



## POLICY SCRUTINY COMMITTEE

**Tuesday, 18 June 2019**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Bill Bilton (Chair), Laura McWilliams (Vice-Chair), Hilton Spratt, Alan Briggs, Ralph Toofany, Pat Vaughan and Jane Loffhagen

Substitute member(s): Councillors Gary Hewson and Kathleen Brothwell

Officers attending: Democratic Services, Legal Services and Toby Forbes-Turner

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### A G E N D A

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 12 February 2019	<b>3 - 6</b>
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Community Infrastructure Levy Policy	<b>7 - 12</b>
4. Health Scrutiny Update	<b>Verbal Report</b>
5. Policy Scrutiny Work Programme 2019-20 and Executive Work Programme Update	<b>13 - 20</b>

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**Present:** Councillor Chris Burke (*in the Chair*),  
Councillor Ralph Toofany, Councillor Pat Vaughan and  
Councillor Laura McWilliams

**Apologies for Absence:** Councillor Bill Bilton, Councillor Andy Kerry and  
Councillor Christopher Reid

**31. Confirmation of Minutes - 13 November 2018**

RESOLVED that the minutes of the meeting held on 13 November 2018 be confirmed.

**32. Matters Arising**

Review of Corporate Documents

Members referred to minute number 27 and asked when the spreadsheet that showed all of the corporate documents would be brought to committee.

**Response:** This would be followed up and a response would be circulated following the meeting.

**33. Declarations of Interest**

No declarations of interest were received.

**34. New Build Strategy**

Kate Bell, Regeneration Officer:

- a. presented the emerging data from the draft New Homes Strategy and explained that the Strategy would set out the strategic approach to delivering new homes across all tenures over the next five years.
- b. advised that the Central Lincolnshire Local Plan set a target of 374 units per year in Lincoln to meet the needs of the growing population and to address the annual shortfall in new build housing over the last 5 years.
- c. explained that a total of 548 council homes had been sold through Right to Buy since April 2014, an average of 39 properties per annum. The rate of Right to Buy had increased recently with an average of 61 sales per annum over the last 3 years.
- d. gave the background to the report as detailed at paragraph 3 and highlighted the Council's commitment to build 220 council owned homes by 2021.
- e. advised that the strategy would review the evidence of Lincoln's housing need and current housing provision across the following tenures:

- Private Ownership
- Private Rent

- Affordable Homes
- f. referred to paragraph 5.1 of the report and highlighted the sites that would be developed advising that the number of homes for private ownership expected over the next five years was a total of 719.
  - g. referred to paragraph 5.2 of the report and detailed the review of the strategic housing market assessment methodology for affordable housing need and advised that the number of affordable homes expected over the next five years was a total of 713.
  - h. advised that a review of the housing register was carried out in October 2018 and revealed that there was a need for an annual supply of 273 new homes to meet the demand for people not currently accommodated in a council property. Of these 52.6% of people currently waiting for council housing needed a 1 bedroom property, 25% needed a 2 bedroom property and 20% needed a 3 bedroom property.
  - i. further added that a review of existing council households carried out in October 2018 revealed that there were 309 properties that were currently classed as overcrowded with a high demand for 3 and 4 bedroom houses.
  - j. explained that the emerging data suggested that building more 2,3 and 4 bedroom properties would enable existing tenants to move out of 1 and 2 bedroom council properties that were currently overcrowded. This would enable 1 and 2 bedroom properties to become available to those currently on the housing register waiting to move into council home for the first time.
  - k. detailed the following research studies that were underway and advised that they would provide an important evidence base to enable completion of the 5 year action plan for new homes in Lincoln and the New Homes Strategy:
    - Strategic Market Housing Assessment (SHMA)
    - The District Housing Network had commissioned a review of the accommodation needs for elderly people.
    - A further consultation in accordance with the Councils Corporate Consultation Strategy was needed.

The committee discussed the contents of the presentation and asked the following questions and received relevant responses.

**Question:** Could land be bought from other areas? If so, which Authority would receive the rates?

**Response:** The Council had bought land from West Lindsey District Council and the rates would be paid to them.

**Question:** How many Right to Buys had been sold and how could the money be spent?

**Response:** There was an average of 61 properties sold under the Right to Buy Scheme per annum. There were restrictions on how the money from the Right to Buy scheme could be spent and the receipts had to be spent within a 3 year period.

