



## POLICY SCRUTINY COMMITTEE

**Tuesday, 16 January 2018**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Jackie Kirk (Chair), Jane Loffhagen (Vice-Chair), Andy Kerry, Liz Maxwell, Ralph Toofany, Pat Vaughan and Keith Weaver

Substitute member(s): Councillors Bob Bushell

Officers attending: Democratic Services, Legal Services, Heather Grover, Kieron Manning, Martin Walmsley and Bob Ledger

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### A G E N D A

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 28 November 2017	<b>3 - 8</b>
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Regulation 7 Direction on Lettings Boards	<b>9 - 18</b>
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7. Policy Scrutiny Work Programme 2017-18 and Executive Work Programme Update	<b>103 - 112</b>
8. Health Scrutiny Update	<b>Verbal Report</b>

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**Present:** Councillor Jackie Kirk (*in the Chair*),  
Councillor Jane Loffhagen, Councillor Ralph Toofany,  
Councillor Pat Vaughan and Councillor Keith Weaver

**Apologies for Absence:** Councillor Andy Kerry and Councillor Liz Maxwell

**26. Confirmation of Minutes - 10 October 2017**

RESOLVED that the minutes of the meeting held on 10 October 2017 be confirmed.

**27. Declarations of Interest**

No declarations of interest were received.

**28. Establishment of a Wholly Owned Housing Company**

Bob Ledger, Director of Housing and Regeneration

- a. presented a report that detailed the proposed Housing Company which would be wholly owned by the Council.
- b. advised that the Executive approved in principle the formation of a wholly owned housing company at the meeting held on 29<sup>th</sup> February 2016 subject to a detailed business plan.
- c. explained the 4 key objectives of the Housing Company as detailed at paragraph 5.1.1 of the report.
- d. advised that in establishing the business case officers had taken specialist advice from Trowers & Hamblins LLP in respect of legal and governance matters as detailed at paragraph 5.2 of the report.
- e. stated that the company would not employ any staff at its point of creation and for the foreseeable future but would utilise the Councils housing management, legal and financial services and would pay the Council for the use of services.
- f. referred to paragraph 6 of the report and detailed the financial implications.
- g. referred to paragraph 9.2 of the report and explained the key risks associated with the preferred approach.
- h. invited members questions and comments

**Question** – How much interest would be charged on the money loaned?

**Response** – The interest paid by the company to the General Fund would be around 5%.

**Question** – If there was anything wrong with a developer would the Council be liable?

**Response** – The Company would procure a builder in the same way as the Council had procured builders for the new build project.

**Question** – How many of the properties would be sold?

**Response** – In the market plan 42 properties would be for market rent and 11 properties would be for market sale. Research on the housing market in Lincoln showed that there was a limit on how much the Company could charge for rent. Selling 11 properties would generate income early in the business plan.

**Question** – Would there be enough sites in Lincoln?

**Response** – There was a limited amount of land within the Lincoln boundaries. A planning application would be submitted for 320 units on Queen Elizabeth Road. Also land on the Western Growth Corridor was needed, other sites would need to be considered.

**Question** – Would the Company need to pay Capital Gains Tax?

**Response** – Stamp Duty, Corporation Tax and VAT would have to be paid.

**Question** – Where would the Company borrow money from?

**Response** – Money would be borrowed by the General Fund and then lent to the Company with a margin being applied.

**Question** – Could money be borrowed from other local authorities?

**Response** – Yes it could be.

**Question** – Why would the Company be offering assured short hold tenancies rather than secure tenancies?

**Response** – Assured short hold tenancies would provide more freedom for the company, for example if would need to secure a property quickly if rent was not being paid. This would be a different model to the model used by the HRA and would in effect reflect the private rented sector need to operate commercially.

**Question** – Would there be development in Park Ward?

**Response** – If the Company was established there could be a role for development in the Park Ward area, however, the resources would need to be found.

**Question** – How much liaison had there been with other local authorities who had set up Housing Companies?

**Response** – Officers had liaised with both South Holland and North Kesteven District Councils They had also received legal advice from Trowers & Hamblins who were the specialists in the formation of similar company models.

**Question** – Would people be able to access options such as the rent to buy scheme?

**Response** – There would be opportunities to access the sale properties through rent to buy and also other options would be considered such as shared ownership.

