Other Government Grants | 0 | 0 | 0 | 0 | 0 |
| | FUNDING | -15693 | -15693 | 0 | -15693 | 0 |
| | BUDGET BALANCE | 0 | -31 | 0 | -31 | -31 |

A summary of the significant variances since quarter 3 is shown in the table below:

| | Significant Variances £'000s |
|---|------------------------------------|
| Underspend / Increased Income | |
| Reduced expenditure on the waste cleansing contract due to a budget contingency set aside not required in year. | (49) |
| Increased interment and crematorium income | (193) |
| Increased Expenditure / Reduced Income | |
| Reduction in car parking daily charges and enforcement income | 60 |
| Increase to Sundry Debtors provision based of the value of outstanding debts at year end. | 74 |
| Increased property fund dividend income offset by a reduction in temporary investment interest income due to the cut in the Bank Rate in 2020 and subsequent sustained low interest rates. | 46 |
| Decreased housing benefit income mainly due to a reduction in the Administration Subsidy received, offset in part by a reduction in the provision set aside for bad debts as a result of an in-year reduction in the number of outstanding debts. | 36 |
| Increase to the provision for bad debts in relation to property rental income to mitigate the impact of the Covid-19 pandemic on income recovery. | 108 |

9. Reserves Transfers

The Executive is asked to recommend to Full Council approval of the movements in earmarked reserves being a net overall increase in the year of £5.058m, see Appendix 2, from £9.532m at the start of the year to an end position of £14.589m. This is an increase of £3.723m to the estimated year end position forecast at quarter 3.

Of the transfers to reserves, it is proposed to increase the Covid Reserve from the £0.860m, approved in the quarter 2 revenue monitoring report, to £1.589m. As stated previously, this reserve will be utilised to fund any future reduction in income, additional expenditure pressures, to support the recovery phase of the pandemic and to provide additional funding to resource any business-as-usual activities where service has been reprioritised during the pandemic.

Carry forwards of £2.198m have been requested, of which £1.553m relate to externally funded Covid-19 grant schemes and £0.433m to other sources of external funding. For all externally funded schemes it has been agreed by the funding provider that unspent monies can be carried forward for spend in 2021/22, if not the funding will have to be returned. The balance of £0.212m is made up of carry forward request from the council's revenue budgets – see Appendix 3.

The balance of General Reserves has remained at £1.379m.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. As shown in the body of the report and appendices.

POLICY IMPLICATIONS

11. The provisional outturn position will be reflected in the draft Statement of Accounts which will show the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending. Following a consultation exercise carried out by MHCLG the deadline for completion of the draft Statement of Accounts has been extended from 31st May to 31st July and the audited Statement of Accounts from 31st July to 30th September. These deadlines are in accordance with recommendation 10 of the Redmond Review, and the change will initially be for a 2 year period: 2020/21 and 2021/22.

The draft Statement of Accounts will be subject to audit by the Council's external auditors, Grant Thornton UK LLP. There may be minor adjustments to the figures included within the provisional outturn as a result of the audit. The Accounts will be reported to the Audit and Standards Committee.

DETAILS OF CONSULTATION

12. None.

BACKGROUND PAPERS

13. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Amy Johnson
Finance Manager**

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Revenue Underspending 2020/21

Appendix 1

| | | | Cumulative £000s |
|--|-------|--------------|---------------------|
| Forecast budget deficit position at 31/12/20 - Cycle 3 | | | <u>49</u> |
| Final Variances | | | |
| <u>Expenditure Savings</u> | | | |
| Reduced waste cleansing contract expenditure | (49) | | |
| Reduced Housing Benefits bad debts provision | (25) | | |
| | | (74) | |
| <u>Increased Income</u> | | | |
| Increased interment and crematorium income | (193) | | |
| Increased property fund dividends | (14) | | |
| | | (207) | (281) |
| <u>Increased Expenditure</u> | | | |
| Increase to Sundry Debtors & Property Rents provision | 182 | | |
| | | 182 | |
| <u>Reduced Income</u> | | | |
| Reduced Housing Benefit Admin Subsidy income | 61 | | |
| Reduced temporary investment interest income | 60 | | |
| Reduced income from car parking daily charges | 40 | | |
| Reduced income from car parking enforcement | 20 | | |
| | | 181 | 363 |
| Other minor net overspends/(underspends) under £20k | (162) | | |
| | | (162) | (162) |
| <u>Use of Reserves</u> | | | |
| Transfer to Revenue Support Reserve to achieve provisional outturn break even position | 31 | 31 | 31 |
| Break even position for year | | | <u>-</u> |

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| | Balance at 31 March 2019 £000s | 2019/20 | | Balance at 31 March 2020 £000s | 2020/21 | | Balance at 31 March 2021 £000s |
|---|--------------------------------------|------------------------------------|---|--------------------------------------|------------------------------------|---|--------------------------------------|
| | | Net transfers In/(Out) £000s | Movements between Reserves £000s | | Net transfers In/(Out) £000s | Movements between Reserves £000s | |
| Transfers to/from Earmarked Reserves | | | | | | | |
| Earmarked Reserves | | | | | | | |
| Specific Reserves | | | | | | | |
| Taxi Licensing | 4 | - | - | 4 | - | - | 4 |
| Selective Licensing | 479 | (90) | - | 389 | 291 | - | 680 |
| Local Development Framework | 22 | - | - | 22 | - | - | 22 |
| Housing Benefit Admin Subsidy | - | - | - | - | - | - | - |
| Transport & Plant Replacement | 25 | (4) | - | 21 | 15 | - | 36 |
| Rail Services | - | - | - | - | - | - | - |
| Revenue Grants Unapplied | 241 | 24 | (37) | 228 | (55) | - | 173 |
| Flood | - | - | - | - | - | - | - |
| Primary Engineer | 37 | - | - | 37 | - | - | 37 |
| Town Centre Management | - | - | - | - | - | - | - |
| Town Centre & Weavers Triangle | 95 | - | - | 95 | - | - | 95 |
| Burnley Bondholders | 44 | (22) | - | 22 | 23 | - | 45 |
| Business Rates Retention Volatility | 1,859 | 2,087 | - | 3,946 | 292 | (350) | 3,888 |
| Cremator Relining | 30 | 15 | - | 45 | (45) | - | - |
| Revenue Support | 304 | 100 | - | 404 | 130 | - | 534 |
| Carry Forwards | 128 | (81) | - | 47 | 2,121 | 30 | 2,198 |
| Regeneration Reserve | - | (138) | 478 | 340 | - | 350 | 690 |
| Sandygate Sinking Fund (New) | - | - | - | - | 40 | - | 40 |
| Sandygate Smoothing (New) | - | - | - | - | 103 | 485 | 588 |
| Pensions (New) | - | - | - | - | 351 | - | 351 |
| Elections (New) | - | - | - | - | 38 | - | 38 |
| Covid-19 (New) | - | - | - | - | 1,589 | - | 1,589 |
| Housing Initiatives (New) | - | - | - | - | - | 51 | 51 |
| | 3,268 | 543 | 441 | 5,600 | 4,893 | 566 | 11,059 |
| Strategic Reserves | | | | | | | |
| Transformation | 1,328 | 480 | - | 1,808 | 750 | (566) | 1,992 |
| Growth | 2,650 | (85) | (441) | 2,124 | (586) | | 1,538 |
| | 3,978 | 345 | (441) | 3,932 | 164 | (566) | 3,530 |
| Total | 7,246 | 888 | - | 9,532 | 5,057 | - | 14,589 |