**Question:** There were a lot of elderly people in the St Giles area, would it be better to build bungalows?

**Response:** There was a higher demand in Lincoln for 3 and 4 bedroom houses.

**Question:** How many private properties were empty in the City?

**Response:** There were 430 empty private properties. The Acquisition Policy was being developed and covered Empty Homes, this could be added to the work programme.

**Question:** Referred to paragraph 3.3 of the report and asked how many properties had been developed or facilitated against the target of 281?

**Response:** Housing had planning permission for 390 properties, this included houses that would be sold.

**Question:** Where had the tenants on Queen Elizabeth Road been relocated to?

**Response:** The tenants had a choice of where they wanted to move to.

**Question:** Were there enough potential sites to build on?

**Response:** There were enough potential sites in the pipeline to meet the 5 year target.

**Question:** There were hostels in the City that had closed and had not been replaced, were these included within the calculations?

**Response:** Yes it had been taken into account within the calculation. There was a need for immediate accommodation, work was ongoing with the YMCA and other agencies.

RESOLVED that

1. the contents of the report be noted.
2. The Acquisition Policy be added to the Policy Scrutiny Work Programme.

### **35. Health Scrutiny Update**

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meetings held on 12 December 2018 and 23 January 2019 these were:

- The NHS Long Term Plan- Impact on the Lincolnshire Sustainability and Transformation Partnership.
- Annual Reports of South Lincolnshire Clinical Commissioning Group and South West Lincolnshire Clinical Commissioning Group.
- Non-Emerging Patient Transport – Thames Ambulance Ltd
- United Lincolnshire Hospitals NHS Trust – Update on Care Quality Commission Inspection.
- Children and Young Persons Services at United Lincolnshire Hospital Trust – Update.
- Non-Emergency Patient Transport Service – Update
- Grantham Accident and Emergency Department – Referral to the Secretary of State of Health and Social Care.
- NHS Long Term Plan

RESOLVED that the report be noted.

**36. Policy Scrutiny Work Programme 2018-19 and Executive Work Programme Update**

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2018-19 and Executive Work Programme Update'.
- b. presented the Executive Work Programme December 2018 – December 2019.
- c. requested councillors to submit what items they wished to scrutinise from the Executive Work Programme and policies of interest.
- d. invited members questions and comments.

Members suggested that a report on the Community Infrastructure Levy be added to the work programme

RESOLVED that:

1. the Policy Scrutiny work programme be updated to include the following reports:
  - Community Infrastructure Levy
  - Review of Corporate Documents
  - Acquisition Policy
2. the Executive work programme be noted.

**SUBJECT: COMMUNITY INFRASTRUCTURE LEVY (CIL)**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: TOBY FORBES TURNER, PLANNING POLICY MANAGER**

## **1. Purpose of Report**

- 1.1 To provide members with an update on the Community Infrastructure Levy (CIL) since the implementation date of 5<sup>th</sup> February 2018 and options for discussion for the distribution of 'local' CIL monies collected.

## **2. Executive Summary**

- 2.1 Members may recall that the City of Lincoln Council has been charging CIL on eligible development since the implementation date of 5<sup>th</sup> February 2018. Since that time a total of £31,826 has been collected from CIL receipts.
- 2.2 The majority of these CIL receipts will be used to contribute to agreed Central Lincolnshire Strategic Infrastructure priorities. For the remaining CIL receipts, for the City (where there are no Parish or Town Councils) under the CIL regulations it is up to the City Council to effectively decide how to distribute the funding to support the delivery of local infrastructure.
- 2.3 A decision by Executive in the near future therefore needs to be taken on how to effectively distribute these 'local' CIL monies and this report provides some potential options for committee to consider and discuss prior to going to Executive at a date in the near future to be confirmed.