**Question** – Would people be entitled to the Right to Buy Scheme?

**Response** – No as they would not be secure tenancies and they would be run by the company not the Council.

**Question** – Would the current staffing levels need to be increased in future?

**Response** – It was proposed to keep the staffing levels the same.

**Question** – Would the company pay off the loans early if the opportunity arose?

**Response** – The company might outperform the business plan, officers had to be prudent when developing the business plan.

**Question** – Would there be enough money set aside to cover repairs/

**Response** – The budget had been set based on experience as landlords in the HRA and from advice provided by consultants who had been involved in setting up other companies. Any immediate major work would be covered in the builders warranty.

**Question** – Would families on the housing waiting list be given the opportunity to rent a property before they were advertised on the open market?

**Response** – We would offer to families on the housing waiting list first, however, it was not anticipated that there would be much take up as the rent would be the

same as the private sector. The company would likely utilise a private Estate Agent to market the houses.

RESOLVED that the narrative of the business case and detailed financial estimates of the Company Business Plan be noted and referred to Executive for approval.

## 29. Key Holding Progress Report

Simon Colburn, Assistant Director Health and Environment Services

- a. presented a progress report following the implementation of the Key Holding System.
- b. gave an overview of the background to the key holding system as detailed at paragraph 3 of the report.
- c. summarised the following key points as detailed at paragraph 4 of the report:
  - Problems with the Paxton system were quickly resolved and it was launched successfully.
  - The number of regular hirers of the Community centres had increased to 58.
  - Since the start of the key holding scheme a total of over 160 hirers had been key holder trained plus 8 City Council staff, 4 County Council Staff and 20 contractors.
  - A future improvement would be if some of the internal doors could be added to the Paxton System as it was clear that some hirers were using rooms which were not booked.
  - All incidents of inadequate cleaning, lights being left on etc by the key holder had been logged along with the action taken to remedy any problems.
  - Officers believed that the current satisfaction levels for users of the service was high. A full satisfaction survey was being carried out asking users for feedback and suggestions on how the service could be improved.
- d. advised that the financial savings in the operation of the community centres in year 2016 to 2017 was £39,000. In the first full year of operation it was £61,700.
- e. invited members questions and comments

**Question** – How were the cleaning issues resolved?

**Response** – A private contractor had been employed to clean the community centres which had resolved the issues.

**Question** – What would happen to the underspend on the £6,000 budget?

**Response** – The support budget of £6,000 per annum would remain, however, money that was not spent would not be rolled over to the next year.

**Question** – Would the Neighbourhood Boards be charged to use the Community Centres?

**Response** – No, as it was agreed to allow the boards to use the community centres for meetings as part of the Neighbourhood Working Review.

**Question** – Would the community centres be redecorated?

**Response** – Redecoration work would take place as and when needed, however, there was not the money available to complete a full refurbishment of the community centres.

**Question** – Would the Paxton system be extended to the internal doors?

**Response** – The system was already being used on internal doors at Moorland, it would be extended to other Community Centres where needed.

RESOLVED that the contents of the report be noted and be brought back to Policy Scrutiny Committee for review in 2 years' time.

### **30. Proposals for Revision of Public Health Funeral Provision**

Simon Colburn, Assistant Director Health and Environmental Services

- a. presented a proposal to amend the current level of public health funeral service provision.
- b. advised that the Council had a legal duty under the Public Health (Control of Diseases) Act 1984, to make funeral arrangements where there was no next of kin or other persons able or willing to make those arrangements.
- c. referred to the graph at 3.5 of the report showing the increase in public health funerals in recent years and advised on the possible causes of the increase.
- d. advised that the Council currently provided an enhanced level of service over and above what was legally required.
- e. advised that a move to a direct cremation model would provide significant savings, with the cost of the direct cremation being more than 50% less than the current model.

Members asked if the deceased name would be said at a direct cremation?

Simon Colburn, Assistant Director Health and Environmental Services advised that there was a procedure that would be followed which included saying the deceased name. He reassured members that dignity would be kept at all times during the cremation.

The Chair requested that a post implementation review of the service provision be brought to committee in 1 years' time.

RESOLVED that the report be supported and referred to Executive for approval.

### **31. Lincolnshire County Homelessness Strategy 2017-2021**

Alison Timmins, Housing Solutions and Support Manager

- a. presented the Lincolnshire County Homelessness Strategy 2017-2021 for consideration prior to approval by Executive.
- b. advised that a homelessness review had been carried out by LCHSG across the seven local authority areas in Lincolnshire and gave an

overview of the purpose of the review as detailed at paragraph 4 of the report.