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| Service Unit / Task | Details | 2020/21 Budget £ | 2020/21 Forecast Outturn £ | 2020/21 (Under) / Over Spend £ | Amount to be Approved Q4 £ |
|--|--|---------------------|-------------------------------|-----------------------------------|-------------------------------|
| Policy & Engagement | | | | | |
| Liberata Contingency Budget | For the purchase of IT licences and equipment. | 36,268 | 15,256 | (21,012) | 16,386 |
| Sub-total | | 36,268 | 15,256 | (21,012) | 16,386 |
| Green Spaces and Amenities | | | | | |
| Special Items | Thompson Park fitness project equipment ordered 20/21 - purchase order raised however delivery was not before 31st March 2021 | 32,000 | 21,327 | (10,673) | 10,673 |
| Thompson Park donations | £2562 c/f released from reserves in year to fund trees for Thompson Park - request underspend at end of year go back into reserves | 2,562 | 21 | (2,541) | 2,541 |
| Grounds Maintenance | £5531 c/f released from reserves in year to fund additional benches - request underspend at end of year go back into reserves | 11,031 | 8,312 | (2,719) | 2,719 |
| Grounds Maintenance | Donations received for commemorative benches | (5,500) | (9,720) | (4,220) | 4,220 |
| Sub-total | | 40,093 | 19,940 | (20,153) | 20,153 |
| Streetscene | | | | | |
| Other Surface Car Parks | Pioneer River Culvert - survey/report/structural assessment (see WLR) Structures such as this should be regularly inspected and assessed and we are aware that this has probably never happened since the Council took this site on. We need to understand the condition and load carrying capacity of the structure and to do this intrusive inspection sampling and testing will be required. Our expectation is that once we have a report we will need to programme works but at this stage we have no idea how substantial those works might be. | 52,088 | 26,546 | (25,542) | 25,000 |
| Waste Cleaning Contract | For purchase of a utility vehicle to be sourced by Green Spaces. Carry forward intended to fund the additional capital expenditure. | 80,646 | 32,115 | (48,531) | 15,000 |
| Sub-total | | 132,734 | 58,661 | (74,073) | 40,000 |
| Legal & Democratic Services | | | | | |
| Member Training | Members have requested that the budget be carried forward. Training could not be carried out due to Covid-19 - monies to be spent 21/22 on training that could not be carried out in 20/21. | 2,250 | 982 | (1,268) | 1,268 |
| Sub-total | | 2,250 | 982 | (1,268) | 1,268 |

| | | | | | |
|--|---|----------------|----------------|------------------|----------------|
| Economy & Growth | | | | | |
| Burnley Market Hall | To help support business support due to an increase in enquiries from prospective traders. Also to encourage new business start-up. | 5,000 | 1,514 | (3,486) | 3,486 |
| Burnley Market Hall | Grounds Maintenance: Work required to the compactor – ideally it wants replacing but at £15k that is not feasible | 18,096 | 10,646 | (7,450) | 7,450 |
| Markets Management | For advertising to re-brand the market i.e. new signage up outside, new poster designs, etc. | 15,000 | 4,372 | (10,628) | 10,628 |
| Planning Policy Consultants Fees | Required for Supplementary Planning Document and Development Plan Document committed by Exec in Feb 2020. Work couldn't happen in FY20/21 due to lockdown and reassignment of officers to business grants and awaiting outcomes of the plan-making reforms (2020 planning white paper). | 40,000 | 0 | (40,000) | 40,000 |
| Local Plan | | 12,258 | 1,936 | (10,322) | 10,322 |
| | | 1,200 | 35 | (1,165) | 1,165 |
| Sub-total | | 91,554 | 18,503 | (73,051) | 73,051 |
| Housing & Development Control | | | | | |
| Private Sector Housing Renewal | Part time post to Identify Families living in Fuel Poverty (Green Party Request) | 18,000 | 0 | (18,000) | 18,000 |
| Private Sector Housing Renewal | Increase resources to Housing Standards and Energy Efficiency (Labour Party Request) | 16,000 | 0 | (16,000) | 16,000 |
| Sub-total | | 34,000 | 0 | (34,000) | 34,000 |
| | Totals | 336,899 | 113,342 | (223,557) | 184,858 |

Externally Funded Covid-19 Grant Schemes to be Carried Forward to 2021/22

| <u>Service Unit / Task</u> | <u>Details</u> | <u>2020/21 Budget</u> | <u>2020/21 Forecast Outturn</u> | <u>2020/21 (Under) / Over Spend</u> | <u>Amount to be Approved</u> |
|--|---|-----------------------|---------------------------------|-------------------------------------|------------------------------|
| | | £ | £ | £ | £ |
| <u>Policy & Engagement</u> | | | | | |
| Clinically Extremely Vulnerable | Non-ringfenced funding to support clinically extremely vulnerable individuals who are advised to shield. | 283,496 | 47,625 | (235,871) | 235,871 |
| Community Champions | Ringfenced funding to support people shown to be most at risk from Coronavirus (COVID-19) including those from an ethnic minority background, disabled people and others to follow safer behaviours and reduce the impact of the virus on themselves and those around them. | 106,500 | 69,535 | (36,965) | 36,965 |
| Sub-total | | 389,996 | 117,160 | (272,836) | 272,836 |
| <u>Green Spaces and Amenities</u> | | | | | |
| Cultural Recovery Fund - Towneley Hall | Ringfenced funding to maintain England's cultural ecology by supporting significant organisations, which were financially sustainable before Covid-19 but are now at imminent risk of failure and have exhausted all other options for increasing their resilience. | 116,476 | 39,065 | (77,411) | 77,411 |
| Townley Hall - Museums & Schools Project | Unspent Covid-19 Adaptation funding received to supply loan box resources for schools due to Covid restrictions | 2,500 | 1,831 | (669) | 669 |
| National Leisure Recovery Fund | Funding to support eligible public sector leisure centres to reopen to the public. To be passed to Burnley Leisure. | 0 | (171,542) | (171,542) | 171,542 |
| Sub-total | | 118,976 | (130,646) | (249,622) | 249,622 |
| <u>Revenues & Benefits Client</u> | | | | | |
| Council Tax Hardship Fund | Ringfenced funding to support those facing council tax hardship. | 1,283,415 | 1,091,514 | (191,901) | 191,901 |
| Sub-total | | 1,283,415 | 1,091,514 | (191,901) | 191,901 |
| <u>Corporate</u> | | | | | |
| Test & Trace Discretionary Payments | Ringfenced funding to support those requiring to self isolate, but do not meet the criteria of the mandatory scheme. | 154,000 | 152,000 | (2,000) | 2,000 |
| Additional Restrictions Grant | Discretionary grant scheme to provide financial support to businesses not eligible under the LRS scheme. | 2,568,281 | 1,731,497 | 836,784 | 836,784 |
| Sub-total | | 2,722,281 | 1,883,497 | 834,784 | 838,784 |
| Totals | | 4,514,668 | 2,961,525 | 120,425 | 1,553,143 |

Externally Funded Grant Schemes to be Carried Forward to 2021/22

| <u>Service Unit / Task</u> | <u>Details</u> | <u>2020/21 Budget</u> | <u>2020/21 Forecast Outturn</u> | <u>2020/21 (Under) / Over Spend</u> | <u>Amount to be Approved</u> |
|---|--|-----------------------|---------------------------------|-------------------------------------|------------------------------|
| | | £ | £ | £ | £ |
| <u>Policy & Engagement</u> | | | | | |
| ESOL (English for Speakers of Other Languages) | Grant funding received in year not fully spent. To be rolled forward to 2021/22 | 64,368 | 24,296 | (40,072) | 40,072 |
| Cyber Resilience Grant | Funding received March 2021 for delivery of the Cyber Treatment Plan. | - | (200,000) | (200,000) | 200,000 |
| Sub-total | | 64,368 | (175,704) | (240,072) | 240,072 |
| <u>Streetscene</u> | | | | | |
| Community Safety - Safer Streets Project | Grant funding received in year not fully spent. To be rolled forward to 2021/22 | 78,700 | 38,755 | (39,945) | 39,945 |
| Sub-total | | 78,700 | 38,755 | (39,945) | 39,945 |
| <u>Economy & Growth</u> | | | | | |
| HAZ Heritage Action Zone | Cultural programme grant funding received in year not fully spent. To be rolled forward to 2021/22 | 7,500 | 1,287 | (6,213) | 6,213 |
| Sub-total | | 7,500 | 1,287 | (6,213) | 6,213 |
| <u>Housing & Development Control</u> | | | | | |
| Flexible Homeless Grant | To Fund post and temporary accommodation budget | (88,409) | (190,074) | (101,665) | 101,665 |
| Homelessness | To Fund Rough Sleepers and the ABEN project | 45,000 | 0 | (45,000) | 45,000 |
| Sub-total | | (43,409) | (190,074) | (146,665) | 146,665 |
| Totals | | 107,159 | (325,736) | (432,895) | 432,895 |