## **3. Background**

- 3.1 Members will recall that since 5<sup>th</sup> February 2018, the Council has been charging CIL on eligible forms of development. CIL has been developed and aligned with the other Central Lincolnshire Charging Authorities-North Kesteven and West Lindsey District Councils. The CIL charging schedule sets out the rates of CIL rates as follows:

### For Residential Development

- Zone 1: The City £25 per square metre
- Zone 2: Sustainable Urban Extensions £20 per square metre  
(Western Growth Corridor & North East Quadrant)

### For Convenience Retail (supermarkets)

- £40 per square metre
- 3.2 Unlike Section 106 agreements CIL is a non-negotiable charge that developers must pay for eligible forms of development. It is worth noting that affordable housing is not eligible for CIL and affordable housing schemes therefore do not pay CIL. Apartments are also not eligible to pay CIL.
  - 3.3 In order to support the levels of growth as set out in the Central Lincolnshire Local Plan, the majority (80%) of CIL receipts will be used to contribute to agreed Central Lincolnshire Strategic Infrastructure priorities-namely the Lincoln Eastern Bypass and Secondary Education. CIL Regulations allow charging authorities to use up to a maximum of 5% of the funds from CIL to recover the costs of administering the levy.
  - 3.4 CIL regulations (Reg 59A) require that 15% of CIL receipts (25% where there is a neighbourhood plan in place) are passed onto local council's e.g. Parish or Town Councils. Where there are no local council's as in the City, CIL Regulation 59F requires the Local Authority to use 15% of CIL to support the development of the relevant area by funding the *"the provision, improvement, replacement, operation or maintenance of infrastructure"* or *"anything else that is concerned with addressing the demands that development places on an area"*.
  - 3.5 For these 'Local' CIL receipts, for the City (where there are no Parish or Town Councils) under the CIL regulations it is up to the City Council to effectively decide how to distribute the funding to support the delivery of local infrastructure.
4. Since CIL came into force on 5<sup>th</sup> February 2018, to date CIL receipts have totalled £31,826 of which £4,774 is available for distribution in the City. Going forward a CIL projection forecast sheet has been compiled which shows over the next 18 months approx. £74,000 total CIL receipts will be generated of which approx. £10,000 will be available for distribution in the City. In terms of the 5% CIL administration fee, to date a total of £1,591 has been generated which will be credited to the planning administration team to offset their staffing costs for the administering of CIL which is both lengthy and complex.
    - 4.1 A decision by Executive in the near future therefore needs to be taken on how to effectively distribute these 'local' CIL monies and this report provides some potential options for Policy Scrutiny Committee to consider and discuss prior to going to Executive.
    - 4.2 Looking at how other Local Authorities in a similar position to the City have dealt with the process, Sheffield City Council has decided to allocate local CIL income to individual Wards and made use of Local Area Partnerships as a mechanism for making decisions on how to spend the funds. In Camden following consultation with local communities, ward members produced Local CIL Priority Lists for each ward which guided future spending of local CIL funds.



4.3 A number of options for the distribution of local CIL monies are therefore available to the Council and these could include:

- Distribution via Neighbourhood Boards
- Distribution evenly across all Council Wards
- Distribution to targeted areas in the City e.g. Sincil Bank
- 'Bank' local CIL monies for a period of time e.g. 2-3 years until a more substantial pot is built up

4.4 In order to aid discussions, the positives and negatives of each of the above options have been listed below:

Distribution Option	Positive Impacts	Negative Impacts
Distribution via Neighbourhood Boards	<ul style="list-style-type: none"> <li>• Existing governance structures in place</li> </ul>	<ul style="list-style-type: none"> <li>• Not all Wards have Neighbourhood Boards</li> </ul>
Distribution evenly across all Wards	<ul style="list-style-type: none"> <li>• Equitable approach for all Wards to receive funding</li> </ul>	<ul style="list-style-type: none"> <li>• Small impact as limited funds will be spread thinly across all Wards</li> </ul>
Distribution to targeted area e.g. Sincil Bank	<ul style="list-style-type: none"> <li>• Funds could have the maximum impact in most deprived part of the City</li> </ul>	<ul style="list-style-type: none"> <li>• Other Wards do not receive any funds</li> </ul>
'Bank' local CIL monies for a period of time e.g. 2-3 years	<ul style="list-style-type: none"> <li>• A more substantial amount funds will have more impact</li> </ul>	<ul style="list-style-type: none"> <li>• Time delay for local CIL monies to be spent in the City</li> </ul>

4.5 Regardless of which method of distribution is chosen, in order for the monies to build up to some significant amount (currently the local CIL pot amounts to £4,774), it is suggested that for the time being the Council effectively banks the money. This will give time for the local CIL pot to build up and allow time for members to decide how they wish to see the local CIL monies distributed. A decision on how the local CIL funds could be distributed could then be deferred and taken at a later date. A reasonable time frame for this could be approximately 2-3 years to allow for local CIL funds to build up.

