

EXECUTIVE

Monday, 8 January 2018

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Rosanne Kirk, Neil Murray, Fay Smith and Peter West

Officers attending: Rob Baxter, Angela Andrews, Democratic Services, Kate Ellis, Bob Ledger, Simon Walters and Carolyn Wheeler

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 27 November 2017	3 - 14

MINUTES AND EXTRACTS

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.

CORPORATE MANAGEMENT & CUSTOMER SERVICES

3. Discretionary Rate Relief Policy	15 - 42
4. Localised Council Tax Support - 2018/19	43 - 74
5. Council Tax Base 2018/19	75 - 80
6. Collection Fund Surplus or Deficit - Council Tax	81 - 84
7. Consideration of a Community Grant Funded Lottery for the City of Lincoln Council	85 - 102

HOUSING

8. Lincolnshire County Homelessness Strategy 2017-2021	103 - 134
9. Choice Based Lettings Allocation Policy- Proposed Amendments	135 - 186

PLANNING POLICY & ECONOMIC REGENERATION

10. Lincoln Central Bus Station - Bus Station Order	187 - 208
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RECREATIONAL SERVICES & HEALTH

11. Proposals for Revision of Public Health Funeral Provision	209 - 214
12. Exclusion of the Press and Public	215 - 216

You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that if members of the press or public were present, there would be disclosure to them of 'exempt information'.

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given of items which will be considered in private, for which either 28 days' notice has been given or approval has been granted by the appropriate person specified in the Regulations. For further details please visit our website at <http://www.lincoln.gov.uk> or contact Democratic Services at City Hall, Beaumont Fee, Lincoln.

12. This item is being considered in private as it is likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations have been received in relation to the proposal to consider this item in private.

13. This item is being considered in private as it is likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972, and has not been deferred for the reasons established in the published notice.

SECTION B

CORPORATE MANAGEMENT & CUSTOMER SERVICES

13. City Hall Cleaners	[Exempt Para(s) 4]	217 - 232
14. Asset Rationalisation	[Exempt Para(s) 3]	233 - 242

Present: Councillor Ric Metcalfe (*in the Chair*),
Councillor Donald Nannestad, Councillor Rosanne Kirk,
Councillor Neil Murray, Councillor Fay Smith and
Councillor Peter West

Apologies for Absence: None.

80. Confirmation of Minutes - 30 October 2017

RESOLVED that the minutes of the meeting held on 30 October 2017 be confirmed.

81. Declarations of Interest

No declarations of interest were received.

82. Procurement Policies

Purpose of Report

To update the Executive on proposed changes to the Council's internal procurement policies following an internal review of the current provision.

Decision

That the proposed procurement policies be recommended to Council for approval and inclusion within the Council's Constitution.

Alternative Options Considered and Rejected

None.

Reason for Decision

Further to the decision to withdraw from the shared service arrangement under Procurement Lincolnshire, there was a need to ensure that the Council had a robust procurement service in place. A comprehensive review had therefore been undertaken to ensure that the service and its underpinning policies and strategies met the needs of both the Council and those who the Council wished to do business with.

The following policies and strategies were therefore developed which, alongside the Council's Contract Procedure Rules, would enable all parties to have a clear and transparent understanding of what was required of them:

- Procurement Protocol;
- Delivering Social Value Through Procurement;
- How To Do Business With City of Lincoln Council;
- Local Purchasing Strategy.

Each of these documents was appended to the report.

It was agreed that, subject to formal adoption by the Council, a publicity campaign should be undertaken via the Council's Communications Team in order that they were promoted as much as possible.

83. Financial Performance - Quarterly Monitoring Quarter 2

Purpose of Report

To present to the Executive the second quarter's performance, up to 30 September 2017, on the Council's general fund, housing revenue account, housing repairs service and capital programmes.

Decision

That the Executive:

- (1) Notes the progress on the financial performance for the period 1 April 2017 to 30 September 2017 and projected outturns for 2017/18.
- (2) Notes the underlying impact of the pressures and underspends identified in paragraphs 3.2, 4.3 and 5.2 of the report and associated appendices.
- (3) Approves, in principle, the carry forward request of £8,000 for the 'Charter Project' at the Guildhall.
- (4) Approves the changes to the general investment programme, as detailed in paragraph 7.5 of the report.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Council's Financial Procedure Rules require members to receive, on a quarterly basis, a report prepared jointly by the Chief Finance Officer and Corporate Management Team commenting on financial performance to date.

In terms of the general account, the general fund summary was currently projecting a forecast underspend of £141,404. This variance was the result of a number of forecast year-end variations in income and expenditure against the approved budget, summarised as follows:

- Towards Financial Sustainability Programme – savings target underachievement of £58,300;
- Interest payable – reduced expenditure of £74,390;
- Bus station – increased expenditure of £40,000;
- City Hall car park – increased expenditure of £110,830;
- Lincoln properties – increased income of £49,820;
- City Hall – reduced expenditure of £92,320.

As the forecast outturn for the general fund was showing a forecast underspend of £141,404, subject to outturn, a carry forward request of £8,000 was considered for the 'Charter Project' at the Guildhall. This amount was proposed to be spent

on restoring the historic charters at the Guildhall to enable them to be displayed to the public. It was noted that this work would cross into 2018/19 and therefore, if not complete by the end of the financial year, this money would be required in 2018/19. The forecast outturn for the general fund would therefore be £133,404.

The housing revenue account was currently projecting an in-year underspend of £50,051 which would increase general balances to £1,073,150 at the end of 2017/18. The assessed prudent minimum balance for the housing revenue account was currently £1 million. The components of this underspend were summarised as follows:

- Vacancy savings – reduced expenditure of £123,000;
- Reduced requirement for in year DRF of £200,000;
- Rents – reduced income of £213,000;
- Repairs – amendment of accounting policies on capital spend £838,000;
- Depreciation – revaluation of housing stock of £1,211,000.

For 2017/18 the Council's housing repairs service net revenue budget was set at zero, reflecting its full cost recovery nature. The service was forecasting a breakeven position in 2017/18 at quarter two. It was noted, however, that this prediction had been made on the basis that the billing process for the second quarter had not yet fully concluded.

Further information relating to earmarked reserves, the capital programme and the housing investment programme was set out in the report.

Work was currently taking place to establish, through an evidence-based model, how much the City Council had contributed to the local economy.

84. Strategic Risk Register - Quarterly Review

Purpose of Report

To provide the Executive with an update report on the revised Strategic Risk Register as at the end of the second quarter of 2017/18.

Decision

That the Strategic Risk Register as at the end of the second quarter of 2017/18 be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

An update on the Strategic Risk Register was last presented to members in August 2017 and contained seven strategic risks. Since then, the Risk Register had been reviewed and updated.

A number of further control actions had been progressed or completed, with key movements for each Strategic Risk highlighted as part of the report.

Strategic Risk 3 had been increased slightly from 'Amber: possible/major' to 'Amber: probable/major'. Control actions continued to be implemented and risks managed accordingly.

A revised copy of the Strategic Risk Register was appended to the report.

85. Strategic Plan Progress - Q2 2017-18

Purpose of Report

To provide the Executive with a progress report on strategic projects monitored by the Strategic Plan Implementation Team against its milestones for the second quarter of 2017/18.

Decision

That progress in delivery of strategic projects be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Strategic Plan Implementation Team was currently monitoring 19 strategic projects. 10 projects were currently on target in terms of their physical and financial and risk profiles. Of these, 6 projects had been completed and were currently awaiting a post implementation review.

None of the projects were off target in accordance with the three designated areas of monitoring, which were noted as being physical progress, financial position and risk analysis. The following two projects were currently off target in one or two of these areas:

- CCTV upgrade – works schedule, staff training and contracts milestones had missed deadlines but work on this project was drawing to an end;
- Compulsory acquisition – 12 Albany Terrace had missed 5 milestones primarily relating to legal aspects.

Three new projects had been recommended for approval in the second quarter, noted as follows:

- Crematorium car park lighting improvements;
- Allotment capital improvements;
- Purchase of new surface car parks.

The following six projects had completed their defined actions and were now awaiting completion of a Post Implementation Review:

- Car park safety – Broadgate car park improvements;
- New build scheme – Birchwood bungalows (20 new-build affordable units);
- Phase 2 proposed alternations – City Hall improvements;
- Replacement of DMS depot master – updated software for the Servitor project.

The following projects had submitted an initial Post Implementation Review, but additional data was requested so these would be finalised in the next quarter:

- Data recovery and back up;
- Bereavement services – improvements to facilities.

Updates on 'mega projects', including the Western Growth Corridor and the Transport Hub, were set out in the report. Progress reports on disabled facilities grants, delivering decent homes in the private sector and the housing revenue account business plan were also outlined in the report as ongoing annual projects.

Discussion ensued on the disabled facilities grant and it was noted that officers were in the process of putting a scheme together, in consultation with public health, to ring fence a proposed amount of £200,000 for the installation of central heating in homes where the owner or occupier was very vulnerable. This would need to go through the relevant decision making processes of the City Council and County Council and it was hoped the scheme would be available in mid-January.

86. Q2 2017-2018 Operational Performance Report

Purpose of Report

To present the Executive with a summary of the operational performance position for quarter 2 of the financial year 2017/18 from July 2017 to September 2017.

Decision

That the Executive:

- (1) Notes the achievements, issues and future concerns highlighted in the report for this quarter.
- (2) Agrees that relevant Portfolio Holders ensure that management has a local focus on those highlighted areas showing deteriorating performance.

Alternative Options Considered and Rejected

None.

Reason for Decision

Regular monitoring of the Council's operational performance was a key component of the Local Performance Management Framework.

The report provided an update on four corporate measures noted as:

- sickness;
- corporate complaints, including ombudsman rulings;
- employee fulltime equivalent headcount, vacancies and turnover;
- staff appraisals completed.

In terms of performance, the following exceptional areas of performance were noted:

- business rates in year collections were at 61.13%, 1.05% higher than the previous year;
- the time taken to process new benefit claims remained above target at 23.24 days;
- the average time to process housing benefit claim changes of circumstances continued to out-perform its 9 day target at 7.62 days;
- the number of housing benefit and council tax support customers awaiting assessment had reduced from 1021 at quarter 2 last year to 810 at quarter 2 this year;
- there were now just over 63,000 individuals on the electoral register, above the target of 62,500;
- the end-to-end time to determine a planning application had dropped from 63.49 days last quarter to 54.32 days this quarter;
- both major and non-major planning applications were being determined within the government's 2-year rolling target;
- the number of people requesting Public Protection and Anti-Social Behaviour services had dropped from 1049 at quarter 2 last year to 818 at quarter 2 this year;
- satisfaction with service at Yarborough Leisure Centre had risen to 88% from 79%.

Areas of underperformance were noted as follows:

- the volume of face-to-face enquiries in customer services remained high, at 12,123;
- the average time taken to answer a call to customer services had risen to 62 seconds from 41 seconds at quarter 2 last year;
- the level of outstanding revenues customer changes had more than doubled to 624 from 289 in quarter 2 last year;
- the percentage of food health and safety visits completed to schedule had dropped from 90.1% last quarter to 81.1% in quarter 2;
- satisfaction with the way that Public Protection and Anti-Social Behaviour complaints were handled was down from 88% to 68% in quarter 2;
- satisfaction with the cleanliness of public highways had declined from 84.3% to 73% in quarter 2;
- the percentage of households approaching the Council considering themselves homeless, where advice intervention resolved the situation had declined further below target to 30.87%;
- the average time taken for re-lets did not meet the lower target of 28 days despite improving at 29.95 days. It was noted that September and October had met target, so there should be an improvement in performance at quarter 3.

The overall year to date sickness data as at 30 September 2017 was 6.34 days per full time equivalent, excluding apprentices. This was 1.24 days more per full time equivalent compared to the same point last year. The Council's Corporate Management Team had instigated a new project on the High Performing Services Programme to look at the causes and possible actions needed.

All performance measures by individual directorate groupings, with annual and quarterly measures, were set out in Appendix A of the report.

87. Treasury Management and Prudential Code Update Report

Purpose of Report

To provide the Executive with an update on the Council's treasury management activity and the actual prudential indicators for the period 1 April 2017 to 30 September 2017 in accordance with the requirements of the Prudential Code.

Decision

That the Executive:

- (1) Notes the Prudential and Local Indicators and actual performance against the Treasury Management Strategy 2017/18 for the half-year ended 30 September 2017.
- (2) Supports the change to the Minimum Revenue Provision Policy and recommends this to Council for approval.

Alternative Options Considered and Rejected

None.

Reason for Decision

It was noted that the Council held £20.4 million of investments at 30 September 2017, with its investment profile outlined in Appendix A to the report.

As of 30 September 2017 the Council held £75.354 million of external borrowing, of which 100% was fixed rate loans. For the six months ended 30 September 2017, the Council achieved an average rate of 4.15% on its external borrowing, which was slightly lower than the budgeted rate set in the Medium Term Financial Strategy.

Further information relating to Prudential Indicators, particularly in respect of capital expenditure, financing of the capital programme, the capital financing requirement and external debt and limits to borrowing activity were set out in paragraphs 4.1 to 4.6 of the report.

The report also provided information on the Treasury Management Strategy 2017/18 to 2019/20 in relation to an economic update, borrowing activity, the Investment Strategy 2017/18 to 2019/20 and risk benchmarking as outlined in paragraphs 5.1 to 5.4.2 of the report.

88. Amendment of Lincoln's Air Quality Management Areas

Purpose of Report

To seek approval to commence consultation on the revision and revocation of the Council's existing Air Quality Management Areas.

Decision

That the Executive:

- (1) Approves the commencement of consultation on the revision and revocation of the Council's existing Air Quality Management Areas.
- (2) Grants delegated power to the Portfolio Holder for Environmental Services and Public Protection, in consultation with the Assistant Director of Health and Environment, to authorise any subsequent amendment or revocation orders in relation to the existing Air Quality Management Areas, subject to any consultation responses.

Alternative Options Considered and Rejected

None.

Reasons for Decision

The City of Lincoln Council currently had two Air Quality Management Areas which had been declared by the Council due to historical non-compliance with the national air quality objectives for two road traffic related pollutants, namely nitrogen dioxide and particulate matter smaller than 10 microns.

The Council's latest detailed air quality assessment, undertaken in March 2017, confirmed that there had been a significant air quality improvement in many areas of the city. As a result, the report concluded that the Air Quality Management Area for nitrogen dioxide could be reduced in size and the Management Area for particulate matter smaller than 10 microns revoked due to these improvements.

Prior to amending or revoking Air Quality Management Areas, the Council is obliged to consult with a number of statutory consultees.

The proposed amended boundary for the nitrogen dioxide Air Quality Management Area, to include only those areas that were likely to exceed or be within 10% of the national air quality objectives for this pollutant, was illustrated in figure 2 of Appendix 2 of the report.

It was agreed that this was a good news story for the city and should be publicised. Members were informed that the consultation, although for statutory consultees, would be uploaded onto the Council's website for anyone to respond to. Publicity via the Council's Communications Team would take place upon publication of the consultation.

89. Housing Assistance Policy Amendment - Emergency Housing Grant Scheme

Purpose of Report

To propose an amendment to the Housing Assistance Policy, suspended in March 2015, to temporarily reintroduce the minor works grant scheme.

Decision

That the Executive:

- (1) Adopts the proposed amendment to the Housing Assistance Policy set out in Appendix 1 of the report and that housing assistance be made available under the terms of the amendment and under no other part of the policy.
- (2) Agrees that the term of the policy amendment be extended to 31 March 2018 and then from 1 October to 31 March annually thereafter, subject to funds in future years, and that any grant applications approved in the time up to and including that date be paid on completion of the works.

Alternative Options Considered and Rejected

Alternative options considered and rejected were noted as follows:

- to lift the suspension of the policy. The current policy was adopted in 2007 and no longer fully reflected the Council's corporate priorities. The staffing resources currently available to the Council would prevent the effective delivery of the assistance;
- to lift the suspension of part of the policy. The current policy made generous provision for grant aid and required a high officer input to deliver the service. To make the Decent Homes Grant universally available could expose the Council to a high financial burden. The staffing resources currently available to the Council would prevent the effective delivery of the assistance;
- to make no financial provision for assistance. To make no provision and have a policy of 'no assistance' could expose the Council to a challenge of not having considered and fulfilled its statutory duty.

Reason for Decision

All local authorities were granted the power to provide 'housing assistance'. The City of Lincoln Council had a Housing Assistance Policy but this was suspended in March 2015.

The Policy Scrutiny Committee at its meeting on 26 March 2015 considered an appraisal of the Housing Assistance Programme since its adoption in 2007 and expressed the desire that some form of assistance should continue to be made available. In October 2015 and October 2016 members agreed to fund emergency works through use of an amended Minor Works Grant, until the end of the relevant financial year only. Four applications were approved in each of 2015/16 and 2016/17. It was proposed that a similar arrangement was made for this financial year and on a yearly basis by means of an amendment to the existing policy. This would mean that the City Council had not placed itself in a position of having a universal answer of 'no' to applications for assistance. The proposal sought to limit officer involvement with the proposed works and to allow applications to be determined swiftly, with the Council's role being strictly that of a funder and homeowners themselves being responsible for management of the works.

90. Brownfield Land Register

Purpose of Report

To provide the Executive with an overview of the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 and set out how the Council's Planning Team would implement the Brownfield Land Register.

The report also advised the Executive that the Council be recommended to amend the Constitution to include decision making associated with its forthcoming Brownfield Land Register.

Decision

That the Executive:

- (1) Notes the report on the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- (2) Notes how the Council's Planning Team will implement the Brownfield Land Register.
- (3) Recommends that the Council amends the Constitution to include decision making associated with its forthcoming Brownfield Land Register.

Alternative Options Considered and Rejected

To not prepare a Brownfield Land Register would put the Council in breach of the legal requirements contained within the 2017 Brownfield Land Register Regulations.

Reasons for Decision

The Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement on Local Planning Authorities to publish and maintain a Brownfield Land Register. Brownfield land referred to land which had previously been developed and was or had been occupied by a permanent structure.

There was a legal requirement for all Local Authorities to comply with the deadline for publication of the register by 31 December 2017 and the Department for Communities and Local Government had published a prescribed format that all Local Authorities must use to publish their data.

Part 1 of the Brownfield Land Register included details of all sites within the Council's area which were categorised as previously developed land irrespective of planning status and which met the following criteria:

- the land must be at least 0.25ha and have capacity to accommodate at least five dwellings;
- the land must be 'suitable' for residential development;
- the land must be 'available' for residential development;
- housing development on the land must be 'achievable'.

The terms 'suitable', 'available' and 'achievable' were defined in Regulation 4 of the Brownfield Land Register Regulations.

Implementation of Part 1 of the Brownfield Land Register would be carried out by the Principal Planning Officer with support from the Departmental Management Team Leader and Planning Manager. This would comprise of a review of sites that had previously been identified through the Strategic Housing and Economic Land Availability Assessment which formed part of the evidence base in support of the recently adopted Central Lincolnshire Local Plan. A review of other suitable sites had also been undertaken which met the Brownfield Plan definition criteria.

Part 2 of the Brownfield Land Register was effectively a subset of Part 1, which allowed Local Planning Authorities to select sites that they considered to be appropriate to grant permission in principle for housing-led development. This was an additional tool that the Government had created and the Council had to carefully consider whether it was beneficial to use it, and if so where. At this stage it was considered that no sites should be put into Part 2 of the City of Lincoln Council's register. This was due to the focus being on preparing for Part 1 of the register in order to meet the legal deadline. Further consideration would be given to Part 2 of the register as part of the annual review of the Brownfield Land Register in 2018.

91. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following items of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

These items were considered in private as they were likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations had been received in relation to the proposal to consider these items in private.

92. Write-outs - Irrecoverable Non Domestic Rates

Purpose of Report

To seek approval from the Executive to write out debts deemed as being irrecoverable.

Decision

That the Executive approves the write outs as set out in Appendix A of the report.

Alternative Options Considered and Rejected

None.

Reason for Decision

Debts that were deemed to be irrecoverable were written out in accordance with the Council's write out policy. Authority was required from the Executive where the total outstanding amount on any individual account was over £5,000.

Appendix A included details of debts deemed as irrecoverable.

93. Human Resources and Payroll Restructure

Purpose of Report

To request that the Executive approved a proposed restructure of the Human Resources and Payroll Team.

Decision

That the proposed restructure of the Human Resources and Payroll Team, as set out in the report, be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

A review had been undertaken to explore the current Human Resources and Payroll Team structure in order to consider options for building resilience in the team.

Details regarding the proposed structure, compared to the current structure, were detailed within the report.

It was noted that there were no staff at risk of redundancy as a result of the proposal, which had been supported by the City of Lincoln Council and Employee Joint Consultative Committee at its meeting on 10 October 2017.

SUBJECT:	DISCRETIONARY RATE RELIEF POLICY
DIRECTORATE:	CHIEF EXECUTIVE
REPORT AUTHOR:	MARTIN WALMSLEY, HEAD OF SHARED REVENUES AND BENEFITS

1. Purpose of Report

- 1.1 To request Executive considers and comments on a new Discretionary Rate Relief Policy to take effect on 1 April 2018.

2. Executive Summary

- 2.1 This report provides Executive with a new Discretionary Rate Relief Policy for the City of Lincoln Council to take effect on 1 April 2018.
- 2.2 The current Discretionary Rate Relief Policy for the City of Lincoln Council was agreed by the Executive on 15 September 2003. As it has not been reviewed since this date, it takes no account of subsequent changes in legislation (i.e. introduction of new reliefs, extension of the criteria for awarding discretionary relief and the effect of business rate retention).
- 2.3 In seeking approval of a new Discretionary Relief Rate Policy for the City of Lincoln Council, it should be noted there are no proposals to change the criteria used by officers when awarding discretionary relief. As a result, organisations will not face an increase / decrease in the % of relief awarded, should the Policy be adopted.
- 2.4 It should be stressed that approval of a new Discretionary Rate Relief Policy does not impact on the Discretionary Rate Relief Scheme the Council were required to implement this year following the Spring 2017 Budget. The award of any future funded reliefs announced by the Government has been provided for in the Discretionary Rate Relief Policy.
- 2.5 This policy review, while fundamentally changing little in terms of current practice and procedure, is essentially to update the previous policy, reflecting changes in legislation, new reliefs etc since 2003 – and to ‘future proof’ such a policy for potential future relief announcements.

3. Discretionary Relief Policy

- 3.1 The proposed Discretionary Rate Relief Policy for the City of Lincoln Council is included in the **Appendix** to the report. Once approved, the Policy will be produced as a booklet (complete with contents and index) and placed on the City of Lincoln Council web site. This will include a facility for the document to be

downloaded and printed.

- 3.2 In drafting the Discretionary Rate Relief Policy, officers researched those of other billing authorities; many of which are readily available on the internet. What became noticeable very early on is that a number are considerably out-of-date and / or inaccurate. This opens the billing authority to challenge by District Audit and / or an aggrieved ratepayer.
- 3.3 Both North Kesteven District Council (who are in a shared service with the City of Lincoln Council) and West Lindsey District Council (for whom the shared service administers their non-domestic rate) are also reviewing their Discretionary Relief Policies. Officers from the City of Lincoln Council are supporting the Council's with their reviews.

4. Strategic Priorities

4.1 Let's Drive Economic Growth

A Discretionary Rate Relief Policy should drive economic growth both in terms of its content and application. It should support local businesses and organisations to promote the provision of local facilities, economic growth, employment and investment to improve prosperity across the District and in particular, support the most disadvantaged communities.

4.2 Let's Reduce Inequality

A key aspiration of the Council is '*Let's help people succeed*'. It is important that any Discretionary Rate Relief Scheme is seen to create employment opportunities for residents. The authority looks to protect the poorest people. The Non-Domestic Rate Service is mindful of the strategic priorities when engaging with business ratepayers as they look to recover the non-domestic rate. Digital Inclusion, Channel Shift, Financial Inclusion and Partnership Working are all key priorities for the shared service.

5. Organisational Impacts

5.1 Finance

The cost of awarding discretionary rate relief changed on the 1 April 2013, with the introduction of 50% business rate retention. Other than where Government has agreed to fund discretionary rate relief, the cost is split between the Government, billing authorities and major preceptors on a fixed percentage basis. For the City of Lincoln Council, 50% is borne by the Government, 40% by the billing authority and 10% by the County Council.

An analysis of the relief awarded by City of Lincoln Council is to be taken annually to the Revenues and Benefits Operational Board and Joint Committee and when requested, the Executive function of the Council.

Government has confirmed its intention to move forward with proposals that will result in 100% business rate retention although this does not include the power to set the level of rate payable. The Discretionary Rate Relief Policy will be reviewed

once further information is available on the Government's proposals.

5.2 Legal Implications including Procurement Rules

Any appeal against a billing authority's decision to refuse the award of discretionary rate relief would be by way of an application for judicial review in the High Court. In the first instance, it is advisable for any appeal against a decision of officers to refuse an application for discretionary rate relief to be considered by senior officers.

5.3 Land, property and accommodation

There are no direct implications arising from this report.

5.4 Human Resources

There are no direct implications arising from this report.

5.5 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required).

The equality implications have been considered within this report.

5.6 Significant Community Impact

There is no change in policy / strategy or the way the service is being delivered.

5.7 Corporate Health and Safety implications

There are no corporate Health and Safety implications.

6. **Risk Implications**

6.1 A Risk Register is in place for the Revenues and Benefits Shared Service.

7. **Recommendation**

7.1 Executive is asked to consider and comment on a new Discretionary Rate Relief Policy to take effect on 1 April 2018.

The draft policy is to be considered by Policy Scrutiny Committee on 16 January, and brought back to Executive on 22 January 2018 for a decision.

Is this a key decision?

Yes / ~~No~~

Do the exempt information categories apply?

~~Yes~~ / No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

~~Yes~~ / No

How many appendices does the report contain?

1

List of Background Papers:

None

Lead Officer:

Martin Walmsley, Head of Shared Revenues and Benefits

Telephone: 01522 873597

CITY OF LINCOLN COUNCIL
DISCRETIONARY RATE RELIEF POLICY

1. Introduction

- 1.1 The City of Lincoln Council recognises the importance of supporting local businesses and organisations to promote the provision of local facilities, economic growth, employment and investment to improve prosperity across the District and in particular, support the most disadvantaged communities.
- 1.2 Billing authorities have the power to exercise its discretion to grant relief to ratepayers that meet certain criteria. However, public funds are not unlimited, with a proportion of the costs for awarding relief invariably having to be borne by council taxpayers. In making decisions, the Council must be confident that money invested in this way will be repaid in economic and / or community benefit.
- 1.3 This document sets out the provisions for the award of mandatory and discretionary relief. Whilst a billing authority is under a statutory duty to award mandatory relief, the award of discretionary relief is at the discretion of the billing authority. The billing authority must adhere at all times to the legislation and any guidance issued by Government.

The Policy:-

- Provides the criteria for when making a decision.
 - Establishes a framework for considering applications in a timely and efficient manner.
 - Sets out the delegated authority for considering discretionary relief in certain circumstances.
 - Includes an appeals procedure for ratepayers who are aggrieved at a decision taken by officers.
 - Seeks to safeguard the interests of council taxpayers by ensuring that funds are used in the most effective and economic way.
- 1.4 In addition to mandatory and discretionary relief, there are a number of other reliefs available to a ratepayer. These can be summarised as follows:-
- Transitional Relief.
 - Small Business Relief.
 - Part-Occupied Relief.
 - Hardship Relief.

Further details of these reliefs can be found in **Appendix 1** to the Policy.

2. Mandatory relief

2.1 The provisions for awarding mandatory relief are set out in **Sections 43 to 46 Local Government Finance Act 1988**. Mandatory relief can be awarded under the following headings:-

- Charities and Kindred Organisations.
- Community Amateur Sport Clubs (CASC's).
- Rural Areas.

2.2 Further details of mandatory relief can be found in **Appendix 2** to the Policy.

3. Discretionary relief

3.1 Introduction

The provisions for awarding discretionary relief are set out in **Sections 47 and 48 Local Government Finance Act 1988** and the **Non-Domestic Rate (Discretionary Rate Relief) Regulations 1989 (S.I. 1989/1059)**. Discretionary relief can be awarded under the following headings:-

- Charities and Kindred Organisations.
- Community Amateur Sport Clubs (CASC's).
- Rural Areas.
- General.

A billing authority should have its own procedures on when to award discretionary relief and for how long it is to be awarded. These should be regularly reviewed and updated to take account of new legislation and policy changes within an authority.

When awarding discretionary relief, a billing authority is under a statutory duty to consider any guidance issued by the Secretary of State. The latest guidance can be found in **Appendix 3** to the Policy.

3.2 Scope

- Charities and Kindred Organisations

The conditions to be satisfied before a billing authority can consider awarding discretionary relief on an occupied hereditament are:-

- The ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes; or
- The hereditament is not an excepted hereditament, and all or part of it is occupied for the purposes of one or more institutions or other organisations; none of which are established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The hereditament is not an excepted hereditament, it is wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

An excepted hereditament (in respect of which discretionary relief cannot be given) is a hereditament, all or part of which is occupied (otherwise than as a trustee) by:-

- A billing authority;
- A precepting authority other than charter trustees; or
- A functional body, within the meaning of the **Greater London Authority Act 1999**.

Where, on the day concerned, the ratepayer is awarded discretionary relief in respect of an occupied hereditament, the amount of relief can be any sum up to (and including) 100%. The billing authority may therefore 'top up' any mandatory relief awarded (80%) whilst awarding relief up to (and including) 100% to any charity or kindred organisation not in receipt of mandatory relief.

If the hereditament is unoccupied and the ratepayer is a charity or trustees for a charity, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for charitable purposes (whether of that charity or of that and other charities). If mandatory relief is not applicable, discretionary relief up to (and including) 100% can be awarded, if it appears that when next in use, the hereditament will be wholly or mainly used for any of the purposes set out above.

- Community Amateur Sports Clubs (CASC's)

Discretionary relief can be awarded to a Community Amateur Sports Clubs (CASC) that is already in receipt of mandatory relief. Where, on the day concerned, the CASC is awarded discretionary relief in respect of an occupied hereditament, the local authority may therefore 'top up' any mandatory relief awarded (80%). If the CASC is not registered (and thereby not in receipt of mandatory relief), up to (and including) 100% relief can be awarded.

If the hereditament is unoccupied and the ratepayer is a registered CASC, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for the purposes of a registered CASC. If mandatory relief is not applicable, discretionary relief up to 100% can be awarded, if it appears that when next in use, the hereditament will be wholly or mainly used for the prescribed purposes.

- Rural Areas

Discretionary relief may be awarded in such circumstances where the rateable value of the hereditament does not exceed a prescribed rateable value. The amount currently prescribed for England is £16,500.

Where, on the day concerned, the ratepayer is awarded discretionary relief in respect of an occupied hereditament, the amount of relief can be any sum up to (and including) 100%. The billing authority may therefore 'top up' any mandatory relief awarded (50%) whilst awarding relief up to (and including) 100% to any ratepayer not in receipt of mandatory relief.

- General Discretion

Since 1 April 2012, a billing authority can reduce the non-domestic rate by up to (and including) 100% for any ratepayer. The extension of the provisions from the 1 April 2012 had no impact on ratepayers who met the criteria that existed prior to the 1 April 2012. They are still entitled to apply for discretionary relief under the previous criteria and should be considered accordingly.

One significant difference to the extension of discretionary relief from 1 April 2012 is that for those ratepayers who were previously not entitled to discretionary relief, relief can only be granted if the billing authority is satisfied that it would be reasonable to do so, having regard to the interests of its council tax payers.

Since entitlement to relief was extended on the 1 April 2012, the Government has made increasing use of the provisions by encouraging billing authorities to award discretionary relief in the knowledge it will be fully funded, if they did so. Such measures have included relief for:-

- Flooding.
- Re-occupation of long-term empty properties.
- New build properties.
- Rural areas.
- Local newspapers.

In the Spring Budget on 8 March 2017, the Chancellor announced three specific measures to assist ratepayers that experienced increases in their rate liability following the revaluation. All three measures were again fully funded. They were:-

- Supporting Small Businesses Relief Scheme.
- Support for Pubs Scheme.
- Discretionary Relief Scheme

3.3 Period of Relief

If discretionary relief is awarded by the billing authority, the effective date of any entitlement can be backdated to the beginning of the financial year (i.e. 1 April) in which the determination is made (subject to the relevant conditions being satisfied) if that determination was made after the 30 September. Should the determination be made before the 1 October, the effective date can be backdated to the 1 April in the previous year (subject to the relevant conditions being satisfied).

The period in which relief is awarded is at the discretion of the billing authority. In practice, many billing authorities award relief for a fixed period (say up to the end of the financial year in which the determination is made) and a new decision is taken in advance of annual billing on whether to extend relief for a period of 12 months.

3.4 Decision Making Process

As the effective date of any relief is determined by when a billing authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis, in line with agreed criteria.

3.5 State Aid

The award of discretionary relief amounts to state aid. Legislation provides that an undertaking is entitled to receive up to €200,000 of de minimis state aid in a three year period (consisting of the current financial year and the two previous financial years). As a result, a billing authority must establish if the award of discretionary relief would exceed the €200,000 of de minimis aid for any undertaking. This is achieved by requesting potential recipients of any relief to sign a declaration, stating the award of any relief would not exceed the state aid limit.

3.6 Financial Implications

The cost of awarding discretionary rate relief changed on the 1 April 2013, with the introduction of 50% business rate retention. Other than where Government has agreed to fund the award of discretionary relief, the cost is currently split between the Government, billing authorities and major preceptors on a fixed percentage basis. For the City of Lincoln Council, 50% is borne by the Government, 40% by the billing authority and 10% by the County Council.

4. Guidelines for Awarding Relief

4.1 Types of Relief

- Charities and Kindred Organisations, Community Amateur Sports Clubs (CASC's) and Rural Areas

The criteria for awarding relief at the City of Lincoln Council is set out in **Appendix 4** to the report. This places an emphasis on the following:-

- Contribution the organisation makes to the area.
- Extent the facilities provided are open to all members of the community and what charges (if any) are made to use the facilities.
- How an organisation actively encourages membership from groups of people such as the young, elderly, etc. who are in particular need or support.
- Are the facilities available to people other than members (i.e. schools, casual public sessions etc.)?
- Types of facilities provided and means by which they have been provided (i.e. voluntary contribution, grant aid, lottery support etc.).
- Whether the organisation is affiliated to local or national bodies.
- Do the facilities include commercial activities (i.e. a licensed bar) and to what extent are these being used compared to other facilities available.

The criteria is intended to ensure relief would not normally be given to organisations providing facilities in direct competition with the Council and / or where there is not a demonstrable under-provision of the facilities in the district.

As there is no restriction on the amount of discretionary relief that can be awarded, a ratepayer can receive the maximum amount of relief in line with the current criteria. This Policy provides for no cap on the amount of relief awarded to any one organisation or on any one hereditament.

- Rural Areas

There are currently no designated rural areas in the District. Should the situation change, officers would draft a criteria for awarding discretionary relief that can then be taken to the Executive function of the Council for approval.

- General

There is the power to award discretionary relief to any ratepayer if the billing authority is satisfied that it would be reasonable to do so, having regard to the interests of its council tax payers. Where an application is received or officers take the view that discretionary relief should be awarded, the advice of the Chief Financial Officer should be taken in the first instance.

Should the Government announce a measure that is to be funded (in all or in part), a briefing note will initially be prepared for the Chief Financial Officer. This will set out details of the measure, the criteria for awarding relief and the action required of the billing authority (i.e. a requirement to consult). The action taken to award relief will then be reported to the next meeting of both the Operational Board and Joint Committee and if applicable, the Executive function of the Council.

4.2 Administration

Officers have delegated authority to award relief in accordance with this Policy. Relief is awarded for a fixed period (i.e. for a period ending on 31 March in any one year) which ensures the Council is not faced with having to give notice, should it look to reduce or withdraw relief in a subsequent year.

The award of discretionary relief (as with the award of all reliefs that are at the discretion of the billing authority) will be subject to receipt of an application form. This includes a declaration from the applicant that any relief awarded will not exceed the state aid limit and that the Council will be informed of any subsequent changes that may impact on the amount of relief awarded.

All applications will be acknowledged within 7 days of receipt and a decision taken on whether to award relief within 28 days of receiving all the required information. Where necessary, further information will be sought by the Council. Once an organisation is in receipt of relief, a review will be conducted at least once every 2 years to ensure ongoing entitlement to relief can be established.

A stand-alone report on Non-Domestic Rate is taken to meetings of the Revenues and Benefits Operational Board and Joint Committee when requested. This report will include details of the discretionary relief awarded in any one year. It will also include details of any new measures introduced by Government to fund the award of discretionary relief.

4.3 Appeals

A ratepayer will be advised that if they are aggrieved at a decision taken by officers, they have 14 days in which to lodge an appeal. An appeal against a decision of officers to refuse an application for discretionary relief will be considered by a panel of two senior officers; one of whom should be the chief financial officer. The Appeal Panel will consider any written submissions put forward by the ratepayer. It will be at the discretion of the Appeal Panel on whether the ratepayer is invited to attend.

There is no further right of appeal to members against a decision of the Appeal Panel. An appeal against a billing authority's decision to refuse the award of discretionary relief would then be by way of an application for judicial review in the High Court. At all times, the non-domestic rate remains due and payable.

5. Enquiries

All enquiries on the Discretionary Rate Relief Policy should be made to the Revenues Team by e-mail at revenues@lincoln.gov.uk or by telephone to 01522 873342.

MISCELLANEOUS RELIEFS

Transitional Relief

The provisions for awarding transitional relief are set out in **Schedule 7A Local Government Finance Act 1988** and associated Statutory Instruments.

A billing authority is under a statutory duty to award transitional relief (subject to certain conditions being satisfied) if a ratepayer experiences an increase in the rate payable on their assessment following a revaluation. The amount and duration of relief is prescribed in legislation. Those who experience a reduction in the rate payable following a revaluation may have this reduction phased in; the principle being that the transitional relief scheme is to be self-funding.

There are procedure notes in place for staff when administering transitional relief.

Small Business Relief

The provisions for awarding small business relief are set out in **Sections 43 and 44 Local Government Finance Act 1988** and associated Statutory Instruments.