Request for Prior Year Carry Forwards to be Carried Forward to 2021/22

| <u>Service Unit / Task</u> | <u>Details</u> | <u>2020/21 Budget</u> | <u>2020/21 Forecast Outturn</u> | <u>2020/21 (Under) / Over Spend</u> | <u>Amount to be Approved</u> |
|--|--|---------------------------|---|---|--------------------------------------|
| | | £ | £ | £ | £ |
| <u>Policy & Engagement</u> | | | | | |
| Childrens University | Carry forward from 2019/20 but not utilised due to Covid 19. Request to carry forward to 2021/22 | | | | 6,920 |
| Digital Transformation (Idox) | Carry forward from 2019/20 but not utilised due to Covid 19. Request to carry forward to 2021/22 | | | | 11,896 |
| | | | | | |
| Sub-total | | 0 | 0 | 0 | 18,816 |
| <u>Green Spaces and Amenities</u> | | | | | |
| Towneley Landscape & Collection Project | Carry forward from 2018/19 but not yet utilised . Request to carry forward to 2021/22 | | | | 2,000 |
| Towneley Bonfire Sponsorship | Carry forward from 2019/20. Sponsorship money for the 2020/21 bonfire. Request to carry forward to 2021/22. | | | | 5,000 |
| Donation - Friends of Towneley Park | Carry forward from 2018/19 but not yet utilised . Request to carry forward to 2021/22 | | | | 1,970 |
| | | | | | |
| Sub-total | | 0 | 0 | 0 | 8,970 |
| | | | | | |
| | Totals | 0 | 0 | 0 | 27,786 |

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Anti-Social Behaviour Policy 2021

REPORT TO THE EXECUTIVE



| | |
|----------------------|-------------------------|
| DATE | [Meeting Date] |
| PORTFOLIO | Community Services |
| REPORT AUTHOR | Jonathan Jackson |
| TEL NO | 01282 425011 Ext 3413 |
| EMAIL | jjackson@burnley.gov.uk |

PURPOSE

1. To seek Executive approval of the proposed Anti-Social Behaviour Policy 2021-24

RECOMMENDATION

2. The Executive is recommended to approve the Anti-Social Behaviour Policy 2021-24

REASONS FOR RECOMMENDATION

3. The policy outlines the Council’s approach to how it will deal with and support our communities and partner agencies in dealing with anti-social behaviour.
4. The proposed policy reflects that whilst the Council has no statutory obligations to publish an ASB Policy and Procedures document, a clear and concise document would formalise the Home Office Minimum Standards, our existing procedures and reflect the best practice adopted by other Local Authorities.

SUMMARY OF KEY POINTS

Background

5. The statutory duty for local authorities, who are landlords, to have a policy and procedure for dealing with anti-social behaviour was enacted back in 2003. *The Anti-Social Behaviour Act (2003)* required these Council’s to have a policy and procedure to deal with anti-social behaviour across its communities and that, from time to time, this policy be kept under review and, when it thinks appropriate, a revised statement be published.
6. Since this period the nature of anti-social behaviour and the required response has remained dynamic. The requirement for Council’s to provide effective ASB support for its

residents and the necessity to work in partnership to address these issues (also enshrined in legislation) have both grown in magnitude since the early 2000's.

7. Prioritising and aiming to reduce anti-social behaviour can and will have a clear positive impact on the quality of life of our residents. Anti-social behaviour left unchecked can be pernicious and adversely impact our residents on an individual basis and de-stabilise our communities if left unchecked. The Council has a proven track record and a strong response to its anti-social behaviour duties and its activities have remained a key strategic priority. In accordance with best practice, the Council's response embeds early intervention, multi-agency working, a witness centered approach, effective community empowerment and enforcement.

Anti-Social Behaviour Local Delivery

8. Supporting victims and complainants of anti-social behaviour inevitably often requires multi-agency intervention. The Council's anti-social behaviour team has intrinsic links and works with a variety a partners including; Selective Licensing, Calico, The Police, the Children, Family and Young Person's Service and partners across the community support, voluntary and diversionary sectors. There are extremely good links between organisations and multi-agency action plans and meetings that allow joint working and information sharing, especially in relation to vulnerable and high-risk complainants.
9. Anti-social behaviour continues to be identified as a statutory priority as part of the Council's / Pennine Lancashire strategic priority setting for Community Safety. This Council has a long legacy of multi-agency partnership working across community safety and anti-social behaviour.
10. The local landscape for effective anti-social behaviour has changed over recent years. Anti-social behaviour is a recognised thematic strand of the Council's response and also that of Pennine Lancashire's Community Safety Partnership. These strong links have enabled local strategies and responses to current ASB priorities across the footprint and partnership agencies to be adopted. For instance, the Council's Anti-Social Behaviour Team works closely with local partners and the Multi--Agency Tasking and Co-Ordination (MATAC) Group provides the local partnership co-ordination and response to emerging local ASB priorities. The local group is also supported by strategic commissioning and direction by the Pennine Group. The Head of Streetscene co-chairs with the Police the Pennine Community Safety Parnership's Reducing Crime and Anti-Social Behaviour Group. This has contributed to the current effective local delivery structures and response to emerging trends.

Current Policy and Service

11. The proposed policy recognises the requirement that from time to time a policy should be reviewed following existing good practices, changes in legislation and local priorities. As effective responses are put in place to address anti-social behaviour, community confidence to report can increase and the nature of incidents can change, requiring different responses. The ASB Team continue to respond and deal with a high volume of cases. Last year, for example, over 700 cases were recorded and dealt with. These include, neighbour disputes, dog issues, noise and youth nuisance.

12. Obviously in light of the Pandemic, 2021 has been a particularly challenging year for a number of frontline services. The significant periods of national restrictions and lockdowns have contributed to increased reports of ASB across many local authority areas. This unprecedented year has also presented unique challenges that have contributed to increased reports. The new Covid powers have placed a duty for the Team and others, requiring investigation and action. Most Lancashire Authorities have seen an increase in reported ASB over this period. Prior to this year, this Council was recognised across Lancashire as being proactive in its approach to tackling anti-social behaviour, being at the forefront in the innovative use of legislation and providing examples of best practice. The proposed revision of the Policy encapsulates these good practice responses and performance management. Subject to Executive approval the performance of the adopted Policy will be provided by existing channels; for instance; via Full Council / Scrutiny reports and periodic reports via the MATAC Group.
13. The policy has been drafted after reviewing our current practice and to adopt and integrate the best practice and "Policy and Procedures" of other Local Authorities. It builds on the foundations set out in our previous Community Safety Policy (CSP) which was a reflection of the minimum standards established by the Home Office in "Protecting the Public". These standards were adopted by the Lancashire CSP. Our policy has now been formalised to give a greater understanding of the role of the ASB department, the legal constraints under which it operates and the expectations that the Council has in relation to the behaviour of our residents.
14. There is now a clear division between the formal ASB Policy and the operating procedures which set out the process of how each complaint will be dealt with, and the response that any complainant can expect from the council. These expectations have also been incorporated into a "Customer Commitment" that is an easy reference tool for residents to follow.
15. There is now also reference to other Council policies such as the Domestic Violence and Abuse Policy, Hate Crime, the Harassment Policy and it also reflects the Council's commitment, set out in its Strategic Plan, to provide residents with a clean, safe and attractive place to live.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

16. The work of the team and policy are met from existing budgets.

POLICY IMPLICATIONS

17. The Policy should be subject to review after 3 years or in response to changes in legislation or good practice, whichever is the sooner.
18. An Equality Assessment has been undertaken and the impact is neutral with no adverse effects.

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| DETAILS OF CONSULTATION |
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19. Consultation has been conducted with Calico, Smile Mediation, Together Housing and the Anti-Social Behaviour Team managers sitting within the Pennine Community Safety Partnership.