- c. outlined the consultation that had taken place as detailed at paragraph 5 of the report.
- d. highlighted the following key themes that had 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 sustainable future for supported housing
- e. advised on the implementation of the Homelessness Reduction Act 2017 and the impacts that it would have on local authorities.
- f. referred to paragraph 9 of the report and advised on the annual grant received from the Department for Communities and Local Government and highlighted recent successful funding bids as well as proposed future bids.
- g. summarised statutory homelessness in Lincoln over recent years and highlighted the emerging challenges for the City as detailed at paragraph 10.3 of the report.
- h. asked for members questions and comments.

**Question** – How many rough sleepers were there currently in Lincoln?

**Response** – There was currently 28 rough sleepers which had recently risen from 12.

**Question** – Were B&B's used by the Council?

**Response** – B&B's were used as temporary accommodation whilst investigations were carried out.

**Comment** – The Avenue referral process was not working.

**Response** – Problems with the referral system had been recognised and were being addressed with a new provider.

**Question** – Would there be enough staff to cope with the changes that would be brought in with the new Act.

**Response** – We had been given additional funding which would be used to employ 3 additional temporary staff.

RESOLVED that

1. the positive outcomes in the review from the previous strategy 2012 – 2016 be noted.
2. The Lincolnshire Homelessness Strategy 2017 – 2021 be endorsed and referred to Executive for approval.
3. the local picture in respect of homelessness in City of Lincoln be noted.

## **Update**

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2017-18 and Executive Work Programme Update'.
- b. presented the Executive Work Programme December 2016 – December 2017.
- c. requested councillors to submit what items they wished to scrutinise from the Executive Work Programme and policies of interest.
- d. invited members questions and comments.

Members made no further comments or suggestions regarding the Policy Scrutiny work programme.

RESOLVED that:

1. the work Policy Scrutiny work programme be noted.
2. the Executive work programme be noted.

### **33. Health Scrutiny Update**

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 11 October 2017, these were:

- Lincolnshire Sustainability and Transformation Partnership (STP) Update
- Learning Disabilities: Consultation on the Permanent Closure of Long Leys Court
- Lincoln Walk in Centre: Decision of Lincolnshire West CCG

RESOLVED that the report be noted.



<b>SUBJECT:</b>	<b>REGULATION 7 DIRECTION ON LETTINGS BOARDS</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>KIERON MANNING, PLANNING MANAGER</b>

**1. Purpose of Report**

- 1.1 To summarise the results of the consultation undertaken on the options for the application to the Secretary of State to remove deemed consent for residential lettings boards in certain areas of Lincoln and to seek approval to publish a statement of the results.
- 1.2 To provide an update on evidence gathering activities to identify the number and location of lettings boards within the areas of Lincoln identified as having a high proliferation of boards.
- 1.3 To invite Scrutiny Committee to consider the evidence presented in this report and assist the Executive in deciding whether to apply to the Secretary of State to request removal of deemed consent for lettings boards.

**2. Executive Summary**

- 2.1 At a meeting of CMT on 9 May 2017, approval was given for the commencement of the process of applying to the Secretary of State for a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 2007. This would remove deemed consent for lettings boards usually given under Class 3(A) of the regulations and would mean that express advertisement consent would be required for lettings boards in the specific areas covered by the Regulation 7 (See Appendix A).
- 2.2 The areas of concern are the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street. These areas were identified through enforcement complaints from residents and Councillors and those identified by officers of the Council.
- 2.3 Surveys of the proposed areas took place in March 2017 and again in September 2017. These surveys identified the number and type of boards being displayed and by whom.
- 2.4 Consultation on the proposed Regulation 7 direction took place between 16 October and 30 November 2017. Individuals, groups and organisations were invited to complete an online questionnaire at [www.lincoln.gov.uk/toletboards](http://www.lincoln.gov.uk/toletboards). Paper copies were available at City Hall and representations were also accepted by email at [planningenforcement@lincoln.gov.uk](mailto:planningenforcement@lincoln.gov.uk).