A billing authority is under a statutory duty to award small business relief (subject to certain conditions being satisfied) if a ratepayer occupies a hereditament that has a rateable value below a prescribed sum. The amount and duration of relief is prescribed in legislation. It should be noted that if the ratepayer is entitled to mandatory relief (i.e. they are a charity, Community Amateur Sports Club (CASC) or located in a rural area), they would then not qualify for small business relief.

There are procedure notes in place for staff when administering small business relief.

Part-Occupied Relief

The provisions for awarding part-occupied relief are set out in **Section 44A Local Government Finance Act 1988** and associated Statutory Instruments.

A billing authority is entitled to award part-occupied relief when a hereditament is part-occupied for a 'short-time only'. There is no definition of a 'short-time' and it is open to the billing authority as to whether relief should be awarded. There would be a full charge on both the occupied and unoccupied areas although a 3 month (or 6 month if industrial) exemption would initially apply to the unoccupied area.

There are procedure notes in place for staff when administering part-occupied relief.

Hardship Relief

The provisions for awarding hardship relief are set out in **Section 49 Local Government Finance Act 1988** and associated Statutory Instruments.

A billing authority is entitled to reduce or remit the non-domestic rate on the grounds of hardship if it is satisfied:-

- The ratepayer would sustain hardship if the authority did not do so; and
- It is reasonable for the authority to do so, having regard to the interests of persons subject to its local authority tax.

There are procedure notes in place for staff when administering part-occupied relief.

MANDATORY RELIEF

Scope

Charities & Kindred Organisations

Where, on the day concerned, the ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes (whether of that charity or of that and other charities), the amount of relief to be awarded is 80%. Therefore, the ratepayer would be required to pay 20%. However, the charity or kindred organisation would be entitled to apply to the billing authority for discretionary relief.

If the hereditament is unoccupied and the ratepayer is a charity or trustees for a charity, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for charitable purposes (whether of that charity or of that and other charities).

A charity is described as being '*an institution or other organisation established for charitable purposes only, or any persons administering a trust established for charitable purposes only*'. The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners. Entry in the register is conclusive evidence that an organisation is a charity, and is proof for all purposes except challenge of that registration.

The absence of an entry in the register does not necessarily mean that the organisation concerned is not a charity, since it may be excluded from the requirement to register. These 'excepted charities' include:-

- The Church Commissioners and any institution administered by them.
- Any registered society.
- Units of the Boy Scouts Association or the Girl Guides Association (except for funds producing more than £15 per year).
- Voluntary schools having no permanent endowment other than the school premises.

Where there is no registration of an organisation, or it is not excepted from registration, the determination of charitable status may present some difficulty. The principles of charitable status have been set out in case law where it has been established a charity, in its legal sense, comprises four principal divisions:-

- Trusts for the relief of poverty.
- Trusts for the advancement of religion.
- Trusts for the advancement of education.
- Trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.

The provisions are extended in terms of charity shops. The hereditament is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.

To determine whether the charity shop is 'wholly or mainly' selling donated goods, appropriate officers will undertake regular formal / recorded inspections to identify if they meet and continue to meet the criteria for 80% mandatory rate relief, using the percentage of floor space utilised as the qualifying criteria for 'wholly or mainly' (i.e. 'more than half').

Community Amateur Sports Clubs

A registered community amateur sports club (CASC) is entitled to mandatory relief at the same level as charities and kindred organisations. This includes being able to apply for discretionary relief. A CASC is defined in the **Finance Act 1988** and registration forms are available from the Inland Revenue website. A CASC is deemed to be registered from a time beginning with its effective registration (even if retrospective), and ending on the effective date of termination of a registration.

The relief will operate alongside discretionary relief which is available to a CASC that has not been registered with the Inland Revenue as a CASC. As with a charity or kindred organisation, where the hereditament is unoccupied and the ratepayer is a CASC, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used as a CASC.

Rural Areas

A scheme to help certain kinds of hereditaments situated in rural settlements was introduced on the 1 April 1998. A billing authority is required to compile and maintain a 'rural settlement list', which is to identify any settlements which:-

- Are wholly or partly within the authority's area.
- Appear to have a population of not more than 3,000 on 31 December immediately before the chargeable financial year in question.
- Are, in that financial year, wholly or partly within an area designated for the purpose (Note: with effect from 31 December 2001, the designated areas in England are all of those outside the specified urban areas).

A billing authority is not required to compile a rural settlement list in respect of any chargeable financial year if there is no such settlement complying with the above conditions in the area for that year.

Mandatory relief applies to a qualifying hereditament which is within a settlement identified in an authority's rural settlement list for the chargeable financial year where its rateable value is not, at the beginning of the year in question, more than a relevant prescribed amount. The current rateable value limits are as follows:-

- £8,500: Qualifying general stores and post offices.
- £8,500: Qualifying food shops.
- £12,500: Qualifying public houses and petrol filling stations.

The key definitions for the above types of hereditament to qualify for relief are as follows:-

- Qualifying General Store

A hereditament, or part of a hereditament, is used as a 'qualifying general store' on any day in a chargeable financial year if:-

- A trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding confectionary) and general household goods is carried on there; and
- Such a trade or business is not carried on in any other hereditament, or part of a hereditament, in the settlement concerned.

- Qualifying Post Office

A hereditament, or part of a hereditament, is used as a 'qualifying post office' on any chargeable day in a financial year if:-

- It is used for the purposes of the post office; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

- Qualifying Food Shop

A hereditament, or part of a hereditament, is used as a 'qualifying food shop' on any chargeable day in a financial year if a trade or business consisting wholly or mainly of the sale by retail of food for human consumption (excluding confectionary and excluding the supply of food in the course of catering) is carried on there.

- Qualifying Public House

A hereditament, or part of a hereditament, is used as a 'qualifying public house' if on any chargeable day in a financial year:-

- It is used as a public house which is defined as being premises for which a justices on-licence is in force; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

- Qualifying Petrol Filling Station

A hereditament, or part of a hereditament, is used as a 'qualifying petrol filling station' if on any chargeable day in a financial year:-

- It is used as a petrol filling station which is defined as being premises from where petrol or other automotive fuels are sold retail to the general public for fuelling motor vehicles intended or adapted for use on roads; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

Where, on the day concerned, the ratepayer would satisfy any of the above conditions, the amount of relief to be awarded is 50%. Therefore, the ratepayer would be required to pay 50%. However, the ratepayer would be entitled to apply to the billing authority for discretionary relief. As the relief is only awarded if a hereditament is occupied, no relief is applicable if the hereditament is unoccupied.

Period of Relief

If relief is awarded by the billing authority, the effective date will be backdated to when the ratepayer first met the prescribed criteria. The relief will continue until a ratepayer no longer fulfils the prescribed criteria although it is prudent for a billing authority to review relief at regular intervals.

Decision Making Process

All decisions on the award of mandatory relief to a ratepayer will be taken by officers. There is no involvement from members in the decision making process.

Appeals

Any appeal against a billing authority's decision not to award mandatory relief can represent a challenge to its application for a liability order in the Magistrate's Court.

GUIDANCE NOTE

Introduction

The Department of the Environment and the Welsh Office issued a joint Practice Note in August 1990 to give guidance to authorities in England and Wales as to the criteria which they should take into consideration in the exercise of the discretion to grant rate relief. The note says that the criteria are not intended as a rigid set of rules and that it is for each authority to judge whether they are applicable in each case and what weight should be attached to them.

This Practice Note has now been supplemented by guidance issued by the Office of the Deputy Prime Minister ('Guidance on rate reliefs for charities and other non-profit making organisations) in December 2002, which particularly focuses on the situation of sports clubs. The section of the guidance note concerning sports clubs is, accordingly, reproduced below.

Practitioners should also take particular note of the advice contained in the guidance relating to circumstances where rate relief may count as 'state aid'. This is set out in the guidelines.

Advice

The Practice Note recommends that:-

- a) Authorities will wish to have readily understood policies for deciding whether or not to grant relief, and for determining the amount of relief. They should not, however, adopt a guidelines or a rule which allows a case to be disposed of without any consideration as to its individual merits. Any criteria by which the individual case is judged should be made public to help interested individuals and bodies.
- b) Although there is no statutory requirement for organisations to submit applications for relief, thus not precluding authorities from taking an initiative to grant relief if it so wished, authorities should encourage organisations to give details of all the matters they wish to be taken into account, and to provide any other relevant information such as audited accounts, constitution, membership details etc.
- c) Authorities should consider notifying organisations of the reasons why relief has not been granted so that they can take steps to conform to the criteria which the authority has adopted.

Criteria

The criteria contained in the Practice Note is described only as 'examples which might be adopted', and reads as follows:-

a) Access

Is membership open to all sections of the community?

- There may be legitimate restrictions placed on membership which relate (i.e. to ability in a sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited). Clubs or organisations should not be considered if they have membership rates set at such a high level as to exclude the general community. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principles of open access.
- Does the organisation actively encourage membership from particular groups in the community, for example young people, women, older age groups, persons with a disability, ethnic minorities etc.? An organisation which encouraged such membership might expect more sympathetic consideration than one which made no effort to attract members from groups which the authority considered to be particularly deserving of support.
- Are the facilities made available to people other than members (e.g. schools, casual public sessions etc.)? The wider use of facilities should be encouraged, and rate relief might be one form of recognition that an organisation was promoting its facilities more widely.

b) Provision of facilities

- Does the organisation provide training or education for its members? Are there schemes for particular groups to develop their skills (i.e. young people, the disabled, retired people)? An organisation providing such facilities might deserve more support than one which did not.
- Have the facilities available been provided by self-help or grant aid? The fact that a club uses or has used self-help for construction or maintenance or had facilities funded by grant aid might be an indicator that they were more deserving of relief.

- Does the organisation run a bar? The mere existence of a bar should not in itself be a reason for not granting relief. The authority should look at the main purpose of the organisation. In sports clubs, for example, the balance between playing and non-playing members might provide a useful guide as to whether the main purpose of the club is sporting or social activities. A social club whose main aim is to bring together people with similar interests should not be excluded from relief just because of the existence of a licensed bar.
- Does the organisation provide facilities which indirectly relieve the authority of the need to do so, or enhance and supplement those which it does provide? Authorities should not refuse relief on the grounds that an organisation is in competition with the authority itself, but should look at the broader context of the needs of the community as a whole. Provision of facilities to meet a new need, not being provided by the authority itself but identified as a priority for action, might be particularly deserving of support.

c) Other considerations

- Is the organisation affiliated to local or national organisations (i.e. local sports or arts organisations, local authorities and national representative bodies) and are they actively involved in local / national development of their interests?
- Is the membership drawn from people mainly resident in the charging authority's area? Although authorities will have in mind that 40% of the cost of any relief given will be borne by charge payers in their area, particular difficulties may arise with hereditaments which straddle local authorities' boundaries and which fall to be shown in one list. In these cases and in those where hereditaments are situated close to an authority's boundary, a proportion of the membership may come from another authority's area. Also, for geographical reasons, or because of the nature of the terrain, particular facilities may be the only ones available for a wide area. In such case, the joint use of facilities by one or more similar organisations is not uncommon. In most cases there will be a measure of reciprocity between the memberships of organisations from different areas.
- Authorities may wish to add further criteria or substitute relevant criteria which are appropriate to the furthering of their policies and the needs of the community, such as development programmes. They should also bear in mind the need to encourage new activities in the wide range of organisations for which relief from rates is available.

State Aid

The issue of some rating reliefs being considered as qualifying as 'state aid' is now of some significance and is briefly explained in the guidance note issued by the Office of the Deputy Prime Minister in December 2002. This document, which is prefaced by the comment that it *"should not be taken as exhaustive guide to the complex rules and case of EU state aid"*, is reproduced below, for information.

European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. Billing authorities should bear this in mind when granting discretionary rate reliefs.

Empty property and transitional reliefs are regarded as part of the determination of liability, applied equally to all ratepayers, and so are not considered to be state aid.

Rate relief for charities and non-profit making bodies is not normally considered to be state aid because the recipients are usually not in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid, and the rules set out below will apply.

Hardship relief can also constitute state aid, as can relief under the village shop and farm diversification schemes. In practice, however, aid to village shops, most local 'commercial' charities and other small-scale local service organisations (e.g. B&Bs, small retailers, child-care facilities etc.) will not be caught by the state aid rules as long as they are independent family-owned businesses, because they are deemed incapable of affecting intra-Community trade. Any manufacturing operation, on the other hand, however small-scale, is normally deemed to be capable of affecting intra-Community trade, so rate relief for butchers and farmers for example, producing cheese, sausages, cider and other foodstuffs, would be state aid.

There are also general exceptions from the state aid rules where the aid is below a 'de minimis' level. This is 200,000 Euros, or 100,000 Euros for the road transport sector, to any one business over three years (**Article 2 EC 1998/2006**). The de minimis level applies to all de minimis aid received, including other Government subsidies or grants, in addition to any rate relief. There are also specific exemptions to the de minimis threshold and regard should be had to the current EC regulation.

The guidance note goes on to say that where relief does constitute state aid, it may need legal clearance from the European Commission. Authorities that are considering granting any hardship relief, charity relief or farm diversification relief which would be caught by the state aid rules and would bring total aid to the business concerned above the de minimis level, or granting any amount to businesses in the excluded sectors are advised to contact the Office of the Deputy Prime Minister, which will, if necessary, seek clearance from the European Commission. If Commission clearance is needed, it goes on; the relief should not be paid until clearance has been granted.

The guidance note, further, offers advice to authorities on questions relating to state aid, this being available from the State Aid Branch of the Department of Trade and Industry.

It has also been found that a valuation methodology that favours one ratepayer against another in a similar class can be held to be State Aid.

APPENDIX 4

CRITERIA FOR AWARDING DISCRETIONARY RELIEF

Questions		Scoring	
1.	Are the premises used solely for administrative purposes (e.g. office accommodation)?	Yes	Refused
2.	Is the property a shop?	Yes	Refused
3.	Is the membership open to everyone?	Yes No	2 points 1 point
4.	Is there a waiting list for membership?	Yes No	0 points 2 point
5.	How much is the membership fee per annum?	Under £30.00 pa Over £30.00 pa	1 point 0 points
6.	Are the facilities made available for non-members such as Schools or public sessions?	Yes No	1 point 0 points
7.	Are the facilities made available for non-members such as Schools or public sessions?	No fee With a fee	1 point 0 points
8.	Are the facilities aimed at a particular group?	Yes No	1 point 0 points
9.	Are the facilities well-advertised?	Yes No	1 point 0 points
10.	Are the facilities educational / training / sporting?	Yes No	2 points 0 points

11.	Is the organisation the only one in the area?	Yes No	1 point 0 points
12.	Are there licensed facilities on site?	Yes No	0 points 4 points
13.	Is the membership predominantly from the City boundary?	Yes No	0 points 1 point
14	Does the organisation receive additional, grants, funding from private companies, commercial suppliers, local authority etc.? (Note: If yes, details required).	Yes No	0 points 1 point

Score	Relief Awarded	
	Top-up on charities receiving of 80% mandatory relief (%)	Not-for-profit organisations not receiving 80% mandatory relief (%)
10 (or under)	0	0
11	10	50
12	12	60
13	14	70
14	16	80
15	17	85
16	18	90
17	19	95
18 (or over)	20	100

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EXECUTIVE

8 JANUARY 2018

SUBJECT: LOCALISED COUNCIL TAX SUPPORT – 2018/19

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

**LEAD OFFICER: CLAIRE MOSES, REVENUES AND BENEFITS MANAGER
(SHARED SERVICE)**

1. Purpose of Report

- 1.1 For Executive to review consultation responses and consider City of Lincoln Councils' proposed Localised Council Tax Support Scheme (CTS) for 2018/19.
- 1.2 For Executive to review consultation responses and consider the approval to increase the Exceptional Hardship fund for 2018/19 to £20,000.

2. Background

- 2.1 The Council Tax Benefit system was abolished on 31st March 2013 and replaced by the Council Tax Support Scheme. This scheme can be determined locally by the Billing Authority having had due consultation with precepting authorities, key stakeholders and residents. As at 30 November 2017, there are 8,923 residents claiming Council Tax Support in the Lincoln District. 3,177 are pensioners who are protected under the legislation and receive Council Tax Support as prescribed by the Government (broadly similar to the level of the former nationally-regulated Council Tax Benefit scheme). It is the 5,746 working age claimants where a local scheme can be determined which can change the level of support provided
- 2.2 The Council must consider whether to revise or replace its Council Tax Support scheme each financial year. As such it is necessary for Executive to consider whether the scheme requires reviewing for the 2018/19 financial year.
- 2.3 At the same time as introducing the Council Tax Support Scheme the Government also introduced a range of technical changes to the system of discounts and exemptions relating to Council Tax giving local authorities the ability to raise additional revenue dependent on whether they adopted the discounts and exemptions and to what level.
- 2.4 The current Council Tax Support scheme and Technical Amendments adopted for City of Lincoln are as follows: -

Council Tax Support

- Backdating restricted to 1 month;
- Restricted Council Tax to Band B;
- Inclusion of temporary absence from home rule (4 weeks);
- Maximum capital allowance of £10,000; and
- Minimum CTS award of up to £2 per week

Technical Amendments

- Any property empty (unoccupied and unfurnished) for less than two months will be granted 50% discount each month;
- If a property is empty (unoccupied and unfurnished) after two months, a full charge applies;
- If a property remains empty (unoccupied and unfurnished) for more than two years, an additional levy of 50% will be charged – making the total charge 150% (this is from the date the property first became empty);
- Occupation of a property for less than six weeks is not counted as a break in the empty period;
- The discount on furnished properties which are no-one's sole or main residence (second home) is 0%.

3. 2017/18 Council Tax Support Scheme

- 3.1 The financial year 2017/18 is the fifth year of operating the Council Tax Support scheme with City of Lincoln's criteria. Last year was the first year City of Lincoln changed their scheme, as set out above.
- 3.2 When considering the scheme for 2018/19, it is important to take into account the impact the 2017/18 scheme changes have had on residents. Officers advise that some residents have been adversely affected by the changes, with some impacts being more than expected when modelling was undertaken. This is due to other factors which were unknown to the council at the time of modelling. Provision of a higher amount Exceptional Hardship Fund (EHP) would have helped to mitigate these issues.
- 3.3 As a result of such cases, the Exceptional Hardship fund has been spent within Quarter 1. The 2017/18 Council Tax Support scheme was approved by Council on 10 January 2017, along with an Exceptional Hardship Scheme with a budget of £10,000 for the year 2017/18. As a result of successful EHP applications received, the full £10,000 had been allocated. In order to continue to provide support to customers during 2017/18, Officers are able to consider applications using payments under Section 13A Local Government Finance Act 2012. This is not a funded award, but reduces the liability of customers.

Exceptional Hardship Payments (EHP) assist persons who have applied for Council Tax Support and who are facing 'exceptional hardship' – it is similar to the Discretionary Housing Payment scheme for Housing Benefit shortfalls. EHP provides a further financial contribution where an applicant is in receipt of Council Tax Support but the level of support being paid by the Council does not meet their full Council Tax liability.

- 3.4 The council is required to provide financial assistance to the most vulnerable residents, who have been disproportionately affected by the changes made in 2017 to

the Council Tax Support Scheme. Since April 2013, the Council agreed to introduce an Exceptional Hardship scheme each year, in order to provide a safety net for customers, in receipt of Council Tax Support who were experiencing difficulty paying their council tax.

- 3.5 As part of the consultation process, City of Lincoln has proposed to increase the EHP from £10,000 to £20,000 for 2018/19. If the scheme for 2018/19 takes into consideration the impact on vulnerable customers, any increase in costs will be shared between City of Lincoln and major preceptors as this is funded through the collection fund.

4. Reviewing the Council Tax Support scheme

- 4.1 The financial year 2017/18 is the first year of operating the Council Tax Support scheme where changes have been made to the scheme (other than changes relating to amendments in, for example, Housing Benefit legislation, upratings etc). Prior to this, for four years, City of Lincoln's criteria was aligned to the former Council Tax Benefit scheme, so working age claimants did not have their level of support reduced.
- 4.2 The proposed CTS scheme must go through certain steps to comply with the provisions stated in the Local Government Finance Act 2012 before it can be adopted by this Council as a Billing Authority:-

Before making a scheme, the authority must (in the following order):-

- (a) consult any major precepting authority which has power to issue a precept to it,*
 - (b) publish a draft scheme in such manner as it thinks fit, and*
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme*
- 4.3 Throughout 2017/18, claimant caseload has continued to reduce. It is expected to reduce due to national work incentives being rolled out through the Jobcentre Plus, implementation of Full Service Universal Credit in March 2018 and as economic recovery picks up and employment/incomes increase.

Caseload has decreased from 9,194 in April 2017 to 8,923 at 30 November 2017.

In terms of future caseload the Office of Budget Responsibility (OBR) had previously forecasted that claimant numbers would continue to reduce until 2017 but were then likely to plateau out and that the reduction in numbers would not be as significant as experienced during the period of the last Parliament. The anticipation of this reduction was based on national work incentives being rolled out through the Jobcentre Plus, continued implementation of Universal Credit and the recovery of the economy and impact on income levels. In addition there a number of initiatives and reviews being undertaken across the whole caseload which is reducing/removing entitlement (this includes Fraud and Error work, National real time data from HMRC, earnings, and self-employed reviews) which contribute to a reduction in caseload. Since the OBR forecasts were made the EU Referendum has taken place with the resulting level of uncertainty around the impact on the economy. This has the potential to impact on the

claimant caseload although it is unlikely to do so in the initial years.

Officers have factored in a 2% caseload decrease, in the modelling.

4.4 The table below show the caseload changes from 1 April 2013

Table 1:

	Total Caseload	Pension Caseload	Working Age caseload
Apr-13	11018	4077	6941
Jul-13	10947	4036	6911
Oct-13	10829	3996	6833
Jan-14	10765	3935	6830
Apr-14	10603	3889	6714
Jul-14	10378	3827	6551
Oct-14	10171	3781	6390
Jan-15	10124	3724	6400
Apr-15	10108	3679	6429
Jul-15	10048	3644	6404
Apr-16	9581	3463	6118
Jul-16	9500	3417	6083
Apr-17	9194	3275	5919
Jun-17	9160	3243	5917
Oct-17	8964	3189	5775
Nov-17	8923	3177	5746

4.5 The current cost of the 2017/18 scheme is £7,437,599 (as at 30 November 2017) compared to the budgeted cost of £7,471,020. This is a decrease of £33,421 – with City of Lincoln's share being £5,347. Whilst caseload has decreased, in modelling the 2017/18 scheme, a Council Tax increase of 0% was modelled.

5. Scheme Options for 2018-19

- 5.1 Every Billing Authority must consider whether it will revise its Council Tax Support scheme by 31st January every year and allow for a period of consultation with its major preceptors and other stakeholders before it is approved by full Council as required by the Local Government Finance Act 2012. A CTS scheme cannot be changed mid-financial year.
- 5.2 As a billing Authority the Council could decide not to amend core elements of the current scheme and continue with the scheme as set out in paragraph 2.4 above. However the Council could, in light of current financial circumstances, propose a number of changes to both the core scheme and the technical adjustments.
- 5.3 In August 2017, in order to inform the proposed changes for the consultation process, various scenarios were modelled taking into account a number of different changes to the current scheme, such as current Council Tax and caseload levels, and an increase in Council Tax and decrease in caseload. These scenarios have since been remodeled

based on the caseload as at 20 December 2017.

5.4 The options that have been modelled are as follows. These are set out in **Appendix 1**, giving an indication of the potential cost and savings to City of Lincoln, and major preceptors. Along with the potential value for non-collection (based on 2016/17 outturn) and number of claimants affected by the change: -

- Option 1: No change to the current scheme
- Option 2: Current scheme with protection for vulnerable customers (pensioners are already protected) – these include where a member of the household is: -
 - In receipt of War Pension or War Widows Pension;
 - In receipt of a Disability Premium (inclusive of enhanced and severe disability premiums);
 - A child and qualifies for a disabled child premium;
 - In receipt of a qualification for disabled earnings disregard;
 - In receipt of a qualification for a carer premium / underlying entitlement to carers allowance
 - In receipt of Employment Support Allowances (all types)
- Option 3: Protection for vulnerable customers and restrict Young Persons Allowance to 2 dependants in line with child tax credit – an additional allowance is given to any dependant in the household. From 1 May 2016, the Government made a number of changes to benefits and tax credits for people with children, and this was one of those changes. For Council Tax Support, it was for the Local Authority to decide whether the allowance would be restricted;
- Option 4: Protection for vulnerable customers and abolish Family Premium - the family premium is an additional amount which can be added to a households' applicable amount – essentially increasing the amount of Council Tax Support which can be awarded. From 1 May 2016, the Government made a number of changes to benefits and tax credits for people with children, and this was one of those changes. For Council Tax Support, it was for the Local Authority to decide whether the premium would be removed;
- Option 5 and 6: Restrict maximum entitlement to 95% or 90% - meaning all but exempted claimants pay a minimum of 5% or 10% towards Council Tax. Currently there is no restriction and 100% is awarded.

None of these options are mutually exclusive and it is possible to select a number of proposals in order to develop the final scheme.

5.5 In developing the modelling for each of the options a number of assumptions have been made, as follows:

- Uprating Freeze for social security benefits, including Housing Benefit for 4 years.
- 1.9% increase in Council Tax. As the Council and major preceptors are likely to set differing levels of Council Tax increases it creates a variety of modelling

scenarios. An increase of 1.9% has therefore been assumed with the comparable budget figure for 2018/19 also assuming a 1.9% increase. The final cost of the scheme will though be increased by the level of Council Tax increases applied.

- 2% reduction in caseload for 2018/19.
 - Collection Rate of 98.75%. The current Council Tax base is calculated on this collection rate which takes into account in year collection and collection of arrears. For 2018/19 it is proposed that the collection rate, based on current collection, is maintained at 98.75%. Although the proposed changes will require some taxpayers who have not previously paid Council Tax to now be liable for an element of their Council Tax, the number of customers affected and the value of those impacts are not considered to have a significant impact on the overall collection rate. Modelling therefore assumes a collection rate of 98.75%.
- 5.6 As a billing authority the Council could decide not to amend core elements of the current scheme. The current cost of the scheme for 2017/18 is now lower than the predicted cost outlined in the Taxbase calculation which was undertaken in December 2016.
- 5.7 There were significant changes announced within the Welfare Reform and Work Bill 2015/16. A number of these changes were included in the 2017/18 scheme, however, the decision was taken by Members not to protect certain vulnerable customers.
- 5.8 There will be some technical changes that will still need to be applied to ensure that the Council's scheme complies with the Prescribed Scheme Regulations (covering Universal Credit, premiums and discounts). These details are still awaited from the Department for Communities and Local Government (DCLG).
- 5.9 Technical amendments to the scheme in relation to uprating income, applicable amounts, disregards and allowances are to be collated once statutory details have been released by the Secretary of State; it is intended that these will be circulated to Members for consideration at the Executive meeting of 8 January 2018. There will be no change to the adopted policy in the way CTS is calculated for these areas.
- 5.10 In relation to the last point above, it should be made clear to Executive that by making changes to the current scheme then there will be households that do not currently pay Council Tax that will become liable under a new scheme. The collection of such amounts may prove problematic, may increase the work of the Recovery Team and could ultimately prove uneconomic to pursue. **Appendix 1** provides an estimate, where relevant of the level of Council Tax that would be charged where currently no charge is made.

6. National Council Tax Support Schemes

- 6.1 In order to provide Executive with some context of what the other 326 Councils that administer Council Tax Support in England include as part of their CTS schemes, the following information gives an overview of the schemes in operation: -

- 264 Councils have introduced a ‘minimum payment’ which requires everyone to pay at least some council tax regardless of income. A minimum payment can be administered in a range of ways. Most local authorities with a minimum payment require all residents to pay a proportion of their council tax, and they are only entitled to Council Tax Support for the remaining share. **In the 6 options modelled for 2018/19, officers have considered this scheme. Under options 5 and 6, a resident must pay 5% or 10% of their council tax liability but can apply for Council Tax Support to help pay for the remaining 95% or 90%.**
- 100 Councils have introduced a band cap which involves limiting the amount of support granted in higher banded properties. The most common band cap applied is D. **City of Lincoln has included a cap at Band B in its scheme since 1 April 2017.**
- 98 Councils have lowered the maximum savings limit (the savings limit over which one is no longer eligible for Support). Most of these have reduced the threshold from £16,000 to £6,000. **City of Lincoln has a maximum savings limit of £10,000 in its scheme from 1 April 2017.**
- 58 Councils have introduced a minimum CTS entitlement. This would result in claimants entitled to less than the ‘minimum CTS entitlement’ would receive no support. **City of Lincoln has a minimum entitlement of £2 per week in its scheme from 1 April 2017.**
- 25 Councils have not made any changes to the scheme.
- Some Councils have introduced more than one of the above measures.
- Councils have also been able to bring Council Tax Support schemes in line with Housing Benefit and Universal Credit legislation. One of the ways in which this has been achieved is to remove the family premium. The family premium is an additional amount which can be added to a households applicable amount – essentially increasing the amount of Council Tax Support which can be awarded. From 1 May 2016, the Government made a number of changes to benefits and tax credits for people with children, and this was one of those changes. For Council Tax Support, it was for the Local Authority to decide whether the premium would be removed. Officers have modelled for a number of these changes to be taken into consideration for 2018/19.

Further information can be found on the 326 schemes at <http://www.counciltaxsupport.org/schemes/>

7. Key Findings from Consultation

7.1 Based on the modelling undertaken in August 2017, the Executive at its meeting on 25 September 2017 agreed to consult on the following changes to the Scheme: -

- Restriction of young person’s allowance to 2 dependent children
- Abolish Family Premium

- Reduce maximum entitlement to either 95% or 90%
 - Protection for vulnerable households
 - Continuation of the Exceptional Hardship Fund.
- 7.2 A formal consultation was held from 2 October 2017 to 10 November 2017. Letters were issued to all customers in receipt of Council Tax Support, with a link to the electronic survey which was made available on the Council's website, as well as through direct emails and press releases. A total of 387 surveys were completed (this is in comparison to 99 the previous year).
- 7.3 Details of the public consultation responses is included as **Appendix 2**, and presented the findings from the consultation. Key results are summarised below: -
- 73% of respondents agreed with the principles of the current scheme
 - 61% of respondents agreed with the restriction of young person's allowance
 - 39% of respondents agreed with the abolition of Family Premium
 - 29% of respondents agreed with a reduction to the maximum entitlement
 - 86% of respondents agreed to protection for vulnerable households
 - 82% of respondents agreed with the continuation of the Exceptional Hardship Fund.
- 7.4 Additional consultation responses have been received from The Police and Crime Commissioner for Lincolnshire (**Appendix 3**) and Lincolnshire County Council (**Appendix 4**), as the Council's Major preceptors for Council Tax.
- 7.5 The proposals were also considered by the Policy Scrutiny Committee at its meeting on 10 October 2017. The report was received well by the Committee, however, there were mixed opinions about Members' preferred options. The Committee minutes in relation to this item are included at **Appendix 5**.

8. Significant Policy Impacts

8.1 Strategic Priorities

Let's Drive Economic Growth - Council Tax Support has a key role in Reducing Poverty and disadvantage by ensuring residents in those households who cannot afford to pay their Council Tax receive financial support. The changes to Council Tax Support form part of the national welfare reform agenda, with the risks of changes to numbers of claimants due to economic change and funding gap costs being passed from central government to local authorities. Central government now has a fixed cost funding arrangement whereas local government must set a scheme in advance of the financial year it applies to but cannot change it should circumstances change unexpectedly or if the assumptions used to decide the scheme are not realised. Central government states that this places responsibility for the local economy such as creating businesses and jobs on local government as part of the localism agenda

Let's Reduce Inequality - The Authority will be obliged to comply with its general equality duty under the Equality Act 2010. The scheme is being amended in line with statutory requirements and uprating the financial allowances. Early modelling shows the number of customers affected and pay how much (total and average per week).

Once a decision has been made regarding the options of modelling, an equality impact assessment will be undertaken.

Council Tax Support awards are notified on Council Tax bills. If the scheme were likely to change, consultation with precepting authorities, stakeholders and residents would be required. Once a decision has been made, notification within Council Tax bills and annual CTS uprating letters would be issued advising claimants of the decision once their award for the new financial year is known.

8.2 Organisational Impacts

Finance (including whole life costs where applicable)

The actual cost of the discount scheme in 2017/18 will not be known for certain until the end of the financial year and will be dependent on the actual caseload in year, as well as the levels of Council Tax set by the City Council and the major precepting authorities. An indicative range of costs based on various scenarios for 2018/19 is set out in **Appendix 1**.

The current cost of the 2017/18 scheme is £7,437,599 (as at 30 November 2017) compared to the budgeted cost of £7,471,020. This is a decrease of £33,421 – with City of Lincoln's share being £5,347. Whilst caseload has decreased, in modelling the 2017/18 scheme, a Council Tax increase of 0% was modelled.

In comparison to the assumptions in the Medium Term Financial Strategy (MTFS) for 2018/19, the overall cost of the scheme is budgeted at £7,565,714. All proposed changes to the 2018/19 scheme result in a reduced cost, as shown in Appendix 1.

The estimated cost of the scheme, based on current caseload, is taken into consideration when calculating the Council's tax base for the financial year and will impact on the estimated Council Tax yield for the year. Any difference in the actual cost of the discount scheme to that estimated in the tax base calculation will be accounted for within the Collection Fund and will be taken into account when future years surpluses or deficits are declared. A report on the Council's tax base for 2018/19 will appear elsewhere on Council's Committee agenda.

The exceptional hardship fund of £10,000, made available during 2017/18, will continue to be available into 2018/19 with a requested increase of £10,000 as part of this report – giving a total for 2018/19 of £20,000.

8.3 Legal Implications inc Procurement Rules

The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012, laid before Parliament on 22nd November 2012, set out the regulations for a default scheme and this was adopted by the Council subject to local policy needs in January 2013. The Secretary of State has issued amendment regulations setting out some changes that must be adopted by the Council for pensioners and the Council has also decided in 2013 to keep the schemes allowances and premiums in line with those for Housing Benefit for working age claimants. These are incorporated into amendments to the local scheme for approval by the Council.

The regulations for the City of Lincoln Council scheme proposed to be adopted are to be collated and made available for Council in January 2018.

8.4 Staffing

No change to current staffing arrangements as a result of this policy.

8.5 Equality and Diversity

The Equality Impact Assessment is attached as **Appendix 6** and has been reviewed following the consultation.

9. Risk Implications

- 9.1 The Council bears the risk of the cost of the Council Tax Support scheme should caseload increase causing the cost to increase more than predicted;
- 9.2 The final cost of the scheme could be increased to that modelled if the level of Council Tax increases above 1.9% (level applied in modelling);
- 9.3 Any revisions to the scheme must be approved by 31st January 2018 before the financial year begins;
- 9.4 The scheme cannot be changed mid-year and therefore it is vital the correct scheme is in place.

10. Recommendations

- 10.1 Executive is asked to recommend to Council that it: -
 - 1) Reviews consultation responses relating to the Localised Council Tax Support Scheme for 2018/19;
 - 2) Considers the proposed City of Lincoln Council's Localised Council Tax Support scheme for 2018/19 as below, and refer to Full Council for approval the following changes to the 2017/18 scheme;
 - Protection for vulnerable households;
 - Exceptional Hardship Fund of £20,000 (increase from £10,000).

Key Decision

Yes

**Do the Exempt
Information Categories
Apply**

No

Call In and Urgency: Is
the decision one to which

No

Rule 15 of the Scrutiny
Procedure Rules apply?

**Does the report contain
Appendices?**

Yes

**If Yes, how many
Appendices?**

6

Appendix 1: Modelling of options
Appendix 2: Consultation Outcome
Appendix 3: Response from Police and Crime
Commissioner
Appendix 4: Response from Lincolnshire County Council
Appendix 5: 10 October 2017 Policy Scrutiny Committee
minutes
Appendix 6: Equality Impact Assessment

**List of Background
Papers:**

None

Lead Officer:

Claire Moses – Telephone 873764

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Council Tax Support Scheme Options for change as at 20 December 2017

The following options have been put forward for consideration. All applicable amounts have been frozen, income with 0% increase, Council Tax with 3.9% increase and 2% caseload decrease.

Option		Estimated Total Spend	Difference to MTFs Spend of £7,565,715 for 2018/19 (Under) / Over Spend	City of Lincoln (Under) / Over Spend at 16%	Amount expected to be collected using collection figure of 98.75%	No. Customers Affected
1	Current scheme only	£7,599,456	£33,741	£5,398	£5,331	8,756
Current scheme with the following changes						
2	Protection for vulnerable customers	£7,616,759	£51,044	£8,167	£8,065	2522
3	Vulnerable protection – plus; Restriction of Young Persons Allowance to 2 dependants					694
4	Vulnerable protection – plus Removal of family premium	£7,526,093	(£39,622)	(£6,339)	(£6,260)	888
5	*Vulnerable Protection – plus; 95% maximum entitlement	£7,516,129	(£49,586)	(£7,934)	(£7,835)	3043
6	**Vulnerable Protection – plus; 90% maximum entitlement	£7,414,284	(£151,431)	(£24,229)	(£23,926)	3043

It should be noted collection/ recovery action would be undertaken for remaining balances of council tax, so minimal collection issues anticipated – although an increase to the bad debt provision may be required.

*The information below shows the impact the maximum entitlement would have across all council tax bands (based on Council Tax charge for 2017/18):

Band	Full Annual charge	Annual Charge 95% entitlement	Weekly charge 95% entitlement
A	£1,092.18	£54.61	£1.05
B	£1,274.21	£63.71	£1.22
C	£1,456.24	£72.81	£1.40
D	£1,638.27	£81.91	£1.57
E	£2,002.33	£100.12	£1.92
F	£2,366.39	£118.32	£2.27
G	£2,730.45	£136.52	£2.62
H	£3,276.54	£163.83	£3.15

**The information below shows the impact the maximum entitlement would have across all council tax bands (based on Council Tax charge for 2017/18):

Band	Full Annual charge	Annual Charge 90% entitlement	Weekly charge 90% entitlement
A	£1,092.18	£109.22	£2.10
B	£1,274.21	£127.42	£2.45
C	£1,456.24	£145.62	£2.80
D	£1,638.27	£163.83	£3.15
E	£2,002.33	£200.23	£3.85
F	£2,366.39	£236.64	£4.55
G	£2,730.45	£273.04	£5.25
H	£3,276.54	£327.65	£6.30

****Family Premium**

This is currently £17.45 per week. Therefore if removed, this would be removed from the calculation of CTS.