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| BACKGROUND PAPERS |
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20. None

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| FURTHER INFORMATION |
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PLEASE CONTACT: Jonathan Jackson ASB Lead Ext 3413

ALSO: Joanne Swift, Head of Streetscene Ext 7301

BURNLEY BOROUGH COUNCIL

ANTI SOCIAL BEHAVIOUR

POLICY and PROCEDURES

JUNE 2021

BURNLEY BOROUGH COUNCIL

ANTISOCIAL BEHAVIOUR POLICY

VERSION – JUNE 2021

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1.1 Introduction

Anti-social behaviour (ASB) covers a wide range of concerns and is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that have an adverse effect on the quality of people's lives. These range from litter and vandalism, to public drunkenness or aggressive dogs, to noisy and/or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of different agencies, most notably the police, the council and social landlords. This policy and procedure document sets out Burnley Borough Council's (the Council) approach to tackling ASB, and how it works in partnership with other statutory agencies.

Burnley Borough council is committed to creating a safer, stronger and healthier city, where residents can live free from ASB and have the opportunities to live their lives well. The purpose of this statement of policy and procedure is to set out how the Council in partnership with other agencies, will work to prevent and tackle anti-social behaviour that occurs within the borough.

1.2 Policy statement and Customer Commitment

The Council is committed to continuously improving the quality of life and experiences of people, who live, work, invest, study and visit the Borough. The implementation of this ASB policy and use of its procedures will be part of providing safer, stronger and more resilient communities in the Borough by taking positive action in conjunction with partners, to deal with, and prevent, all forms of anti-social behaviour and to ensure that residents are able to enjoy peace, quiet and security in their communities.

This policy sets out the Council's commitment to reducing ASB, improving the quality of life for local people and reducing crime and fear of crime within our communities. The Council is committed to promoting understanding, tolerance and respect within our communities. The Council encourages residents to resolve issues themselves wherever possible. Where problems escalate into more serious and wide spread issues, the Council will proactively work with partners and residents to tackle ASB. The Council is committed to tackling anti-social behaviour in a solution focused approach by:

- Ensuring evidence is collated in relation to the victim, perpetrator and location.
- Attempting to address the root causes of ASB.
- Applying the appropriate tools and powers proportionately and as quickly as possible.
- Working with complainants to keep them informed about action being taken and help them to understand the processes involved and support them through this.
- Where safe and appropriate to do so, meeting with the complainant to understand the problems and the impact
- Where safe and appropriate to do, meeting with the alleged perpetrator before we take any action

- Working with other agencies and stakeholders to share information, develop joint approaches to addressing problems and share best practice

The policy contributes towards the Council's Community Strategy by supporting vulnerable people in our communities to live their lives well, enabling and supporting more people to live independently and safely, and working with residents to make our towns and communities great places to live by reducing crime, anti-social behaviour and the fear of crime. The Council will;

- Respond to reports of anti-social behaviour within 1 to 5 working days either by telephone, visit or in writing as appropriate, dependent upon the urgency of the incident.
- Respond within 1 to 3 working day of receiving complaints of hate crime.
- Discuss the problem, give an explanation of all available options and agree a course of action.
- Provide regular updates on progress made at intervals agreed at the outset.
- Provide a named officer and contact number throughout the investigation.
- Offer referrals to support service for residents who may benefit.
- Take appropriate action against individuals engaging in antisocial behaviour.
- Offer support through any legal process and beyond (Victim Support Policy)
- Where appropriate, provide a partnership response to deal with the ASB.
- Communicate clearly about how and when the case closed.

CUSTOMER COMMITMENT



LISTENING TO OUR CUSTOMERS



When nuisance and ASB escalates it can cause untold misery for everyone involved.

We are committed to improving the wellbeing and quality of life for the residents of Burnley Borough. We will do this by listening to you.



We are supporting our teams to develop their skills and have better conversations so we can work with you and negotiate the most effective way to resolve the situation.



Before we agree what to do next we will listen to everyone involved, the person reporting the nuisance as well as the person causing the nuisance. We do this so we are clear about the situation from everyone's perspective.



When exploring how to proceed:

- Be open minded about how the nuisance might be resolved.
- Be ready to share your ideas and avoid ultimatums.
- Is there anything you are doing or not doing that could be contributing to the situation.

NEXT STEPS



Informal approaches are almost always the best way to respond to nuisance and ASB. We know from experience that jumping straight to warnings and suggesting enforcement often results in escalation of the situation.



Misunderstanding and miscommunication is the main barrier to resolving such situations. When emotions are running high and people feel angry, anxious or frustrated they are less able to communicate well.



Some of the most effective ways of responding include facilitated conversations with our skilled team, independent mediation with our partners at Smile Mediation, support through our multi-agency partnerships and specialist services.



When it is appropriate, we will take legal and enforcement action utilising the wide range of tools and powers available. We will work with social landlords such as Calico and the Police if this becomes necessary.

KEEPING YOU INFORMED



We will keep in regular contact with you:

- respond to reports of nuisance & ASB within 5 working days (or sooner if it is a hate crime) and agree frequency of contact whilst the case is ongoing.
- give you the name and contact details of the person coordinating your case.



Sometimes we cannot take formal or legal action. This could be because there is not sufficient evidence or we simply do not have the powers available to us.

When we offer informal approaches it is because we know from experience that it works.



Even some of the most serious allegations can be resolved through informal approaches combined with enforcement action. We will work with you to agree the best way forward.



The case will be closed when the situation has been resolved. However, if we offer an informal approach (that we know from experience is likely to succeed) and you decline, we may still close the case and we will explain our decision.

SUPPORTING INFORMATION

| Partners | Legislation | Contact Us |
|--|---|--|
| <ul style="list-style-type: none">• Burnley, Pendle, Rossendale Council for Voluntary Services (CVS)• Residents Groups• Town & Parish Councils• Smile Mediation: info@smile-ltd.co.uk• Calico Homes• Lancashire Police• Lancashire Fire & Rescue | <ul style="list-style-type: none">• Anti-Social Behaviour Act 2003• Environmental Protection Act 1990• Anti-Social Behaviour Crime & Policing Act 2014• Crime & Disorder Act 1998• Housing Acts 1985, 1996 & 2004• Local Government Act 2000• Clean Neighbourhoods Act 2002• Human Rights Act 2000• Data Protection and GDPR 2016 | <ul style="list-style-type: none">• Telephone 01282 425011• Website - www.burnley.gov.uk• In writing - Town Hall, Manchester road, Burnley BB11 9SA• Via a third party, for example your local councillor or a support worker |

1.3 Definition of ASB

The updated legal definition of ASB can be found in Anti-social Behaviour, Crime and Policing Act 2014:

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing-related nuisance or annoyance to any person”.

1.4 Examples of ASB and/or nuisance

The subjective and constantly evolving nature of ASB makes it difficult to compile a definitive list however some common examples are:

- The misuse of public spaces - including urinating in public, setting fires, inappropriate use of fireworks, throwing missiles and climbing on buildings
- Persistent noise nuisance
- Rowdy, aggressive or threatening behaviour or language
- Continuous nuisance from pets such as barking, lack of control, dog fouling and aggressive dogs. Feeding pigeons in the town centre and excessive noise and odours from animals including wild animals attracted to a garden to feed.
- Property damage and vandalism
- Environmental issues including fly-tipping, vandalism, graffiti, fly posting,
- Acts of violence (domestic and non-domestic)

- Hate crime
- Anti-social behaviour as a result of misuse of drugs or alcohol
- Irresponsible use of off-road vehicles.

There are often occasions where the involvement of an agency such as the local Council or Police can cause any dispute to escalate. Persons being complained about can take offence at the involvement of officials and this can exacerbate the matter, causing the loss of proportionality and perspective.

The Council's approach will mean that with some less serious types of behaviour, parties should, wherever possible and practicable, seek to resolve the matter themselves peacefully and through positive communication or mediations. Some types of behaviour would not constitute ASB.