### 3. Background

3.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 currently gives deemed consent for residential sale and lettings boards provided they meet the following criteria:

- 3.2
- It must not exceed 0.5 of a square metre for a single board
  - It must not exceed 0.6 of a square metre for two boards joined together
  - It must not extend outwards from a building by more than 1 metre
  - Only one board may be displayed on a property
  - It must be removed not later than 14 days after completion of a sale or granting of a tenancy

3.3 Boards which do not meet the criteria for deemed consent are dealt with using Planning Enforcement powers under the Town and Planning (Control of Advertisements) Regulations 2007. However, due to the proliferation of lettings boards in certain areas where there are a high number of houses in multiple occupation, this has become increasingly difficult to enforce. The main issue is the continuous display of many boards and the difficulty in establishing if these properties do have rooms available to rent.

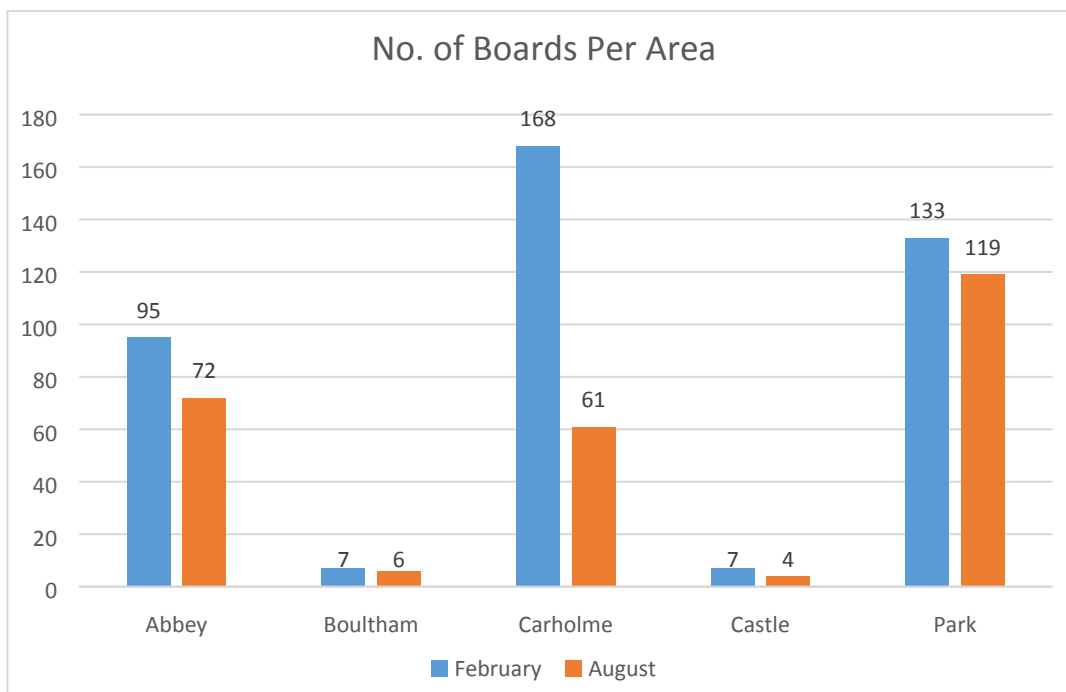
3.4 An increasing number of complaints have been received in recent years from residents and Councillors regarding the numbers of letting boards with an apparent correlation between the numbers of houses in multiple occupation and the proliferation of lettings boards. The table below shows the number of enforcement cases relating to lettings boards in recent years.

3.5

Year	Number of complaints
2004/2005	3
2006/2007	3
2008/2009	5
2010/2011	2
2012/2013	0
2014/2015	16
2016/2017	22

3.6

In response to the ongoing concern over lettings boards, two surveys were carried out in the areas identified as being problematic, during March and September 2017. The graph below shows the number of boards in each of the areas on the two survey dates.



Abbey – Monks Road area  
 Boultham – Waterloo Street  
 Carholme – West End  
 Castle – Union Road  
 Park – Sincil Bank area

3.7 In terms of percentage of boards on properties, the most problematic streets identified were as follows:

Street	% of properties on street displaying a board
Ripon Street	24.83%
Union Road	22.22%
Rudgard Lane	21.74%
Charles Street West	20.83%

3.8 The issue of lettings boards was also identified in the Sincil Bank Place Shaping Strategy with residents in this area expressing concern over “streets marred by ugly ‘to let’ boards “. One of the recommended actions identified in the strategy was that a Regulation 7 Direction is made to bring the display of such boards under control in the Sincil Bank area and it is felt that such action may be considered beneficial in the other areas identified as problematic and shown on the map at Appendix 1.