Currently:

Lone Parent under 60 – £73.10

Family Premium – £17.45

1 Child – £66.90

Total 'Applicable Amount' - £157.45 per week

With Family Premium removed:

Lone Parent under 60 – £73.10

1 Child – £66.90

Total 'Applicable Amount' - £140 per week

*Any income over the 'applicable amount' will now mean the customer pays 20p in the pound towards Council Tax.
£17.45 x 0.2 = £3.49 a week more needs to be paid toward Council Tax.*

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Public Consultation Responses for Council Tax Support Scheme 2018/19

City of Lincoln Council has considered how it can fund the Council Tax Support (CTS) scheme from April 2018 and proposes a number of changes to the current scheme.

Before making a scheme, City of Lincoln Council are required to consult with any person we consider are likely to have an interest in the operation of the scheme.

The consultation was undertaken from 2 October 2017 through to 10 November 2017. As a result, there were 387 responses

Question	Total Responses		
	Yes	No	Don't Know
<p>We have designed our proposed support scheme taking into account the following principles:</p> <ul style="list-style-type: none"> • Protecting the most vulnerable - the disabled, war pensioners, carers; • Reduced support where it is likely that a household has more income coming in or have savings to pay Council Tax • Pension age – protection is statutory under Central Government Legislation <p>Do you agree with these principles?</p>	282	44	61
<p>The Council Tax Support scheme does not currently take into account changes to recent legislation regarding restrictions to Young Persons Allowance. It is proposed for this legislation to be introduced as part of the new scheme. This will mean the Young Persons Allowance will be restricted to two dependants in the household.</p> <p>Young Person's Allowance is an additional allowance of £66.90 for any child under 18. Do you agree?</p>	237	57	93
<p>The Council Tax Support scheme currently includes the family premium within the calculation. It is proposed to remove the family premium.</p>	152	217	18

Appendix 2 – SRG 18 December 2017 - Public Consultation Responses - Council Tax Support Scheme 2018/19

Question	Total Responses		
	Yes	No	Don't Know
The government has made a number of changes to benefits and tax credits for people with children. One of these is to remove the extra amount of £17.45, given to people with children, which is known as the 'family premium'. Do you agree?			
The Council Tax Support scheme currently has a maximum entitlement of up to 100%. It is proposed to reduce this to either 95% or 90%. Do you agree?	112	222	53
Do you think that working age vulnerable households should be protected from any changes to the scheme?	334	42	11
We offer an exceptional hardship scheme to help those affected by these proposals to top up entitlement if they cannot afford the Council Tax and the scheme cannot help them in their circumstances. The proposed fund for 2018/19 is £20,000 and we propose to continue this in future years.	318	21	48



Lincolnshire
POLICE & CRIME COMMISSIONER
SAFER TOGETHER

Deepdale Lane, Nettleham, Lincoln LN2 2LT
Telephone (01522) 947192 Fax (01522) 558739
E-Mail: lincolnshire-pcc@lincs.pnn.police.uk Website: www.lincolnshire-pcc.gov.uk

Date: 3rd October 2017
Our Ref: JF/ch/2017-0790

Robert Baxter
Chief Finance Officer
City of Lincoln Council
City Hall
Beaumont Fee
LINCOLN
LN1 1DD

By Email: Robert.baxter@lincoln.gov.uk

Dear Robert

Re: Local Council Tax Support Scheme

Thank you for your letter of 2nd October 2017 in which you seek the Police and Crime Commissioner's view on your Local Council Tax Support Scheme for 2018/19.

The Police and Crime Commissioner has no desire to make additional service reductions or propose additional increases in his council tax to fund potential shortfalls arising from Local Council Tax Support Schemes. As a result, the Police and Crime Commissioner supports proposals for Council Tax Support Schemes which eliminate, or at least minimise, the consequent funding reductions. In addition, the Commissioner supports proposals to increase income through the discretions for Council Tax exemptions.

Thank you for giving us the opportunity to comment.

Yours sincerely

Julie Flint

Julie Flint
Chief Finance Officer

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Appendix 4: SRG 18 December 2017– Lincolnshire County Council consultation response

Dear Rob,

Thank you for the e-mail and letter of 2nd October on this subject. The opportunity to comment on the proposals is most welcome. Please treat this e-mail as the formal response from the County Council.

The County Council has historically felt that the City Council could have taken action to reduce the cost of the scheme to more closely align with the funding reduction imposed by Government when local schemes came into being. Such measures were, of course, introduced by all other Districts in the county area. However, the County respects the right of the City Council to set its own scheme in the light of its own priorities and welcomed the changes to the scheme for the current year that resulted in modest cost reductions. In a similar vein the County Council would support Option 4 for implementation next year as outlined in the report to the Executive on 25th September.

It is noted that demand for the scheme has fallen steadily over the last few years reducing the total cost albeit that reduction is now being offset by council tax rises for which it is noted the County Council is primarily responsible.

I trust this response is of some assistance.

Yours sincerely,

David C Forbes

County Finance Officer

Finance & Public Protection Directorate

County Offices

Newland

LINCOLN LN1 1YG

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21. Localised Council Tax Support scheme for 2018/19

Martin Walmsley, Head of Shared Revenues and Benefits

- a. presented the proposed scheme for Local Council Tax Support for the financial year 2018/19 as part of the formal consultation period.
- b. gave the background to the scheme as detailed at paragraph 2 of the report and advised that the Council must consider whether to revise or replace its Council Tax Support Scheme each financial year.
- c. referred to paragraph 4.2 of the report and advised that the current cost of the scheme was £7,650,549 this was an increase of £179,539 of which the Council's share was £28,725.
- d. detailed the options that had been modelled at Appendix 1 of the report and advised that it gave an indication of the potential savings to the Council and the major preceptors.
- e. advised that on 25 September 2017 the Executive made the decision to consult on all of the scenarios modelled as detailed in paragraph 4.6 of the report.
- f. advised on the ongoing consultation and updated that 257 online responses and 2 hard copy responses had been received to date.
- g. asked for committee's consideration and comments on the options as part of the formal consultation process.

Question – Referred to option 3 and 4 and asked if the restriction of Young Persons Allowance to 2 dependants would affect families that were already in receipt of the benefit?

Response – Yes it would.

Comment – Do not agree with taking benefit away from children.

Comment – Referred to options 5 and 6 and commented that they would cost more to the Council in the longer term as arrears would build up and some would have to be written off.

Comment – Option 5 would be the fairest as it affected less individuals.

Comment – Not everyone had a computer to submit an online consultation response.

Response – Anyone who wished to submit a hard copy consultation could contact the office and would be sent a form.

Following the discussion members expressed their individual preferred option as follows:

Councillor Vaughan – Option 2

Councillor Maxwell – Option 5

Councillor Toofany – Option 2

Councillor Loffhagen – Option 2

Councillor Weaver – Option 3

APPENDIX 5: SRG 18 December 2017 – Council Tax Support 2018/19

Councillor Hills – Option 5
Councillor J Kirk – Option 1

RESOLVED that the above comments be submitted as part of the formal consultation process on the proposed Council Tax Support Scheme for 2018/19.

Equality with Human Rights Analysis Toolkit



SECTION A

Name of policy / project / service	Council Tax Support Scheme 2018-19
Background and aims of policy / project / service at outset	<p>In January 2017, the meeting of Full Council approved City of Lincoln Councils Council Tax Support Scheme (CTS) for 2017/18. The scheme was changed for all working age customers as follows: -</p> <ul style="list-style-type: none"> • Capital Limit of £10,000; and • Entitlement cap of no less than £2 per week; and • Property banding capped at Band B; and • Backdating restricted to 1 month; and • Temporary absence from home to be introduced in line with Housing Benefit. <p>The following changes were also made to Council Tax technical changes affecting all residents: -</p> <ul style="list-style-type: none"> • Second home discount reduced to 0% (previously 10%); and • Empty and unfurnished amended to 50% for 2 months (previously 100% for 1 month). <p>The Council must review and reapprove its Council Tax Support scheme each year as part of its budget setting process, and make any necessary changes for 1 April 2018</p> <p>It is recognised that the combined effects of the wider welfare reform package on the residents of the District requires a robust and detailed Equality Impact Assessment.</p> <p>The current document contains data derived from the current Council Tax Support caseload.</p> <p>Following publication of the draft scheme, formal consultation commenced on 2 October 2017 and ended on 10 November 2017, utilising a combination of the council's consultation portal, press releases and social media directing the public to the on-line consultation documents. Letters were also issued to all customers in receipt of Council Tax Support.</p>

<p>88</p>	<p>The level of changes to the current scheme have been modelled and individuals / groups impacted by the selection of changes is shown below: -</p> <ul style="list-style-type: none"> • Retain current scheme – 8,923 CTS customers affected • Protection for vulnerable – 2,522 customers affected • Restriction of young person's allowance to 2 dependents – 694 customers affected • Removal of family premium – 888 customers affected • 95% maximum entitlement – 3,043 customers affected • 90% maximum entitlement – 3,043 customers affected <p>Each of these were considered in relation to how the changes might differently and / or adversely affect people with protected characteristics.</p> <p>The Equality Assessment provided support in approach to the consultation on the proposed scheme. Details of the responses to the consultation are presented in the Localised Council Tax Support 2018/19 report pack which will be presented to Strategic Review Group on 18 December 2017, and is shown in Appendix 2</p>
<p>Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis</p>	<p>Claire Moses – Revenues and Benefits Manager (Shared Service)</p>
<p>Key people involved <i>i.e. decision-makers, staff implementing it</i></p>	<p>Decision Makers – City of Lincoln Members, and Executive Staff implementing any changes</p>

SECTION B

Appendix 6 – Executive 8 January 2018 – Council Tax Support Scheme 2018/19 Equality Impact Assessment

This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	Y	Y		<p>Pensioners are a protected group for the purposes of council tax support scheme so will not be financially affected, therefore the reduction in benefit will be borne by the remainder of those in receipt of Council Tax Support (those of working age who are not carers, war widows/ war disablement pensioners and the sick and disabled).</p> <p>There could be a risk people of working age who will bear all the financial impact of the changes, may resent the fact that pensioners are exempt.</p> <p>The following changes to the scheme were consulted on: -</p> <ul style="list-style-type: none"> • Vulnerable customers are protected – this is a positive change – 2,522 customers are expected to be affected by this change • Young Persons allowance restricted to 2 dependent children – 894 customers are expected to be affected by this change and will see a reduction in CTS award. • Removal of family premium – 888 customers are expected to be affected by this change with an average 	Yes	<p>Action dependant on outcome of consultation.</p> <p>With effect from 1 April 2018</p>

70				<p>increase to their annual Council Tax bill of £590 and will see a reduction in CTS award.</p> <ul style="list-style-type: none"> • Reduce maximum entitlement to 95% - 3,043 customers are expected to be affected by this change and will see a reduction in CTS award. • Reduce maximum entitlement to 90% - 3,043 customers are expected to be affected by this change and will see a reduction in CTS award. <p>Due to the current economic climate, it is more difficult for younger people to access employment providing further financial difficulties. Council Tax Support will only be available to those young people who are liable to pay Council Tax and this only applies to householders over 18 years of age. If the young person is living in their parent or other householder's home they will not be liable to pay Council Tax so will not be affected by this Support scheme unless they are a non-dependent in the householder's home because the non-dependant deductions are being increased across all age groups and based on the level of income they receive. The personal allowances for under-25's is lower than for those over the age of 25 years. This means that they could get less.</p>		
Disability including carers (see Glossary)	Y			The proposal to protected vulnerable groups will include those with a disability.	NA	With effect from 1 April 2018

71				<p>The Department for Work and Pensions state that disabled people remain far less likely to be in employment, therefore the proposals do not impact on this group to the extent that they are regarded as a vulnerable group. The scheme protects disabled persons from the proposed changes except for the general uprating of all allowances and premiums.</p> <p>To qualify as 'disabled' the person must</p> <ul style="list-style-type: none"> • Qualify for a disability, enhanced disability or severe disability premium for the claimant or partner, or • Qualify for disability or enhanced disability premium for a dependent, or • Qualify for a disability earnings disregard, or • Receive a disability related council tax reduction. • Be in receipt of Employment and Support Allowance (Work Related or Support Group component 		
Gender re-assignment			Y	There is no evidence at this stage of an impact	NA	With effect from 1 April 2018
Pregnancy and maternity			Y	This does not have any effect on the decisions made under this policy.	NA	With effect from 1 April 2018
Race			Y	Persons from abroad are excluded from provision by statute but race or ethnicity itself does not have any effect on the application of the scheme.	NA	With effect from 1 April 2018

Appendix 6 – Executive 8 January 2018 – Council Tax Support Scheme 2018/19 Equality Impact Assessment

				Scheme rules do not take into account race or ethnicity. Council Tax Support is proposed to be reduced for all working age customers.		
Religion or belief			Y	There is no evidence at this stage of an impact	NA	With effect from 1 April 2018
Sex			Y	There is no evidence at this stage of an impact	NA	With effect from 1 April 2018
Sexual orientation			Y	This does not have any effect on the decisions made under this policy.	NA	With effect from 1 April 2018
Marriage/civil partnership			Y	This does not have any effect on the decisions made under this policy.	NA	With effect from 1 April 2018
Human Rights (see page 8)			Y	This does not have any effect on the decisions made under this policy.	NA	With effect from 1 April 2018

- Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?

SECTION C

Decision Point - Outcome of Assessment so far:

Based on the information in section B, what is the decision of the responsible officer (please select one option below):

✓ **No equality or human right Impact** (your analysis shows there is no impact) - sign assessment below


Tick here
[]

Appendix 6 – Executive 8 January 2018 – Council Tax Support Scheme 2018/19 Equality Impact Assessment

- ✓ **No major change required** (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below []
- ✓ **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below [x]
- ✓ **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made []
- ✓ **Put Policy on hold** (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress []

<p>Conclusion of Equality Analysis (describe objective justification for continuing)</p>	<p>Council Tax has to be paid by all those liable to pay it but some people will have limited means to do this because of their low income or they have higher living costs due to illnesses, disabilities or family or personal circumstances.</p> <p>Council Tax is required to raise money to fund Council Services but a certain amount of money is directed to those who cannot afford to pay the Council Tax to reduce the financial burden on those households because they need it or because society considers that financial support is beneficial to help certain categories of people in certain situations.</p> <p>The aim of the proposed changes is to save some scheme expenditure in light of further reductions to local government finance.</p>
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<p>When and how will you review and measure the impact after implementation?*</p>	<p>The policy and CTS is the responsibility of City of Lincoln Council. It is approved by the Executive Board and then full Council. It will be administered by the Council's Shared Revenues and Benefits Service.</p> <p>The Council will analyse its current caseload and produce figures showing the main groups of working age claimants getting Council Tax Support now and likely to be affected by changes to the current scheme. Extracts of the data will allow monitoring of the main types of people affected by the policy can take place as required</p>
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<p>Checked and approved by responsible officer(s) (Sign and Print Name)</p>	<p>Claire Moses</p> 	<p>Date</p>	<p>15/12/2017</p>
<p>Checked and approved by Assistant</p>		<p>Date</p>	<p>15/12/2017</p>

Director (Sign and Print Name)	Martin Walmsley		
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SUBJECT: COUNCIL TAX BASE 2018/19

DIRECTORATE: CHIEF EXECUTIVE

**LEAD OFFICER: CLAIRE MOSES, REVENUES AND BENEFITS MANAGER
(SHARED SERVICE)**

1. Purpose of Report

- 1.1 The purpose of this report is to seek Members' recommendation of the Council Tax Base for the financial year 2018/19.

2. Executive Summary

- 2.1 This report is submitted to the Executive each year and sets out the calculation of the Council Tax Base for the following financial year.

3. Background

- 3.1 The Local Government Finance Act 1992 and Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) require the Council to formally set its Tax Base as the first stage of the Council Tax setting process.

4. Special Items

- 4.1 Before setting the Council Tax Base, the issue of any special items relating to a part of the Council's area must be considered. If there are any items of expenditure that relate to one part of the local authority area, then that expenditure can be levied on those residents in that area and not on others.
- 4.2 There are no items of special expenditure.

5. Council Tax Base

- 5.1 Certain assumptions have to be made in order to determine the number of dwellings within the Authority's area, and these are set out in Appendix A.
- 5.2 The calculation of the Council Tax base, detailed in Appendix B, shows the number of Band D equivalent chargeable dwellings as being 23,943. This is based on the Regulations in paragraph 3.1 above and assumes that 98.75% of the Council Tax due for 2018/19 will be collected.
- 5.3 The Council Tax base number of Band D equivalent chargeable dwellings for 2018/19 has been calculated as 28,367– less 4,424 deduction calculated for the localised Council Tax Support scheme – resulting in a proposed Council Tax base for 2018/19 of 23,943.

6. Organisational Impacts

- 6.1 Finance: The Council must confirm its Council Tax Base as a pre-requisite to setting the Council Tax charge for 2018/19.
- 6.2 Legal Implications: The Local Government Finance Act 1992 and Statutory Instrument No 1992/612 – Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) set out the requirement for the Council to confirm and formally approve its Council Tax Base and notify it to its precepting bodies. The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 provide for Councils to make technical changes to certain discounts from April 2013.
- 6.3 Equality and Diversity: There are no specific equality and diversity impacts as a direct result of this report.

7. Recommendations

- 7.1 The Executive is asked to recommend to Council that it:
- a) Notes that there are no special items as defined in Section 35 of the Local Government Finance Act 1992 (as amended) applicable to any part or parts of the City of Lincoln local authority area;
 - b) Approves the Chief Finance Officers' calculation of the Council Tax Base for the financial year commencing 1 April 2018 and ending 31 March 2019, as set out in Appendix B of this report;
 - c) Approves, in accordance with the Chief Finance Officers' calculation, and pursuant to the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended), that the Council Tax Base for the 2018/19 financial year is 23,943.

Key Decision No

Do the Exempt Information Categories Apply No

Call In and Urgency: Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply? No

Does the report contain Appendices? Yes

If Yes, how many Appendices? Two

List of Background Papers: None

Lead Officer: Claire Moses, Revenues and Benefits Manager (Shared Service), Telephone (01522) 873764

APPENDIX A: Executive 8th January 2018

Assumptions made in the Calculation of the Council Tax Base (See APPENDIX B)

Number of Dwellings:	The number of dwellings on the Council's database as at 30 November 2017
Exempt properties:	These are laid down by Regulations and are properties exempt from Council Tax, e.g. student occupied property. The total in each of the exemption categories has been calculated as at 30 November 2017 and it has been assumed that the exemption will remain throughout 2018/19.
Disabled relief:	These are properties that are occupied by disabled persons and may be placed in a lower valuation band if they fulfil the criteria laid down by the Regulations. The number of these properties has been calculated at 30 November 2017 and it has been assumed that the relief will remain throughout 2018/19.
Discounts on relevant Day – i.e. 25%, 50%, 10% + 50% levy:	These are laid down by Regulations, in addition to technical changes introduced from April 2013, and are properties subject to a percentage discount from the Council Tax, i.e. second homes, single person households or empty properties. The total in each of the discount categories has been calculated as at 30 November 2017 and it has been assumed that the discount will remain throughout 2018/19.
Net additions expected In year:	This is an estimate of the number of dwellings known to be currently under construction plus the anticipated number to be constructed throughout 2018/19. Account is taken where dwellings will not come into a charge until part way through the year. Adjustments to discounts and exemptions and appeals are also taken into account
Collection Rate:	It is assumed that 98.75% of the Council Tax due for 2018/19 will be collected.
Council Tax Support:	These are estimates of the amount of Council Tax Support to be granted in 2018/19 (localised replacement scheme for Council Tax Benefit from April 2013).

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APPENDIX B: City of Lincoln - 2018/19 Council Tax Base Estimate as at 30 November 2017											
	Valuation Bands	A-	A	B	C	D	E	F	G	H	TOTAL
1	Properties	0.00	27437.00	8776.00	4853.00	2508.00	1229.00	395.00	136.00	45.00	45379.00
2	Exempt properties	0.00	-2161.00	-628.00	-230.00	-99.00	-247.00	-6.00	-6.00	-23.00	-3400.00
3	Disabled Band Reductions	69.00	-7.00	-9.00	-29.00	-8.00	-9.00	-1.00	6.00	-12.00	0.00
4	Adjusted Chargable Dwellings	69.00	25269.00	8139.00	4594.00	2401.00	973.00	388.00	136.00	10.00	41979.00
5	25% Discounts (SPD and disregards)	-3.75	-2980.25	-635.75	-312.25	-132.00	-44.50	-17.50	-3.75	0.00	-4129.75
6	25% Discounts (less than 2 years)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	50% Discounts (empty properties)	-0.50	-58.50	-8.00	-4.50	-7.00	-1.50	-3.00	-7.50	-2.50	-93.00
8	10% Discounts (second homes)	0.00	-19.70	-8.40	-3.70	-1.90	-1.00	-0.40	-0.30	0.00	-35.40
8A	0% Discounts (second homes)		-4.36	-1.06	-0.48	-0.24	-0.12	-0.06	-0.02	0.00	-6.34
9	100% Discounts	0.00	-218.00	-41.00	-18.00	-12.00	-3.00	0.00	0.00	0.00	-292.00
10	50% levy	0.00	41.50	6.00	3.50	4.50	0.00	0.00	0.50	0.00	56.00
11	Estimated Future Adjustment	0.00	180.00	59.00	32.00	17.00	8.00	3.00	1.00	0.00	300.00
12	Adjusted Dwellings	64.75	22209.69	7509.79	4290.57	2269.36	930.88	370.04	125.93	7.50	37778.51
13	Ratio to Band D	5/9th	6/9th	7/9th	8/9th	9/9th	11/9th	13/9th	15/9th	18/9th	
14	Band D Equivalent	35.97	14806.46	5840.95	3813.84	2269.36	1137.74	534.50	209.88	15.00	28663.71
15	Less Estimated non-collection (1.25%)	-0.45	-185.08	-73.01	-47.67	-28.37	-14.22	-6.68	-2.62	-0.19	-358.30
16	Crown Properties	0.00	37.00	11.84	6.54	3.38	1.66	0.53	0.18	0.06	61.20
17	Adjusted to Band D Equivalent	35.52	14658.38	5779.77	3772.71	2244.38	1125.18	528.35	207.44	14.87	28366.61
18	CTR (Working Age)	-6.67	-2563.97	-185.40	-47.70	-26.59	-4.46	-1.11	0.00	0.00	-2835.90
19	CTR (Pensioner Age)	-2.35	-1197.18	-242.74	-110.76	-26.02	-7.16	-1.53	0.00	0.00	-1587.74
20	Council Tax Base	26.50	10897.23	5351.63	3614.25	2191.77	1113.56	525.71	207.44	14.87	23942.97

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SUBJECT: COLLECTION FUND SURPLUS OR DEFICIT – COUNCIL TAX

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: ROBERT BAXTER – INTERIM CHIEF FINANCE OFFICER

1. Purpose of Report

- 1.1 To inform Members of the estimated balance for the Council Tax element of the Collection Fund and the surplus or deficit to be declared for 2017/18.

2. Programme Summary

- 2.1 Prior to setting the Council Tax for 2018/19 the City Council is required to estimate whether there is to be a surplus or deficit on Council Tax element of the Collection Fund for the current financial year (2017/18).
- 2.2 The Council will declare a surplus on Council Tax £188,270 for the financial year 2017/18.

3. Background

- 3.1 As a Council Tax Billing Authority the City Council is required to estimate whether there is to be a surplus or deficit on the Collection Fund for the current financial year, prior to setting its Council Tax for the next year. The calculation is based on an estimate of tax collected in year compared to the estimate made the previous year, taking into account any previously declared surplus or deficit and the expected year-end arrears position.
- 3.2 The calculation of Council Tax is based on an estimate of tax collected in year compared to the estimate made the previous year, taking into account any previously declared surplus or deficit, and a forecast for the remainder of the current year.
- 3.3 A surplus or deficit may occur in the Collection Fund if actual performance during the year is higher or lower than originally estimated when Council was set. Areas of variance include:
- Council Tax base is larger or smaller than originally anticipated (reasons may be increased property development or changes in exemptions and discounts)
 - In year collection rates are higher or lower than expected,
 - Arrears collection rates are higher or lower than expected
- 3.4 The Council is required to declare any surplus or deficit during January of each financial year and once approved has an obligation to notify its major precepting authorities (Lincolnshire County Council and Lincolnshire Police) of their share of the estimated surplus or deficit.

- 3.5 A report on the estimated balance on the Collection Fund for National Non-Domestic Rates (NNDR) will be reported to the Executive 22nd January 2018 alongside the estimated NNDR base ahead of the submission of the NNDR 1 return to the DCLG due by 31st January 2018.

4. Estimated Surplus/Deficit for 2017/18 – Council Tax

- 4.1 As at 31st March 2018 the Collection Fund is estimated to have a surplus of £100,000 for Council Tax relating to the Financial Year 2017/18.
- 4.2 In addition to declaring the estimated surplus or deficit position on the Collection Fund for the current financial year the Council is also required to declare any surplus or deficit relating to the difference between previously declared surplus/deficit positions and the actual outturn position as reported in the Council's Statement of Accounts. In 2018/19 there is a surplus balance of £88,270 in the Collection Fund relating to previous years.
- 4.3 Based on the forecast position of the in-year Collection Fund as at 31st March 2018 and taking into account an adjustment for the difference between prior year estimates compared to the actual outturn it is estimated that there will be a surplus of £188,270 on the Council Tax element of the Collection Fund in 2017/18, to be distributed to preceptors in 2018/19.

5. Strategic Priorities

- 5.1 There are no direct implications for the Council's Strategic Priorities arising as a result of this report.

6. Organisational Impacts

6.1 Finance

For City of Lincoln the financial implications of the report are summarised below:

Distribution of surplus/(deficit)	CoLC share £
Council Tax – 2017/18 surplus	15,830
Council Tax – Prior year surplus	13,980
Net impact surplus	29,810

The Council's share of the estimated surplus/deficits will be distributed in 2018/19 and will form part of the Medium Term Financial Strategy 2018-23.

- 6.2 Legal Implications incl Procurement Rules - There are no legal implications arising as a direct result of this report.

7. Risk Implications

- 7.1 (i) Options Explored
- 7.2 (ii) Key risks associated with the preferred approach

8. Recommendations

- 8.1 The Executive are recommended to confirm the action of the Chief Finance Officer in declaring a Council Tax surplus of £188,270.

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? Yes/No

How many appendices does the report contain? None

List of Background Papers: None

Lead Officer: Robert Baxter, Interim Chief Finance Officer
Telephone (01522) 873361

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SUBJECT:	CONSIDERATION OF A COMMUNITY GRANT FUNDING LOTTERY FOR THE CITY OF LINCOLN COUNCIL
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	PAT JUKES, BUSINESS MANAGER POLICY UNIT
LEAD OFFICER	GRAHAM ROSE, CORPORATE POLICY OFFICER

1. Purpose of Report

- 1.1 To provide Executive with knowledge of the growing trend in developing Local Authority lotteries to help fund community groups.

To seek Executive approval to set up a community lottery for Lincoln.

2. Executive Summary

- 2.1 The council funds numerous small community grants as well as a few larger grants. See **Appendix A** for the 2016/17 summary as well as examples of other existing LA lottery grants.

Within the current financial constraints faced by the council, pressure continues to be placed on all areas of funding, including that of community grant funding.

The purpose of the proposed Lincoln lottery is to help fund discretionary support for local voluntary and community (VCS) organisations and also enable such organisations to raise funds directly for themselves. All funds raised would benefit local people and communities.

- 2.2 It has been estimated that the lottery could raise between £15k and £20k in year one rising to as much as £100k in year 5
- 2.3 The proposal includes the procurement of an External Lottery Manager (ELM) to run the operational side of the lottery.

3. Background

- 3.1 Lotteries have long been a way of smaller organisations raising income, they are regulated by the Gambling Act 2005. There are different types of lotteries available, however in this report we are only discussing 'society lotteries'. In all cases, lotteries have to deliver a minimum of 20% of proceeds to good causes – we are proposing delivering up to 60% to good causes.

Society lotteries are promoted for the benefit of a non-commercial society – i.e. those that are conducted:

- For charitable purposes
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain

Until a few years ago, Local Authorities had not entered into this form of fund raising due to perceived risks to a council's reputation, contradictions with anti-poverty work and concerns about the gambling aspects of such a service.

However, things have moved on in the last two years and there is now a clear precedent set for Local Authorities to get involved in this kind of activity as long as the marketing material is clear that it is principally a fundraising platform for local good causes.

With the change in the structure of Neighbourhood Management, it may be that this is an opportunity to fill a funding gap created by the change of focus. In addition there are many other requests for support to various services which could be directed towards the lottery opportunity as long as the group fulfils the criteria set. (**Appendix A** for examples)

Investigations into options have been undertaken and a meeting with a leading External Lottery Manager "Gatherwell" has been held to understand the workings of a lottery in practice. Information from Gatherwell feeds through this report, as best practice. Whichever Lottery Manager is chosen, we would expect this service as a minimum.

- 3.2 The reality is that remote lotteries like these present a low risk to 'problem gambling' given that there is no instant gratification.

All lotteries are licensed by the Gambling Commission under strict guidelines and the ELM works with the council to create policies on protection of vulnerable people, social responsibility and anti money laundering.

The system has built in protections in terms of maximum tickets per player and the website has links where individuals who might have gambling problems can seek help.

Finally, as a requirement of the licence and delivered by membership of the Lotteries Council, the council will make a contribution to the Responsible Gambling Trust who support problem gambling.

- 3.3 It should be noted that although they are not the only ELM in operation, Gatherwell is leading the way in working with Local Authorities. They are licensed by the Gambling Commission to run lotteries on behalf of good causes across the UK.

Starting in 2015 with Aylesbury Vale, they launched the first on-line LA lottery in the UK and now have 34 LA awarded contracts with 18 live websites, as well as over 500 schools (which is where they originally started)

- 3.4 Lotteries like these attract a number of types of supporters – those motivated by the odds and the prizes on offer, those with a dual motivation of giving to a good cause but with the incentive of chance of a prize and then the altruistic supporter, who will support because of the good cause alone and in fact often donates prizes to the cause as well.

4. Details on the lottery itself

4.1 Why should we consider a council run community lottery?

4.2 The lottery could provide additional funding opportunities within the voluntary and community sector and/or could support this sector whilst the council moves from a provider role to a funder/enabler.

4.3 The lottery would be designed with the community sector in mind and at no financial cost to them. How much benefit they derive from this project would depend on how well they use the free marketing material provided to get their own message out into the community at large.

4.4 How would the lottery work in Lincoln?

4.5 It is strongly recommended to engage the services of a recognised External Lottery Manager to utilise their experience and minimise the risk to the council.

4.6 External Lottery Managers (ELM) role

The ELM has a key role throughout the lifetime of the lottery. They are responsible for:

- Provision of a bespoke lottery website for the council, designed in partnership with CoLC, as well as individual pages for all of the approved causes.
- The website would be viewable on all devices (mobile, tablet and desktop) and would be fully secure and PCI compliant
- Provision of bespoke marketing advice to the council, with updated materials monthly to retain freshness
- Support with both pre-launch and post-launch advice



- Provision of bespoke branded marketing material to all approved causes, in the form of printable and digital leaflets, image files for social media and unique links and QR codes
- Overall responsibility for all operative and administration requirements in the running of the lottery, including the provision of a named account manager
- Support help line for the council, but also for customers who don't have access to on-line facilities.

4.7 **How does the lottery work?**

If we were to go with Gatherwell – the details are as below (we would expect this or an equivalent as a minimum from any ELM)

All lotteries are weekly, on-line only with a £1 cost per ticket. The winning numbers used are those from the Australian National Saturday lottery and as such, there is a Friday midnight cut off each week before their draw time

Players are able to choose 6 numbers from 0-9. To win the jackpot the ticket must match both the numbers and sequence as drawn. Players can also win a prize if the ticket matches the sequence of the first or last 2, 3, 4 or 5 numbers drawn. Multiple tickets are able to be purchased, and numbers can be changed by players on-line. It is possible to place a limit on the total number of tickets that can be purchased by an individual.

Customers can choose one good cause per ticket and swap them as often as they wish from a central list on-line. If they do not wish to choose a specific good cause, then that 50% of the takings will go into the central pot for wider distribution.

The maximum weekly prize would be £25,000, with multiple smaller prizes ranging between £25 and £2000. Prizes are paid out irrespective of the numbers of winners (i.e. there is no sharing)

The breakdown for utilisation of the income fund is:

- | | |
|--|-----------------------------|
| • 20% prizes | • 17% - Administration (LM) |
| • 50% specified good causes | • 3% VAT |
| • 10% Council community good causes central fund | |

Whilst expenses can be covered by the central pot it is not advised we consider using this for anything else other than the overall aim of providing funding for external causes.

The council can choose to nominate one or more charities it wishes to benefit from the central fund, or it can spread this between the approved good causes.

Note that information obtained from Gatherwell showed that over 50% of supporters of their current lotteries use Direct Debit as a payment method and more than 90% of them are on recurring payment plans, thus there is some level of stability built in to income generated.

4.8 **What are the chances of winning?**

Overall the chances of a return of some sort are 1:50, the table below explains that in more detail

**Odds of
winning a
prize are
1 in 50**

Number of matches	Matching patterns	Odds	Prize
6	NNNNNN	1,000,000:1	£25,000
5	NNNNNn or nNNNNN	55,556:1	£2,000
4	NNNNnn or nnNNNN	5,556:1	£250
3	NNNnnn or nnnNNN	556:1	£25
2	NNnnnn or nnnnNN	56:1	3 free tickets

i N is a match, n is not. So NNNNNN is 6 matches and nnnnnn is no matches

4.9 What would be the council's role in running the lottery

The council would need to nominate a position to be the license holder(s) within the Authority. This would involve applying for an annual licence from the gambling commission with the support of the ELM (which takes 16 weeks to complete). Then this person would give formal authorisation of monthly good cause payments and quarterly gambling commission submissions.

For the City of Lincoln, we would name the Financial Services Manager as our licence holder.

The councils biggest workload is in the set up stage up to launch, after that it reduces dramatically as the ELM takes on all of the operational aspects.

In summary the council would need to:

- Set up eligible criteria for approving the good causes to benefit from the lottery
- Develop and launch the lottery – after that the ELM takes over and we just need to monitor and agree any new 'causes'
- Drive initial and ongoing marketing as this is key to the success and uptake levels. The good causes will be provided with bespoke marketing materials for their cause and will be responsible for pushing that themselves. It has been proven that the more marketing completed, the better the support
- Help one off pushes by sourcing and promoting 'bolt on' prizes for new recruits, these have proven to be effective incentives to gain new supporters
- Monitor the development through the 24/7 on-line reporting tool
- Adapt and utilise a full suite of policies (offered by the ELM)
- Retain responsibility for approval of all new good causes wishing to be included.

Resource for this will come from Policy Unit staff

- The Financial Services Manager will authorise monthly good cause payments and quarterly gambling commission submissions.

Note that there is no IT requirement for this process as it is all completed by the ELM

- 4.10 As part of the research stage – officers have contacted three Local Authorities that have already set up a council led lottery. All three have used Gatherwell as their ELM.

In all three cases, the lead officer said that everything had gone well, no council had any issue with Gatherwell, the system or the process. They all noted that marketing promotion undoubtedly affects the uptake rate.

4.11 **Possible timings**

Planning for taking this forward could start immediately on approval from Executive. The schedule take between 24-26 weeks and would include:

- Procurement of a Lottery Manager
- Establishment of a full project plan following the LPMM guidelines
- Application for a Gambling Licence (16 weeks)
- Consult with local good causes to engage them in the idea
- Establish branding requirements
- Develop project plan for the launch including initial marketing
- Add to the constitution of the council

5. **Strategic Priorities**

5.1 Let's reduce inequality

All proceeds of the lottery will be directed towards good causes in Lincoln and any agreed surrounding areas. This could support any of the aspirations in Vision 2020, but is best summed up by the final one – Let's ensure the best quality of life for people living in Lincoln.

6. **Organisational Impacts**

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

Based on costs required for other LA lotteries, the initial one off costs would be £7k for start-up costs, which includes the licence and then £1k running cost pa after that. The proposal is that this is funded from the Strategic Plan Social Policy fund in Policy Unit.

Broken down the costs include:

- ELM one off set up fee - £3k
- Gambling Commission Licence - £692 pa (plus initial application fee £244)
- Membership of the Lotteries Council - £350 pa (plus application fee of £25)

- Estimated launch investment by CoLC - £3k

The ELM would oversee the payment of 3% VAT which can subsequently be claimed back.

Gatherwell has supplied us with an estimation of how much funding we could achieve over a 5-year period (see tables below)

Note that as this service could draw on the greater Lincoln area, due to Lincoln's travel to work area and urban hub nature – it may be that we need to consider beneficiaries from this extended boundary.

Estimates for levels of fund raising from a Lincoln Lottery

£1 Ticket Price / 1 Ticket per week								
<i>Ticket Price£</i>	<i>Number of players</i>	<i>% of Pop</i>	<i>Tickets bought per week</i>	<i>Number of weeks</i>	<i>Gross Return</i>	<i>Central Fund (10%)</i>	<i>Good Causes (50%)</i>	<i>Targets</i>
1	490	0.5	1.5	52	£38,220	£3,822	£15,288	Year 1
1	980	1	1.5	52	£76,440	£7,644	£30,576	Year 2
1	1470	1.5	1.5	52	£114,660	£11,466	£45,864	Year 3
1	1960	2	1.5	52	£152,880	£15,288	£61,152	Year 4
1	2450	2.5	1.5	52	£191,100	£19,110	£76,440	Year 5

CoLC Estimated Population = 98,000

£1 Ticket Price / 1 Ticket per week								
<i>Ticket Price£</i>	<i>Number of players</i>	<i>% of Pop</i>	<i>Tickets bought per week</i>	<i>Number of weeks</i>	<i>Gross Return</i>	<i>Central Fund (10%)</i>	<i>Good Causes (50%)</i>	<i>Targets</i>
1	650	0.5	1.5	52	£50,700	£5,070	£20,280	Year 1
1	1300	1	1.5	52	£101,400	£10,140	£40,560	Year 2
1	1950	1.5	1.5	52	£152,100	£15,210	£60,840	Year 3
1	2600	2	1.5	52	£202,800	£20,280	£81,120	Year 4
1	3250	2.5	1.5	52	£253,500	£25,350	£101,400	Year 5

CoLC Wider area estimated population = 130,000

6.2 Legal Implications including Procurement Rules

Lotteries are regulated under the Gambling Act 2005. The Act allows societies and local authorities to employ External Lottery Managers (ELM) to manage all or part of their lotteries so that societies and local authorities may benefit from the experience or economies of scale that come with employing an ELM.