The following examples of behaviour are where the Council would not encourage complaints nor expect to investigate every report and these include:

- Everyday activities or household noise (e.g. washing machines, hoovers, use of stairs etc), including children playing.
- Children playing ball games or congregating with no associated ASB
- People staring at others with no other associated offending
- People perceived as being unreasonable or unpleasant without significant harm
- Vehicles that are parked legally
- Disputes between neighbours over private matters e.g. parking of vehicles or boundary lines
- Cases of illegal drug use, production or supply when there is no associated ASB. Residents will be advised to report such issues to Lancashire Constabulary.
- Environmental or other Housing issues such as commercial noise nuisance, fly tipping, overcrowding and disrepair. Other Council departments are responsible for investigating these types of problems and reports can be made via the Council's website www.Burnley.gov.uk or contact centre

Whilst some of the above, if undertaken in the extreme, can cause significant harassment, alarm or distress, in the majority of cases, the Council would be unlikely to conduct any formal investigation nor explore use of legislative powers in these circumstances.

When determining if a report is considered to be anti-social behaviour or not, officers will exercise professional judgement. If an officer determines that the complaint does not constitute anti-social behaviour they will inform the complainant at the earliest opportunity, advising them that no ASB action will be taken. The officer will provide advice and sign posting information if appropriate.

1.5 Statutory duties, responsibilities and powers

Our ASB policy and procedures are compatible with our statutory duties and responsibilities. Together with our partners, we will make full use of the powers available to us under relevant legislation, including the following Acts of Parliament:

- Anti-Social Behaviour Act 2003

- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Data Protection Act 2003 and General Data Protection Regulation (GDPR) 2016
- Equalities Act 2010
- Housing Acts 1985, 1996 and 2004
- Clean Neighbourhoods Act 2002
- Human Rights Act 1998
- Local Government Act 2000

The above Acts contain both civil and criminal offences, both of which require different standards of proof. Civil offences are tried on the balance of probabilities, whereas criminal offences are tried beyond reasonable doubt. The standard of evidence gathered by the Council, before formal action can be taken will depend on the ASB in question and what is deemed to be the most appropriate course of action. To assist in the Council's investigation of a complaint, the complainant will be required to provide evidence detailing what they have witnessed and/or experienced.

1.6 Approach to Tackling ASB

The Council will continue to work with partner agencies to prevent, and where appropriate, tackle ASB by using a wide range of measures. The measures to tackle ASB include both informal and formal action. Wherever possible and practicable the Council will seek early intervention to prevent escalation of ASB such as; warning letters, Acceptable Behaviour Contracts (ABCs) and mediation.

Formal action such as; Civil Injunctions, Community Protection Notices (CPNs), Public Spaces Protection Orders (PSPOs), Criminal Behaviour Orders (CBOs) and Closure Orders may be used for recurring and/or more serious issues.

1.7 Managing Cases and Assessing Risk

Effective case management underpins the successful resolution of ASB. This starts from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims, whose complaints form the basis of any action, are the main consideration at every stage of the process. The Council will use its electronic case management systems, relevant to the department leading the response to the case, to keep a full and accurate record of the initial complaint and any subsequent actions, communication and outcomes connected to it.

Assessing the risk of harm to the victim is also an important part of case management. It is important to identify the impact ASB is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. A continuous and detailed risk assessment helps to identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of ASB against the victim.

The Partnership will agree timescales and create an action plan for responding to each reported case of ASB. It will also:

- Offer support to victims of ASB.
- Treat all reports as confidential until sharing is agreed with the complainant, unless it is considered that the information should be shared for safeguarding purposes, or to prevent crime and disorder or where it is in the public interest
- Share information only with other relevant organisations that can help with the problem and will observe data protection laws in accordance with the appropriate Information Sharing Protocol
- Ensure that the Police are notified of any criminal activities.
- Fully investigate the complaint in accordance with relevant policies and appropriate legislation
- Close cases with providing reasons for closure and giving appropriate feedback

1.8 Working Together and Sharing Information

The Council's Community Safety Partnerships team, together with other relevant departments, such as Environmental Health, will lead the Council's work in preventing and tackling ASB.

There is an important reliance on working with partner agencies including:

- Lancashire Police and Lancashire Fire and Rescue Services
- Registered Social Landlords such as Calico
- National Health Service
- Registered Charities and the Voluntary sector
- Residents Associations and Community Interest Groups
- Lancashire County Council – including Safeguarding teams
- Town and Parish Councils

All these, and others, have a significant role to play and by working together we will ensure the community is safer and stronger. The partners bring a range of expertise, experience and additional powers that can assist in resolving issues more effectively. As part of this collaborative approach an information sharing protocol has been developed to ensure that appropriate information is exchanged between partners quickly to expedite the resolution of the issues.

1.9 ASB and Young People

Young people who perpetrate ASB may have many complex support needs. The Council will strive to ensure that any actions taken against juvenile perpetrators comply with responsibilities under the Children Act and other relevant legislation. The Council will seek to address any support needs identified through available and appropriate partnership activities, which may be commissioned by a variety of funders, with a focus on early intervention and diversion.

1.10 Vulnerable People

A person may be vulnerable for a variety of reasons, e.g. mental illness, learning disability, drug or alcohol dependence, physical disability, sensory impairment, ethnicity. If a person is deemed to be vulnerable, interventions are made as soon as possible to prevent further problems

Every effort is made to work with vulnerable people to try to resolve the issues. However, any enforcement action taken by the Council will be proportionate to the risks posed and the seriousness of their behaviour. As far as the law allows, the Council will take into account the circumstances and attitude of the individual when considering what action to take.

1.11 Rehabilitation of perpetrators and support for vulnerable groups

The Council recognises that in some cases the perpetrators of ASB may require specialist support to address problems and behaviours which are impacting on the wider community. These may include perpetrators with drug and alcohol dependency, mental and physical health needs, young people at risk of offending or further offending, gang members and families in need of support. The positive impact of such support can often play a critical role in protecting neighbours and the wider community from ASB.

We will have due regard to the particular circumstances and vulnerability of perpetrators when considering the most appropriate form of intervention and support. However, we will also take enforcement action, including possession action, where this is proportionate and reasonable, and where all other avenues have been exhausted.

1.12 Hate Crime

Hate crime is defined as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic'.

There are five strands of hate crime, monitored nationally:

- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Disability
- Transgender identity.

Hate crimes are a subset of notifiable crimes that are recorded by the Police. All complaints of hate crime will be taken seriously and will be forwarded to the Police, unless they have been made maliciously. The Council will work in partnership with the Police to resolve the complaint and will be prioritised accordingly any action taken.

1.13 Sharing information with the public

By publicising successful action against the perpetrators of ASB the Council can help encourage more effective enforcement as well as reassuring the community that action is being taken to protect it. The Council appreciates that publicity may also deter other potential perpetrators from ASB. Human rights law requires that we consider and balance the rights of those subject to enforcement action as well as the community, particularly those who have been victims of ASB.

Publicity may be by various means including a press release aimed at the general public or a newsletter targeted, for example, at residents on a specific estate. The content of the publicity may be specific and include the name or even a photograph of the perpetrator or very generalised, by, for example, simply advising the public that the Court has granted an injunction against a well known perpetrator of ASB in the area. Any publicity must be necessary and proportionate to the aims it seeks to achieve.

The Council must also consider the non-disclosure rules of the Data Protection Act, where relevant, and must pay particular attention where young persons are involved. All publicity is dealt with on a case by case basis in liaison with the Council's Corporate Communications Team. In some instances, the press may, of their own volition, report on enforcement cases heard in open court. We have special arrangements for publicising injunctions and Closure Orders, which take into account the public interest in such matters.

1.14 Training of ASB Officers

We believe that the learning and development of our staff is key to providing a high quality service to residents now and in the future. Learning and development enables our staff to be competent at their jobs in order to meet organisational objectives and to enhance their personal development. We provide regular training for all staff on topics such as equalities, health and safety, dealing with violence and aggression. In addition, specialist courses are run on a wide variety of community safety related subjects including enforcement legislation, ASB policy, procedures and case management.

1.15 Accident, Incident and Abusive Behaviour reporting

Any member of staff who is threatened or abused, either verbally or physically, or who suffers an accident at work is required to report the incident. We have an 'Accident and Incident' on-line reporting tool. Managers are required to review all incidents and implement further controls where necessary to prevent reoccurrence.

In some instances, individuals will be risk assessed and 'flagged' with a risk flag on our housing management database, to record their address and the potential risk they pose to staff. The Council ensures that reports are followed up where appropriate in case there is a need for changes to our health and safety policies or procedures.