4.6 Every December, under CIL Regulation 62 the Council must produce an Annual CIL Report which sets out CIL receipts and expenditure for the reported year and this could provide an opportunity to review local CIL monies distribution should they be greater than expected.

4.7 Members should be aware that it is highly likely that CIL will be reviewed over the next 12-18 months including whether the rates currently being charged “provide an appropriate basis for the collection of the levy in the area” as is needed to be demonstrated under the CIL regulations. As part of the review of the Central Lincolnshire Local Plan there will be a need to re-examine development viability across the City and Central Lincolnshire which

in turn will trigger the need to review CIL and potentially affect the CIL rates.

## **5. Strategic Priorities**

### **5.1 Let's drive economic growth**

CIL is a key mechanism in the provision of funds to provide infrastructure to support growth.

### **5.2 Let's reduce inequality**

The Local Plan objectives support the reduction of poverty and disadvantage. In line with CIL Regulations the authority will be required to pass a 'meaningful' proportion of CIL receipts to suitable neighbourhood groups for use on infrastructure identified as important by the local community. Where there are no established Local Councils, District Councils are asked to spend this in consultation with local communities.

### **5.3 Let's deliver quality housing**

Growth and development of the general housing market is a positive step in increasing the supply of all forms housing. The CIL Regulations provide for full relief from the CIL charge for any part of a development which is affordable housing (and includes social and affordable rent and shared ownership).

### **5.4 Let's enhance our remarkable place**

Implementation of CIL will help support the development of the City and ensure contributions toward infrastructure can be used to improve Lincoln as a place.

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

As set out in the detail of the report, CIL receipts of £31,826 have been received to date, of which £1,591 are attributable to offset the administration costs of the Council and £4,774 is available for distribution in the City. This resource along with future receipts will be held by the Council until such time that members decide how they wish to see the local CIL monies distributed.

In terms of any receipts that will be used to contribute to agreed Central Lincolnshire Strategic Infrastructure priorities a process of transferring these to Lincolnshire County Council has been established.

### **6.2 Legal Implications including Procurement Rules**

The Council has; and will continue to, comply with the 2008 Planning Act and 2010 CIL Regulations (as amended), in the implementation, collection,

monitoring and distribution of CIL.

### 6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Equality implications have been carefully considered. Whilst a full assessment has not been carried out the introduction of CIL helps to support and deliver sustainable growth and development in the city. It is therefore promoting equal access to housing and employment and has no negative impact on those who exhibit a protected characteristic.

## 7. Risk Implications

### 7.1 (i) Options Explored

See Para 4.4.

### 7.2 (ii) Key risks associated with the preferred approach

No preferred approach has yet been decided.

## 8. Recommendation

8.1 Members consider the options for distribution of local CIL monies prior to approval by Executive at a later date.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** None or insert number

**List of Background Papers:** None

**Lead Officer:** Toby Forbes Turner, Planning Policy Manager  
Telephone (01522) 873804



**POLICY SCRUTINY COMMITTEE**

**18 JUNE 2019**

<b>SUBJECT:</b>	<b>POLICY SCRUTINY WORK PROGRAMME 2019/20 AND EXECUTIVE WORK PROGRAMME UPDATE</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>LEAD OFFICER:</b>	<b>CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER</b>

**1. Purpose of Report**

1.1 To present the Policy Scrutiny Committee Work Programme for 2019/20 and receive comments and considerations from members with items for the municipal year 2019/2020 and to advise Members of the items that are on the current edition of the Executive Work Programme.