LA lotteries are lotteries promoted by LA's themselves. These differ from society lotteries registered with a licensing authority. Local authorities may use the net proceeds of such lotteries for any purpose for which they have power to incur expenditure.

Any necessary agreements or contracts entered into must be in accordance with the Council's Contract Procedure Rules. Agreements and contracts should be in a form approved by the Client Procurement Officer/Legal and Democratic Services Manager

and should identify key activities and outputs so that performance can be properly and regularly monitored.

Discussions have already taken place with the Client Procurement Officer who will advise on the most appropriate method of procuring a formal contract once approved.

Any agreement reached will include a clause which will enable the provision to be terminated after 1 year from the first draw, by giving 3 months' notice. Appropriate notice periods would be built into an initial short term contract.

The ELM would hold all of the financial risk – including an indemnity policy in case of winnings exceeding the prize pot.

The ELM will be compliant with the Gambling Act 2005 requirements and as part of their role, support the council through all Legal requirement including obtaining a remote gambling license, putting appropriate policies in place and ensuring processes are transparent.

The council as licence holder will take all reasonable steps to ensure that information about how to gamble responsibly and how to access information for help in respect of a problem.

The council lottery will not be promoted for private or commercial gain.

The ELM will hold customer funds in a separate client bank account(s)

The council will still need to ensure that the lottery is conducted in such a way as to ensure that it is lawful and fully compliant with the Gambling Act 2005, regulations and all licence conditions and codes of practice.

6.3 Equality, Diversity & Human Rights (including the outcome of the EA attached)

There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.

Full EA – Appendix B

6.4 Significant Community Impact

This is a new service which is aimed at raising funds for the community including the voluntary sector. The report covers how the council would ensure responsible gambling. The main impact on the community is expected to be positive in that smaller good causes could be able to access funding that they would normally not be able to achieve. However, there is also an opportunity to support larger charities which have been funded by the council in the past, but may be subject to funding reviews in the future.

7. Risk Implications

- 7.1 (i) Options Explored - there is no alternative lottery option internally as we do not consider we have the expertise to set up an in-house alternative.

7.2 (ii) Key risks associated with the preferred approach

There could be reputational risks to be considered – but this will be mitigated by good up front communication and involvement with benefitting causes, who could actually sell the idea for the council if this is done well.

Gambling can be an addiction, this has been explored in sections of the report with mitigation actions proposed.

Financial risks are fully covered by the Lottery Management company who have this underwritten.

As part of the contract the successful ELM would be fully compliant DP, PCI Lottery licence etc. and appropriate policies would be provided as part of the contract

It is proposed that this service is included in a future audit plan should it progress.

8. Recommendation

- 8.1 Executive are asked to approve the proposal to progress procurement of an External Lottery Manager with the aim of setting up a Lincoln Lottery in 2018

Is this a key decision? Yes

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? Two

List of Background Papers: Promoting society and local authority lotteries: advice for society and local authority lotteries which require a licence or registration' (Gambling Commission - September 2014)

<http://www.gamblingcommission.gov.uk/PDF/Promoting-society-and-local-authority-lotteries.pdf>

'External Lottery Managers: the main requirements of the Gambling Act 2005, licence conditions and their role in promoting society and local authority lotteries' (Gambling Commission - September 2014)

<http://www.gamblingcommission.gov.uk/pdf/External-lottery-managers-advice.pdf>

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Below are some examples of good causes that have been supported by other LA lotteries already in operation and the amount of money each cause is expected to raise during 2017 based on estimated ticket sales. Following this are the good cause CoLC already supports.

Aylesbury Vale Lottery

Population Mid-Year 2016 – 193,113

Total number of good causes benefitting from Aylesbury Vale lottery – 169

Examples of good causes benefitting from the Aylesbury Vale Lottery and the estimated amount they will receive in 2017.

- Age UK Buckinghamshire - £494
- Great Brickhill Cricket Club - £2,834
- Home Start Aylesbury - £780
- 1st Stewkley Scout Group - £832
- Winslow and District Community Bus - £364
- Winslow United Football Club - £858

Corby Lottery

Population Mid-Year 2016 – 68,187

Total number of good causes benefitting from Corby Lottery – 54

Examples of good causes benefitting from the Corby Lottery and the estimated amount they will receive in 2017.

- Citizens Advice Corby - £208
- DIAL (Disability Information and Advice Line) - £390
- Friends of Coronation Park - £182
- Corby Lions - £286
- Home Start Corby – £78
- Stewarts & Lloyds Youth Football Club - £702
- Weldon Pre-School - £442

Melton Community Lottery

Population Mid-Year 2016 – 50,878

Total number of good causes benefitting from Melton Community Lottery - 28

Examples of good causes benefitting from the Melton Community Lottery and the estimated amount they will receive in 2017.

- Citizens Advice Leicestershire - £208
- Melton Town Football Club - £312

- Age UK Leicestershire & Rutland - £52
- Melton Mencap - £832
- Shop Mobility Melton Mowbray - £52
- Melton Learning Hub - £104
- Melton and District Money Advice Centre £182

Portsmouth Lottery

Population Mid-Year 2016 – 214,832

Total number of good causes benefitting from Portsmouth lottery - 157

Examples of good causes benefitting from Portsmouth lottery and the estimated amount they will receive in 2017.

- Portsmouth Stroke Club – £390
- Pompey Dial Ride - £78
- Climbing Wall for All – Portsmouth High School - £260
- Age UK Portsmouth - £260
- Samaritans Portsmouth & East Hampshire - £1,092
- Rotary Club of Cosham - £208
- Portsmouth Association for the blind - £130

Hart Lottery

Population Mid-Year 2016 – 94,250

Total number of good causes benefitting from Hart Lottery - 40

Examples of good causes benefitting from Portsmouth lottery and the estimated amount they will receive in 2017.

- Yelabus - £26
- Greyhound Lifeline - £910
- Hook Allotment Association - £130
- Royal British Legion, Fleet Crookham & District Branch - £598
- The Lowde Music Trust - £130
- Little Elves Community Pre-school Ltd - £572
- Yateley United Football Club - £338

Grants issued by City of Lincoln Council in 2016/17

Those grants highlighted in green below are of a similar amount to the level of grants likely to be made available from a council lottery scheme.

Beneficiary	What was the Grant for	Amount (£)
Lincoln Arts Trust Limited	Grant towards running costs	61,431
Lincoln Arts Trust Limited	Grant towards running costs	61,431
Lincoln Arts Trust Limited	Grant towards running costs	61,431
Lincoln Arts Trust Limited	Grant towards running costs	61,431
Citizens Advice	Grant towards running costs	53,560
Shopmobility Dial-a-ride	Grant towards running costs	20,923
DialaRide & Shopmobility Services	Grant towards running costs	20,923
DialaRide & Shopmobility Services	Grant towards running costs	20,923
DialaRide & Shopmobility Services	Grant towards running costs	20,923
Lincoln City FC Sport and Education Trust	Delivery of CSAF Project	17,600
Lincoln City FC Sport and Education Trust	Delivery of CSAF Project	17,600
Lincolnshire County Council	Positive Futures Lincolnshire	16,811
Lincolnshire County Council	Positive Futures Lincolnshire	16,780
Lincolnshire Chamber of Commerce & Industry	Visit Lincoln Destination Partnership Contribution 2016/2017	10,000
Nottingham County Council	Contribution towards enhanced Nottingham/Newark/Lincoln train service	9,260
Events TDS	Sponsorship of the 2016 British Cycling National Road Championships	7,000
YMCA	The Show room Activity Centre grant towards running cost March 2016 - August 2016	6,746
Lincoln City FC Sport and Education Trust	Delivery of CSAF Project	6,746
Abbey Access Centre	Grant towards running costs	6,600
Lincolnshire Sport Partnership	Annual District Contribution	6,000
The Network CIO	Grant Funding – The Network CIO	5,815
The Network CIO	Grant Funding – The Network CIO Jan - Mar 2017	5,807
Lincolnshire Chamber of Commerce & Industry	Contribution towards content management	2,000
Active Nation UK Ltd	Delivery of Active Lincoln Project	2,000
Active Nation UK Ltd	Delivery of Active Lincoln Project	1,500
Lincoln Baptist Church	Community Grant Scheme - Visual Print Banner & Espo Matting	670
St Peter at Gowts Church	Bricks and Bones	600
Energize	delivering Energize Summer scheme from Monday 8th- Friday 12th August 2016	500
Learning Co9mmunities	Venue Hire - Generate, Larchwood Crescent - 1 Year	500
Ignite Elim Church	Funding for the HUG weekly meals project	500
Sustrains Limited	Moorland Local People Project	500
Lincolnshire County Council	Community Grant fund for activities costs	500

Beneficiary	What was the Grant for	Amount (£)
Acts Trust	For Energize activities for young people 2016-2017	500
Bridge Church Lincoln	Funding towards a community notice board for Bracebridge	500
Bridge Church Lincoln	Funding to Contribute towards CCTV - Bridge Community Centre	500
Lincolnshire Employment Accommodation Project	Abbey Neighbourhood Grant awarded to Leap	445
Continental Landscapes LTD	Arboretum Tree Works 01/03/17-31/03/17	401
Abbey Grants	Body Zorbs, Bungee Run, Obstacle course & Bouncy Castle	350
Lincolnshire County Council	Moorland Funding Board	305
Green Synergy	Community Fund for the Multi-cultural Harvest Festival	300
Learning Communities	Art and Craft equipment at Generate, Larchwood Cres, Birchwood	300
Learning Communities	Neighbourhood Board Fund	300
Abbey Access Training	Community Lunch Events	300
Bracebridge Infant and Nursery School	Music Project	250
Apact Parent Forum	Face painting materials	155
Bridge Church Lincoln	Contribution towards the rent of Inflatables for Community Fun Day	150
Volunteer & Contact Association	Kids Craft Session	134
Boultham Buzz	Boultham Buzz Adverts	126

Equality with Human Rights Analysis Toolkit SECTION A



Name of policy / project / service	Lincoln Community Lottery
Background and aims of policy / project / service at outset	<p>Within the current financial constraints faced by the council, pressure continues to be placed on all areas of funding, including that of community grant funding.</p> <p>The purpose of the proposed Lincoln lottery is to help fund discretionary support for local voluntary and community organisations and also enable such organisations to raise funds directly for themselves. All funds raised would benefit local people and communities</p>
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Pat Jukes, Business Manager , Policy Unit
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Graham Rose, Corporate Policy Officer, Policy Unit – and Project Manager for this service

SECTION B

This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age		Possible		The proposed lottery is on-line only, which we know does mean that some people are unable to access it – including older people who may not have (or wish to have) access to tablets, e-phones etc	Yes	There is a helpline available through the External Lottery Manager for people with this issue – they will take the order through that
Disability including carers (see Glossary)		Possibly for people with visual impairment		The proposed lottery is on-line only, which we know does mean that some people are unable to access it – including those with visual impairment who may not have access to appropriate tablets, e-phones etc	Yes	There is a helpline available through the External Lottery Manager for people with this issue – they will take the order through that
Gender re-assignment	No	No	No		NA	
Pregnancy and maternity	No	No	No		NA	
Race	No	No	No		NA	
Religion or belief		Consideration		There are some religions which do not allow gambling,	Yes	We should be careful in the launch plan and future marketing to ensure we don't risk offending these religions e.g. by posting marketing material too close to their religious centre
Sex	No	No	No		NA	
Sexual orientation	No	No	No		NA	
Marriage/civil partnership	No	No	No		NA	
Human Rights (see page 8)	No	No	No		NA	

- Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
	NO	

SECTION C

Decision Point - Outcome of Assessment so far:

Based on the information in section B, what is the decision of the responsible officer (please select one option below):

Tick here

- **No equality or human right Impact** (your analysis shows there is no impact) - sign assessment below ☐
- **No major change required** (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below ☒
- **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below ☐
- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made ☐
- **Put Policy on hold** (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress ☐

101

Conclusion of Equality Analysis (describe objective justification for continuing)	There is no issue under the EA, although care will always be taken to abide by the Gambling Act 2005 to ensure we are acting responsibly
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When and how will you review and measure the impact after implementation?*	Annually
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Checked and approved by responsible officer(s) (Sign and Print Name)	Pat Jukes	Date	24 th October 2017
Checked and approved by Assistant Director (Sign and Print Name)		Date	

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SUBJECT:	LINCOLNSHIRE COUNTY HOMELESSNESS STRATEGY 2017-2021
DIRECTORATE:	HOUSING AND REGENERATION
REPORT AUTHOR:	ALISON TIMMINS, HOUSING SOLUTIONS AND SUPPORT MANAGER

1. Purpose of Report

1.1 The purpose of this report is to:

- provide an overview of the Lincolnshire County Homelessness Strategy 2017-2021; and
- seek approval of the Lincolnshire Homelessness Strategy 2017-2021

2. Executive Summary

2.1 The Lincolnshire County Homelessness Strategy Group has worked together to undertake a review of homelessness within the area and to produce the third countywide strategy. A range of stakeholders have been consulted throughout the process.

2.2 In line with the national picture, homelessness in Lincolnshire is increasing.

2.3 Five key themes have emerged:

- Partnership – developing and maintaining strategic partnerships
- Prevent – preventing homelessness wherever possible
- Protect – the most vulnerable from homelessness including rough sleeping
- Place – ensuring the right housing solutions for households
- Possibility – working towards a sustainable future for supported housing

2.4 A county wide delivery plan, which requires work from each local authority both individually and as a partnership, is under development to address the above themes. Progress against the action plan will be co-ordinated and monitored through the Lincolnshire County Homelessness Strategy Group and District Housing Network.

3. Background

3.1 The Homelessness Act 2002 requires that all Housing Authorities carry out a review of homelessness in their areas, formulate and publish a strategy based on the findings of this review, keep this strategy under review and consult with other local or public authorities and voluntary organisations before modifying or adopting a strategy.

- 3.2 The Lincolnshire County Homelessness Strategy Group (LCHSG) consists of members from each local authority in Lincolnshire together with other statutory and voluntary organisations. The partnership basis of the Lincolnshire County Homelessness Strategy Group has been recognised as an example of best practice. This has enabled the successful development of two previous countywide Homelessness Strategies and given the group access to additional funding to support service provision across the county. The Strategy sets the direction for homelessness activity across Lincolnshire between 2017 and 2021 and has been developed in consultation with a wide range of stakeholders and service users through a variety of consultation events and methods.
- 3.3 In line with the national picture, homelessness in Lincolnshire is increasing. It is predicted that increased unemployment combined with higher levels of personal debt, will lead to many more people in our area becoming at risk of losing their home. Compounded by welfare reform and policy change, limited supply of social housing and limited development of affordable housing, there has never been more need to work as a partnership in Lincolnshire. The complexity of homelessness requires innovative partnership working - sharing skills, expertise and supporting one another - to prevent and tackle homelessness for each person in need of our services.

4. Review

- 4.1 A homelessness review has been carried out by LCHSG across the seven local authority areas in Lincolnshire (Boston, Lincoln, East Lindsey, South Kesteven, North Kesteven, South Holland and West Lindsey). The purpose of the review is to:
- establish the current level of homelessness across the county,
 - project its likely growth (or decline) in future years,
 - identify what is currently being done and by whom, and
 - identify what level of resources are available to prevent and tackle homelessness in the future

5. Consultation

- 5.1 A range of stakeholders have been involved and consulted throughout the lifetime of the previous strategy. This level of consultation and engagement has continued throughout the review and preparation of this new draft strategy. Multi-agency workshops started in July 2015 and culminated in an action planning event held in March 2016. The events included Elected Members, Housing Advice Teams, voluntary and statutory agencies and current service providers, and will continue until final version.

6. Developing the Strategy

- 6.1 The Lincolnshire Homelessness Strategy 2017-21 is a framework for all seven Lincolnshire authorities. It encourages partnership working with all stakeholders to deliver our priorities to prevent and tackle homelessness during a changing policy environment and challenging economic climate. Aligned with national and regional strategies, this document sets out our key priorities to ensure appropriate access

and support to those who are homeless or at risk of homelessness across Lincolnshire.

7. Key Priorities

7.1 The following key themes have emerged:

- Partnership – developing and maintaining strategic partnerships
- Prevent – preventing homelessness wherever possible
- Protect – the most vulnerable from homelessness including rough sleeping
- Place – ensuring the right housing solutions for households
- Possibility – working towards a sustainable future for supported housing

7.2 The implementation of the Homelessness Reduction Act 2017, has additional duties that will see a significant increase in case work, particularly for those previously considered non-priority, and in terms of general case management. The Government recognises there are additional burdens for local housing authorities as a result of this Act and their anticipated reporting requirements. We are already developing a specific response for the City of Lincoln to implement this Act.

7.3 A countywide delivery plan, which requires work from each local authority both individually and as a partnership, is under development to address the above themes. Progress against the action plan will be co-ordinated and monitored through the Lincolnshire County Homelessness Strategy Group and District Housing Network.

8. Funding

8.1 Local Authorities receive an annual grant from the Department for Communities and Local Government (DCLG) to assist with the delivery of homelessness prevention services and it has been implied that this will continue to 2019/2020. The Council has also been awarded two more sets of short term funding, the Flexible Homeless Support Grant and New Burdens Funding, both of which are ring-fenced for homelessness activities and will be used to help implement the Homelessness Reduction Act.

8.2 Over the course of the previous strategy LCHSG successfully accessed other funding opportunities for specific activities including additional refuge provision, youth homelessness and rough sleeping. The group is looking to build on this and has recently been successful in its bid for Social Impact Bond funding (payments by results), where the partnership has commissioned P3 to work with entrenched rough sleepers or those at risk of returning to the street, with key health, training and employment outcomes. A further bid is proposed to access funding to work with Migrants who have no recourse to public funds.

9. Monitoring the Strategy

9.1 The Lincolnshire County Homelessness Strategy Group (LCHSG) is the body that brings together agencies across Lincolnshire supporting homeless and vulnerable people, and will deliver and monitor the actions of the strategy. This includes actions for the county as a whole to work together to enable the delivery of and

actions where each authority must play its part to enable the successful delivery of the priorities. An annual review of the progress will be produced. The District Housing Network will receive regular updates and help inform future delivery.

10. City of Lincoln

10.1 There are many benefits to a joint strategy to address the common themes and challenges faced by all in Lincolnshire, but it is important that we maintain a local perspective for those issues specific to City of Lincoln and requiring a local solution. We will therefore continue to work with our partners to identify local issues and shape/improve our services at a district level.

10.2 The table below provides a summary of statutory homelessness in Lincoln, over recent years and in context of Lincolnshire as a whole:

Year	BBC	ELDC	COLC	NKDC	SHDC	SKDC	WLDC	Total
2010/11	79	151	95	34	59	198	60	676
2011/12	84	159	156	51	63	245	36	795
2012/13	71	204	240	42	53	219	31	860
2013/14	82	175	251	68	80	219	44	923
2014/15	98	134	347	80	78	263	62	1062
2015/16	91	103	242	99	76	238	33	929
2016/2017	94	127	242	89	95	268	101	1078

10.3 These figures are a measure of those formally seeking the assistance of the local authorities under homelessness legislation. To that extent they are not a measure of many of those homeless but not in priority categories (as assessed by legislation and the national code of guidance) e.g. rough sleepers not seeking assistance would not be counted in these statistics.

10.4 Emerging challenges for City of Lincoln are:

- access to affordable housing options for all client groups but especially single persons aged under 35, reliant on Housing Benefit or Local Housing Allowance
- increase in rough sleeping
- general private sector housing access
- implementation of the Homelessness Reduction Act

11. Strategic Priorities

11.1 Let's Reduce Inequality

The County Homelessness Strategy will have a positive impact on this strategic priority by working some of the most disadvantaged households across the county.

12. Organisational Impacts

12.1 Finance

None as a direct result of this report. Majority of the content will be met within the

DCLG homelessness grant received direct to individual local authorities and the recent Partnership Funding that was awarded to Lincolnshire as a whole. It should be noted that there are tasks within the action plan that may have financial implications but this will be considered as and when required. As with all partnership arrangements, there is an element of risk based upon co-operation and contribution to the strategy, however the LCHSG is an established group with proven success from three previous homelessness strategies and effective funding bids.

12.2 Legal Implications including Procurement Rules

As set out in the report, the Homelessness Act 2002 requires all local authorities to complete a homelessness review and have a Homelessness Strategy

12.3 Human Resources

It is anticipated that commitment to progressing the strategy and action plan can be met within existing resources. Each Local Authority currently contributes to the post of Lincolnshire Homelessness Prevention Manager, which is hosted by West Lindsey District Council on behalf of the LCHSG as a whole, City of Lincoln's contribution is met from the DCLG Homelessness Grant.

12.4 Equality, Diversity & Human Rights

An Equality Impact Assessment has been produced. There is no evidence to show that this Strategy will have a detrimental impact on any group, rather the Strategy will positively impact disadvantaged groups.

13. Risk Implications

13.1 None identified.

14. Recommendation

14.1 It is recommended that Executive endorses the Lincolnshire Homelessness Strategy 2017 – 2021, and the intention to develop a detailed action plan.

Is this a key decision? Yes/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?

List of Background Papers: None

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Lincolnshire Homelessness Strategy

2017-2021



contents

110

Welcome	4
Lincolnshire in context	5
Boston	6
City of Lincoln	8
East Lindsey	10
North Kesteven	12
South Holland	14
South Kesteven	16
West Lindsey	18
Reflecting on the previous Lincolnshire Homelessness Strategy 2012 – 2016	20
Strategy introduction	23
Homelessness in context in Lincolnshire	37
Priorities, Delivery Plan and Governance	49



welcome

Welcome to the fourth Homelessness Strategy produced by Lincolnshire housing authorities. The strategy sets out the key challenges, priorities and objectives for preventing and tackling homelessness across Lincolnshire over the next five years.

Local authorities and their partners face unprecedented change, economic challenges and significant welfare, housing and planning policy developments.

Over recent period the current government has introduced substantial and wide-ranging changes meaning that the period ahead will be one of the most challenging for local authorities and their partners.

Homelessness is a complex issue that cuts across many policy areas. Local authorities have long recognised that partnership working is the key to tackling homelessness. Now more than ever we need to work together to respond to an environment of rapid change. The potential impact of a wide range of policy changes on people vulnerable to experiencing homelessness cannot be underestimated.

The strategy is supported by a delivery plan which clearly sets out the short, medium and longer term activities to deliver an effective homelessness strategy for Lincolnshire. To ensure the strategy remains relevant and can respond to change, the delivery plan will be regularly

monitored by the Lincolnshire Homelessness Strategy Group and will be reviewed annually.

Over the past four years Lincolnshire has experienced both an increase in homelessness, alongside an increase in the complexity of the needs of individuals and households affected by homelessness.

During the lifetime of this strategy we will see significant changes which, without innovation, collaboration and partnership may lead to increased homelessness amongst vulnerable households. In order to respond to the challenges ahead we must build on our relationships with other statutory services, registered providers, employment and skills colleagues and financial inclusion services, all of whom will play a larger role in preventing homelessness over coming years. With continued pressures on the level of available resource across local authorities and their partners, we will have to be innovative in our approach to homeless prevention, develop further initiatives and make best use of our collective resources to improve the lives of those who are at risk of, or are experiencing, homelessness across Lincolnshire.

This strategy represents a partnership response to preventing and tackling homelessness. We would like to thank all of the individuals and organisations who have contributed to the development of the strategy.

Lincolnshire in context

Lincolnshire is the fourth largest county in England, covering 5921 sq. km. It is also the fourth most sparsely populated. It is a county of contrasts, with a diverse landscape covering coastal, rural and urban areas with concentrations of population around the city of Lincoln and the key market towns of Gainsborough, Sleaford, Boston, Grantham, Louth, Skegness, Spalding and Stamford. Rural and coastal areas present particular homelessness challenges, with the coastal area characterised by high concentrations of deprivation and high levels of low paid seasonal work while rural areas have low population density areas, limited road networks and transport infrastructure coupled with social isolation.



5,921km²

743,400
Estimated population 2016



Having some of the highest private rents in the region and lowest full time wages, Boston faces real affordability challenges

Boston

Covering an area of 362 square kilometres Boston Borough consists of the market town of Boston and 18 rural parishes. Boston is a sub-regional centre, second in the county to Lincoln, and provides retail employment and a variety of visitor attractions. It has a strong food and agricultural sector as well as a stable historic industrial base and a port. Its historic environment is recognised by English Heritage as one of the most important in England.

Shaped by agricultural and horticultural activity, the Boston area has seen one of the largest increases in population since the 2001 Census, nationally. The population of Boston Borough has increased by 19.3% (to 66,500) since 2001. A high proportion of the increase has come from economic migrants, particularly from Portugal and Eastern Europe, placing a strain on housing and local services. The population is forecast to grow further by 10,000 for the period 2014 to 2039.

In common with many other coastal communities, Boston faces significant challenges. These include geographical isolation, low wages, an economy over-reliant on elementary occupations and a poor skills base. Gross weekly full time pay is £411.20 compared with an East Midlands average of £492.00 (2015) while the proportion employed in elementary occupations is 20.3%, more than double the Great Britain figure of 10.8%. However, long-term unemployment remains below the England average.

Although local schools are of a generally high quality, the proportion of residents with NVQ4 Level qualifications and above is significantly below the East Midlands and Great Britain average.

Some 19.8% of the district's population falls within the 20% most deprived areas in England compared to a Lincolnshire average of 11.7%. Private sector rented accommodation is of generally low quality and rents are higher than the East Midlands average.



66,500
19.3% increase in
population since 2001

£411.20

Gross weekly full
time pay

Compared with an East
Midlands average of

£492

City of Lincoln

City of Lincoln has an estimated population of 97,065 residents across approximately 44,600 households, with the average Lincoln household containing 2.21 people.

In 2015 Lincoln had ten areas that were in the highest 10% of deprived areas nationally. This has increased from seven areas in 2010 and five areas in 2007 according to the Indices of Multiple Deprivation. The ten areas equate to 16,014 Lincoln residents and 16.5% of the total City of Lincoln population.

Although there is growth in the local housing market this is at levels significantly less than that assessed as needed in the local plan. The highest growth is in the number of flats with 2,110 being built in the last ten years.

There has been a significant increase in the number of private rented properties in the last fifteen years and this is partly due to the growth of the universities and consequent student numbers. A quarter of the City's total housing stock is now private rented and with estimates of non-decency at 36% and Category 1 Hazards, under the Housing and Health Rating System, at 21% the sector present significant challenges.

The City's age demographic is younger than the rest of the County, which is mainly driven by University growth, but this can mask the growing demand and need for support and care services from the permanently resident population.

In the five years from 2012/13 to 2016/17, the number of people formally approaching the City Council as homeless, with the exception of one year, stayed at a fairly consistent 240-250 households per annum. Within that though there has been a movement towards younger age levels presenting themselves as homeless. In line with the Homelessness Reduction Act 2017 the Council is targeting more resources on homelessness prevention activities in forthcoming years.

Rough sleeping in Lincoln is increasing, as evidenced by the formal annual rough sleeping count of 2017. A range of support and accommodation services are already operated by several agencies within the City. The short term focus in addressing rough sleeping is to develop closer partnerships between the third sector and statutory agencies to ensure consistency of both support and emergency accommodation.



There is a higher proportion of younger people living in Lincoln, compared to other districts



97,065
Residents across approximately
44,600 households



2,110
flats being built



242
people as
homeless

East Lindsey

East Lindsey has an estimated population of 138,400 and covers approximately 1,765 square kilometres making it the second largest non-unitary District in England or the ninth largest overall if you include unitary authorities. Only four of its 189 parishes have a population greater than 5,000.

The population is expected to increase but below national levels. However the percentage of working age people is set to decrease significantly whilst the number of over 65's, which is already higher than regional and national averages, will continue to rise. The demand for adapted lifetime homes and health related services is already high and will continue to increase.

Employment, training and education opportunities are poor resulting in an out of work claimant count of 8,930 (11.6% of the working age population) for main out of work benefits including JSA, ESA & Income Support. The total claimant count is 12,580 (16.4% of working age population) which includes Carers, Bereavement and Disability benefits as well.

Average wages in East Lindsey have traditionally fallen behind regional and national levels but for full-time workers this gap has narrowed. Part-time workers continue to earn less than the

national average and this gap has widened. There are few major employers, and lots of self-employed and micro businesses.

Being a coastal district, with circa 28,000 static caravans, brings many challenges. The population of Skegness area increases from circa 25,000 up to 250,000 during the summer months which generates income to individuals and the wider area but can also put pressure on public services. There are high levels of seasonal employment which creates financial uncertainty for many residents.

Overall, East Lindsey is ranked the 33rd most deprived local authority district area in England (out of 326) and there are approximately 4,500 children living in poverty. During summer months there is an increase in rough sleepers who generally migrate from the Midlands to the coast to make a fresh start.

Between 1st April 2008 and 1st April 2017, the Council enabled the development of 1351 new affordable homes. Opportunities for large scale housing development are limited due to restrictions linked to the Wolds Area of Outstanding Natural Beauty (AONB), proximity to the coast and the risk of flooding and existing market town infrastructure.

Being a coastal district, there are high levels of seasonal employment



Poor employment,
training and education
opportunities

11.6% Adults claim
key out of
work benefits



High levels
of seasonal
employment



28,000
static caravans bring
many challenges



1351
New affordable
homes

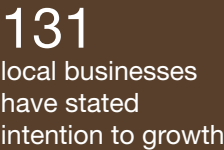
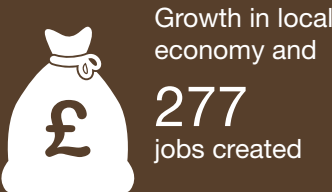
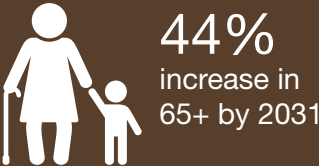
North Kesteven

North Kesteven has the lowest crime rate in the country and is ranked as the 34th best place to live according to Rural Quality of Life Survey. However, there are a range of issues that pose challenges for residents, businesses, district council and other public services. The 2011 census showed that North Kesteven was the fourth fastest-growing district in England and Wales. Latest projections indicate this is to grow a further 6% by 2021, which creates additional demand on accessible and affordable housing, support, education and health services. As well as the predicted growth levels, the age profile of the population will change significantly with a projected 44% increase in the 65+ population by 2031.

The NK Economy is built upon traditional strengths relating to agriculture and associated industries.

The district council has financial plans to invest in new social, affordable and private rented accommodation. In recent years the district has experienced growth in local economy and 277 jobs have been created or safeguarded and a further 131 local businesses have stated their intention to grow. Unemployment is below the national average but wage levels are not only below the national average but amongst the lowest in the country. Deprivation is lower than average, but approximately 2,200 children live in poverty. Locally we are experiencing an increase in mortgage lending, property sales and average houses prices but they remain below the national average. The private rented sector has also seen increases in rental charges but Local Housing Allowance rates remain unchanged for the second year.

The District Council has financial plans to invest in new social, affordable and private rented accommodation



South Holland

South Holland has an estimated population of 92,000. The population has grown by c.20% between 2001 and 2011, driven by a combination of inward migration from other parts of the UK and further afield, alongside growth in the ageing population locally. Whereas unemployment remains consistently lower than national averages, lower earnings locally compound the issue of housing affordability within South Holland. The population of the district is anticipated to grow significantly over the next 21 years, with rates of population growth anticipated to reach the second highest levels of growth within Lincolnshire. Whereas there is a buoyant housing market in South Holland, driven by the district's excellent connectivity to places of high growth such as Peterborough, levels of growth have fallen short of local targets. Market rents in South Holland are high, and are comparable with those in Cambridgeshire to the south of the district. There is a notable gap between Local Housing Allowance rates and local market rents.

The number of applications for assistance with homelessness to the council has increased over the past 12 months, leading to corresponding increases in temporary accommodation use. The district has also seen an increase in rough sleeping over the past few years. In response to these challenges, South Holland District Council is seeking to play an activity role in increasing supply of new housing within the district. The authority has set up Welland Homes Ltd (a private company with a remit to develop new housing for market rent), alongside pursuing a number of new affordable housing developments through the council's Housing Revenue Account. The council is also planning for major housing growth through two Sustainable Urban Extensions within Spalding; the largest settlement within the district. Growth is also planned for Crowland and Holbeach.



39.2%
own their own
home without a
mortgage



33.3%
home owners
with a mortgage



12.7%
privately rent/rent
within
social housing



6,250+
new homes
planned over 2
major sites



20%
population
increase since 2001

**The population is expected
to increase significantly
over the next 21 years**



South Kesteven

South Kesteven is a district of divides. Stamford in the south of the district is very affluent yet areas of Grantham in the north of the district rank among the 10% most deprived neighbourhoods in the country. In 2013 the Sunday Times voted Stamford as the Best Place to Live in Britain. Many households cannot afford to buy a house in Stamford.


117 The Office for National Statistics data shows that South Kesteven will see the highest increase across the county of the 75+ age group between 2012 and 2037. This means that the demand on accessible and affordable housing will increase whilst the number of people of working age and paying tax for much needed services will decrease.

The district council intends to invest approximately £8m on affordable housing over the next four to five years. The number of unemployment claimants has reduced by more than a half in the last four years. Between April 2015 and April 2016, there was a drop in claimant rate of over 4%. The median average house price across the whole of South Kesteven in 2012 was £156,500. Between 2009

and 2013, there has been an increase in the house prices in all areas of South Kesteven. The increase has ranged from 4% in Market Deeping to 14% in Stamford.

The Local Housing Allowance rates have remained the same in South Kesteven for the last five years. Only about half of two and three bed private rental properties available to let in Grantham are at or below Local Housing Allowance rates; most if not all of the rental properties in Stamford and Bourne are above the LHA rate and all 4+ bed properties are above the LHA rate (Rightmove figures as at 2016).

The Peterborough Sub-Regional Strategic Housing Market Assessment shows that the indicative income required to buy a property at the lower quartile purchase price is: £37,100; for a lower quartile private rent: £19,400; for an affordable rent: £15,500 and for a social rent: £13,400 (figures as at 2013). These statistics show that many households are priced out of private homeownership and many households who need to rely on welfare benefits are priced out of the private rental sector.



Stamford is a very expensive place to live, making housing unaffordable to many households



Stamford
best place to live in Britain
Sunday Times 2013



SK will see the highest increase across the county of 75+ age group



£8m
on affordable housing over the next 4 - 5 yrs

West Lindsey

The district of West Lindsey covers the area immediately north of Lincoln and forms the north west gateway to Lincolnshire. The district is predominantly rural and has a diverse housing market with significantly higher levels of demand and higher house prices and affordability challenges in villages closer to Lincoln compared to the main market town of Gainsborough. This is also reflected in the levels of deprivation and unemployment across the district.

Whilst some of the West Lindsey villages are amongst the least deprived in the country, the South West Ward of Gainsborough is one of the most deprived. This area is characterised by a dense private rented sector requiring a number of council initiatives to improve housing standards and reduce vulnerability. The Council is working hard to tackle empty homes and has recently introduced a selective licensing scheme to improve the standards and management of private sector properties. A number of successful multi-agency approaches to tackling the wider issues that contribute to deprivation and vulnerability across the District are underway.

Varied micro markets across former Ministry of Defence villages, rural villages and market towns within the district present very different housing challenges.

Gainsborough has been identified as an area in which there will be significant growth and development over the next few years. Gainsborough is one of the few areas of the Country to have achieved Housing Zone status, with ambitious plans to develop a minimum of 800 new homes on brownfield sites within the town. Further land is allocated to accommodate an additional 3635 which represents 12% of the total growth planned for Central Lincolnshire


Over the last 10 years, West Lindsey has experienced 4.3% growth in population and it is anticipated that by 2030, the population will increase by 30% which is the highest level of growth in the county and compares with a regional level of 20% and a national level of 15%.


West Lindsey has an ageing population. Some 21% of the population in the census was of retirement age compared with 19% in the rest of the country. It is envisaged that this will rise to 32% by 2037. This is also reflected in a lower than average proportion (75%) of people who are economically active. This means that the demand on accessible and affordable housing will increase whilst the number of people of working age and paying tax for much needed services will decrease.

West Lindsey District Council's housing stock was transferred to Acis Group in 1999.

The district is predominantly rural and has a diverse housing market



 **4.3% growth**
in population
30% increase
by 2030

 **21%**
of population in
the census was
of retirement age

Reflecting on the previous Lincolnshire Homelessness Strategy 2012 – 2016

Lincolnshire's Homelessness Strategy 2012 – 2016 focused on five key priority areas:

- Priority 1: Prevention
- Priority 2: Partnership working
- Priority 3: Welfare reform
- Priority 4: Young people
- Priority 5: Rough sleeping

Through working together, the Lincolnshire Homelessness Strategy 2012-16 achieved the following key outcomes:

- Prevented in excess of 9,700 households across Lincolnshire from experiencing homelessness
- Secured around £1 million of additional homelessness-related government grant for Lincolnshire, which has been used to fund services and initiatives that have contributed towards the prevention of homelessness

The strategy and partnership also secured the following achievements which made a significant contribution to reducing homelessness across Lincolnshire:

PREVENTION

- We focused our resources to target the most vulnerable enabling them to remain in their own homes or obtain suitable alternative accommodation, mitigating as far as possible the impacts of welfare reform. The range of measures deployed include the use of discretionary housing payments, charitable funding, government grants and rent deposit schemes to prevent homelessness
- We delivered a 'Breaking the Myths' communications campaign, that sought to dispel the myths about homelessness through various media in Lincolnshire.