1.16 Protection of staff

In delivering services to the community, the Council expects that members of the public will treat their employees with courtesy and respect. Exposure to violence and assault is not an acceptable part of an employee's everyday working life and the Council will take all reasonably practicable measures to prevent or reduce the risk of such exposure.

The Council has accordingly developed policies to protect staff in accordance with their duties under common law and statute. As well as a general health and safety policy we have developed compatible policies, procedures and training, covering a variety of issues. These include:

- Lone working procedure
- Accidents, incidents and 'near misses' reporting procedure
- Risk assessments procedure
- Stress at work policy
- Managing violence and aggression in the workplace procedures
- 'Sharps' awareness training
- Zero tolerance policy for verbal and physical abuse

1.17 Monitoring and Review of the Policy

The Policy will be monitored by quality reviews to ensure that the procedure for case management is being followed appropriately and that records are detailed, appropriate and accurate. This Policy will be reviewed no less than once every 3 years to ensure that any changes in legislation or best practice are included and updated. The Council will also consult with staff, internal and external partners in the review. The Council will maintain procedural documents for the use of ASB enforcement powers and this will be subject to scrutiny and monitoring by the appropriate Council Scrutiny Committees.

Under the Council's Scheme of Delegation the Chief Executive and Head of Streetscene have a number of enforcement powers, particularly in relation to the Anti social behaviour Crime and Policing Act 2014 and for proceedings for breaches of Environmental Protection Act 1990. Any changes to this Policy will be subject to approval by the Streetscene Portfolio Holder.

The Statement of policies and procedures is intended to demonstrate our commitment to dealing properly and effectively with ASB. The Policy section aims to give readers an overview of the principles underlying our approach to ASB. The statement on procedures provides information on how reports of ASB are processed and on the range of options available to tackle ASB. It outlines the processes we will generally follow and the advantages and disadvantages of selecting any specific resolution.

1.18 HARASSMENT POLICY

The Council is committed to stamping out all forms of harassment to ensure that our residents enjoy their homes in peace. Our ASB policies and procedures are key tools in achieving this aim.

Equality Act 2010

Under the Equality Act, the Council has duties in three areas. These are: as a service provider to our residents, as an employer and as a procurer of goods and services. The Equality Act introduced the term “protected characteristic” and the ‘public sector duty’. Protected characteristics describe the nine groups that are protected by law.

These are: Gender Disability Gender reassignment Race Sexual orientation Marriage and civil partnership Pregnancy and maternity Age Religion or belief. The public sector duty requires the Council to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act Definition of harassment.

Harassment is defined by the impact of the behaviour on the victim, not the intention of the perpetrator. As a guide, we consider harassment to include:

- any behaviour that is unreasonable, unwelcome and offensive
- any deliberate act to interfere with the peace, comfort or safety of any other person or persons because of a characteristic such as those listed above, or any other personal characteristic Harassment is also a criminal offence. Some forms of harassment are referred to as hate crime.

These are crimes that are targeted at a person because of hostility or prejudice towards that person’s:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property. A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

With regard to racial harassment the Council uses the Stephen Lawrence Inquiry Report definition of a racist incident, which is: ‘A racist incident is any incident which is believed to be racist by the victim or by any other person.’

This principle may be applied to all forms of harassment. Our key priorities in tackling harassment and hate crime are:

- a firm commitment to eliminating harassment and hate crime
- dealing with reports quickly and effectively

- providing support to victims
- taking action against perpetrators
- working with other agencies

1.19 DOMESTIC VIOLENCE AND ABUSE POLICY

The Council and its partners have published a Domestic Abuse Strategy using the following definition of domestic violence: “Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”.

The Home Office introduced a new definition of domestic violence and abuse. The change came about following earlier consultation which showed 17 widespread support for changing the definition to capture those aged 16-17 and for reflecting ‘coercive control’ in the wording.

Accordingly, the Home Office definition of domestic violence and abuse now states: “Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

“Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

“Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

Domestic Violence/Abuse includes physical, psychological/emotional, mental, verbal, financial and/or sexual abuse as well as social isolation and is often a combination of them all. It is essentially a pattern of behaviour which is characterised by the exercise of control and the misuse of power by an individual/s within a relationship: this includes family relationships as well as heterosexual, lesbian, gay, bisexual and transgender people and vulnerable adults.

Female genital mutilation, forced marriage and violence often described as honour-based are all forms of domestic violence/abuse. Our policy takes a non-judgemental, victim-centred approach at all times. All cases are dealt with in the strictest confidence.

When dealing with domestic violence and abuse, we will:

- Make it as easy as possible for victims to report domestic violence and abuse

- Interview victims who present at our offices immediately, and aim to see them within one working day in all other circumstances
- Make sure victims are safe and know what to do if the situation changes
- Give victims full contact details of our service and housing manager dealing with the case, and those of any emergency out-of-hours service.
- Give victims details of STAYSAFE
- Encourage victims to prepare a Safety Plan
- Talk to victims about their housing options if they are ready to do so.
- Provide support for as long as it is needed.
- Take action against alleged perpetrators of domestic violence and abuse where possible

Information will only be forwarded to other agencies with consent or if required by law. The one exception to this is where there are concerns that a child is in need, for example if abuse or neglect is taking place, in which case officers have a duty to inform Children's Services. Information on domestic violence and abuse, including support agencies, is available online via the Council's website.

In order to improve support for high risk victims of domestic violence and abuse, the Council and partners have adopted a joint case management approach known as MARAC – Multi Agency Risk Assessment Conference. The key elements of the MARAC are:-

- A process for assessing the risk to victims of domestic violence and abuse, and identifying the highest risk cases
- A monthly meeting where agencies can discuss high risk cases in order to improve the safety of victims and their families
- A range of enhanced interventions for those victims identified as at high risk of further harm

ANTI SOCIAL BEHAVIOUR PROCEDURES

2.0 Reporting Anti-Social Behaviour

2.1 The Council may take the lead in investigating reports of ASB in the following circumstances;

- When either the person experiencing or the person perpetrating anti-social behaviour are owner occupiers or reside in privately rented accommodation,
- When the ASB is taking place in any public place or place to which the public have access.

When either the person experiencing ASB or the perpetrator of ASB is a tenant of a social landlord or lives in a property managed by an Arm's Length Management Organisation (ALMO) the report of ASB should be made to the relevant social landlord or ALMO.

Serious ASB involving criminal conduct should be reported to Lancashire Constabulary by telephoning 101 or 999 in an emergency.

2.2 Reports of anti-social behaviour to the Council can be made in any of the following ways;

By telephone 01282 425011

On Line - www.burnley.gov.uk

In Writing – The Town Hall, Manchester Road, Burnley, BB11 9SA

Reports of ASB can be made by a third party, for example by a Local Councillor, Member of Parliament, or social worker. If a report is made via a third party we will seek the consent of the reporter to communicate and share information with the third party. We do not accept reports of ASB by Social Media, e.g. Twitter or Facebook

2.3 The Council always prefer to have direct contact with the person experiencing the ASB to understand the problems they are experiencing, offer appropriate support and provide updates regarding the investigation. Officers will investigate an anonymous report if the report can be substantiated and will make reasonable attempts to substantiate the report.

2.4 Reports of ASB are prioritised at point of contact. This involves confirming the allegation and asking a series of short questions to assess the potential risk of harm caused by the ASB. Reports of ASB are then allocated to a named Investigating Officer. If the ASB involves the use or threat of violence or there is a significant risk of harm .e. a hate crime/incident, an officer will aim to contact the reporter within 1 working day. For all other reports of ASB an officer will aim to contact the reporter within 5 working days.

3.0 REFERRALS TO OTHER AGENCIES

Investigating Officers will make referrals to other Council departments or agencies as appropriate in the course of their investigation. Any referrals made will involve the Investigating Officer seeking

consent from the individual concerned, unless there is an overriding safeguarding concern in relation to a vulnerable adult or child.