**2. Background**

2.1 The work programme is attached at **Appendix A**.

2.2 The Constitution provides for the publication of the Executive Work Programme on a monthly basis detailing key decisions/ exempt para (Section B) items to be taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme. This is attached at **Appendix B** and has been provided to assist members in identifying items for inclusion within the work programme.

**3. Recommendation**

3.1 That Members give consideration to the Policy Scrutiny Work Programme for 2019/20 and update where appropriate to include items which they wish to consider from the Executive Work Programme as required.

**List of Background Papers:** None

**Lead Officer:** Claire Turner, Democratic Services Officer  
Telephone 873619

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## Policy Scrutiny Committee Work Programme – Timetable for 2019/20

18 June 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Community Infrastructure Levy Policy	Toby Forbes-Turner	Asked for at February 2019 meeting
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report

28 August 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Annual Scrutiny Report	Democratic Services	Regular Report
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Health and Environment Enforcement Policy	Hannah Cann/ John Cunnilliffe	Moved from 12 <sup>th</sup> March 2019 meeting
Interim Air Quality Action Plan	Ian Wickes	

8 October 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Markets	Kate Ellis	
Review of Procurement Policies	Heather Carmichael	

Corporate Documents Review	Becky Scott	
Electric Vehicle Strategy	Michael Hurtley	
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

#### 26 November 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Key Holding Post Implementation Review	Simon Colburn	Requested at meeting held on 28 November 2017
Protecting Vulnerable People Update	Kate Ellis	Annual Update requested at meeting held on 12 November 2018.
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

#### 14 January 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Regulation 7 Direction on Lettings Boards Review	Donna Morris	Requested at meeting held on 16 January 2018
Lincoln Social Responsibility Charter	Heather Grover	Requested at meeting held on 16 January 2018
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report



17 March 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of PSPO at St Peters Passage	Francesca Bell	Requested at meeting held on 9 October 2018
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

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## EXECUTIVE WORK PROGRAMME

**June 2019 - May 2020**

### NOTES

1. The Leader in consultation with the Chief Executive and Town Clerk prepares an Executive Work Programme to cover a period of twelve months.
2. The Executive Work Programme contains matters which the Leader has reason to believe will be the subject of a key decision during the period covered by the Plan or Executive decisions which are likely to be taken in private.
3. A Key Decision is one which is likely:
  - a) 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 it relates; or
  - b) to be significant in terms of its effect on communities living or working in an area comprising 2 or more wards in the area of the local authority.
4. Whilst the majority of the Executive's business at the meetings listed in the Executive Work Programme will be open to the public and media organisations to attend, there will be some business to be considered that contains, for example, confidential, commercially sensitive or person information.

This document serves as formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that certain items in the Executive Work Programme will be considered in private because the item contains exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. If an item is to be considered in private this will indicated on the individual decision notice.

If you have any queries, please telephone 01522 873387 or email [democratic.services@lincoln.gov.uk](mailto:democratic.services@lincoln.gov.uk).

### EXECUTIVE WORK PROGRAMME SUMMARY

<b>Date of Decision</b>	<b>Decision</b>	<b>Decision: Summary</b>	<b>Decision Taken By</b>	<b>Key Decision</b>	<b>Exempt Information</b>
24 June 2019	Extension of the City Intervention Team	To agree arrangements for Extension of the City Intervention Team	Executive	No	
24 June 2019	Local Agreement - On Call	Approve the local agreement	Executive	Yes	Private
22 July 2019	Lincoln Garage Strategy	To approve the recommendations	Executive	Yes	Public
22 July 2019	New Homes Strategy	To approve the New Homes Strategy	Executive	Yes	Public
22 July 2019	Boultham Park Conservation Plan	Adoption of the conservation plan. Necessary before submission of a bid to the National Lottery for funding towards the lake restoration project.	Executive	No	Public
22 July 2019	Street Scene Contracts	Approach to be taken for the provision of these services when the existing contract ends in 2022	Executive	Yes	Private
28 August 2019	Bereavement Services Business Case	To consider the Business Case associated with Bereavement Services.	Executive	Yes	Private
23 September 2019	Universal Credit Support	Confirm Universal Credit Support arrangements April-June 2019 and for a range of options to be provided for consideration prior to July 2019 for future arrangements.	Executive	No	Private