PARTNERSHIP WORKING

- We established a genuine collaboration to broker additional local and central government funding to deliver services such as the rough sleeper outreach team to redirect the lives of over 1,200 individuals
- Following a successful partnership bid of £430k we secured the provision of new accommodation and support, introducing specialist accommodation for male domestic abuse victims
- Through closer working with criminal justice agencies

- we enhanced our understanding of the links between homelessness and offending to achieve better risk management and enable more settled housing solutions
- Together with statutory and voluntary partners, we developed our Vulnerable Adult Panels across Lincolnshire to assist in meeting the needs of complex and chaotic households

WELFARE REFORM

- We have worked closely in partnership with the Department of Work and Pensions, Citizens Advice and Credit Unions to prepare for and mitigate against the impact of welfare reform
- Lincolnshire has taken a lead for the Universal Credit 'pilots', training over 500 advisors on the implications of Universal Credit and how to identify support needs for customers, together with the setting up of digital hubs across Lincolnshire managed by trained volunteers

YOUNG PEOPLE

- We worked in partnership with Lincolnshire County Council to develop a model of early intervention and prevention to reduce youth homelessness and developed a joint protocol to meet the needs of young people at risk of homelessness
- With a focus on early intervention to prevent youth homelessness, we commissioned a successful drama programme in schools. A total of 278 shows were performed during the life of the strategy to 16,589 young people. The project has since been commissioned by 10

other local authority areas across the country.

- Our youth homelessness prevention work is cited as best practice by the Department for Communities and Local Government

ROUGH SLEEPING

- We developed and supported implementation of rough sleeper outreach service operating across Lincolnshire and Rutland, redirecting the lives of 1,395 individuals
- Lincolnshire received national recognition from Homeless Link for best practice when tackling rough sleeping across multiple local authority areas
- Our partnership working had a significant impact on reducing rough sleeping across Lincolnshire by 47% in the first year of the outreach service
- We encouraged members of the public to play an active role by reporting and referring people sleeping through implementation of a dedicated 0800 rough sleeper hotline
- 279 EU Nationals were connected back to their local communities and support networks
- Recognising the important contribution that this service made to vulnerable rough sleepers, an extension for the funding for this service was secured for a minimum of three years through discussions with Public Health

Strategy introduction

The Homelessness Act 2002 requires housing authorities to take a long term strategic approach to preventing and managing homelessness. Councils are required to carry out regular reviews of the homelessness situation in our local authority areas, taking account of the activities and services available to prevent and tackle homelessness in addition to taking account of relevant national and regional policies and to develop a strategy based on the findings of these.

Lincolnshire’s Homelessness Strategy 2017 – 2021 sets out how the seven Lincolnshire housing authorities, together with a range of partners, aim to prevent and tackle homelessness over the next five years. This is Lincolnshire’s fourth joint homelessness strategy; a combined strategy between the seven Lincolnshire district authorities who, although managing very diverse housing and homelessness pressures and needs, have committed to working to common goals to prevent homelessness across Lincolnshire.

This strategy has been developed through engagement with stakeholders of the Lincolnshire Homelessness Strategy Group, elected members and service users. It has been informed by the findings of a homelessness review undertaken during 2016 and 2017.

Engagement has taken place with statutory and voluntary sector partners to ensure our homelessness strategy is effective and relevant. Consideration has been made of

local and wider sub-regional plans and regional plans and strategies. Therefore a series of engagement events and surveys were held to assist in the collation of data.

It is important to acknowledge this strategy has been developed at a time of considerable change in the housing sector. Legislative changes being introduced at the time of writing are being implemented and will likely have significant implications for local authorities and our partners in tackling homelessness.

NATIONAL AND LOCAL CONTEXT AND DRIVERS FOR CHANGE

Over the next five years there are a number of challenges that are likely to impact heavily upon those who are vulnerable to experiencing homelessness, alongside those who work to prevent homelessness. These challenges include changes to government policy where careful management of the possible impacts are required, a continuous demand on resources in the face of tightening budgetary pressures, a fragile national economic picture and various policy areas that have the potential to impact on preventing and tackling homelessness but are not necessarily coordinated. In order to successfully prevent homelessness going forward, the homelessness prevention agenda across Lincolnshire will need to prepare those vulnerable to homelessness and the services that support

them for the challenges that may lie ahead. This section sets out the national, countywide and local context that surrounds some of these challenges.

A national government focus on supporting home ownership, and a likely corresponding reduction in the supply of new homes for affordable rent

Since the May 2015 General Election there has been a notable shift in central government policy in relation to affordable housing. Whereas previous government policy was strongly focused on increasing the number of homes available for affordable rent, prevailing government strategy has seen investment and policy directed towards increasing the supply of affordable homes designed to help households into home ownership. Early indications following the June 2017 General Election suggest that supporting households into home ownership will remain a key theme of the government's focus in relation to affordable housing.

The government has sought to do this in a number of ways. The government has consulted on proposals for local authorities to secure a higher large proportion of new housing on new housing developments as 'low cost home ownership housing (e.g. shared ownership and shared equity housing) as opposed to low cost rented housing. The government is also seeking to direct higher levels government grant for affordable housing into 'rent to buy' housing; a product aimed at working households who can afford a market rental property, but as a result do not have the available income to save for a deposit to buy.

The government has also applied a constraint on the income that social landlords can derive from rented housing between 2016 and 2020. This has had the impact of encouraging

housing associations to build a higher proportion of homes for market sale and rent, as a means of cross-subsidising the delivery of rented housing. Whereas cross-subsidisation is helping housing associations to deliver rented housing, the investment priorities of many housing associations have drifted away from rented housing as a result.

Whereas this shift in government policy will undoubtedly generate opportunities to support households into home ownership across Lincolnshire, these changes are likely to result in the delivery of fewer rented homes for affordable rent. This creates challenges for local authorities in relation to how they plan to meet the needs of those for whom home ownership is not a viable housing solution.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

A decrease in the supply of new social housing has the potential to significantly impact on the ability of Lincolnshire local authorities to meet their statutory duties in relation to homelessness households. The reduction in supply which may result from these policy changes may also limit our ability to utilise social housing to prevent and/or alleviate homelessness before it arises, and also to limit the options available for those in need of independent accommodation (such as those presently residing in supported accommodation).

Over the next four years, it will become vitally important to the success of this strategy to ensure that the available supply of affordable rented housing is prioritised for the most vulnerable, and that those who can meet their housing needs through alternative tenures are supported to do so.

Home ownership opportunities will be varied across

Lincolnshire. One of the biggest challenges in Lincolnshire is to understand how many households will be able to afford low cost home ownership products – for some, this will present a new opportunity for home ownership however for others and in some parts of the county, this will not be viable. Lincolnshire's ageing population presents additional challenges, with some households being unable to access high street borrowing options to enable home ownership. Housing providers will need the flexibility to be able to develop a range of home ownership products and must also consider how best to ensure that social rented stock prioritised for those in the greatest need.

A likely reduction in the size of the existing pool of available affordable housing for rent

In addition to limiting the supply of new affordable housing to rent, a number of new government initiatives may also result in reducing the existing stock of affordable rented housing across Lincolnshire. Such initiatives include the extension of the Right to Buy for housing associations tenants (affording housing association tenants the right to buy their home at a discount), alongside an plans to introduce a policy which will compel stock-owning local authorities to sell their higher value stock in order to fund the replacement of homes purchased through the extended Right to Buy scheme.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

As with the potential decrease in the supply of new affordable housing for rent, any reduction of the existing pool of homes to rent is likely to limit the ability of Lincolnshire local authorities and their partner organisations to utilise social housing to meet the needs of all but the most vulnerable households. Once again, it will become vitally

important to the success of this strategy to ensure that the available supply of affordable rented housing is prioritised for the most vulnerable.

A likely increased reliance on the private rented sector to meet housing need amongst vulnerable groups, and other PRS reforms

With the government placing a strong emphasis on supporting home ownership, there are a number of factors that are likely to impact upon the supply of new and existing affordable housing for rent. Lincolnshire local authorities and their partners rely heavily upon the existing stock of affordable rented housing within the county to meet the needs of the most vulnerable households, including those who are either threatened with or have experienced homelessness.

If the supply of new affordable housing for rent decreases, and the pool of existing stock for rent shrinks, it is likely that over the lifespan of this strategy there will be an increased reliance upon the private rented sector across Lincolnshire in order to meet the housing needs of those whose needs would have previously been met through a housing association or local authority home.

This comes at a time when central government is seeking to encourage a higher quality private rented sector by introducing new standards in relation to fire safety, new standards in relation to lettings practices and bolstering consumer rights for tenants and also through utilising the tax system to encourage landlords to become more 'visible' and adopt more formal business arrangements. It also comes at a time when many local authorities are exploring becoming private landlords themselves, as a means of setting a higher

standard for within the sector locally in terms of management practices and quality of accommodation. South Holland District Council is one local authority within Lincolnshire who has established itself as a market rented landlord.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

There is evidence of a high level of demand for private rented housing across all of the major towns in Lincolnshire. The quality and affordability of the private rented sector offer is however, hugely varied across Lincolnshire.

Our evidence suggests that the private rented sector plays an important role in meeting housing need and demand across the county, however, consistent with the national picture, the ending of a an assured shorthold tenancy in the private rented sector continues to be a leading reason for households approaching local authorities as homeless.

Increased reliance on the private rented sector to meet housing need will require those working in homelessness agenda across Lincolnshire to consider how we best engage with the sector as a means of supporting households to access private rented accommodation, in addition to supporting private landlords to provide accommodation for those who will come to rely upon it. Supporting vulnerable households in accessing the sector will become a key focus of our strategic approach to addressing homelessness over the course of this strategy.

A government welfare reform agenda with a strong emphasis on supporting access to employment

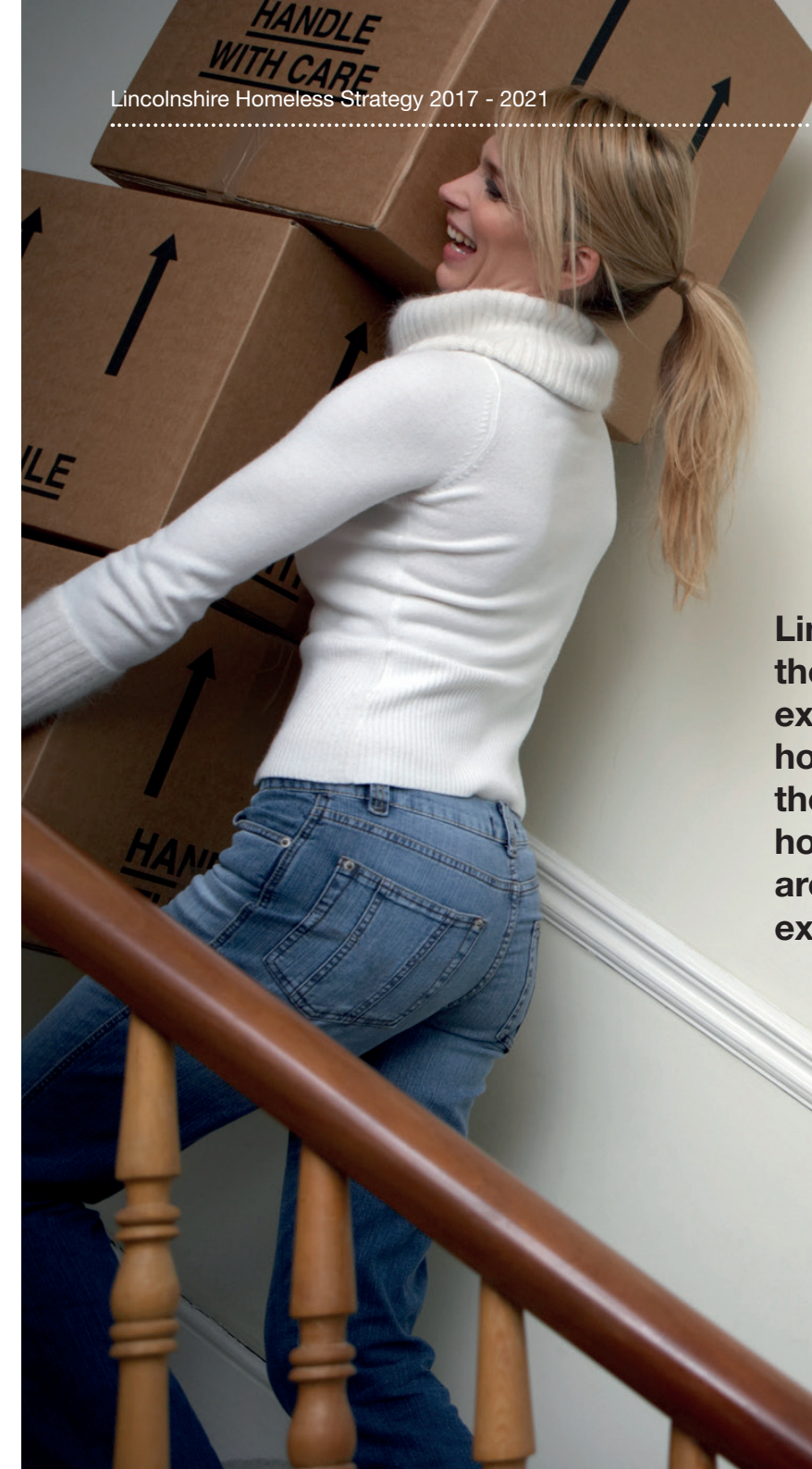
Since the 2010 and 2015 General Elections, there has been

a strong government focus on reform to the Welfare Benefits system. There have been a number of national drivers for these reforms, including a tightening of government expenditure on welfare budgets and a policy focus on encouraging and supporting households to take up employment opportunities as opposed to being reliant upon welfare payments to meet housing and living costs.

The government's Welfare Reform agenda includes a number of key policies, most notably the introduction of Universal Credit (which consolidates a range of existing welfare payments into a single monthly payment) and the introduction of caps and limits of the benefit that households are entitled to in order to cover their living and housing costs. There are some specific elements of welfare reform which pose potential challenges to the homelessness agenda at a national, county and local level over the lifetime of this strategy. These challenges include the following:

THE DESIGN OF KEY ASPECTS OF THE UNIVERSAL CREDIT SYSTEM

A flagship policy of the government's welfare reform agenda, the Universal Credit system seeks to pull together six means tested benefits into a single welfare payment. The government's view is that the Universal Credit scheme, which will see a single payment of welfare benefit paid to households on a monthly basis, will support households in the transition into employment by simplifying the benefits system from the perspective of the claimant (thus making it easier for the claimant to understand how their benefits may change if they enter employment) whilst also preparing claimants for life in employment by mirroring the typical monthly pay cycles associated with paid work. A large number of housing and homelessness charities



Lincolnshire local authorities and their partners rely heavily upon the existing stock of affordable rented housing within the county to meet the needs of the most vulnerable households, including those who are either threatened with or have experienced homelessness

have raised concerns about some elements of the design of the Universal Credit scheme, and how these elements may heighten the risk of vulnerable households claiming the benefit from experiencing budgeting challenges, debt issues and homelessness. Concerns relating to scheme design issues include the monthly payment of benefits (which will require households to effectively manage their income over a month long period, ending the current fortnightly arrangement), and the ending of direct payment of rent to social landlords (which will lead to claimants in the social sector being required to take responsibility for ensuring the housing elements of Universal Credit are paid to their housing provider). Claimants of Universal Credit will also be required to enter into formal arrangements with the Department for Work and Pensions in relation to their commitment to find employment. Those who cannot satisfy the requirements of the DWP in relation to expectations around finding employment may be subject to benefit sanctions.

Whereas there is broad political consensus that the welfare system should be reformed to better support households into employment, a number of housing and homelessness charities have raised concerns about the sanctions system and how it may adversely affect vulnerable individuals and those who live chaotic lifestyles.

At the time of writing, there are 2300 Universal Credit claimants in Lincolnshire. Whilst new claimants moving onto Universal Credit will do so only in line with the eligibility criteria, any change in circumstances for those claimants will not lead to a move away from Universal Credit, therefore there will be people in receipt of Universal Credit with varied circumstances and needs.

THE LOWERING OF THE BENEFIT CAP FROM £26,000 TO £20,000

Another flagship policy of the government's welfare reform system relates to the lowering of the national household benefit cap. The benefit cap, which limits the total annual value of welfare entitlement that a household can claim, was lowered from £26,000 to £20,000 in November 2016.

Whereas the original £26,000 cap introduced in April 2013 broadly only affected larger out of work families, the proposed £20,000 cap has affected a larger number of households nationally, especially those in higher value areas where housing benefit is being claimed to support accommodation costs.

THE GOVERNMENT'S COMMITMENT TO THE 'REMOVAL OF THE SPARE BEDROOM SUBSIDY'

The government remains committed to the continued removal of the 'spare bedroom subsidy' for those claiming housing benefit whilst residing in affordable housing. This welfare reform, introduced in 2012, requires tenants in the social rented sector to make a financial contribution to their rent where the property that they occupy is larger than what their family requires. Whereas many housing providers and local authorities have sought to mitigate the impact of this policy by reviewing how they allocate and manage affordable housing, it remains a financial challenge for many tenants residing in social housing where their ability to move to smaller accommodation is restricted. There are proposals to extend the policy to include those of pensionable age who were previously exempt.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

The government's strong and continued emphasis on utilising welfare reform as a means to encourage households to enter employment presents a number of challenges for the homelessness prevention agenda across Lincolnshire over the lifespan of this strategy.

The government's use of Universal Credit to encourage greater personal responsibility in relation to budgeting requires those working in the homelessness agenda across the county to consider the importance of budgeting advice and financial inclusion as a tool to protect and mitigate against vulnerable households experiencing debt and homelessness.

The policy focus on capping the welfare entitlement of many out of work households will lead to many households being compelled to find employment or move to less expensive housing, in order to meet their accommodation and living costs, including households who are presently furthest away from the jobs market.

Preparing households for the impacts of welfare reform will form a key component of our strategy to prevent homelessness over the coming four years.

A shifting role for social housing in meeting housing need

A key theme of emerging government policy in relation to housing is the shifting role of social housing in meeting housing need, with a strong focus on social housing starting to play the role of a 'stepping stone' to alternative housing tenures as and when the circumstances of the tenant improve to a point that allows them to move out of publicly

subsidised accommodation.

This shift is demonstrated through the Housing and Planning Act 2016, which has paved the way for secondary legislation to be introduced which, if enacted, will bring to an end the automatic granting of 'lifetime tenancies' for those in local authority housing.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

The government's agenda in relation to the shifting role of social housing in meeting housing need presents both challenges and opportunities for the homelessness agenda across Lincolnshire. In relation to the opportunities, measures which assist housing providers in directing social housing to those in greatest need have the potential to ensure that opportunities are created for vulnerable households to benefit from a scarce resource. It will be necessary to revisit and review housing allocations policies and tenancy strategies to ensure that the social housing resource is prioritised for those in the greatest need.

A growing call for local authorities to do more to prevent homelessness

Nationally there is a growing call for local authorities to go beyond their current statutory duties and play a more direct and proactive approach in preventing homelessness and to improve the help that single people receive under the homelessness legislation. These calls have not only come from leading housing and homelessness charities, but also from Parliament itself.

In August 2016, the cross-party Communities and Local Government Committee published the findings of its



Debt



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enquiry into homelessness. The review explored the factors contributing to homelessness, the present role and performance of local authorities in supporting those who lose their accommodation, and the experiences of the system of those who have become homeless. Much of the work has also drawn on the experiences of the revised homelessness legislation in Scotland and Wales, leading to consideration of whether any of the lessons learned and changes made could be applied in England.

In addition to making several recommendations in relation to government welfare and housing policy, the committee called on the government to amend the existing homelessness legislation. As such The Homelessness Reduction Act 2017 became law in 2017 and will go live in April 2018. The Act will amend Part 7 of the Housing Act 1996 and is far reaching in its ambitions.

Key measures in the Act include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days, and clarification of the action an authority should take when someone applies for assistance having been served with a notice to leave market rented housing. These provisions represent a shift in focus to early intervention, and aim to encourage local housing authorities to act quickly and pro-actively, addressing some concerns that some previously only intervened at crisis point.
- A new duty to prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need. This extends the help available to people not in priority need, with local housing authorities supporting them to either stay in their accommodation or help them find somewhere to live and should mean

fewer households reach a crisis situation.

- A new duty to relieve homelessness for all eligible homeless applicants, regardless of priority need. This help could be, for example, the provision of a rent deposit or debt advice. Those who have a priority need will be provided with interim accommodation whilst the Local Housing Authority carries out the reasonable steps.
- A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless. It is hoped that this measure will ensure that a person's housing situation is considered when they come into contact with wider public services, and encourage public services to build strong relationships based on local need and circumstances.

The legislation reflects a recognition that tackling homelessness is not simply a matter of increasing housing supply, and instead that an effective national strategy to tackle homelessness will need to be developed across a wider cross-government programme of work. At a national level, homelessness policy currently sits within the Department for Communities and Local Government, but is influenced by policy from many other Government departments including Department for Works and Pensions, the Department of Health and the Treasury. The committee recognised that policies from these departments have impacted on homelessness through the absence of joined up working and at times, as a result of contradictory policies. A wider, cross government strategy on homelessness prevention has been recommended by the committee report, including a focus on early intervention and a duty for public services to cooperate. The committee also set

out a view that legislative change will only deliver ambitions to reduce homelessness if implemented as part of a coherent, workable, long-term national strategy for ending homelessness. The committee reported the view that a successful strategy would review the impact of national policy on homelessness trends and bring together local housing, health, justice and employment partners.

The committee also set out a need to address the increasing gap between household incomes and rising rents and allow councils to protect and build more affordable homes.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

125 The extension of the statutory duties that local authorities have to homeless households to include a wider group of people beyond the most vulnerable is likely to result in increased costs for local authorities, requiring a renewed emphasis on homelessness prevention across Lincolnshire.

Proposed changes to the future funding of supported housing

A policy statement issued in October 2017 set out proposed changes to the funding of supported housing. These proposals are currently out to consultation but include changes to short term and transitional supported housing to be through a new ring fenced grant to local authorities in England.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

There remains a great deal of uncertainty at the time of drafting this document, however, partners across Lincolnshire remain committed to working together to

feed into the government consultation, undertake a needs analysis and develop a strategic supported housing plan. Throughout the life of this strategy we will need to continue to work together to ensure effective pathways for vulnerable people that rely on supported accommodation.

Depending upon the outcome of the consultation relating to the future funding of supported housing, the future provision and sustainability may prove challenging with such significant constraints placed on providers' revenue. In addition to partners, local authorities will seek to play an active role in the national discussions relating to the proposed changes to the funding of supported housing.

The Homelessness Reduction Act 2017 is far reaching in its ambitions and includes a new duty to prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need



Homelessness in context in Lincolnshire

The term homelessness is broad, and in this section we consider key matters impacting on homelessness.

Some forms of homelessness are governed by law and this is commonly known as statutory homelessness. The law is complicated but covers households which do not have accommodation they have a legal right to occupy, is accessible and physically available to the household and it would be reasonable for them to continue to live in.

Local authorities have a duty to provide free advice and assistance to all households threatened with homelessness, although in practice authorities often go beyond this to proactively attempt to prevent or relieve homelessness.

Rough sleeping is the most visible form of homelessness and in line with government advice, a count of people sleeping rough is undertaken each autumn.

An increasing number turn to the council for assistance with their homeless crisis.

Between 2010/11 and 2016/17, 6,286 homeless applications were made to the seven housing authorities across Lincolnshire. A total of 3,969 of these applications led to a full homelessness duty being accepted.

Between 2010/11 and 2016/17, the number of decisions made by Lincolnshire authorities rose by 46.5%. Discounting East Lindsey where the number of decisions made fell (15.9%), decisions rose by 79.8%. This is a considerable rise when viewed against the national rise in decisions of 6.26% and evidences the lack of affordable alternatives across the county.

Homelessness Decisions 2016/17

SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	Totals
268	94	127	101	243	95	89	1078

Not all homeless applications are approved by authorities. Some applicants are found to be not homeless or to be homeless but have no priority need, or to have made themselves intentionally homeless. Applicants falling into these categories are provided with advice and assistance to obtain alternative accommodation or to remain in their current accommodation where possible. Nevertheless, the number of applications that were awarded the full main duty has risen across Lincolnshire by 46.5% over the period.

Homeless Duty Acceptances 2016/17

SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	Totals
197	12	77	65	164	42	150	707

Many homeless households are literally homeless, requiring the council to find temporary accommodation whilst enquiries are progressing or until a more settled home is secured.

The following tables do not show all households provided with temporary accommodation by the authority over the year. Instead, they show the numbers accommodated at the end of March 2017. For those households who require temporary accommodation, the majority (53%) are housed within local authority stock.

No. in TA (snapshot end of Q4) 2016/17

SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	Totals
22	11	29	2	14	28	12	118

Type of TA (snapshot end of Q4) 2016/17

TYPE	SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	Totals
B&B / hotel	0	0	1	0	5	0	6	12
Other nightly paid, privately managed accommodation	0	0	17	2	4	0	0	23
Hostel	0	5	0	0	0	0	0	5
Women’s refuges	0	0	4	0	1	0	1	6
PRS/RP	0	6	7	0	0	0	0	13
LA stock	22	0	0	0	4	28	5	59

Acceptances/1000 population 2016/17

	SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	TOTAL
2011 Census population figure	133,788	64,637	136,401	89,250	93,541	88,270	107,766	713,653
Acceptances	197	12	77	65	164	42	89	646
Acceptances per 1000 population	1.47	0.19	0.56	0.73	1.75	0.48	0.83	0.91

WHAT DOES THIS MEAN FOR OUR STRATEGY?

There is a long term trend of a rise in homelessness both nationally and locally. Every homeless application made comes at a cost to the local authority in terms of staff time and potentially for temporary accommodation whilst enquiries are being made or whilst more settled accommodation is being secured.

128

Homelessness Reasons 2016/17	SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	%
Parents no longer willing or able to accommodate	30	1	0	1	6	2	8	7.43
Friends no longer willing or able to accommodate	11	0	9	2	11	8	6	7.28
Relationship breakdown – non violent	22	0	6	9	14	5	21	11.92
Violence	12	6	15	21	54	5	16	19.97
Harassment, threats or intimidation	1	1	2	0	1	0	3	1.24
Mortgage arrears	1	0	0	2	1	1	4	1.39
Rent arrears	2	0	0	1	3	3	7	2.48
Termination of Assured Shorthold Tenancy	69	2	25	23	39	6	5	26.16
Reason other than Termination of Assured Shorthold Tenancy	15	1	19	1	23	7	12	12.07
Required to leave accommodation provided by Home Office as asylum support	0	0	0	0	0	0	0	0.00
Left an institution or LA care	2	1	0	2	7	2	0	2.17
Left armed forces	0	0	0	0	0	0	1	0.15
Other	32	0	1	3	5	3	6	7.74

The Homeless Reduction Act 2017 has the potential to increase considerably the work load of Lincolnshire authorities in meeting their duties to households in housing need. There are risks of legal challenge to the authority if resource requirements are not met and councils are unable to meet new legal duties arising from the Act. Government has committed to providing additional resource to local councils to help them implement the new Act. The demands will be met from a combination of existing resource, partnership working and any future funding from government.

The loss of private rented accommodation as a key cause of homelessness across Lincolnshire

The ending of an assured shorthold tenancy is the single largest reason for loss of settled accommodation amongst statutorily homeless households nationally. This trend that has been increasing sharply since 2009, with over 4,000 households (11% of all cases in 2009/10) becoming homeless through the ending of a private tenancy to now 17,900 (31% of cases in 2015/16). The main reason for homelessness in Lincolnshire is the ending of an assured shorthold tenancy, this accounts for 26% of all statutory homeless acceptances in 2016/17 across the county.

Domestic abuse is a key driver of homelessness across Lincolnshire

Violence is the second most common reason for homelessness in Lincolnshire. During 2015/16 there were 856 cases of domestic abuse that were assessed as being high risk and have required a high level of multi agency intervention and a referral to Multi Agency Risk Assessment Conference. This demand on services demonstrates a continued need to pro-actively ensure early intervention is used to help households that have become homeless through violence.

Parents no longer willing or able to accommodate

Parental exclusions is also considered a main reason for homelessness across Lincolnshire, with many young people also being captured in the category of friends no longer willing or able to accommodate. Councils work

collaboratively with Lincolnshire County Council to ensure that young people receive the help and support that they need.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

With an increased reliance on the private rented sector to meet housing need including for vulnerable households; access, sustainability, quality and affordability in the private rented sector must be a key feature of our strategy to prevent and reduce homelessness in Lincolnshire. Councils will need to develop new incentives to engage with private sector landlords and help customers to access or remain in their tenancies.

It will be more important than ever for councils to work in partnership to address the many forms of domestic abuse and to ensure that schemes to prevent homelessness are prioritised.

Partnership working forms the cornerstone of our work with young people. We need to maintain current work streams whilst together we assess if better outcomes could be delivered by doing things differently.

Developing a joined and cohesive approach to homelessness prevention between districts and county

It is becoming more important for councils to make attempts to prevent homelessness and during the five year period of the homeless strategy, over 9,700 households were prevented from becoming homeless across Lincolnshire.

Tackling financial issues highlighted by the need for debt advice, resolving housing benefit issues and resolving rent arrears remain key factors in preventing homelessness. Many of these issues relate to helping a household to remain in the private rented sector or to find accommodation in the private rented sector. This mirrors the major cause of homelessness being the ending of an assured shorthold tenancy.

Homelessness Preventions 2016/17	SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	TOTAL	%
Mediation	2	0	0	0	0	0	2	4	0.25
Conciliation	5	1	5	14	0	9	12	46	2.85
Homeless Prevention Fund	2	2	0	33	1	27	2	67	4.15
Debt Advice	2	1	7	2	0	84	7	103	6.38
Resolve Housing Benefit	3	0	28	62	348	119	275	835	51.73
Resolve Rent Arrears	15	1	65	0	0	3	24	108	6.7
Sanctuary Scheme	8	0	3	17	33	1	14	76	4.71
Crisis Intervention	2	0	0	4	3	1	8	18	1.12
Negotiation with PRS	21	18	7	13	2	6	21	88	5.46
Assistance with PRS	13	0	6	83	1	102	0	205	12.71
Mortgage Arrears intervention	1	1	8	0	0	0	7	17	1.05
Other	10	0	22	0	1	0	14	47	2.91
Total	84	24	151	228	389	352	386	1,614	

	SKDC		BBC		ELDC		WLDC		COL		SHDC		NKDC		TOTAL		
	Prevent	Relief	Prevent	Relief	Prevent	Relief	Prevent	Relief	Prevent	Relief	Prevent	Relief	Prevent	Relief	Prevent	Relief	%
Hostel/HMO	7	1	0	5	56	0	0	0	0	0	5	0	8	0	76	6	6.93
PRS - Incentive Scheme	10	4	1	3	60	2	5	0	29	6	21	0	8	1	134	16	12.68
PRS - Without Incentive	1	0	0	4	67	0	11	1	0	0	3	0	61	0	143	5	12.51
Friends/ Relatives	0	0	0	3	11	0	0	0	0	0	1	0	9	4	21	7	2.37
Supported accomm-odation	4	1	0	7	31	0	33	10	23	5	12	0	15	0	118	23	11.92
Social Housing - Existing LA Tenant	0	0	0	0	1	0	0	0	0	0	3	0	0	0	4	0	0.34
Social Housing - Part 6 offer	7	1	7	11	82	4	85	2	111	10	123	0	66	15	481	43	44.29
Social Housing - Non Part 6	14	0	0	1	35	0	0	0	0	0	2	0	0	0	51	1	4.4
Low cost home ownership scheme	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	9	0	0	0	0	0	0	0	0	44	0	45	9	4.56
	44	7	8	43	343	6	134	13	163	21	170	0	211	20	1073	110	

Homeless People - Priority Needs

Of those households accepted as being homeless, the following priority needs were recorded. They demonstrate that households with children are the

main category of priority need. Also notable is the demonstration that homeless people are approaching with high prevalence of physical disability and mental illness or disability.

Priority Need 2016/17	SKDC	BBC	ELDC	WLDC	COL	SHDC	NKDC	TOTAL	%
Emergency (fire, flood, storms, disaster, etc)	0	0	0	0	1	1	0	2	0.31
Dependent children	130	9	56	42	101	22	59	419	64.86
Pregnant woman - no dependents	24	0	0	2	11	7	6	50	7.74
Aged 16 or 17 years old	1	0	1	0	1	0	0	3	0.46
Formerly "in care", and aged 18 to 20 years old	0	0	0	0	0	1	0	1	0.15
Old age	1	0	1	8	0	1	3	14	2.17
Physical disability	18	0	7	5	5	1	11	47	7.28
Mental illness or disability	18	0	6	3	22	6	6	61	9.44
Drug dependency	2	0	0	0	2	0	0	4	0.62
Alcohol dependency	2	0	0	1	0	0	1	4	0.62
Former asylum seeker	0	0	0	0	0	0	1	1	0.15
Other	0	0	0	0	0	0	1	1	0.15
Having been "in care"	0	0	0	0	0	0	0	0	0
Having served in HM Forces	0	0	0	0	0	0	0	0	0
Having been in custody/on remand	0	1	0	0	0	0	0	1	0.15
Having fled their home because of violence/threat of violence	0	0	0	1	1	0	0	2	0.31
Domestic violence	1	2	6	3	20	3	1	36	5.57
Total	197	12	77	65	164	42	89	646	

WHAT DOES THIS MEAN FOR OUR STRATEGY?

The role of preventing homelessness will have to be strengthened and further developed particularly in finding incentives to encourage the private rented sector to work in partnership. The Homeless Reduction Act will act as a key driver for authorities with new duties for Councils and new responsibilities placed on applicants.

There are clear linkages with other public services and a requirement to work in partnership to ensure that homeless people receive the right support.

Just as the government's cross party Communities and Local Government Committee found that an effective strategy needed to be developed across a wider cross government programme of work, it is clear that the same requirement exists at the local level. Our future approach requires collaboration from a range of partners across the statutory and voluntary sectors.

A continued challenge to tackle rough sleeping in Lincolnshire

Rough sleeping is the most visible form of homelessness. It is also one of the most destructive forms of homelessness. The life expectancy of someone who has experienced rough sleeping is around 47 years compared with 77 within the general population.

Rough sleeping is rising. Nationally rough sleeping rates have risen by 79% between 2012 and 2016. Despite efforts of the service to reduce rough sleeping during 2016, there has been a year on year increase in rough sleeping levels across Lincolnshire (100% from 2012 to 2016, source: Autumn Rough Sleeper Counts).

Local Authority Area	2012	2013	2014	2015	2016
COL	5	11	8	14	13
WLDC	0	0	1	0	1
NKDC	0	0	0	0	3
SKDC	1	1	2	2	1
BBC	7	5	4	7	5
SHDC	1	2	6	3	4
ELDC	3	2	1	6	7
Lincs Total	17	21	22	32	34
England Total	2309	2414	2744	3569	4134

Rates of rough sleeping vary across the county, with specific 'hotspots' existing in Lincoln, Boston, Spalding and Skegness.

ROUGH SLEEPING LEVELS IN LINCOLNSHIRE OVER THE PAST FOUR YEARS HAVE BEEN INFLUENCED BY THE FOLLOWING KEY CHALLENGES:

The introduction of restrictions to the welfare entitlement for EEA nationals

Changes to the welfare entitlement of EEA nationals has been a contributing factor to increased levels of rough sleeping amongst EEA nationals across Lincolnshire and most particularly, those individuals assessed as ineligible for welfare benefits but considered by the Home Office to have permanent residency in the UK. These changes have had the impact of limiting the housing options available to those who experience a loss of employment whilst residing in the UK, resulting in some individuals who experience sporadic employment patterns which in turn leads to street homelessness. Such individuals can face being 'trapped' with no resources to return to their home country, no work and therefore no money and no home.

These challenges are likely to remain for the lifetime of this strategy, requiring authorities across Lincolnshire and their partners to consider how support is provided to those who have lost their employment and experience street homelessness. This includes support in re-accessing employment, in addition to support in returning to their country of origin.

Rough sleeping as a result of being vulnerable and/or having a chaotic lifestyle

Significant numbers of rough sleepers and those known as hostel hoppers or sofa surfers are vulnerable in the commonly understood sense of the word. This can include

having a mental health problem, or addiction to drugs or alcohol, being physically unwell or any combination of these. Many have had abusive childhoods or have had a sequence of major life traumas which have the consequence of an inability to form positive relationships and 'difficulty coping'. The fear of isolation and loneliness can act as a barrier for some to access and maintain settled accommodation where the 'street' represents a known quantity and familiar faces.

There are examples where partners involved in supporting rough sleepers across Lincolnshire express difficulties in accessing appropriate services for individuals. The Rough Sleeper Outreach Service, commissioned by Lincolnshire County Council and delivered by P3, frequently reports the difficulties in supporting rough sleepers with mental health issues in accessing services to provide support and assistance with such issues.

In addition to difficulties in accessing mental health services, many partners report difficulties in securing suitable accommodation for rough sleepers, often as a result of their higher support needs, substance misuse and their tenancy history.

There is some evidence of individuals experiencing homelessness as a result of being discharged from hospital without suitable accommodation being available for them upon discharge.

The challenges facing us include:

- Concerns around engaging mental health services to assess and support individuals.
- Evictions from supported housing
- Unplanned discharge from hospital.
- Difficulties in accessing accommodation due to support needs and tenancy histories.

More recently, a report commissioned by the independent anti-slavery commissioner considered the links between modern slavery and homelessness. The results were eye opening, showing that homeless people are at risk of being exploited when they are on the streets, but also that victims of modern slavery are at risk of becoming homeless if no long-term support is provided to them. The report makes 12 recommendations for organisations who work with homeless people.

In response to the challenge, the street outreach team have implemented a 'Housing First' model, initially within Lincoln. Through this model, accommodation is offered to those who have been rough sleeping for a period of time or where traditional housing related support services have not worked.

More recently, together with P3 and Lincolnshire County Council, the seven district councils were successful in securing funding from the Department of Communities and Local Government's Homelessness Prevention Programme to expand our work with some of the most entrenched rough sleepers across Lincolnshire. This funding presents an opportunity to build on strong foundations to try, in partnership, something new and more innovative than previous traditional service models.

The service, ACTions Lincs is based on the premise that traditional methods of engagement do not meet the needs of the most vulnerable and will incorporate the support and coordination of other key services including the Mental Health Trust, Addaction, Lincolnshire CCG's, the Police and Crime Commissioner, Health Watch and Credit Union to take an holistic approach to the needs of rough sleepers.