4.0 ANTI SOCIAL BEHAVIOUR INVESTIGATION

4.1 When a report of ASB is made, the Investigating Officer will interview the complainant to confirm all relevant facts and an action plan will be discussed. As part of the action plan the complainant will be expected to keep an accurate record of any further incidents of anti-social behaviour and report any further incidents to the Investigating Officer. The officer will attempt to complete an ASB Vulnerability Risk Assessment with all complainants (not acting within their professional capacity e.g. police officer) to assess the reporter's vulnerability to the ASB they are experiencing.

4.2 Investigating Officers will usually conduct a wider investigation which may involve contacting other potential reporters or witnesses, in addition to making enquiries with any relevant Council departments or partner agencies such as the police.

4.3 During most investigations (except where certain legal action is being considered) contact will be made with the alleged perpetrator. The alleged perpetrator will be given a fair opportunity to respond to the anti-social behaviour allegations. The Investigating Officer will explain the consequences of perpetrating anti-social behaviour and summarise the next steps in the investigation.

4.4 If there are counter allegations Investigating Officers will conduct a proportionate investigation into any counter allegation that is considered to be anti-social behaviour. Feedback will be provided to the person making the counter allegation.

5.0 ANTI SOCIAL BEHAVIOUR ACTIONS

5.1 Most anti-social behaviour investigations take place within a civil law framework which means a civil standard of proof is applicable, "on the balance of probabilities". The Investigating Officer needs only to be able to demonstrate that the incident(s) is more likely than not to have happened. When civil legal action has been taken and a Court Order has been disobeyed i.e. breach of an Injunction order, Closure Order or prosecution for breach of a Community Protection Notice; the criminal standard of proof applies. This means that the Investigating Officer will need to demonstrate that the incident(s) happened "beyond reasonable doubt".

5.2 There may be a number of reasons why an Investigating Officer cannot take action. These reasons may include;

- Establishing that the incident did not happen
- Not having enough evidence to prove the matter to the relevant standard of proof
- Finding the issues reported to be not what the Council considers as antisocial
- Not being able to investigate fully due to non-cooperation of the reporter / witness

- The ASB has stopped and the likelihood of further ASB is low The Investigating Officer will inform the reporter at the earliest opportunity if they determine that they cannot take action or further action and will close the case.

5.3 Determining Appropriate Anti-Social Behaviour Actions

The Investigating Officer will assess each case on the information available and the actions taken will be proportionate and bespoke to the circumstances of each case. Typically Investigating Officers will start by using informal action to try to resolve a report of anti-social behaviour. However, in priority or high risk cases, such as when there has been a use or threat of violence, legal action may be the first course of action.

5.4 Informal Action

As a first step, the council encourages residents who are experiencing problems with neighbours to try and settle the dispute amicably. Often people do not realise that they are causing an annoyance. By involving the Council straight away, this may make the neighbour feel threatened and may lead to a worsening situation. However, the Council would not expect anyone to take this step if they feel intimidated or uneasy about approaching the neighbour directly.

Once an issue is reported to the Council every effort will be made to resolve the problem as swiftly as possible. Some actions to achieve this may include:

Diversionary Activities: Targeted work with alleged perpetrators of ASB will be attempted to divert them away from negative behaviours and engage them in more positive activities. Examples of which would be organised youth groups involving activities and sports.

Support: Some ASB can be caused as a result of unmet support needs; therefore work with families and individuals to address needs will be undertaken to help reduce ASB and improve the health and wellbeing of those affected.

Referrals to other agencies: Where specialist support is required referrals may be made to other agencies to support individuals and families to meet their needs. Acceptable Behaviour Contracts / Undertakings A perpetrator may be invited to voluntarily enter into a written agreement with the council setting out how the perpetrators' behaviour will need to be modified. Whilst this has no legal basis, it demonstrates a willingness to resolve matters without resorting to enforcement.

Mediation: Residents will be encouraged to resolve their issues in an amicable and conciliatory manner whenever possible. Mediation will primarily be offered to address low level ASB, issues arising from incompatible lifestyles and instance where there are counter allegations made. If the perpetrator/s fail/s to engage with early resolution measures or does not support activity to alter their behaviour the council will progress with enforcement action at the appropriate level.

5.5 Formal Action

The Council may consider taking legal action when anti-social behaviour continues following an attempt to resolve the ASB informally. In priority cases involving the use or threat of violence towards person or property and or where there is serious risk of harm, we may not take any informal actions and instead take legal action in the first instance. Examples of legal actions that we may consider include;

Injunction (including powers of arrest) – An order that can be granted against an individual aged 10 or over. An Injunction is designed to stop or prevent individuals from acting anti socially, quickly nipping anti-social behaviour in the bud before it escalates.

Criminal Behaviour Order – An order that can be granted against an individual aged 10 or over upon conviction of a criminal offence. These orders are to tackle those who persistently engage in criminal anti-social behaviour.

Community Protection Notices – A Notice that aims to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.

Statutory Nuisance Abatement Notices – A Notice that imposes positive requirements or restrictions to stop a Statutory Nuisance.

Closure Order – An order that can be granted to quickly close premises, restricting who can access a premises, which is being used, or likely to be used, to commit nuisance or disorder.

Breach Proceedings – Action to enforce the above powers. The Police and the Crown Prosecution Service take the lead in enforcing a breach of a Criminal Behaviour Order.

Any other legal action which could be taken with the support of the Police and /or the Crown Prosecution Service i.e. Restraining Order

We will also consider Public Space Protection Orders when it is considered the most appropriate tool to address a place based anti-social behaviour issue and work with Greater Manchester Police to consider other potential solutions such as use of the Dispersal Power or Restraining Orders. The Council has no basis to seek possession of a property where we are not the landlord.

The use of informal and legal action will be decided by the Council having considered the circumstances of each individual case and will be proportionate to the type of anti-social behaviour and risk of harm.

Generally, we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that the Council takes no specific action on their report. The situation may however be serious enough that we feel we have little option to pursue against their wishes. In such circumstances we will take appropriate measures to protect all those affected. In some circumstances and if the situation is appropriate the Council may be unable to progress an anti-social behaviour case if a complainant refuses early intervention actions. The Council will decide and take whatever action we consider to be most appropriate.

6.0 Case Closure

6.1 ASB cases will be closed in the following circumstances;

- The complaint has been resolved to the victim's satisfaction.
- The behaviour of the perpetrator has been modified and no longer causes a nuisance.
- The perpetrator has moved out of the area.
- There is no evidence to support incidences of ASB or the Council is not provided with any evidence

Wherever necessary the complainant and all other relevant parties will be informed once a case has been closed and the issue resolved, or if no further action is going to be taken by the council and the reasons why.

7.0 Appeals and Complaints

7.1 Making a Complaint

If a customer is not satisfied with how an ASB case has been dealt with they may register a complaint directly with the ASB Team Manager or through the Council's formal Complaints Procedure. Customers who want to make a general complaint or comment about the ASB process can also use this procedure. Details are available from any Council office or online (www.burnley.gov.uk).

In line with this procedure, the initial complaint will be acknowledged in writing within two working days and information will be provided about who is dealing with the complaint. The Council will aim to respond within 10 working days. If the complaint is more complicated, it may take longer to sort it out but the complainant will be kept informed.

7.2 Contacting the Housing Ombudsman

If customers remain dissatisfied with the outcome following the completion of the Council's complaint process, the case can be considered by the Housing Ombudsman who will ensure that the decision is in line with the principles set out within this policy.

7.3 Community Trigger

Aside from making a formal complaint, any victim of ASB, who has made three or more reports within a six month period but feels they have not had a satisfactory response, can request a 'Community Trigger Review'. If the threshold is met, a review will be led by a local multi-agency panel which has the power to make recommendations to public bodies. More information on Community Triggers can found at

<https://www.burnley.gov.uk/residents/streetscene/community-safety-maps-and-anti-social-behaviour/anti-social-behaviour/community-triggers>

Scrutiny Committee 8th July 2021 - Briefing Note

Homelessness prevention and the response to the risk of eviction

Introduction

At the meeting of Scrutiny Committee on 2nd June 2021, some concern was expressed by Members that Local Authorities may begin to see a greater number of evictions over the coming months now the ban has been lifted. There has been a ban on evictions introduced as an emergency measure during the Covid 19 pandemic, which was lifted on 1st June 2021.

Based on the information currently available to the housing needs team it is difficult to say with any certainty whether we will see a significant increase in evictions. The situation will be monitored closely to see if any issues emerge and to ensure the team are able to respond to any increase in demand for our services.

Our services

The Council have a well developed housing needs services that has the following tools and processes available to try and prevent evictions and support those households who become homeless.

- Liaising with the landlord to negotiate the removal of the notice or delay the eviction to give the housing needs team time to find alternative accommodation.
- Work with the tenant and landlord to resolve any housing benefit issues that maybe causing rent payment issues.
- Work with the tenant and landlord to resolve any issues of anti-social behaviour.
- Work with the tenant to assist them with rent arrears, benefits and debt. Refer the tenant to appropriate agencies that may offer further assistance.
- Support the tenant to apply for social housing through the B-With-Us housing. allocations scheme and ensuring they receive the correct banding to allow them to secure accommodation as soon as possible.
- Providing bonds to private landlords to assist move on into the private rented sector.
- Work with the housing benefit team to assess the option of discretionary housing payments for rent in advance.
- Make referrals to supported housing schemes if it is considered to be the best option for the client.
- Make referrals into other agencies to ensure the client receives the appropriate support to meet their health, care and support needs.

If it proves to be impossible to prevent homelessness and the client loses their home then we will carry out an assessment to determine if the Council have a duty to provide temporary accommodation.

If the client falls into one of the five categories below the Council have an automatic duty to provide temporary accommodation.

Priority Need (automatic)

1. a pregnant woman or a person with whom she resides or might reasonably be expected to reside.
2. a person with whom dependent children reside or might reasonably be expected to reside.
3. a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 29 of the Childrens Act 1989.
4. a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student').
5. a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster

For all other clients the housing officer will carry out a test of vulnerability to ascertain if the duty to accommodate is owed. This considers all other potential reasons for vulnerability.


Test of Vulnerability

If homeless, the applicant would be significantly more vulnerable than an ordinary person would be if they became homeless. The assessment must be a qualitative composite one taking into account all of the relevant facts and circumstances and involves a consideration of the impact of homelessness on the applicant when compared to an ordinary person if made homeless. The housing authority should consider whether the applicant would suffer or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering, such that the harm or detriment would make a noticeable difference to their ability to deal with the consequences of homelessness.

If the client is eligible for assistance then in all cases the council will have a minimum duty to provide advice and assistance to prevent and relieve homelessness.

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REPORT TO SCRUTINY COMMITTEE

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|---|----------------------|-------------------------------|
|  | DATE | 8 July 2021 |
| | PORTFOLIO | Economy and Growth |
| | REPORT AUTHOR | Elizabeth Murphy |
| | TEL NO | 7286 |
| | EMAIL | emurphy@burnley.gov.uk |

Authority Monitoring Report (AMR)

PURPOSE

1. This report sets out the role and purpose of the planning Authority Monitoring Report (AMR). This report is presented at the request of the Chair of Scrutiny Committee

RECOMMENDATION

2. That Scrutiny Committee notes content of the report and AMR.

REASONS FOR RECOMMENDATION

3. The item was requested by Chair of Scrutiny Committee.

SUMMARY OF KEY POINTS

The Role and Purpose of the AMR

4. The Authority Monitoring Report (AMR) (formerly known as and still generally referred to as, the Annual Monitoring Report) sets out the Council's progress in plan-making and monitors the performance of policies in the Local Plan to see whether they are helping to deliver the vision and objectives of the Plan as set out and whether there is any need to formally update it. The AMR also sets out a baseline to inform any future policy development and information to inform other Council plans and strategies.
5. The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires local authorities to publish information regarding the progress of their Local Development Scheme (LDS) and the implementation of their Local Plan policies; at least annually. Whilst the choice of indicators and scope of the monitoring report is generally for individual Councils to determine, the Town and Country Planning (Local Planning) (England) Regulations 2012 require the report to contain as a minimum:
 - details of progress on each individual document proposed within the authority's LDS;
 - details of any local plan policies not implemented;

- details of net additional dwellings/net additional affordable dwellings both in the monitoring period and since adoption of the plan;
- details of any neighbourhood development orders or neighbourhood development plans;
- details of the implementation of the Community Infrastructure Levy, if appropriate; and
- details of activity relating to the duty to co-operate with other relevant authorities.

Reviewing the Local Plan

6. In 2017 the government introduced a legal requirement for a formal 'review' every five years to determine whether a Local Plan requires updating. The AMR would be key in establishing whether an update was necessary and also its scope. Whilst this matter is informally assessed each year through AMR, the five yearly 'review' would be made through a more formal statement via the appropriate member channels. Any decision to update of the Local Plan in part or in whole would be made through an update of the Local Development Scheme by the Council's Executive.

Local Plan Monitoring

7. Burnley's Local Plan was adopted on 31 July 2018 and a monitoring framework is set out in its Section 6.2. Where resources allow, additional monitoring indicators are added each year e.g., where particular issues or trends locally or national policy suggest they would be useful.
8. We are still in the relatively early days of monitoring the effectiveness of the Plan, it having only been adopted part way through the 2018/19 monitoring year; but even at this early stage it is possible to start to assess the performance of its policies.
9. Monitoring can also identify the need for further Supplementary Planning Documents (SPDs) e.g. a HMO and Small flats SPD is now being prepared.

SPD Monitoring

10. The AMR is also used to monitor adopted SPDs and the forthcoming 2020/21 AMR will pick up initial monitoring of the Developer Contributions and Air Quality Management: Protecting Health and Addressing Climate Change SPDs which were both adopted in December 2020.

The latest AMR

11. The 2019/20 AMR was completed in February 2021 and is available on the Council's website. Work is currently underway on the 2020/21 AMR. Pending the AMRs completion each year, the Council issues a Housing Statistics Release setting out the headline housing development statistics. The Release for 2020/21 has recently been issued and will be available on the Council's website shortly.

12. None arising directly from this report.

POLICY IMPLICATIONS

13. As set out in the report.

DETAILS OF CONSULTATION

14. None.

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Scrutiny Work Programme 2021-22

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| <p>Wednesday 2nd June 2021</p> | <p>Notice of key decisions and private meetings Review Groups Update from 2020/21 Reviews for 2021/22 Work Programme</p> |
| <p>Thursday 8th July 2021</p> | <p>Notice of Key Decisions and Private Meetings Outturn 2020/21 Financial Reports-Revenue, Capital, & Treasury Management Annual Review of Activity Anti Social Behaviour Policy Homelessness paper Authority Monitoring Report - planning Review Group Updates Work Programme</p> |
| <p>Thursday 16th September 2021</p> | <p>Notice of Key Decisions and Private Meetings Revenue Monitoring 2021/22 Quarter 1 Capital Monitoring 2021/22 Quarter 1 Review Groups Work Programme</p> |
| <p>Thursday 25th November 2021</p> | <p>Notice of Key Decisions and Private Meetings Revenue Budget Monitoring Q2 2021/22 Capital Budget Monitoring - Q2 2021/22 Fees & Charges -From Jan 2022 Treasury Management Mid-year update 2021/22 Food Delivery Programme (Annual Update) Health & Safety Delivery Programme (Annual Update) Half Year performance report 2021-22 Review Groups Work Programme</p> |
| <p>Wednesday 12th January 2022</p> | <p>Notice of Key Decisions and Private Meetings Resident Satisfaction Survey Leisure Trust Annual Report Community Safety Annual Report Review Groups Work Programme</p> |

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| <p>Thursday 10th February 2022 Budget Scrutiny Panel</p> | <p>Notice of Key Decisions and Private Meetings Revenue Budget Monitoring Q3 2021-22 Capital Budget Monitoring - Q3 2021-22 Revenue Budget 2022-23 Capital Budget 2022-23 and Cap Investment Prog 2022/23 Treasury Management & Prudential Borrowing. Medium Term Financial Strategy Revenue Budget 2022-25 – Latest Position & Saving Proposals Review Groups Work Programme</p> |
| <p>Wednesday 9th March 2022</p> | <p>Notice of Key Decisions and Private Meetings State of the Local Economy (reduced to annual reporting) Review Groups Work Programme</p> |

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