This is a £1.3m fund, just one of eight social impact bond

projects across England and the first complex needs project in Lincolnshire. The project launched in September 2017 and will support 120 of the most entrenched and vulnerable homeless individuals intensively for a three and a half year period. The model adopts a housing first approach, and will be delivered through genuine collaboration and partnership. ACTion Lincs will provide life changing support to the most entrenched rough sleepers across the County.

The project will be delivered by a team of specialists including a seconded drug and alcohol recovery worker and a seconded mental health practitioner. Crucially, once someone is accepted onto the program, then unlike traditional services, they will remain part of the program and support will be provided in any setting whether that be the street, hospital, prison or home. By offering support over a prolonged period of time, and by being flexible to meet the needs of the people that we are working with, we hope that it will give them the best opportunity of bringing about lasting change.

WHAT DOES THIS MEAN FOR OUR STRATEGY?

Tackling rough sleeping will continue to form a major part of our work on homelessness. There is a need to build on relationships with key statutory and voluntary sector partners to address concerns and to tackle the barriers which prevent rough sleepers from moving away from the streets.

It is recognised that tackling homelessness is not simply a matter of increasing housing supply. To tackle the broader causes and symptoms of homelessness in Lincolnshire, there is a need for coordinated action; bringing together housing, health, criminal justice and employment commissioners and partners. At a time of increasing

homelessness in Lincolnshire, there is a need to ensure that effective collaborative working is in place across each of these areas and that all partners and commissioners understand their roles and genuinely contribute to preventing homelessness even in the absence of national joined up policy.

At a national level the Homelessness Reduction Act provides an opportunity to include a duty to cooperate for other public bodies to comply with efforts to prevent and relieve homelessness, particularly for vulnerable groups. We will seek to engage with ongoing discussions regarding the Act. We will seek to engage with relevant strategic partners and commissioners, seeking to invite adoption of the homelessness strategy and action therein. Whilst a wider group of partners and stakeholders will continue to play an important role in homelessness prevention, the emergence of a group of strategic commissioners partners, focussed on the prevention and reduction in homelessness across the county.

The need to ensure the availability of services and supported housing to meet the needs of those who are at risk of, or experience homelessness

Housing related support plays a vital role in preventing and relieving homelessness, particularly for vulnerable groups who are unable to access or sustain alternative housing options. It is important that the limited resources available are able to meet the needs of those customers in need, and that the services form part of a pathway to housing and independence.

Thanks to Lincolnshire County Council's ongoing commitment to preventing and tackling homelessness,

Lincolnshire has not to date encountered the levels of reduction to housing related support provision experienced in other parts of the country. In 2014, the Public Health Directorate of Lincolnshire County Council recommissioned housing related support services in Lincolnshire. The revised model sought to provide transitional accommodation and support to a greater number of people – services were rationalised and an emphasis placed on throughput and more even distribution of services across Lincolnshire.

Whilst the recommissioning process has resulted in the loss of client group specific accommodation and support, the need to continue to address rough sleeping was integrated into the revised model as part of a countywide floating support service. The development of an electronic referral system sought to improve areas such as ease of access to services, greater transparency, accountability and improved data capture to inform evidence of need and future commissioning. The services commissioned as part of the revised model are available to:

- Former rough sleepers, and other single homeless people living in hostels, to move-on into self-contained accommodation;
- Recovering substance misusers, to settle down after treatment and rehabilitation;
- Offenders, who have lost their home while in prison, to plan for their release;
- People suffering domestic abuse to find new accommodation freeing themselves from abusive relationships

It is anticipated that housing related support services will be re-commissioned during the life of this strategy. A Public Health led review of the service as part of the commissioning cycle is currently underway, with a focus on:

- Rationale for current model
- Delivering outcomes
- Future commissioning needs and alignment with other key areas of work (such as the Housing for Independence Strategy)

WHAT DOES THIS MEAN FOR OUR STRATEGY?

Access to stable and suitable accommodation plays a vital role in assisting vulnerable people to rebuild their lives. It is also important to genuinely work collectively and collaboratively to meet the needs of those at risk of, or experiencing homelessness and to make best use of the limited resources available to us in Lincolnshire. We will engage fully with the review of Housing Related Supported services, with a focus on ensuring that supported housing continues to be available to those who need it. We will seek to ensure that associated work streams (including housing for independence, the Housing Health and Care Delivery Group and the Joint Strategic Needs Assessment) are aligned. We also seek to engage Lincolnshire County Council as a partner in adoption and delivery of this countywide homelessness strategy.

The emergence of a number of non-commissioned supported housing schemes, funded in the main through intensive housing management must also be considered as part of this strategy in terms of their role in preventing and tackling homelessness, their sustainability and opportunities to ensure a partnership approach to preventing and tackling

homelessness across Lincolnshire. We will seek to actively engage with providers of these services operating in Lincolnshire.

Priorities, Delivery Plan and Governance

We have used the sections above on ‘national and local context and drivers for change’ (pages 21 – 33) and ‘homelessness in context in Lincolnshire’ (pages 35 – 46) to formulate the following Key Priorities that we hope to focus on and achieve throughout the life of this strategy. We will meet these priorities through working to meet the actions

set out in a Delivery Plan. Accompanying this strategy will be our first Delivery Plan which will run for the first two years following launch of the strategy. We will undertake a review of our Delivery Plan after 18 months and consider progress, whether it is still fit for purpose and whether other actions need to be added.

The Key Priorities are:

Priority One: Partnership	Developing and maintaining strategic relationships and partnerships.
Priority Two: Prevent	Preventing homelessness wherever possible to do so.
Priority Three: Protect	Protecting the most vulnerable from experiencing homelessness including tackling rough sleeping.
Priority Four: Place	Ensuring access to the right type of housing solution.
Priority Five: Possibility	Ensuring a sustainable future for supported housing.

Effective governance arrangements are key to driving change and improvements across the sector. Coordination of our Delivery Plan and associated work programmes will be the responsibility of Lincolnshire’s Homelessness Prevention Programme Manager. This post will be accountable to the Lincolnshire Homelessness Strategy Partnership. Any further

demands will be met from a combination of existing resource, partnership working and any future funding from Government.

The following table sets out our governance arrangements and the key roles and responsibilities of those involved in making this strategy a success:

	Context / Role
Homelessness Prevention Programme Manager	A countywide role funded by a grant from the Department for Communities and Local Government. Accountable to the Homelessness Strategy Partnership.
Homelessness Strategy Network	Wide network of voluntary and statutory sector stakeholders working together to prevent and tackle homelessness in line with the objectives of the countywide homelessness strategy and delivery plan. Information sharing, collaboration and delivery.
Homelessness Strategy Partnership (Strategic)	Strategic partnerships comprising the District Councils, County Council and other key stakeholders from Health and Criminal Justice. Oversee the delivery of the Homelessness Strategy and ensure the delivery plan is responsive to emerging needs. Unblock and address key strategic issues that are impacting on homelessness. Oversee the ACTion Lincs Project and steering group Accountable to the District Housing Network.
Programme / Project Sponsorship	Within the homelessness strategy, work programmes / key projects may require strategic leadership from a member of the Homelessness Strategy Partnership. For these areas of work, a Local Authority programme /project sponsor will be agreed.
District Housing Network	Endorsed by the Lincolnshire Chief Executives Group as the senior housing group on Lincolnshire. Oversee the work and outcomes of the Homelessness Strategy Partnership.
Housing, Health and Care Delivery Group	A sub group of Lincolnshire’s Health & Wellbeing Board. Driving forward collaboration and integration between housing, health and care.

South Holland District Council

Homelessness Out of Hours: 01775 761161
Housing Advice/Needs: contact via SHDC
Switchboard: 01775 761161

North Kesteven District Council

Homelessness Out of Hours: 01529 308308
The Safe as Houses and Housing Options: contact via
NKDC switchboard: 01529 414155

West Lindsey District Council

Homelessness Out of Hours: 01427 613960
The Housing & Communities Team and Home Choices Team
contact via WLDC switchboard: 01427 676676

East Lindsey District Council

Homelessness Out of Hours: 07766 776447
Housing Advice: 01507 613126

Boston Borough Council

Homelessness Out of Hours: 01205 362151
Housing Advice/Needs: 01205 314555

South Kesteven District Council

Homelessness Out of Hours: 01476 590044
Housing Advice/Needs: contact via SKDC
switchboard – 01476 406080

City of Lincoln Council

Homelessness Out of Hours: 01522 534737
For housing advice contact the Property Shop:
01522 873777
Private Sector Housing team: 01522 873787



CITY OF
Lincoln
COUNCIL

SUBJECT: CHOICE BASED LETTINGS ALLOCATIONS POLICY – PROPOSED AMENDMENTS

DIRECTORATE: DIRECTORATE OF HOUSING AND REGENERATION

REPORT AUTHOR: BOB LEDGER, DIRECTOR OF HOUSING AND REGENERATION

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval for proposed amendments to the Choice Based Lettings Allocations policy.

2. Background and Executive Summary

- 2.1 Local housing authorities are required by the Housing Act 1996 to have a scheme for the allocation of Council housing. Local housing authorities are also required to have regard to statutory guidance in exercising their functions under Part 5 of the Housing Act 1996, as amended by the Homelessness Act 2002 and Localism Act 2011.
- 2.2 The last review of the Allocations Policy was considered by Executive in January 2015. A full review of the policy is proposed for the summer of 2018.
- 2.3 Earlier this year the Homelessness Reduction Act 2017 was enacted and provisions become operable from April 2018 which requires one change to be made to the allocations policy now. In addition it is proposed to make five other changes now to the policy on the basis that our Choice Based Lettings IT software is currently being upgraded and it makes sense to incorporate these changes within the software and thereby save monies that would likely have to be expended in the summer 2018 review.
- 2.4 If the Executive adopts the allocations policy changes proposed in section 3 below a consultation period with current applicants, and potential applicants via the website, will be commenced. Having taken Counsel advice this consultation period should last 8 weeks.
- 2.5 The existing Choice Based Letting Policy is appended to this report for information.

3. Proposed Changes to the CBL Allocations Policy

3.1 Change to Partnership Membership

- 3.1.1 Lincs Homefinder was launched in 2013 as a partnership between City of Lincoln Council, North Kesteven District Council and West Lindsey District

Council. From April 2018, West Lindsey DC have decided to withdraw from the partnership. This means that any applicant wishing to live in, or who are currently living in West Lindsey will need to apply to them directly.

3.2 Minimum Age to Apply for Accommodation

3.2.1 There is some ambiguity in the current policy about the age in which applicants are allowed to apply. It is proposed to clarify that applicants must be aged 18 or over to apply for accommodation. This change has been introduced because legislation does not permit a person under the age of 18 to hold a tenancy in law.

3.2.2 If the Authority has a statutory duty to accommodate or assist a person aged 16/17 with accommodation then a tenancy may be granted subject to appropriate support and a suitable guarantor.

3.3 Direct Lets to Statutory Homeless Households

3.3.1 Statutory homeless households are currently placed in our highest priority banding, Band 1. They are placed in that band because their circumstances mean that they need to be housed quickly. At present, statutory homeless households can bid on properties advertised. Unfortunately some applicants do not place any bids on suitable properties and this means that it takes longer for the Council to offer a suitable property to homeless households.

3.3.2 It is proposed that the Council will no longer allow statutory homeless households to bid for accommodation. Instead, the Council will make a direct match of suitable accommodation for them. This will enable the Council to offer suitable accommodation more quickly, moving vulnerable people and families out of temporary accommodation in to settled accommodation.

3.4 Homeless Relief Duty

3.4.1 Under the Homelessness Reduction Act 2017 an additional duty is now owed to those who are assessed as likely to become homeless within 56 days. It is proposed that such assessed applications are placed in Band 2 of the allocations criteria

3.5 Introduction of a Transfer Quota

3.5.1 The Localism Act 2011 stated that in order to create stable and balanced communities, it was important that good tenants have the opportunity to transfer to more suitable accommodation. We have not previously reflected that in our policy but it is now proposed to introduce a 25% quota for transfer applicants i.e. existing tenants with clear rent accounts and no recent history of anti-social behaviour will be prioritised over non Council tenants.

3.5.2 We therefore propose to introduce a quota for transfer applicants which means that 25% of general housing will be advertised with a preference to City of Lincoln tenants requiring a transfer to more suitable accommodation

3.6 Refusals and Non-Bidding

- 3.6.1 The current Policy allows applicants to refuse three properties that they have bid for before we consider reducing their banding. This sometimes results in properties taking longer to let than they should leading to an increase in the loss of rental income and properties standing empty. It is therefore proposed that, following two unreasonable refusals, an application will be moved to band 4 for a period of 6 months. At the end of the 6 month period their application will be reconsidered.
- 3.6.2 With respect to non-bidding, the current Policy does not address the issue of applicants not bidding for properties. This means that the Council is administering a large list of applicants many of whom do not intend to bid for any properties. The Council therefore will reserve the right to remove an applicant from the waiting list if no bids are placed during a 12 month period when suitable properties have been advertised.

4. **Strategic Priorities**

4.1 Let's Reduce Inequality

The proposed amendments to the Choice Based Lettings Allocations Policy clarifies the priority given to those assessed as homeless and gives additional priority to those effectively managing existing Council tenancies.

5. **Organisational Impacts**

5.1 Finance.

No implications.

5.2 Legal Implications including Procurement Rules

The proposed allocations policy amendments reflect changed priorities brought about by the Homelessness reduction act 2017.

5.3 Human Resources

No implications.

5.4 Equality, Diversity & Human Rights

An Equality Impact Assessment has been produced. There is no evidence to show that the amended policy will have a detrimental impact on any group.

6. **Risk Implications**

6.1 None identified.

7. Recommendation

- 7.1 It is recommended that Executive endorses the proposed changes to the Choice Based Lettings Allocations Policy as detailed in section 3 of the report.

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? One

List of Background Papers: None

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LincsHomefinder



Appendix A

Lettings Policy

www.lincshomefinder.co.uk

VERSION DATED	Draft Revisions - 21/12/2017
SCHEME APPROVED	NKDC – TBC City of Lincoln – TBC
SCHEME IMPLEMENTED	Planned for 03/04/2018

INDEX

Ref	Section	Page
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
	Appendices	
A		
B		
C		
D		

1 Introduction

- 1.1 This is the allocation scheme, as required by the Housing Act 1996, as amended by the Homelessness Act 2012, Localism Act 2011 and as amended by the Homelessness Reduction Act 2017 for the partners listed below. It sets out the framework within which partners operate in the assessment of housing need on the common housing register and the letting of social and affordable rented properties.
- 1.2 Partners, and their housing arrangements are:
- City of Lincoln Council – stock holding local authority
 - North Kesteven District Council – a stock holding local authority
- 1.3 Properties owned by other housing providers, operate their individual nomination arrangements with the above Partners through this scheme.

2 Statement of Choice

- 2.1 The Partnership is fully committed to enabling applicants to play an active role in choosing where they live, whilst accommodating those in the greatest housing need.
- 2.2 It is important that applicants are aware that the demand for accommodation is higher in some areas than in others, as is property availability and turnover. In making a decision about the choices available, applicants need to consider their housing need against the availability of properties in any given area.
- 2.3 The main objectives of this Policy are to:
- Provide a fair, open and accountable framework with equality of access
 - Prevent homelessness and reduce the use of temporary accommodation
 - Ensure freely available and accessible advice and assistance, to ensure applicants understanding and participation.
 - Take account of the relevant legislation, statutory regulations and guidance
 - Reflect Partners individual tenancy policies and strategies
 - Have due regard to the Lincolnshire Homelessness Strategy

3 Equal Opportunities

- 3.1 The partnership is committed to the promotion of equality of opportunity for all existing and potential applicants. No one will be treated unfairly due to age, gender, disability, race, religion, sexual orientation, transsexuality, marital or partnership status, or being pregnant/on maternity leave. This list is not intended to be exhaustive but indicative of the Partnership's intention and commitment to ensuring equality.

4 Data Protection, Confidentiality and Sharing Information

- 4.1 The Partners are what is known as ‘Controllers’ of the data you provide and are each registered with the Information Commissioner’s Office. The Partners take your privacy seriously and will not use the information you give for any other purposes than to administer your application, unless the law allows this.
- 4.2 If you provide your personal information on both the paper and online application, you are consenting to the Partners using this and any other information you provide as proof of your application, to process and consider your application. We will:
- keep your information accurate and up to date, with your assistance
 - retain your information only for as long as necessary (minimum of 6 years from the end of the tenancy/application and longer in certain circumstances)
 - store your information securely in accordance with the Data Protection Act 1998 at a level appropriate for its sensitivity. For further information see the relevant Partner’s Data Protection Policy
- 4.3 We will not share your personal information with third parties without your consent, unless they are processing your information on our behalf, or because the law allows this, for example to check the information provided by you or about you. This includes any sensitive personal information you provide for example regarding you or your family’s health, although only where it is necessary.
- 4.4 We are also under a duty to protect the public funds we administer, and to this end may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
- 4.5 The third parties may include but are not limited to, passing your information and receiving information about you, with the agencies/services listed in the Statement and Declaration on the application form.
- 4.6 If after providing consent for us to process your personal information for this purpose, you decide to withdraw your consent, then you must contact us immediately to confirm this. However the consequences of this will be that your application will not be considered. We may also have already passed on your information, as the law allows, to other departments within council and organisations.
- 4.7 If you want to know more about the information we hold about you and how we process this or you have a complaint regarding the way we have handled your personal information please ask for the Data Protection Officer at any of the Partners main offices. If you however remain unhappy, then you have a right to complain to the Information Commissioner at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700 Website: www.ico.org.uk

5 Overview of How the Scheme Works

- 5.1 The common Lettings Policy provides a way of letting social housing, and promoting shared ownership properties, and other housing options across the partner areas. The Scheme has been designed to be easy to use, provide the highest level of customer service and enable people to make the best choice for their needs from the full range of housing options available to them. The Scheme will not however produce any more housing but will provide a fair, efficient and transparent way of letting the current social housing resources.
- 5.2 People who apply to join the scheme or are registered with the Scheme are known as applicants. Applicants are assessed and awarded a banding according to their need for alternative accommodation. Landlords advertise their vacant properties for rent and invite bids on each property from applicants who are registered.
- 5.3 Adverts will contain a detailed description of the property and will state which applicants are able to apply. Applicants can then bid for the property of their choice as long as they meet the qualifying criteria and are registered with the scheme.
- 5.4 The successful applicant will be selected from those who have bid for the property and who meet the qualifying criteria. Selection will be based on the relevant band, followed by the effective banding date where there is more than one applicant from the same band. The landlord then offers the tenancy to the successful applicant.
- 5.5 Feedback will be provided for each vacancy advertised, as this will help applicants to make more informed choices.

6 Eligibility

- 6.1 Applicants should be aged 18 years or over.
- 6.2 Applications from the following groups will be considered:
- 6.2.1 Persons not subject to immigration control taking account of nationality and immigration. The main customer groups to whom properties will be let to are:
- British Nationals who are habitually resident in the Common Travel Area (CTA) i.e. United Kingdom, Channel Islands, Isle of Man or Republic of Ireland.
 - Commonwealth citizens who have the right of abode and are habitually resident in the CTA.
 - European Economic Area (EEA) nationals who have the right to reside in the UK and are habitually resident in the CTA.
- 6.2.2 Persons subject to immigration control who have been granted:
- Refugee Status
 - Humanitarian Protection or Discretionary Protection, provided that there is no condition that they shall not be a charge on public funds

- Indefinite Leave to Remain, provided that they are habitually resident in the CTA and their Leave to Remain was not granted in the previous five years on the basis of sponsorship given in relation to maintenance and accommodation (or if their sponsor has died)
 - Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) provided that they are habitually resident in the CTA and lawfully present in the UK.
- 6.2.3 In addition to European Nationals who are habitually resident in the UK, and can prove they have a current British National Insurance Number, applications from the following groups of people will also be considered: -
- A person granted refugee status when his/her request for asylum is accepted.
 - Persons granted exceptional leave to enter or remain. This will be someone who has failed in the request for asylum, but has been given leave to remain where there are compelling, compassionate circumstances.
 - Persons granted indefinite leave to remain in the UK who are regarded as having settled status. Applicants still have to establish habitual residence.
- 6.3 Under the Housing Act 1996, local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK. Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. We reserve the right to seek advice and assistance to resolve the issue of eligibility.

7 Ineligible Applicants

- 7.1 Those who **CANNOT** join the Choice Based Letting Scheme are: -
- Persons who are ineligible to reside in the United Kingdom.
 - Persons granted exceptional leave to enter or remain but do not have recourse to public funds.
- 7.2 There may be cases where an ineligible person forms part of a household with others who are eligible. It is important to note that whilst the ineligible person cannot be granted a tenancy they may be taken into account in the size of accommodation to be offered, but the tenancy will only be granted to the individual who is eligible.

8 Non-Qualifying Persons

The following will be considered to be non-qualifying persons, and therefore unable to join this Choice Based Lettings Scheme:

- Existing social housing tenants who have not been in their current home for 12months.
- Serious Unacceptable behaviour

8.1 Existing Social Housing Tenant

8.1.1 Our partnership aims to promote settled and sustainable communities, therefore social housing tenants who have not been in their current home for 12months will be considered non-qualifying and not accepted on to the scheme.

8.1.2 The Lincs Homefinder Panel will consider any exceptional cases where an applicant's household circumstances have significantly changed and the applicant was not aware or anticipating the change prior to taking their current tenancy

8.2 Serious Unacceptable Behaviour

8.2.1 This can relate to anti-social behaviour, criminal behaviour, nuisance, property condition and/or any significant housing related debt.

8.2.2 The Partners are entitled, when deciding whether or not to allow an applicant to join the scheme or be offered a tenancy, to take into account relevant current and previous behaviour of the applicant, and/or members of their household.

8.2.3 It is the responsibility of an applicant to provide reasonable information to enable their application to be processed and assessed. Applications will not be registered until we have received all the required information and we are satisfied that an applicant, and their household, is eligible and a qualifying person.

8.2.4 In determining the issue it is not necessary for the applicant to have actually been a tenant of one of the Partners when the behaviour occurred. Furthermore, the behaviour is not limited to that caused by the applicant and/or their household - it extends to behaviour caused by visitors to an applicant's home for which they were responsible.

8.2.5 The following contains examples of where we may consider applicants as non-qualifying, and therefore not eligible to join the scheme, due to evidence of serious unacceptable behaviour, as we may consider this makes them unsuitable as a tenant. This includes, but not limited to:

- Housing related debt, generally determined, but not limited, equivalent of 8 weeks rent liability or less. By "Housing Related Debt" we mean (1) rent arrears owed to any landlord (2) costs of repairing damage to accommodation, (3) mortgage arrears owed to the Council or any other lender, (4) other Partner debts including Housing Benefit overpayments and rent advance or deposit payments, and (5) court costs.

We expect applicants with housing related debt to either pay the debt in full or reduce the debt to less than the equivalent of 8 weeks rent liability followed by regular repayments of an acceptable amount to reduce the debt for a minimum of 13 consecutive weeks and ongoing to continue to reduce the debt.

- Breaching a condition of the tenancy agreement, for which possession action has been or is being pursued. If we have evidence that a tenant is breaking their tenancy conditions we may not offer accommodation until the breach has been remedied. This includes, but is not limited to: damaging the property; making structural alterations without our consent; allowing the garden to become neglected or overgrown; poor internal decorative and cleanliness standard. This also applies to applicants whose landlord is another Local Authority, Registered Provider or a Private Landlord. We may visit our own tenants before we offer them another tenancy.
- Anti-Social Behaviour - Being subject to (or having previously been subject to) an Anti-social Behaviour Injunction, an Anti-social Behaviour Order, a Criminal Anti-social Behaviour Order, a Criminal Behaviour Order, a Community Protection Notice, a Closure of Premises Order; or having been in breach of any of those orders, a Possession Order, or notice served for anti-social behaviour. The applicant will have to show that their behaviour has improved and they are capable of being a responsible tenant before reapplying.
- Using their home for immoral or illegal purposes
- Being convicted of an offence committed in, or in the locality of, their home, or committed elsewhere against a person with a right to reside in, or occupy housing accommodation in the locality, or was committed elsewhere against the landlord of their home, or a person employed in connection with the exercise of the Partner's housing management functions, and that the conduct affects those functions (either directly or indirectly)
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect
- Making a false statement to obtain a tenancy

8.2.6 The Partnership will take into account other behaviour considered as unacceptable, but is not considered sufficiently serious for non-qualifying as above, this is detailed in **Section 10.7**

8.2.7 The Partnership will take into account other housing related debt, which is not considered sufficient for non-qualifying as above, this is detailed in **Section 10.8**

8.3 Consideration

8.3.1 We will act reasonably when determining if an application is considered non-qualifying. We will consider all the relevant information before we make our decision.

- 8.3.2 Where the Partner has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as disqualified without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Partner will consult as appropriate with any relevant agencies, including Social Services and providers of support services. We will consider the interests of the applicant and their household but we will also consider the interest of the people who live and work on our estates.
- 8.3.3 In the case of new applications, we expect applicants to provide us with some proof that they have behaved responsibly. We will normally ask for a reference from the applicant's current or former landlord(s) relating, but not limited, to behaviour, payment and property condition. We may also consider references from an employer or other professional persons. It will be the applicant's responsibility to obtain such references. Where such landlord references are not available, we may ask applicants to produce other documentation to show whether or not they were up to date with their rent payments.
- 8.3.4 Where it is apparent to the Partner that an applicant has not behaved responsibly, the applicant will be given the opportunity to explain, with each case decided on its own merits. It is usual for an applicant to evidence that they have remedied their behaviour, normally over a period of six months.
- 8.3.5 If at any time the Partner obtains information that leads it to believe that an applicant already on the housing register is non-qualifying, the applicant will be informed in writing. The applicant will be given 28 days to provide information supporting why they believe they are a qualifying applicant, their application will be suspended for that period and unable to place bids, bids already placed may be bypassed. If they do not reply within this period, or if they reply but the Partner remains of the view that they are non qualifying, they will be removed from the housing register ie: their application will be cancelled. The applicant may request a review of the decision.
- 8.3.6 Partners will consider future application on its merits and evidence at that time.
- 8.3.7 Exceptional circumstances – partners will consider any request from households with exceptional circumstances who would not normally qualify for housing. Each case will be assessed on an individual basis.

9 How to apply and how we process applications

9.1 Administrating Partner

9.1.1 Applications should be forward to, and appropriately processed by, the Partner:

- for the area you currently live (if currently residing within Partnership area); or
- for the area in which you wish to live (if currently residing outside the Partnership area).

9.2 Providing Information and Documentation

9.2.1 Applicants are required to provide acceptable evidence of their identity e.g. their National Insurance Number(s) and proof of residency for themselves and anyone they wish to be housed with. A list I of acceptable required documents will be provided. Without this information an application will not be processed.

9.2.2 For any application which includes someone from abroad, proof of identification, nationality and immigration status will be required. Verification may be sought from the Immigration Service to safeguard the use and allocation of public funds.

9.2.3 In order to determine the priority an application receives, it is the applicant(s) responsibility to provide any and all information reasonably required by the Partnership. Such information may extend beyond that requested on the initial Application Form to reflect individual circumstances. Until all required information is provided the application will not be registered and/or will NOT be eligible to bid.

9.2.4 It is also the applicant(s) responsibility to ensure they notify the Scheme Partnership of any change in their circumstances. The Housing Act 1996 section 171 states that a person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –

- (a) s/he knowingly or recklessly makes a statement which is false in a material particular, or
- (b) s/he knowingly withholds information which the authority have reasonably required her/him to give in connection with the exercise of those functions.'

9.2.5 False information can include any information given on an application form, given in response to subsequent review letters, given during telephone conversations or interviews, or by other updating mechanisms or information submitted by applicants during the proceedings of a review. Landlords may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement. The offence is also punishable on summary conviction by magistrates by a fine of up to £5000.

9.3 Dating of Applications

9.3.1 The initial registration date of an application will be the date the fully completed and signed housing application form is received at any of the Partner offices. All relevant documentation requested by the Partnership should be provided within 28 days of initial contact. Failure to provide relevant documentation may result in a later registration date, or cancellation of application.

9.3.2 The following explains how effective band dates will be awarded:

- **New application** - the effective band date will be the same as the applicant's registration date. Assuming all required documents are received within 28days, if not then date will be when all required documents are actually received
- **Change in circumstances which results in a higher band assessment** - the effective band date will be the date the applicant provides satisfactory evidence of the change in circumstances.
- **Change in circumstances which result in a lower band assessment** - the effective band date will revert to the original application date.
- **Homelessness applications** – the effective band date will be the date the homeless decision (s184) is made and notified to the applicant
- **Refusal of reasonable offers** – Partners reserve the right to amend effective banding dates to date of last offer in accordance with **Section 14.5**

9.3.3 For example: birth of a child may cause a household to be lacking 1 bedroom and may therefore move up a band. The effective band date is the date that the birth certificate was provided to the Partnership (leading to the re-assessment) not the child's date of birth

9.4 Cancellation of Applications

9.4.1 The Partnership may cancel applications where, an applicant:

- is housed as a result of that application,
- fails to respond to the annual review within the set timescale,
- has moved and failed to notify the Partnership, within 28days of moving
- persistently fails to respond to a Partner's communication or requests for information over a reasonable timescale, we consider this to be within 28days, or over 3 advertising cycles
- has failed to bid within the last 12months, unless there is evidence that there has been no suitable vacancies
- is no longer considered a qualifying person

9.4.2 Should an applicant subsequently wish to re-join the register they will be required to complete a new application which will be processed based on their current circumstances and with the subsequent registration date.

9.5 Suspension of Applications

9.5.1 We may suspend (put "on hold") a housing application if, for example:

- Applicant has been asked, in writing, by telephone or email for key information in relation to their application and we are waiting for an appropriate response
- We have asked another support agency or worker, to provide additional key information about a household and are waiting for a reply from them.
- if we are unable to contact an applicant following multi attempts
- whilst awaiting the outcome of a referral to the Lincs Homefinder Panel
- whilst awaiting response to annual review
- where requested, an applicant refuses a home visit

9.6 Landlord References

- 9.6.1 Partners may contact an applicant's current or former landlord(s) for information on how that tenancy was conducted. This will cover payment of monies due, condition of property, anti-social behaviour and other tenancy conditions. This information will be used to determine eligibility and banding, of which applicants will be informed. It is the applicant's responsibility to ensure Partners are provided with this information.
- 9.6.2 In the event that an applicant disputes the contents of a reference, an officer will make a decision taking into account individual circumstances and information available.

9.8 Home Visits

- 9.8.1 It may be necessary to carry out home visits to assist with the assessment process and/or to provide an alternative way for customers to discuss their circumstances.
- Homevisits will only be carried out by prior appointment, unless in exceptional circumstances.
 - The Partners reserve the right to suspend applications where access to the home is denied and until such time as this can be given. Persistent refusal of reasonable requests may lead to the application being cancelled. The Partners reserve the right to decline the request for a home visit where this may place a member of staff at risk or is otherwise considered unnecessary

9.9 Financial Capacity

- 9.9.1 Households may be assessed for their ability to buy/rent a suitable property within the area, or improve/adapt their own home to meet their assessed needs.
- 9.9.2 Assets that may be taken into consideration when assessing financial capacity may include but are not limited to savings, shares, bonds, commercial property, residential property, property abroad and money apportioned through the proceeds of a divorce settlement, inheritance or any form of cash windfall.
- 9.9.3 Applicants assessed as having the financial resources to resolve their own housing difficulties, may have their housing priority reduced. The Partnership reserves the right not to make an offer of tenancy to an applicant who has the financial capacity to reasonable resolve their housing situation when taking the above into account. This criteria may be reviewed where a property is deemed to be in a 'low demand area' or at the discretion of the Partner who manages the relevant property.

9.10 Change of Circumstances

- 9.10.1 Applicants are required to inform the relevant Partner if their personal circumstance change and it may reasonably be expected to have an effect on their Housing Register application. This includes any change in their address or household composition or contact details.
- 9.10.2 A specific form may be available for this purpose and this must be signed by each of the applicants. Examples of this include:
- Housing circumstances have improved
 - Recovered from an illness which previously gave medical priority

- When a child is born and a copy of the birth certificate has been provided there will be a re-assessment of the banding and if the banding results in a higher band it will have an effective band date of when the Partner received confirmation of the child's birth.

9.10.3 Changes in circumstances that lead to re-banding will be dealt with in accordance with this policy. The relevant Partner will re-assess an application where there has been a change of circumstances and if priority changes applicant(s) will be notified in writing.

9.10.4 It is the applicants responsibility to ensure they provide up to date contacts, failure to do so may lead to their application being suspended or cancelled and could mean their bids on vacancies are bypassed, after reasonable attempts to contact are unsuccessful.

9.11 Managing Risks

9.11.1 It is important to manage the needs of individual applicants with the needs and rights of neighbours and the local community. In order to manage risks to individuals and communities a multi-agency approach must be taken, the Partnership will therefore work closely with the Police, Social Care, Probation, Health and voluntary agencies. Applicant are required to complete a self-assessed risk assessment prior to being accepted on to the register.

9.11.2 For example, securing accommodation for a high-risk offender will be done in consultation and with the approval of the appropriate agencies and special arrangements may apply in cases where an applicant is considered by the Multi Agency Public Protection Arrangements (MAPPA). In order to achieve this there may be occasions when the applicant with the highest priority in the scheme may not be offered a particular property. In such cases they will be written to by the relevant Partner explaining the reasons why this has happened.

9.11.3 The Partnership actively works with the Local Community Safety Partnership in addressing a range of issues that impact upon community safety. These issues include drugs misuse, anti-social behaviour and domestic abuse amongst others. The Partnership reserves the right to liaise with the Local Community Safety Partnership when considering any exclusion, letting or other issues which have an impact upon community safety.

9.11.4 An integral part of managing risks is to ensure that appropriate support networks are in place and are regularly monitored and reviewed by the Partners involved. Any successful bid will be declined if the relevant agencies have not provided a relevant Care Plan/Risk Assessment to manage the risk.

9.12 Annual Review

9.12.1 The Partners are required to undertake an annual review of applicants on the Register. This helps to ensure that those on the register are still interested in applying for suitable properties and also reduces the amount of time and resources wasted in sending information to those applicants who are no longer looking to move house.

- 9.12.2 Each applicant will be contacted, in writing, on the anniversary of their application to ascertain if they still wish to be registered. Should there be no response to this letter **within 4 weeks**, the application will be suspended. A further letter will be sent to the applicant notifying them their application is suspended and should they not respond, within 14 days, their application will be cancelled.
- 9.12.3 Applicants who subsequently decide they wish to rejoin the Register will need to re-apply in the normal way and will have their current circumstances assessed. The application date will not be backdated under these circumstances.

10 How We Prioritise Applications

10.1 Bandings

10.1.1 There are 4 Bands, with Band 1 for those with the highest priority. Applicants are placed in the band in accordance with their housing needs assessment [APPENDIX B](#)

10.2 Reasonable Preference

10.2.1 The law states that certain groups of people have reasonable preference within any housing allocation scheme operated by a Local Housing Authority, these groups are:

- homeless (within Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002, as amended by the Homelessness Reduction Act 2017 h); this includes people who are intentionally homeless, and those who are not in priority need;
- unintentionally homeless, or threatened with, and in priority need who are owed a duty by the housing authority under section 193 (2) or 195 (2) of the Housing Act 1996 (or under Section 65 (2) or 68 (2) of the Housing Act 1985) or who are occupying accommodation secured by the housing authority under Section 192 (3);
- occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds;
- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship (to themselves or to others).
- Those leaving the Armed Forces who are in housing need

10.3 Homelessness

10.3.1 In cases where a Partner, Local Authority, has accepted a main housing duty under homelessness, applicants will be placed into the appropriate band and are required to bid for suitable properties for which they are eligible. In such cases local connection will only be confirmed for the Partner area that has accepted the Homeless duty.

10.3.2 Homeless cases will be monitored, and if applicants fail to make bids, the Partnership will then bid on their behalf for the next suitable property they are eligible for. If an applicant refuses a successful bid that is considered suitable and reasonable, the homelessness duty to them may be discharged. In such cases the application will be re-assessed.

10.3.3 Partners reserve the right to make direct lets to homeless households, where they consider a property is suitable and reasonable for the household, in accordance with [Section 14.8](#)

10.4 Worsened Circumstances

10.4.1 Where a Partner determines that an applicant has deliberately worsened their circumstances and gained additional priority, they reserve the right to reduce the priority awarded for up to 6 months. Examples include, but not limited to:

- Giving up suitable accommodation that was available to them
- Moving into an unsatisfactory arrangement eg: sharing facilities or overcrowded

10.4.2 Partners will take into account the current needs of the household before reducing any priority. Where priority has changed applicants will always be informed in writing

stating the reasons, any time restrictions and their right to review of that decision. Once the period of reduced priority has expired the application and effective banding dates will revert to the original applicable dates.

10.5 Medical Need Bandings

10.5.1 The assessment determines medical priority based on the current housing circumstances in relation to the effect on the illness and/or disability of the applicant, or member of their household, and that a move to more appropriate accommodation will alleviate that effect.

10.6 Sheltered Housing (Older Person Schemes)

10.6.1 Sheltered accommodation and older persons schemes are normally allocated according to the following criteria:

- a) applicants in need of supported accommodation who fulfill any determined assessment criteria, this will be determined, where appropriate, by a *sheltered housing needs assessment*, to assess individual needs and independence and ability of the “sheltered” service to meet those needs, and
- b) applicants or their partner be 60 years of age or over, (this may vary between partners and/or landlords) taking into account the requirements of the scheme and community.

10.6.2 Such properties will be clearly advertised detailing who can bid and be considered for the vacancy

10.7 Unacceptable Behaviour

10.7.1 Partners will take into account any behaviour of the applicant or member of their household, which is not sufficiently serious to consider as Non-Qualifying Personas detailed in **Section 8** is not applicable. Such applications may, in consideration of this behaviour along with other housing needs, decide to reduce the priority given.

10.8 Housing Related Debt

10.8.1 Where an applicant(s) has any current/former rent arrears or other housing related debt, and **Section 8** is not applicable, they will be accepted onto the housing register and placed in the appropriate band. Partners will advise applicants when a housing related debt is made known to them, explaining the consequences and provide advice and information to make arrangements to clear the debt or to make a repayment plan.

10.8.2 If an applicant makes a bid and is successful, their application may be passed over, until an acceptable repayment agreement has been made and maintained for 13wks, having regard to the following criterion:

Current and/or former rent arrears:

- Reasons given for which the arrears have incurred
- the age of the debt

Other housing related debt:

- the amount of debt outstanding,
- the age of the debt

- reasons given for why monies owed
- the applicant's commitment to repay,
- current housing circumstances,

10.8.3 In the event that an application is passed over by a Partner for these reasons, applicant(s) would be notified in writing and informed of their right to review of that decision. Applicants must be aware that the letting of a property will not be delayed pending a review, the outcome of the review will only be applicable for future vacancies.

10.9 Disabled Facilities/Renovation Grants and Adaptations

10.9.1 Where an applicant(s), or member of the moving household has benefited from either a disabled facilities grant/adaptation or renovation grant they will be accepted onto the housing register and placed in the appropriate band. However, their application will be passed over, for a period of 5 years from when the work was undertaken, unless the household's circumstances have substantially changed to make the property unsuitable.

10.9.2 Applicants need to be aware that if they are subsequently re-housed within the 5 year grant period, the relevant grant conditions, as signed, may still apply along with any financial consequences.

10.9.3 In the event that an application is passed over by a Partner for these reasons, applicant(s) would be notified in writing and of their right to review of that decision. Applicants must be aware that the letting of a property will not be delayed pending a review, the outcome of the review will only be applicable for future vacancies.

10.9.4 This will not apply in exceptional circumstances, where it is considered that a households circumstances or housing needs have changed significantly since the completion of the relevant works.

10.10 Right to Buy

10.10.1 Where an applicant(s), or member of the moving household has benefited from a Right to Buy, they will be accepted onto the housing register and placed in the appropriate band. However, their application will be passed over, for a period of 3 years from purchase of the property, unless the household's circumstances have substantially changed to make the property unsuitable.

10.10.2 Applicants need to be aware that if they are subsequently re-housed within the 3 year period, the relevant discount conditions, as signed, may still apply along with any financial consequences.

10.10.3 In the event that an application is passed over by a Partner for these reasons, an applicant would be notified in writing and of their right to a review of that decision. Applicants must be aware that the letting of a property will not be delayed pending a review, the outcome of the review will only be applicable for future vacancies.

10.10.4 This will not apply in exceptional circumstances, where it is considered that a household's circumstances or housing needs have changed significantly since the completion of the purchase

11 Local Connection

11.1 A local connection with one of the partner authorities will prioritise bids over those from applicants who do not have a local connection. To qualify for a local connection to a partner area within this scheme the applicant must provide supporting evidence that demonstrates:

- Currently resident in any partner area and have been so for at least the last SIX months,
- Have previously lived in any partner district area for a continuous period of TWELVE months (whilst aged 18 or over) in the last FIVE YEARS,
- Immediate family members who are currently resident in any partner area. Family members are defined as parents or guardians, adult children or brothers or sisters who have lived in that area continuously for the last FIVE YEARS, (please note in accordance with [section 14.2](#) bids may be bypassed if the vacancy does not reduce the distance between those households)
- their current main place of permanent work in any partner area for a continuous period of TWELVE months

11.2 Other local connection circumstances

11.2.1 These circumstances include:

- applicants who have been accepted by one of the partner authorities under homeless legislation - only the local connection to that Partner area will apply even if applicants meet criteria for other local connections
- applicants who have been accepted for priority housing as a reciprocal arrangement with another housing organisation - only the local connection to that Partner area will apply even if applicants meet criteria for other local connections
- HM Armed Forces applicants through Section 315 of the Housing and Regeneration Act (2008) who have established a local connection with one of the partner areas during their service or before they joined the services
- Members of the Armed Forces, former service personnel applying within five years of discharge, bereaved spouses and civil partners of members of the Armed Forces and serving or former members of the Reserve Forces who need to move for medical reasons, who may have established a local connection with one of the partner areas before or during their service
- refugees who have been granted leave to remain and have been dispersed to a Partners area
- applicants who have been accepted from outside the Partner area as part of a Witness Protection recommendation - only the local connection to that Partner area will apply even if applicants meet criteria for other local connections
- applicants from outside the partner authorities who are victims of domestic abuse or fleeing other violence and/or harassment, who cannot return to the area where they were living for fear of harm
- Care leavers, whilst they may not meet the normal local connection criteria, if they have resided within Lincolnshire they will be awarded a local connection to all Partner areas

11.2.2 In other exceptional cases Partners have the discretion to award a local connection to their area, the Lincs Homefinder Panel can apply a local connection to another area or the Partnership as a whole.

11.3 What does not give you a local connection?

11.3.1 The following circumstances will not lead for a local connection be awarded to an application:

- People living in bail hostels or approved premises
- Occupying a mobile home, caravan or motor caravan which is not placed on an official mobile home or caravan park
- Hostel residents from outside the partner authorities who have not otherwise lived in one of the partner authorities for six months
- Those residing in supported accommodation
- Those occupying student accommodation – hall of residence and all other accommodation sourced in connection to education
- Those residing in prison within the area
- Those residing in hospital, in-patient care or residential care settings

11.4 Local Letting Policies

11.4.1 Local Lettings Policies are usually introduced to meet a particular local need and have an overall positive effect on estates. For example, if an estate had a high level of anti-social behaviour, applicants who bid for the advertised property may be subject to enhanced checks on their previous behaviour, or in areas of low employment status priority may be given to those in current employment, or households of a certain age or for some schemes a very specific local connection to an individual village not just partner area.

11.4.2 There are a number of Local Lettings Policies throughout the partnership area. To be considered for a property subject to local lettings criteria, applicants would need to meet the usual eligibility criteria AND the additional local lettings criteria, failure to meet both criteria may lead to the bid being bypassed.

12 Property Eligibility

- 12.1 Applicants, upon acceptance to the Housing Register, will be notified in writing of the properties they are eligible to bid for. Property eligibility is based upon a household's composition and their needs, [See Appendices C and D](#). The Policy covers the letting of a range of property types throughout the area.
- 12.2 It is important to note that property eligibility may differ between landlords, as individual Housing Providers endeavour to make the best possible use of their stock in terms of size and suitability when setting the criteria for eligibility. For example, ground floor flats may be reserved for people with a physical disability. Housing Providers may also choose to exercise some discretion and invite bids from particular household compositions to contribute to sustainable communities. The advert will clearly state which applicants can bid for each property and which applicant will have priority for the vacancy.
- 12.3 The Partnership reserves the right, in exceptional circumstances, to offer applicants accommodation not usually considered for their household type or size, for example, but not limited to, where availability of properties in a certain area are scarce or those with no medical need may be considered for level floor accommodation.
- 12.4 The Partnership reserve the right to amend the bid criteria of previously advertised properties to widen the eligibility and enable successful bids to be made.

12.5 Access to children

- 12.5.1 For the purposes of this policy, we consider that access to children must be verified as regular and for at least three nights each week. Single people or couples with access to children only will normally only be considered for a one bedroom flat.
- 12.5.2 Some landlords may consider such applicants for a two bedroom flat opposed to a one bedroom flat, although landlords may continue to give preference to applicants who would fully occupy the vacancy on a permanent basis, eligibility will be included in adverts so must be checked carefully.
- 12.5.3 Single people or couples with children living with them permanently and with access to other children will not be granted priority for needing an additional bedroom but may be able to bid for properties with an extra bedroom. However, Partners may give preference to large families who would fully occupy the property permanently.

12.6 Carers, Prospective/Approved Adopters and Foster Carers

- 12.6.1 Applicants with a disability or other need who require an additional bedroom to accommodate a carer are required to provide an approved and detailed Care Plan. Such Care Plans will need to be shared with all providers so that appropriate accommodation can be considered. Partners will work closely with the relevant Children's Services departments, on an individual case basis to assist in meeting the needs of prospective and approved adopters and foster carers and duties under s22G of the Children's Act 1989.

13 Advertising Vacancies and Bidding

13.1 Advertising Cycle

13.1.1 Once applicants are registered they are able to start looking for a suitable vacancy across the Partnership area. Vacancies will be advertised on a weekly basis from midnight on Wednesday to 12noon on the following Monday (6days). Adverts will include key property attributes, local facilities and eligibility criteria.

13.1.2 Vacancies will be advertised in the following ways:

- **Lincs Homefinder Website** – www.lincshomefinder.co.uk All Partner websites direct users to this website to allow applicants to view available properties and apply 'on-line' for properties of their choice. Access to the website is available in some of the Partner's reception areas.
- **Reception Areas** – Partner may advertise vacancies in their reception areas.
- **Dispersed office locations** – some partners may circulated a list of vacancies to assist with access should any applicant approach them for information

13.2 Withdrawing Adverts

13.2.1 Occasionally, a Partner may be required to withdraw a property advert, for instance:

- if it becomes apparent that the property may be let through direct lets in accordance with this policy, *Section 14.8* or
- The current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available,
- Significantly incorrect information had been advertised in respect of the property or applicants eligibility for that property.

13.3 Bidding for a Vacancy

13.3.1 Applicants are restricted to making 2 bids in each cycle. Where an applicant meets the property eligibility, bids can only be placed during the bidding cycle, and should be placed through the applicants individual online account by themselves or their advocates.

13.3.2 Where a vacancy has been advertised and no bids have been received, or been successful, the vacancy may be re-advertised and may be allocated on a first come first served basis subject to the usual eligibility criteria.

13.3.3 Bids for individual vacancies are ranked by banding and banding date, firstly those with a local connection to the partner area in which the vacancy occurs then those with a connection to the wider partnership area before those with no local connection to the partnership.

14 Shortlisting and Offers

14.1 At the end of the advertising cycle, applicants who have bid will be shortlisted according to their eligibility criteria and any local lettings criteria. Verification checks will be undertaken at this stage to ensure applicants still qualify and circumstances have not changed

14.2 Bypassing Bids

14.2.1 Bids may be bypassed for several reasons. It is not possible to provide an exhaustive list, but the following are common, an applicant or household member:

- doesn't require ground floor property and vacancy is ground floor
- does require ground floor property and vacancy is upper floor
- would not fully occupy the vacancy
- since the bid was placed, is now under offer or first nomination to another vacancy
- now considered to be non-qualifying, and application will be cancelled
- has experienced a change of circumstances or partner has identified information that affects eligibility, local connection and/or priority
- Unable to contact applicant(s) within 24hrs
- Does not meet specific criteria for the vacancy ie: additional local letting criteria
- If the Partner believes the vacancy would be unaffordable to the household from the onset
- Local connection does not apply – does not bring family closer together

14.2.2 Bids are updated to reflect the reason for being bypassed, so applicants are aware.

14.3 Making an Offer

14.3.1 The successful candidate will be contacted by an officer from the partner landlord whose vacancy they have bid for, to be offered a tenancy and to arrange an accompanied viewing of the property.

14.3.2 If an applicant cannot be contacted following three attempts over different advertising cycles, their application will be cancelled in accordance with [section 9.4](#), also failing to respond within 24hrs of contact regarding a specific vacancy, Partners reserve the right to move to the next eligible person on the shortlist. It is important that all applicants ensure they are contactable as their bid may be bypassed after reasonable attempts to contact them have been unsuccessful.

14.3.3 In exceptional circumstances a Partner may not make an offer or may withdraw an offer to a successful bidder, this may include but is not limited to :

- it is clear that an applicant is not capable of understanding the responsibilities associated with being a tenant or they do not understand what they are signing
- current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available
- applicant has failed to respond to three contact attempts from a Partner
- Partner or landlord believes the property is unaffordable from the onset.
- Identifying information that affects the application

14.4 Tenancies

14.4.1 Joint tenancies will normally be offered to:

- Married couples, civil partnerships, unmarried couples and same sex partnerships, provided that both are named on the application form, unless both parties request the tenancy to be granted in a sole name, stating their reasons
- Adults wishing to live together as friends, both names have been included on the application form
- Applicants and their live-in carers, where the Partner considers it to be justified.

14.4.2 Joint tenancies are not usually given to a parent and adult child, unless there are formal caring responsibilities.

14.4.3 In all other circumstances sole tenancies will be offered to the eligible lead applicant. In cases relating to persons from abroad who are subject to immigration restrictions, the tenancy will only be granted to the individual who is eligible, whilst the ineligible person can still be taken into account in respect of size and type of accommodation offered.

14.5 Refusals

14.5.1 Generally, if an applicant refuses 2 offers, they will be contacted to discuss their housing needs and circumstances. With the exception to applications assessed with Band 1 priority (excluding Accepted Homeless housing duty), where Partners may review an application after the refusal of 1 reasonable offer. Once reviewed, if a Partner considers such refusals were unreasonable, Partners reserve the right to reduce their banding to a Band 4, for a period of 6 months from the date of the most recent unreasonable refusal.

14.6 Non-Bidding

14.6.1 All applicants will be monitored to establish if any suitable properties have been advertised. If suitable properties have been advertised the applicant may be contacted to establish why they have not bid. This will assist Partners in ascertaining if any additional assistance is required to participate in the scheme. Partners reserve the right to review such applications.

14.7 Vacancies excluded from the Scheme

14.7.1 The Partnership reserves the right to exclude certain properties and housing schemes from this Scheme, but a majority of social housing vacancies in the Partnership area will be advertised and let through this scheme. Examples of where this may occur include (but are not limited to) where a property is needed urgently to deal with an emergency. Specialist accommodation may also be let outside this Scheme for example extra care schemes for the elderly.

14.7.2 In exceptional circumstances properties may be withdrawn from an advertising cycle or scheme, those applicants who may have already expressed an interest in any such property will be notified of the reasons why.

14.8 Direct Lets

- 14.8.1 Each Partner lets the majority of their properties through this CBL Scheme. The Partnership reserves the right to exclude certain properties and housing schemes from the CBL scheme. An example of this may include, but is not limited to, where a property is needed urgently to deal with an emergency, the renewal of a flexible-secure tenancy. Specialist accommodation may also be let outside this Scheme.
- 14.8.2 In some circumstances it may be necessary to directly match an applicant to a suitable property. This means that the applicant may not be able to bid for properties such as Homeless applicants as detailed in *Section 9.3*. If this applies, we will notify the applicant direct.
- 14.8.3 Applicants subject to a direct letting will normally be made one offer of suitable accommodation. If they do not accept the property the relevant partner may decide to make no further offers to them, reduce their Banding or discharge a homeless duty. They will be able to request a review of any decision on the suitability of a property or a decision not to make a further offer.
- 14.8.4 Properties let through direct lettings may not be advertised through this scheme, but information will normally be made available to indicate that the letting took place. This may not be done if there is good reason, such as the need to re-house someone threatened with violence.

14.9 Allocations to Employees and Relations

- 14.9.1 The Scheme's application form requires applicants to declare if they or a member of their household are either a member of staff/Councillor/Board Member or related to a member of staff/Councillor/Board Member of any Partner within the Scheme.
- 14.9.2 In such cases there will be stringent procedures and checks in place to ensure the application is processed in accordance with this Policy and other applications. A Senior Officer will check the processing and assessment. Prior to any offer of accommodation being made to such an applicant the relevant Partner will notify their appropriate Director or Head of Service for approval.

15 Reviews and Complaints

15.1 Reviews of Decision

15.1.1 Initial decisions relating to an application will be made by the relevant Partner organisation.

15.1.2 All applicants have the right to request a review of a decision if they consider this policy has not been applied correctly, for example a decision about:

- Exclusion or removal from the Housing Register
- Type of property the applicant is eligible for
- Band awarded
- Application status and applicable dates
- Reasonableness of refusals

15.1.3 If an applicant wishes to request of a review of the initial decision, they should notify the partner that made that decision, of the issue they would like to be reviewed. This will be dealt with by an officer not involved in the original decision making process.

15.1.4 If the applicant still considers their case has not been dealt with in accordance with this policy, and they can provide evidence that relevant information has not been considered, they may request that the case is passed to Lincs Homefinder Panel. An officer, where there are exceptional circumstances not covered by this policy and that have implications across Partners, may make a referral to the same Panel for consideration

15.1.5 If an applicant wishes to continue to pursue the matter following a decision by the Lincs Homefinder Panel, they can approach the Ombudsman [Section 15.3](#)

15.1.6 Where an applicant wishes to provide new information that has not previously been available to the Partner organisation for consideration, this will be dealt with as a 'change of circumstances' and subject to a reassessment and not considered as a review.

15.2 Complaints

15.2.1 If an applicant is dissatisfied with how they have been dealt with, and feel they have been unfairly treated, discriminated against and/or a Partner has failed to do something they should have done, then the applicant can make a complaint.

15.2.2 Complaints will be dealt with by the Partner involved and in accordance with their own Corporate Complaints Policy:

City of Lincoln Council

Post: City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD

Email: housing@lincoln.gov.uk

Tel: 01522 873641

North Kesteven District Council
Post: Complaints Officer at FREEPOST NKDC
Email: Complaints@n-kesteven.gov.uk
Tel: 01529 414155 or 01522 699699

15.3 Ombudsman

- 15.3.1 The Local Government Ombudsman is independent of all government departments, councils and politicians. The Ombudsman examines complaints without taking sides. In most cases the complainant must have pursued the matter through the Council's own complaints procedure before a complaint can be considered by the Ombudsman

Contact details for the Local Government Ombudsman are

Email advice@lgo.org.uk
Telephone: 0300 061 0614
Text 'call back' on 0762 480 4299.
Fax us on 024 7682 0001.
Write to the **Local Government Ombudsman**, PO Box 4771, Coventry CV4 0EH.

Contact details for the Housing Ombudsman Service are

Email info@housing-ombudsman.org.uk
Telephone : 0300 111 3000
Fax : 020 7831 1942
Write to: **Housing Ombudsman Service**, Exchange Tower, Harbour Exchange Square, London. E14 9GE

15.4 Homelessness Reviews

- 15.4.1 Requests for reviews of decisions made in respect of an applicant's homeless application are subject to review procedures outside this scheme. Applicants should contact the local Authority responsible for their homelessness application for further information and assistance.

15.5 Partnership Decisions

- 15.5.1 All Partners aim to deal with individual enquiries at the initial point of contact including correspondence from Members of Parliament. Where necessary the Partners may meet to agree an appropriate response or decision(s). The Lincs Homefinder Partnership will meet on a regular basis to consider the following:
- Requests for Reviews (once Partner has undertaken initial review)
 - To award a Local Connection to whole partnership area, in exceptional circumstances,
 - All other exceptional cases that warrant consideration.

15.6 Policy Review

- 15.6.1 This policy will be reviewed every 3yrs, or earlier if required, to ensure it:
- a) meets legal requirements and is consistent with of related policies and strategies
 - b) meets Partner's needs and addresses local housing needs
 - c) achieves its objectives

- 15.6.2 Each partner is responsible for ensuring all allocations within their organisation are made in accordance with this agreed Policy. The Partnership Board, consisting of senior managers and Members will monitor the overall partnership, performance and effectiveness.
- 15.6.3 The Partnership will consult with a wide range of stakeholders including existing and potential applicants on any proposed major changes to this Lettings Scheme and the implications of such changes.

Appendix A

Glossary of Terms

Term	Explanation
ADHAC	Agricultural Dwelling House Advisory Committee
ASBO	Anti-Social Behaviour Order
Adequately Housed	Living in a property that is suitable for your needs
Applicant(s)	A person(s), submitting an application, or member of household
Application	Form to be included in the scheme and considered for housing
Area	Within the district boundaries of City of Lincoln and North Kesteven
Banding	How applicants are prioritised in the scheme
Bid	Process stating which vacancy they are interested in
CBL	Choice Based Lettings
Complaints Procedure	What is a complaint, how to make a complaint and how it will be dealt with
Council	City of Lincoln Council or North Kesteven District Council
Household	Individuals with intention of living together
Housing Related Debt	Works for which tenants are responsible, current or former rent arrears, rent advance/deposits payments, all other repayable payments
No Fixed Abode (NFA)	You have no fixed accommodation. Applicants who claim that they are of no fixed abode have to satisfy the Partnership that they genuinely have no settled accommodation and are living at various locations for very short period of time.
Lincs Homefinder Panel	Group of representatives from each Partner organisation that consider exceptional cases with implications for all Partners
Lincs Homefinder Partnership	Group of senior Officers and Councillors/Board Members from each Partner organisation, to monitor the performance and effectiveness of the Lincs Homefinder Scheme
Partner	A member organisation of this Scheme
Partnership	Organisations listed at <i>Section 1.1</i>
Policy	This Lincs Homefinder Choice Based Lettings Policy
Registration	Method of applying for housing
Registered Provider	An organisation that lets social housing
Repayment Agreement	An agreement made between landlords and applicants to repay and reduce housing related debts
Rough Sleepers	Those sleeping, about to bed down or actually beeded down in the open air or those in buildings (or other places) not designed for habitation
Stakeholders	Other agencies/organisations with an interest or involvement in the scheme or individual applications

Appendix B

LINCS HOMEFINDER – PRIORITY BANDINGS

Ref	Band 1 Criteria	Assessment/Evidence
1.1	Immediate and Significant Medical – Permanent condition and unable to continue to reside in current home	Appropriate support from medical professional
1.2	Urgent Welfare Need - unable to remain in current accommodation	Support from appropriate agencies
1.3	Succeeded to a tenancy but current home not suitable	Confirmation from Partner Tenancy/Neighbourhood Services
1.4	Social housing tenants, within partnership area, under-occupying by 2 bedrooms, leaving vacant possession	Homevisit
1.5	Approved ADHAC cases	Determination from ADHAC (North Kesteven only)
1.6	Urgent Disrepair - inc. but not limited to compulsory purchase order, Prohibition Order or emergency prohibition order (not due to willful neglect/damage)	Determined by a housing standards officer or equivalent
1.7	Statutory overcrowding	Confirmation of household and property size, maybe homevisit
1.8	Homeless households – unintentionally homeless and in priority need (full housing duty)	S184 letter by Partner

Ref	Band 2 Criteria	Assessment/Evidence
2.1	Homeless relief Duty Accepted AND in temporary Accommodation, inc those homeless at home	Decision by Partner
2.2	Urgent Medical Need - urgent need associated with alleviating or significantly improving condition	Medical self assessment, supporting prescriptions, other support by medical professional
2.3	Formal discharge notice of leaving the Armed Forces	Applicants will have to have participated in Options Interview with Partner and provided notice
2.4	Family living separately - who have previously lived together but current housing circumstances do not enable	Evidence of previously living together
2.5	Serious disrepair – Category 1 hazard (not due to willful damage or neglect)	Determined by a housing standards officer or equivalent
2.6	Applicant(s) WITH dependant children/pregnant lacking access to essential facilities or sharing with a household not moving (if awarded 2.7 will not apply)	
2.7	Applicant(s) lacking a least 1 bedroom, with permanent residency of a child or medical need for additional bedroom (if awarded 2.6 nor 2.2 will not apply)	
2.8	Occupying supported accommodation, for more than 3months, with a notice and confirmation to move on to more independent living	Appropriate confirmation from supported accommodation provider
2.9	Financial Difficulties – that could be alleviated by moving, but not due to own deliberate act	Income and essential expenditure assessment
2.10	Applicants subject to NKDC Flexi-secure tenancy review – whilst adequately housed have a need to move to more suitable accommodation	Confirmation from Partner Tenancy/Neighbourhood Services
2.11	Social housing tenants under-occupying by 1 bedroom, leaving vacant possession	Confirmation from Partner Tenancy/Neighbourhood Services

Ref	Band 3 Criteria	Assessment/Evidence
3.1	Homeless relief Duty Accepted and Not in Temporary Accommodation	As determined by Partner
3.2	Households at risk of homelessness and subject to prevention duty by a Partner	As determined by Partner
3.3	Medical Need – confirmed medical condition that would be improved by move to alternative accommodation	Medical self assessment, supporting prescriptions, other support by medical professional
3.4	Households with NO dependant children lacking access to essential facilities or sharing them with household no moving (if awarded 3.6 will not apply)	Confirmation of household and property size, maybe homevisit
3.5	Welfare Need – to provide or receive support, for isolated due to lack of transport	Support from relevant agency
3.6	Lacking 1 bedroom – inc those with regular overnight access	Require confirmation of access from main guardian
3.7	Employment – to improve access to current permanent employment	Employment confirmation
3.8	Moderate disrepair - likely to be assessed as at least 1 Category 2 hazard by a Housing Standards officer (not due to willful damage/neglect)	Determined by a housing standards officer or equivalent

Ref	Band 4 Criteria	Assessment/Evidence
4.1	Adequately housed	No evidence of priority as detailed above
4.2	Intentionally Homeless – both priority and non-priority need, but otherwise meets eligibility criteria and not considered a non-qualifying person	As determined by Partner
4.3	In housing need but deliberately worsened their circumstances, time limited for 6months from effective banding date	As determined by Partner
4.4	In housing need but have made 2 unreasonable refusals of offer, time limited for 6months from last unreasonable refusal	As determined by Partner
4.5	In housing need but considered financially able to resolve their housing needs	As determined by Partner

Appendix C

Property Eligibility – City of Lincoln

Please note that eligibility WILL differ between partners and landlords, **please check** individual vacancy adverts for full eligibility criteria for individual properties. A child is 15 or under for the purposes of this Lettings Policy and whom permanently resides with the applicant on a full time basis.

If the household has no under 16s permanently full time living with the applicant they are not entitled to a house and instead normally only be considered for a flat

Property Types: Bedsits, Flats, Maisonette, and Houses	Bedsit	Flat	House	Flat	Maisonette	House	Flat	Maisonette	House	House	House	House
No of Bedrooms	1			2			3			4	5	6
Single person	Y	Y	Y									
couple		Y	Y									
Single/couple pregnant				Y	Y	Y						
Single/couple no children but access to children		Y	Y									
Household with 1 child				Y	Y	Y						
Household with 2 children same gender;												
• both under 18				Y	Y	Y						
• one under 18 and one over 18							Y	Y	Y			
• Both over 18							Y	Y				
Households with 2 children different genders;												
• both under 10				Y	Y	Y						
• one under 10 and one over 10							Y	Y	Y			
• both over 10							Y	Y	Y			
Households with 3 children							Y	Y	Y			
Households with 4 children							Y	Y	Y	Y		
Households with 5 children										Y	Y	
Households with 6 children or more										Y	Y	Y
Sharing adults (not partners) or families with adult children				Y	Y							
2 people (2 adults or single person +adult child)				Y	Y							
-3 people (couple + 1 adult child)				Y	Y							
-3 people (single person + 2 adult children)							Y	Y				
-4 people (couple + 2 adult children)							Y	Y				
-4 people (single person + 3 adult children)							Y	Y				

Bedroom	1		2		3	
Property Type	Bungalow	Ground floor flat	Bungalow	Ground floor flat	Bungalow	Ground floor flat
Single/couple aged 18-59 with medical need	Y	Y				
Couple with medical need for ground floor and a need for an extra bedroom			Y	Y		
Single/couple aged 18-59 with no medical need						
Single/couple aged 60+	Y	Y				
Families with medical needs			Y	Y	Y	Y

Appendix D

Property Eligibility – North Kesteven

Please note that eligibility WILL differ between partners and landlords, **please check** individual vacancy adverts for full eligibility criteria for individual properties. A child is 15 or under for the purposes of this Lettings Policy and whom permanently resides with the applicant on a full time basis.

If the household has no under 16s permanently full time living with the applicant they are not entitled to a house and instead normally only be considered for a flat.

Those households that are not permanently occupying all bedrooms will be subject to affordability assessments.

Property Types: Bedsits, Flats, Maisonette, and Houses	Bedsit	Flat	House	Flat	Maisonette	House	Flat	Maisonette	House	House	House	House
No of Bedrooms	1			2			3			4	5	6
Single person	Y	Y	Y	Y								
Couple		Y	Y	Y	Y							
Single/couple - pregnant				Y	Y	Y						
Single/couple - no children but access to children		Y	Y	Y	Y							
Household with 1 child				Y	Y	Y						
Household with 2 children same gender:												
• both under 18				Y	Y	Y						
• one under 18 and one over 18				Y	Y	Y	Y	Y	Y			
• Both over 18				Y	Y	Y	Y	Y				
Households with 2 children different genders:												
• both under 10				Y	Y	Y						
• one under 10 and one over 10							Y	Y	Y			
• both over 10							Y	Y	Y			
Households with 3 children							Y	Y	Y			
Households with 4 children							Y	Y	Y	Y		
Households with 5 children										Y	Y	
Households with 6+ children										Y	Y	Y
Sharing adults (not partners) or families with adult children;				Y	Y							
2 people (2 adults or single person +adult child)				Y	Y							
-3 people (couple + 1 adult child)				Y	Y							
-3 people (single person + 2 adult children)							Y	Y				
-4 people (couple + 2 adult children)							Y	Y				
-4 people (single person + 3 adult children)							Y	Y				

Property Type	Bungalow	Ground floor flat	Bungalow	Ground floor flat	Bungalow	Ground floor flat
No of Bedrooms	1		2		3	
Single/couple aged 18-59 with medical need for Ground floor		Y				
Single/couple aged 18-59 with specific need for bungalow	Y	Y				
Couple with medical need for ground floor and a need for an extra bedroom				Y		
Couple with specific need for bungalow and a need for an extra bedroom			Y	Y		
Single/couple aged 18-59 with no medical need (but will rank lower than those who need ground floor)		Y				
Single/couple aged 60+	Y	Y				
Families with medical need for ground floor				Y		Y
Families with no ground floor need (but will rank lower than those who need ground floor)				Y		Y
Families with specific need for bungalow			Y	Y	Y	Y
Group with at least 1 aged 60+			Y	Y	Y	Y
Group all aged under 60 with ground floor need				Y		Y
Group all aged under 60 with specific need for bungalow			Y	Y	Y	Y
Group all aged under 60 with no ground floor need (but will rank lower than those who need ground floor)				Y		Y

Appendix F

PARTNER CONTACTS FOR COMPLAINTS

City of Lincoln Council

Post: City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD
Email: housing@lincoln.gov.uk
Tel: 01522 873641

North Kesteven District Council

Post: Complaints Officer at FREEPOST NKDC
Email: Complaints@n-kesteven.gov.uk
Tel: 01529 414155 or 01522 699699

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Equality with Human Rights Analysis Toolkit



Appendix B

The Equality Act 2010 and Human Rights Act 1998 require us to consider the impact of our policies and practices in respect of equality and human rights.

We should consider potential impact before any decisions are made or policies or practices are implemented. This analysis toolkit provides the template to ensure you consider all aspects and have a written record that you have done this.

If you need any guidance or assistance completing your Equality and Human Rights Analysis contact:
Heather Grover, Principal Policy Officer on (87)3326; email: heather.grover@lincoln.gov.uk . Alternatively contact Legal Services on (87)3840

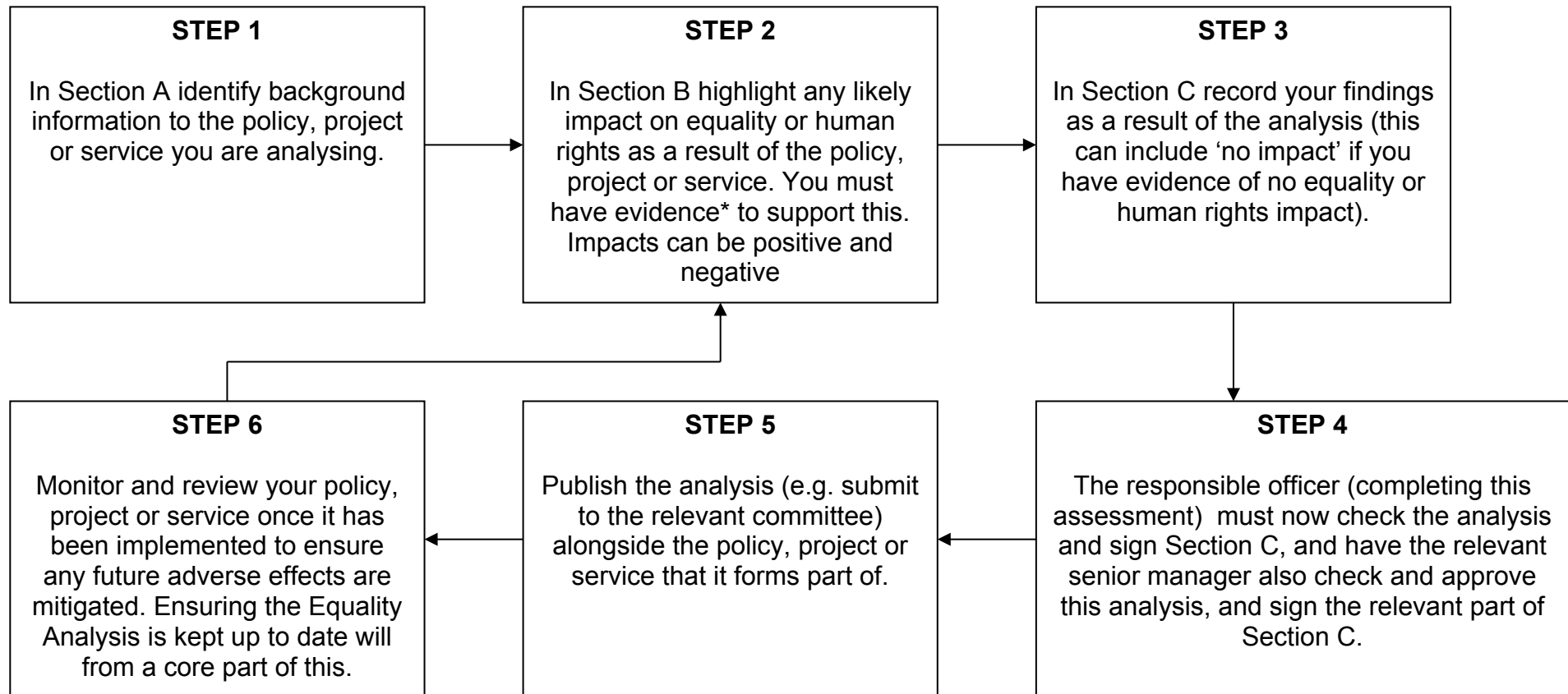
A diagram of the process you should follow is on page 2, and glossary and guidance to help you complete the toolkit can be found on pages 6-9.

177 Even after your policy, project or service has been implemented; it is recommended that analysis is undertaken every three years, and that this analysis is updated at any significant points in between. The purpose of any update is that the actual effects will only be known after the implementation of your policy, project or service. Additionally, area demographics could change, leading to different needs, alternative provision can become available, or new options to reduce an adverse effect could become apparent.

Useful questions to consider when completing this toolkit

1. What is the current situation?
2. What are the drivers for change?
3. What difference will the proposal make?
4. What are the assumptions about the benefits?
5. How are you testing your assumptions about the benefits?
6. What are the assumptions about any adverse impacts?
7. How are you testing your assumptions about adverse impacts?
8. Who are the stakeholders and how will they be affected?
9. How are you assessing the risks and minimising the adverse impacts?
10. What changes will the Council need to make as a result of introducing this policy / project / service / change?
11. How will you undertake evaluation once the changes have been implemented?

STEP BY STEP GUIDE TO EQUALITY ANALYSIS



* Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies

SECTION A

Name of policy / project / service	Choice Based Lettings Allocations Policy
Background and aims of policy / project / service at outset	A Local Housing Authority is required to have an Allocations Policy which explains how it allocates properties, who qualifies for accommodation, and how it prioritises applicants with different housing needs. Changes to the Policy are required due to the Homelessness Reduction Act 2017 which becomes operable in April 2018.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Yvonne Fox – Tenancy Services Manager
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Assistant Director, Housing Options Manager, staff within the Allocations and Homelessness Teams

SECTION B

This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age			x	The Policy clarifies the legal minimum age that a person can apply for accommodation is 18 years of age. Any person aged 16/17 whom the Council owes a Statutory duty to, or whom LCC ask for assistance to accommodate as a care leaver, will normally be offered accommodation with appropriate support and a guarantor.	NA	
Disability including carers (See Glossary)			x		NA	
Gender re-assignment			x		NA	
Pregnancy and maternity			x		NA	
Race			x		NA	
Religion or belief			x		NA	
Sex			x		NA	
Sexual orientation			x		NA	
Marriage/civil partnership			x		NA	
Human Rights (see page 8)	x			Section 11 of the Childrens Act – children who are homeless or threatened with homelessness will be offered suitable	NA	

				accommodation more quickly, reducing time spent in temporary accommodation		
--	--	--	--	--	--	--

**Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies*

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
no		

SECTION C

Decision Point - Outcome of Assessment so far:

Based on the information in section B, what is the decision of the responsible officer (please select one option below):

- 181

- No equality or human right Impact (your analysis shows there is no impact) - sign assessment below
 - No major change required (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below
 - Adverse Impact but continue (record objective justification for continuing despite the impact)-complete sections below
 - Adjust the policy (Change the proposal to mitigate potential effect) -progress below only AFTER changes made
 - Put Policy on hold (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress

Tick here

[x]

[x]

[]

[]

[]

Conclusion of Equality Analysis (describe objective justification for continuing)

When and how will you review and measure the impact after implementation?*

Checked and approved by responsible officer(s) (Sign and Print Name)

Yvonne Fox

Date

20/12/17

Checked and approved by Assistant
Director
(Sign and Print Name)

Date

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

City of Lincoln Council Equality and Human Rights Analysis Toolkit: Glossary of Terms

Adult at Risk - an adult at risk is a person aged 18 years or over who is or may be in need of community care services by reason of mental health, age or illness, and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation.

Adverse Impact. Identified where the Council's operations has a less favourable effect on one or more groups covered by the Equality Act 2010 than it has on other groups (or a section of a group)

Carer - see also disability by association. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life, because of their age, long-term illness, disability, mental health problems, substance misuse

Disability by association. Non disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, colleague or relative. This applies to carers who have a caring responsibility to a disabled person.

Differential Impact. Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative.

Disability. It is defined under the Equality Act 2010 as 'having a physical or mental impairment which has a substantial and adverse long term effect on a person's ability to carry out normal day to day activities'.

Physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

Mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

Diversity. Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.

Discrimination. Discrimination has been defined as 'the unequal treatment of individuals or groups based on less because of a protected characteristic – see protected characteristic. This includes discrimination by association, perception, direct and indirect discrimination.

Example of discrimination: An employer does not offer a training opportunity to an older member of staff because they assume that they would not be interested, and the opportunity is given to a younger worker

Equality. The right of different groups of people to have a similar social position and receive the same treatment:

Equality Analysis. This is a detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different Protected Characteristics

Equality Objectives. There are specific strategic objectives in the area of equalities and should set out what services are seeking to achieve in each area of service in terms of Equality.

Equality of Opportunity. Equality of opportunity or equality opportunities may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities:

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.
2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

Evidence. Information or data that shows proof of the impact or non impact - evidence may include consultations, documented discussions, complaints, surveys, usage data, and customer and employee feedback.

Foster good relations. This is explicitly linked to tackling prejudice and promoting understanding.

General Equality Duty. The public sector equality duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Gender reassignment. The process of changing or transitioning from one gender to another – for example male to trans-female or female.

Harassment. This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Human Rights – Human rights are the basic rights and freedoms that belong to every person in the world - **see below**

Marriage and Civil Partnership. Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Single people are not protected. Discrimination on grounds of marriage or civil partnership is prohibited under the Act. The prohibition applies only in relation to employment and not the provision of goods and services.

Pregnancy and Maternity. Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected Characteristics. These are the grounds upon which discrimination is unlawful. The characteristics are:

- | | | |
|-----------------------|--|----------------------------------|
| • Age | • Race | • Marriage and civil partnership |
| • Disability | • Religion and belief (including lack of belief) | • Pregnancy and maternity |
| • Gender reassignment | • Sex/gender | • Sexual orientation |

Public functions. These are any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority services.

Race. This refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief. Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Section 11 of the Children Act. This duty is a duty under the Children Act 2004 that requires all agencies with responsibilities towards children to discharge their functions with regard to the need to safeguard and promote the welfare of children. They must also ensure that any body providing services on their behalf must do the same. The purpose of this duty is that agencies give appropriate priority to safeguarding children and share concerns at an early stage to encourage preventative action.

Sex. It refers to whether a person is a man or a woman (of any age).

Sexual Orientation. A person's sexual attraction is towards their own sex; the opposite sex; or to both sexes: *Lesbian, Gay or Bisexual*

Victimisation. Victimisation takes place where one person treats another less favourably because he or she has exercised their legal rights in line with the Equality Act 2010 or helped someone else to do so.

Vulnerable Adult. A Vulnerable Adult is defined as someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'

Human Rights

Human rights are the basic rights and freedoms that belong to every person in the world. They help you to flourish and fulfill your potential through:

- 184
- being safe and protected from harm
 - being treated fairly and with dignity
 - living the life you choose
 - taking an active part in your community and wider society.

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression

- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

Many every day decisions taken in the workplace have no human rights implications. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you make decisions more confidently, and ensure that your decisions are sound and fair.

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SUBJECT: LINCOLN CENTRAL BUS STATION – BUS STATION ORDER

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: CAROLYN WHEATER – CITY SOLICITOR

1. Purpose of Report

- 1.1 To seek authority of the Executive to confirm the making of the City of Lincoln Council (Lincoln Central Bus Station) Order 2018 following expiry of the statutory period of public consultation and subject to no written objections being received during the statutory consultation period.

Or, in the event of a written objection(s) being lodged during the statutory consultation period to delegate authority to the City Solicitor to confirm the making of the Order pursuant to any objection(s) being withdrawn.

To authorise the revocation of the City of Lincoln (City Bus Station) Order 1992.

2. Executive Summary

- 2.1 As part of the Lincoln Transport Hub project the Lincoln Central Bus Station element of the scheme is scheduled to commence operation on 28 January 2018.
- 2.2 The previous bus station was governed and operated in accordance with the City of Lincoln (City Bus Station) Order 1992.
- 2.3 As the new Lincoln Central Bus Station will operate from a new location, albeit close in proximity to the previous bus station, it has been necessary to pursue a new Order to designate the Lincoln Central Bus Station as a station for public service vehicles to be used subject to the provisions of the Order namely, the permitted classes of vehicle, the periods and conditions for use, the positions for parking, the payment of charges for use and the penalty charge for non-compliance or contravention.

3. Background

- 3.1 As a consequence of the Lincoln Central Bus Station due to commence operation on 28 January 2018 officers have commenced the legal procedure necessary to implement an Order governing its operation and to revoke the existing Lincoln (City Bus Station) Order 1992.

4. Main Body of Report

- 4.1 The new bus station operating order titled 'The City of Lincoln Council (Lincoln Central Bus Station) Order 2018 is largely the same as the 1992 Order save that minor amendments have been made to it to give effect to changes in the legislation.
- 4.2 The procedure for obtaining an order is detailed within the Road Traffic Regulation Act 1984 and in brief stipulates a period of mandatory consultation must be undertaken with statutory consultees including the highways authority, police and traffic commissioners. The Act also requires a period a public consultation after publication of the proposal in at least one local newspaper. The statutory consultees were consulted in early October. No responses were received from the statutory consultees. The Publication of proposal was published in the Lincolnshire Echo on 9 November 2017 and allows for any objections to be made to the Council no later than midnight on 20 December 2017.
- 4.3 Whilst only a discretionary requirement, public notices have been displayed in the immediate vicinity of the Lincoln Central Bus Station.
- 4.4 There have been no objections to the proposed Order, however as the consultation period is unexpired at the time of writing this report there is the opportunity for objections to be received at a future date. A verbal update will be given at the meeting of the Executive on 8 January 2018.
- 4.5 Whilst the Lincoln (City Bus Station) Order 1992 prescribed the amount of departure charge to be levied upon a bus operator, the proposed Order does not specify these charges. These charges will be contained within an Operator's Agreement which each bus station operator will be require to enter into. This will provide greater flexibility to the Council in altering, if necessary, such amount of charge due to the effluxion of time, whereas if the departure charges had been specified within the new bus station Order these would have been difficult to amend as such amendment would have triggered the need for further statutory and public consultation in order to pursue a new Order.
- 4.6 The proposed Order specifies the amount of penalty charge attributable to particular contraventions of the Order.

5. Strategic Priorities

- 5.1 Let's enhance our remarkable place
A fit for purpose transport interchange in the heart of the City to service residents' businesses and visitors is a key component and requirement of the successful delivery of the growth of the City.

6. Organisational Impacts

- 6.1 Finance (including whole life costs where applicable)
Minor costs are associated with this procedure, namely in relation to the publication of the notice of proposals (£275). In the event that the Order is confirmed there will be an additional cost associated with the placing of a further public notice in the Lincolnshire Echo to approximately the same value. These

costs will be met from within existing budgets.

6.2 Legal Implications including Procurement Rules

The procedure required to implement the proposed Central Bus Station Order has been undertaken in accordance with the requirements of the Road Traffic Regulation Act 1984.

Any person may object, in writing, to the Council stating the grounds relied upon by the objector. Any unresolved objection would trigger a public inquiry. A public inquiry would inevitably add delay and cost to implementing the Order. Whilst the Order remains unmade this would not preclude the operation of the bus station commencing albeit it would preclude the Council from being able to regulate the use of the bus station in accordance with those provisions of the Order and additionally the Council would be precluded in the interim from enforcing against any person contravening the provisions set out in the proposed Order.

The development of the project has used the SCAPE Framework agreement which is a national procurement framework that is OJEU compliant.

7. Risk Implications

- 7.1 In order for the Lincoln Central Bus Station to operate effectively and with the benefit of being able to rely on enforcement sanctions the Order needs to be implemented. In the absence of implementation of the Order the Lincoln Central Bus Station may be susceptible to use that is not in strict accordance with the provisions drafted within the Order and may leave the Council with limited enforcement sanctions, or alternatively, compel the Council to enforcement action against a person using alternative legal powers that will likely increase officer time and cost to resolve.

8. Recommendation

- 8.1 Subject to no written objections being received by midnight of the 20th December 2017, to confirm the making of the City of Lincoln Council (Lincoln Central Bus Station) Order 2018 and to authorise the revocation of the City of Lincoln (City Bus Station) Order 1992.
- 8.2 In the event that written objections are received during the consultation period, to grant authority to the City Solicitor to confirm the making of the Order subject to the subsequent withdrawal of any outstanding objection. At the time of doing so, to authorise the City Solicitor to use delegated powers to revoke the City of Lincoln (City Bus Station) Order 1992.

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?

One

List of Background Papers:

The City of Lincoln Council (Lincoln Central Bus Station) Order 2018.

Lead Officer:

Carolyn Wheater – City Solicitor
Telephone (01522) 873323

THE CITY OF LINCOLN COUNCIL (LINCOLN CENTRAL BUS STATION)

ORDER 2018

The City of Lincoln Council ("the Council") in exercise of the powers under Sections 32, 35, 38 of the Road Traffic Regulation Act 1984 ("the Act of 1984") and The Traffic Management Act 2004 ("the Act of 2004") and of all other enabling powers and following consultation with the Chief Officer of Police in accordance with Parts I to III of Schedule 9 to the Act of 1984 hereby make the following Order:

Implementation, Citation and Definitions

1. This Order shall come into operation on the 14th January 2018 and may be cited as "The City of Lincoln Council (Lincoln Central Bus Station) Order 2018".
- 2 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"departure bay" means an area marked as such in the parking place and set aside for the parking of public service vehicles in service for the carriage of passengers.

"discounted penalty charge" in relation to the parking place means the amount specified in Column 4 of Schedule 2 to this Order.

"driver" in relation to a vehicle waiting in contravention of the Order in the parking place means the person driving the vehicle

at the time it was left at that contravention or the person deemed to be the driver.

"local services" has the same meaning as in Section 2 of the Transport Act 1985.

"long distance service" means a service which carries passengers, the majority of whom travel to or from points outside Lincolnshire.

"motor vehicle" has the same meaning as in Section 136 of the Act of 1984.

"owner" in relation to a motor vehicle means a person by whom such a vehicle is kept and used.

"parking place" means the Lincoln Central Bus Station.

"penalty charge" in relation to the parking place means the amount specified in column 3 of the Schedule 2 to this Order.

"public service vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981.

"security vehicle" in relation to Articles 10 (2) (d) and 27 (3) of this order means a vehicle which is in the parking place for the purpose of collecting cash from any public service vehicle operator authorised to use the parking place.

"vehicular aisle" means the whole of the area between the departure bays and the northern and southern ends of those bays as shown on the plan at Schedule 1 to this Order.

3. (1) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any

subsequent enactment.

- (2) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations.
4. Part I of this Order relates to the parking place shown edged in red on the plan at Schedule 1 to this Order and described in that Schedule.

Part 1 Lincoln Central Bus Station

Section 1

General Provisions Relating to the Parking Place

5. The parking place described in Schedule 1 to this Order is hereby appointed as a station for public service vehicles.
6.
 - (1) The parking place controlled by this Part of this Order may be used, subject to the following provisions of this part of this Order only as a parking place for such classes of vehicles and under such conditions, in such positions, on payment of such charges and during such periods as are specified in the following Sections of this Part of the Order and authorised in writing to use the parking place by the Council.
 - (2) The driver of a vehicle parked in a departure bay or vehicular aisle which is not of a class or being used for a purpose specified in Articles 27(1) or 30(2) (ii) shall, in addition to being liable for a contravention or non-compliance with a provision of this Order, pay the penalty charge specified in Item 2 of

Schedule 2 to this Order.

7. The provisions of Section 35 (7) of the Act of 1984 shall not apply in this Order in relation to public service vehicles parked in a departure bay in the parking place.
8. Where any of the departure bays within the parking place are marked as not available for use no vehicle shall be parked in any of those bays unless as may be required by a person authorised by the Council.
9. No person shall leave or cause or permit to be left any vehicle in the entrance or exit lanes to the parking place or in any vehicular aisle or in such other position so as to cause an obstruction or a nuisance to any vehicles or persons using the parking place.
10. (1) No person shall, except with the permission of any person authorised by the Council, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Part of this Order or for the purpose of departing from the parking place.
(2) Nothing in sub-paragraph (1) of this Article shall apply:
 - (a) to any vehicle in the service of the local authority which is required to be in the parking place for the purpose of clearing, cleansing or maintenance of the parking place.
 - (b) to any vehicle attending any other vehicle in the parking place as provided for in Article 30(2) (ii).
 - (c) to any vehicle which is in the parking place with the permission of a person authorised by the Council.
 - (d) to any security vehicle proceeding in the parking place

for the purpose of gaining access to or leaving a departure bay when being used for the purpose of cash collection from any public service vehicle operator authorised to use the parking place in accordance with the provisions of Article 27(3).

11. The driver of a motor vehicle using the parking place shall stop the engine and apply the handbrake as soon as the vehicle is in position in the parking place and shall not release the handbrake or start the engine except when about to change the position of the vehicle in or to depart from the parking place.
12. (a) No person, other than the driver or owner of a vehicle parked in the parking place, or a person acting with the permission or authority of the driver or owner, or a person authorised by the Council in accordance with part (b) of this Article, shall alter the position of a vehicle in the parking place or otherwise tamper with the vehicle, its equipment, or any other article contained in or on the vehicle.
- (b) When a vehicle is left in a parking place in contravention of any of the provisions of this part of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place, provided that, when a vehicle is waiting in a parking place in contravention of the provisions of Articles 8, 9 or 28 of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in

order that its position shall comply with that provision.

(c) Any such person removing or altering the position of a vehicle by virtue of part (b) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or to alter its position, as the case may be.

(d) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of part (b) of this Article, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

13. The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1972.

14. No person shall in the parking place:

(a) other than with the consent of the Council, sell or attempt to sell or use a vehicle while in connection with the sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skill or services.

(b) use any part of a parking place or any vehicle left in a parking place:

- (i) for sleeping or camping or cooking, or
- (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

15. No person shall in the parking place:

- (a) except with the consent of the Council, erect or cause or permit to be erected any tent, booth, stand, building or other structure.
- (b) light or cause or permit to be lit any fire.

16. (a) Except with the written consent of the Council, no person shall use a parking place for the purpose of displaying or distributing advertising material.

(b) Part (a) of this Article shall apply:

- (i) to any person who engaged in the distribution of advertising material in a parking place.
- (ii) to any person who engages any other person to distribute advertising material in a parking place.
- (iii) to any person whose goods, trade, business or other concerns receive publicity by the display of such advertising material;

provided that a person shall not be guilty of an offence under this Part of this Article by reason only that his goods, trade, business or other concerns are given publicity by the advertising material if he proves that it was displayed without his knowledge or consent.

17. No person shall in the parking place:

- (a) sound any horn or other similar instrument except as may be necessary when about to change the position of the vehicle in or depart from the parking place.
 - (b) wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood.
- 18. No person shall in the parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
- 19. No person shall in the parking place:
 - (a) deposit any litter or engage in any activity which can reasonably be expected to result in the deposit of litter.
 - (b) wilfully, carelessly or negligently deface, damage or destroy any part of the parking place, any tree or shrub growing therein, or any wall, fence or barriers enclosing any parking place or any fitting or equipment in or on the parking place.
 - (c) urinate or defecate in the parking place or any part thereof otherwise than in a public convenience specially provided and set apart for such purpose.
- 20. No person shall in the parking place cause or permit any dog or other animal belonging to him or in his charge to:
 - (a) enter or remain in the parking place unless such dog or animal is on a lead and under proper control and effectively restrained from causing annoyance to any person and from worrying and

disturbing any other animal.

(b) foul the parking place.

21. Except with the consent of the Council no person shall in the parking place:

(a) park or drive or ride any vehicle of any description which is not expressly authorised in accordance with the provisions of this Order:

(b) tether, drive or ride any animal.

(c) play any game or sport or undertake any recreational activity.

22. No person shall in a parking place transfer or cause to be transferred any road fuel from one vehicle to another vehicle.

23. Schedule 2 to this Order shall have effect with respect to any contraventions of the provisions of Part I of this Order where column 1 indicates the part of the parking place affected, column 2 summarises the contraventions referred to in the Articles of the order which are mentioned against them, column 3 specifies the penalty charge to be paid where a contravention is identified and column 4 specifies the discounted penalty charge as provided for in Article 26 of this Order.

24. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a person authorised by the Council to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle.

- (b) the time at which he first observed that the penalty charge offence had been or was being committed.
 - (c) a statement that a penalty charge of the amount specified in column 3 of Schedule 2 is required to be paid, together with a statement concerning the circumstances in which payment of a discounted penalty charge of the amount specified in column 4 of Schedule 2 is applicable.
 - (d) the manner in which, and the time within which, the penalty charge or discounted penalty charge should be paid and
 - (e) a statement that it is an offence under Section 35(4) of the Act of 1984 for the driver of a vehicle who has left the vehicle in the parking place to fail to comply with a provision of the Order.
25. When a notice has been attached to a vehicle in accordance with the provisions of Article 24 of this Order no person other than a person authorised by the Council in that behalf or the driver or person authorised by the driver in that behalf shall remove the notice from the vehicle.
26. (1) The penalty charge referred to in Article 6(2) shall be paid to the Council either via the automated payment line, web portal or by cheque which shall be delivered or sent by post so as to reach the City Services Section, City Hall, Beaumont Fee, Lincoln not later than the fourteenth day following the day on which the penalty charge was incurred, provided that a discounted penalty charge shall be accepted by the Council if it is paid as aforesaid

not later than 4.00pm on the fourteenth day following the day on which the penalty charge was incurred.

- (2) If the fourteenth day falls upon a day on which the said department is closed, the period within which payment of the said penalty charge or discounted penalty charge respectively shall be made to the Council shall be extended until 4.00pm on the next day on which the said Department is open.

SECTION II

AUTHORISATION AND USE OF DEPARTURE BAYS

- 27. (1) Each departure bay is authorised to be used subject to the following provisions of this Section of this Part of this Order at all times as a parking place for public service vehicles when being used to operate a local service or a long distance service in accordance with the departure/parking fees as specified by the Council and amended from time to time.
- (2) Save as provided in part (3) of this Article no vehicle other than a public service vehicle being used to operate a local service or a long distance service shall park at any time in a departure bay.
- (3) Nothing in part (2) of this Article shall apply to any security vehicle collecting cash from any public service vehicle operator authorised to use the parking place provided:
 - (a) that that vehicle parks only in a departure bay licensed to be used by the particular public service vehicle operator from which the cash is being collected.
 - (b) that that vehicle parks for no longer than is strictly

necessary for the purpose of cash collection.

- (c) that that vehicle in no circumstances interferes with the operation of local or long distance services provided by any other public service vehicle operator.

- 28. No public service vehicle or security vehicle shall be parked in a departure bay in such a manner that any part of it is either:
 - (a) within any other departure bay, or
 - (b) within any vehicular aisle within the parking place.
- 29. (1) No public service vehicle authorised to park in a departure bay by Article 27(1) of this Order shall be permitted to park for longer than the maximum period specified from time to time by the Council in relation to that departure bay.
- (2) The driver of a public service vehicle who permits it to park in a departure bay for longer than the maximum period specified from time to time by the Council shall, in addition to being liable for a contravention or non-compliance with a provision of the Order, pay a departure/parking fee as specified by the Council and amended from time to time.

SECTION III

VEHICULAR ACCESS

- 30. (1) Save as provided in Part (2) of this Article no person shall cause or permit any vehicle to park at any time in any vehicular aisle within the parking place.
- (2) Nothing in Part (1) of this Article shall apply:
 - (i) so as to prevent any vehicle awaiting where the driver

thereof is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control.

- (ii) The vehicle is being used in connection with the essential maintenance of a public service vehicle parked in a departure bay and which cannot reasonably wait in any other location, provided that the person in control of the vehicle shall move it on the instruction of a person authorised by the Council.

Dated

The COMMON SEAL of the
CITY OF LINCOLN COUNCIL was
hereunto affixed the
in the presence of:

SCHEDULE 1

Parking Place (Part 1 of the Order)

The Lincoln Central Bus Station

Land at Norman Street, Lincoln LN5 7BS, being the area of land situated to the east of St Mary's Street, north east of the railway station and south of the City of Lincoln Council's multi-storey car park, comprising all departure bays, vehicular aisles and footways as shown on the plan.

SCHEDULE 2

Penalty Charge Offences

Column 1	Column 2	Column 3	Column 4
1. Departure Bays in the Lincoln Central Bus Station.	Overstaying the period specified by the Council. Article 29(1).	£50	£25
2. Lincoln Central Bus Station.	Parking of a vehicle not of an authorised class or being used for a permitted purpose. Article 6(1).	£70	£35

Subject to Survey/
Based upon the Ordinance Survey map with permission
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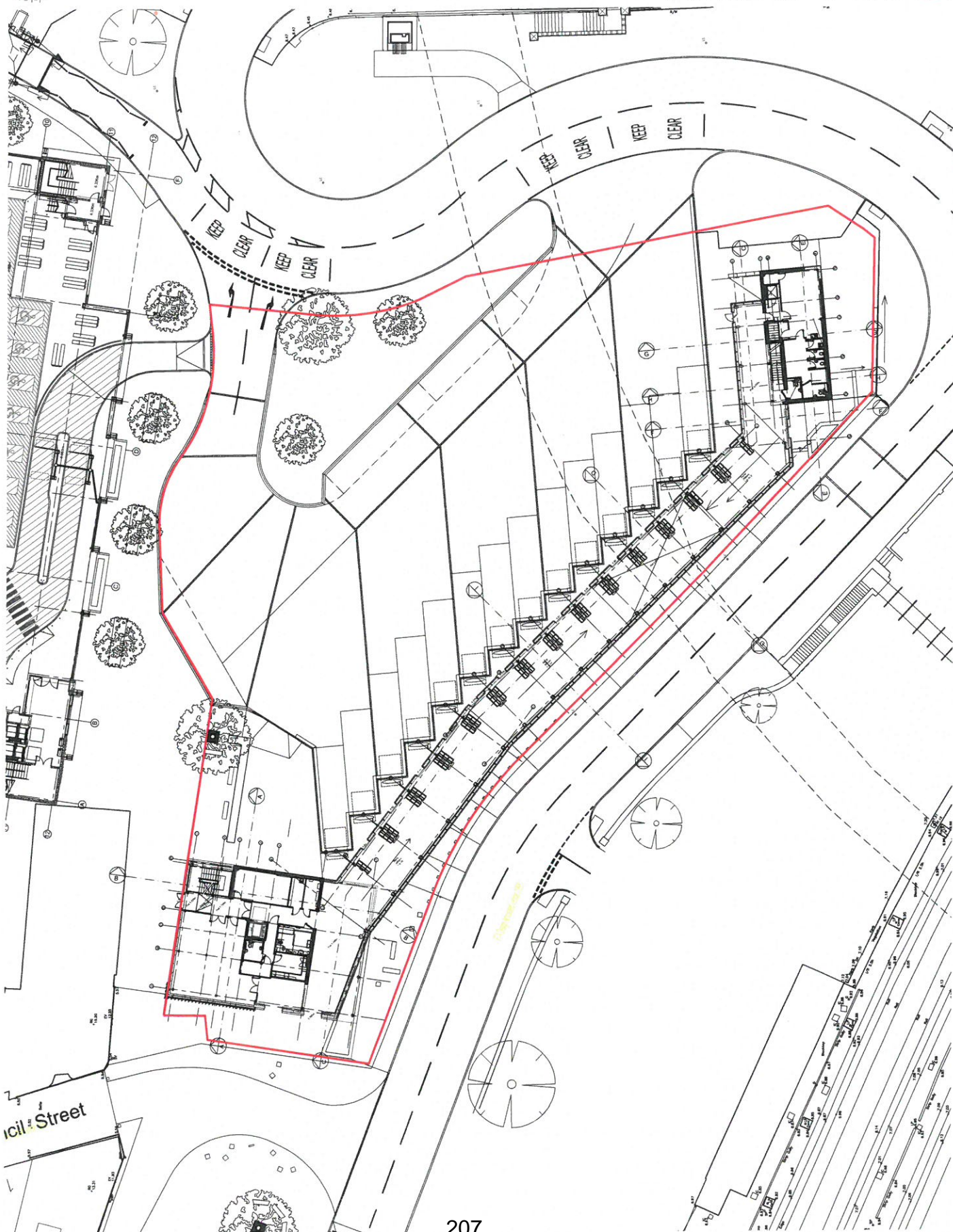
client	WILLMOTT DIXON for CITY OF LINCOLN COUNCIL
project	LINCOLN TRANSPORT HUB ST MARY'S/TENTERCROFT STREET LINCOLN
drawing	BUS STATION SITE LAYOUT INDICATING EXTENT OF DEMISE

scale	date
1:200@A1	SEPT 17
drawn	checked
PAP	
drawing no.	revision
7322W-L20	



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SCALE BAR - 1:200

SUBJECT:	PROPOSALS FOR REVISION OF PUBLIC HEALTH FUNERAL PROVISION
DIRECTORATE:	DEPARTMENT FOR COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SIMON COLBURN (ASSISTANT DIRECTOR – HEATH AND ENVIRONMENTAL SERVICES)

1. Purpose of Report

- 1.1 To seek approval from the Executive Committee to amend the current level of public health funeral service provision to that of a direct cremation service.

2. Executive Summary

- 2.1 The Council has a legal duty under the Public Health (Control of Diseases) Act 1984, to make funerals arrangements where there are no known next of kin or other person who is able or willing to make those arrangements.
- 2.2 This function currently sits within the Environmental Health service area.
- 2.3 The number of public health funerals undertaken by Council has grown significantly since over recent years, with an associated rise in costs to the service.
- 2.4 The Council currently provides a full funeral service at the City Crematorium, which is an enhanced level of service over and above that which it is legally required to do. It is therefore proposed that an alternative direct cremation model is used for public health funerals.
- 2.5 A move to a direct cremation model would provide significant financial savings, with the cost of a direct cremation being more than 50% less than the current model.

3. Background

- 3.1 Part III, Section 46(1) of the Public Health (Control of Disease) Act 1984 states:
- “It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority”.
- 3.2 Cases are normally referred by the Coroner’s Officer where a body has been found and enquiries have not revealed the existence of any surviving relatives who are able or willing to make the funeral arrangements.

- 3.3 In the case of persons who have no relatives and die either in hospital or local authority residential accommodation, the funerals are normally arranged by those establishments. It should be noted that these organisations are not statutorily obliged to make the funeral arrangements, as we are, but the above legislation enables them to make the arrangements should they choose to do so.
- 3.4 Even if next of kin are identified, we have no powers to require them to make the funeral arrangements if they are not willing to do so.
- 3.5 The number of public health funerals being arranged by the Council has seen a significant increase in recent years (see Figure 1 below).

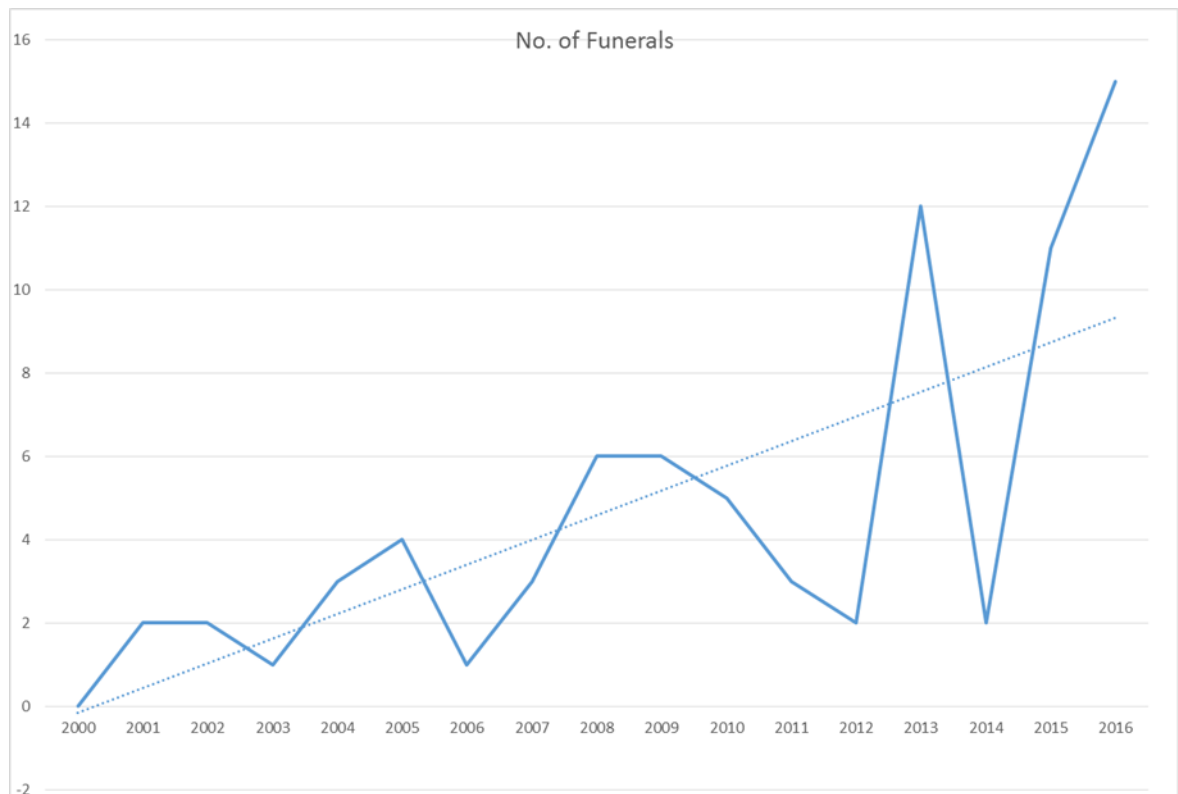


Figure 1 – Number of funeral per calendar year since 2000

- 3.6 The reasons for this are not clear but possible influences could include:
- Greater levels of estrangement from families
 - Increased levels of hardship amongst next of kin
 - Perceived failure of the Social Fund to adequately financially support next of kin in making arrangements*
 - Increased costs of making funeral arrangements

[The Social Fund is administered by the DWP and assist people on low income with making funeral arrangements, provided they meet the eligibility criteria in terms of relationship to the deceased (this can effectively be the next of kin, a close relative or close friend of the deceased) and the benefits/tax credits that the claimant receives.*

The Social Fund will pay for the burial/cremation fees, doctors' certificates, and the cost of any documents needed to release the money, savings and property of the

person who has died. There is an additional £700 available that can be used for funeral director fees, cars, coffin etc.]

- 3.7 If any funds exist in the deceased's estate then the Council can and does recover costs for the funeral arrangements. However, in reality, the majority of public health funerals are heavily subsidised by the Council. (e.g. in 2016 the expenditure was in the region of £29,000 and only approx. £2,000 was recovered from the various estates.)
- 3.8 In terms of annual expenditure, the graph below (Figure 2) highlights the correlating trend in increased expenditure (based on financial year data) and the widening gap between actual expenditure and budget provision. It should be noted that the budget provision for 2017/18 has been increased to £12,000 but this will still lead to a significant shortfall if the increasing trend continues.

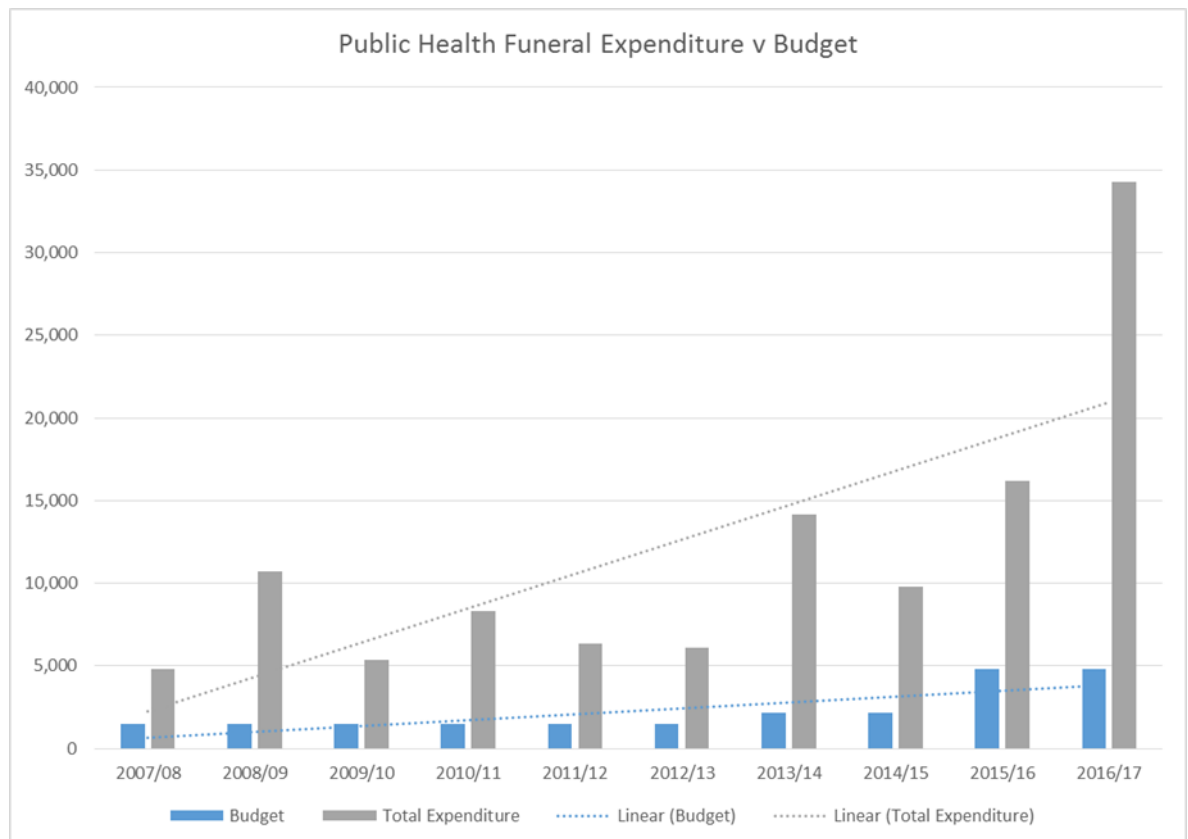


Figure 2 – Public health funeral expenditure against budget provision since 2007/08

- 3.9 At present a Council public health funeral normally consists of a cremation at the City Crematorium, with an open service, usually officiated by a C of E vicar (unless another religious preference is known). A funeral director is employed to make the usual funeral arrangements. The funeral director fees are approximately £1500 (inclusive of coffin, arrangement fees, collection and storage of body, hearse for funeral, bearers and conducting, and vicars fees), plus a further £690 cremation fees.
- 3.10 The cost of providing public health funerals is escalating at a significant rate and is becoming unsustainable – there is a clear trend of increasing demand for this service. There is a feeling that the Council may be providing an enhanced level

service over and above that which we are required to do. There is potential to make considerable savings for the Council by reducing what we provide by way of public health funerals.

4. Proposals for future Public Health Funeral Provision

- 4.1 The principal reason for the Council being obliged to make the funeral arrangements, in the absence of anyone else undertaking the task, is to ensure that no public health risks arise from the deceased's remains not being properly disposed of.
- 4.2 In this respect, the Council is not obliged to hold a service for the deceased – a simple, dignified, direct cremation would meet the aim of Act and the Council's duty under the 1984 Act.
- 4.3 A direct cremation entails delivery of the deceased in a suitable coffin to the front of the crematorium, where the funeral director is met by a member of the Bereavement Services team, at a time when there are no services being held (this would normally be at 8.45am). The coffin is then transferred through the chapel, whilst soft background music is being played, to be placed on the catafalque where there is a moments silence and those present bow to the coffin before the curtains are closed and the coffin passes into the crematory area, from where cremation will follow the usual practices at the crematorium. After the cremation, the deceased's ashes will be buried in the crematorium's garden of remembrance, as is the current normal practice for public health funerals.
- 4.4 Some funeral directors already provide the option of direct cremations to the public and the City Crematorium has already assisted with providing direct cremations for a number of clients.
- 4.5 Generally speaking, current public health funeral services are not well attended, even though they are open for anyone to attend. However, there is still likely to be some interest from next of kin/friends of the deceased wishing to attend a funeral/memorial service. The fact that we would hold a direct cremation, would not prevent next of kin/friends organising their own service at a venue of their choice. They can also make arrangements to attend the burial of the ashes, provided they meet the costs (charges for being present at the internment have been introduced earlier this year).
- 4.6 By providing a direct cremation, costs could be reduced as:
 - There would be no vicars fees
 - Reduced amounts of bearers
 - No hearse would be required – a less expensive “private ambulance” style vehicle could be used for transporting the body to the crematorium
 - Reduced/no funeral director arrangement fees
 - Potentially less costs associated with storage of the deceased
 - The crematorium would be able to offer reduced fees to just cover the costs of the actual cremation rather than the provision of additional facilities for the funeral service (this would also free up service times for the crematorium to host other funeral services).

- 4.7 The view of the portfolio holder has been sought and has no objection in principle to providing a direct cremation only service, rather than the current level of service provision.
- 4.8 Similarly, CMT have expressed no objections to the direct cremation model, although the issue of whether there should be a brief committal type reading before the coffin passes to the crematory area has been raised. To address this concern, it is proposed that where there is clear evidence that the deceased followed a particular faith, a brief committal service will be included, officiated by an appropriate faith leader, within the service provision, which will be financed as necessary.
- 4.9 The views of the Policy Scrutiny Committee were also sought on 28th November 2017. No objections were raised regarding the direct cremation proposals.

5. Strategic Priorities

None affected by the proposals.

6. Organisational Impacts

- 6.1 Finance
There is potential for significant savings per funeral (in excess of 50% of current costs). However, due to the function being demand based, it is not possible to provide a figure for annual financial savings.
- 6.2 Legal Implications including Procurement Rules
The Council will still be meeting its legal obligations under the Public Health (Control of Diseases) Act 1984, so there are no legal implications.
- 6.3 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required) - none

7. Risk Implications

- 7.1 Based on previous media coverage nationally, the public's view of this proposal is likely to be that it's a positive move for the following reasons:
- £29,000 for 16 funerals could be considered very poor value for taxpayers' money
 - The majority of residents will not be affected by the proposal
 - People are likely to accept that, unfortunately, if they cannot afford to pay for a funeral themselves, the council is only able to provide a basic level of provision
 - Alternative funding options for service still remain for those families most in need, for example the Social Fund

8. Recommendation

- 8.1 That the Executive committee note the contents of the report and approve the adoption of the direct cremation model for providing public health funerals.

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

List of Background Papers:

None

Lead Officer:

Ian Wicks, Pollution Control Officer
Telephone (01522) 873794

SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

- 1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

- 2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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