3.9 If the application is successful then the City Council need to decide whether to have a full ban on lettings boards to allow boards of a restricted size and style to be displayed only during certain months of the year. With this in mind, a consultation took place between 16 October and 30 November 2017 where stakeholders’ views on the two options were invited.

3.9.1 The key milestones for the Regulation 7 direction are outlined below:

<b>Regulation 7 direction</b>	
<b>Key Milestone</b>	<b>Date</b>
First letter to agents	22 November 2016
Initial surveys	March 2017
Report to CMT	9 May 2017
Second letter to agents	17 May 2017
Second lettings board surveys	September 2017
Consultation with stakeholders	16 October – 30 Nov 2017
Decision from Policy Scrutiny	16 January 2018
Decision from Executive	26 February 2018
Preparation of evidence report to SoS	From January 2018
Application to SoS	March 2018

#### 4. Consultation Results

4.1 A total of 134 responses were received from stakeholders and these are broken down below into the category of responder:

<b>Respondent</b>	<b>No. of responses</b>	<b>% of responses</b>
<b>Owner/Occupier</b>	89	66.42%
<b>Tenant</b>	15	11.19%
<b>Letting agent</b>	16	11.94%
<b>Student</b>	9	6.72%
<b>Landlord</b>	1	0.75%
<b>Other</b>	4	2.99%
<b>Total</b>	134	

4.2 The first part of the questionnaire sought stakeholders' views on the perceived level of harm caused by lettings boards in the city. Stakeholders were asked whether they considered lettings boards in their particular area of the city to be 'no problem at all', 'not a very serious problem', a 'fairly serious problem' or a 'very serious problem' - the results are shown below.

	<b>No. of responses</b>	<b>% of responses</b>
<b>No problem at all</b>	17	12.69%
<b>Not a very serious problem</b>	11	8.21%
<b>Fairly serious problem</b>	24	17.91%
<b>Very serious problem</b>	81	61.19%
<b>Total</b>	134	

- 4.3 Stakeholders were then asked whether they would prefer to see a restriction on lettings boards or a complete ban. The results are shown below:

<b>Respondent</b>	<b>Restriction on boards</b>	<b>Complete ban</b>
<b>Owner/Occupier</b>	21	68
<b>Tenant</b>	6	9
<b>Letting agent</b>	14	2
<b>Student</b>	0	1
<b>Landlord</b>	3	1
<b>Other</b>	5	4
<b>Total</b>	49	85

- 4.4 It is worth noting that although the above table shows only one student responding with a preference for a complete ban on lettings boards, this response actually came from Lincoln University Student Union who responded on behalf of their members. The reasons given for their preference were that they believed the use of boards to be outdated as students now use University lists or websites as a means of finding available accommodation. They also commented that they believe lettings boards to be a risk to the occupants of the properties as there may be a perception that the property is empty during holidays, resulting in burglaries.

- 4.5 Whilst the total number of boards has reduced slightly between the first and second surveys, officers consider that there is a problem with the number of 'To Let' boards displayed in parts of the City in terms of their visual impact and remain of the view that a formal application to the Secretary of State would be appropriate.

## **5 Organisational impacts**

### **5.1 Finance**

The financial impact identified is Officer time which will be absorbed in the existing Development Management structure.

### **5.2 Legal implications**

The display of lettings boards which are not considered deemed under the Town and Country Planning (Control of Advertisements) Regulations are currently subject to prosecution. Similarly any boards which are displayed in the areas covered by a Regulation 7 Direction will be subject to prosecution and the impact on the Legal Team as a result of the implementation of this Direction should be unchanged. As with all offences dealt with by the Planning Enforcement Team, every effort is made to rectify the breach without recourse to legal proceedings where possible.

### **5.3 Equality, Diversity and Human Rights**

Consideration has been given to the impact on equality, diversity and human rights and the Equality Impact Assessment toolkit has been reviewed. The consultation provided an opportunity for residents and tenants to raise any concerns, and the consultation response from the Students' Union did suggest a potential positive impact on student properties. Otherwise it was concluded that there are no direct impacts to be assessed.

**Risk Implications**

6 A risk assessment has been produced and is included as Appendix B.

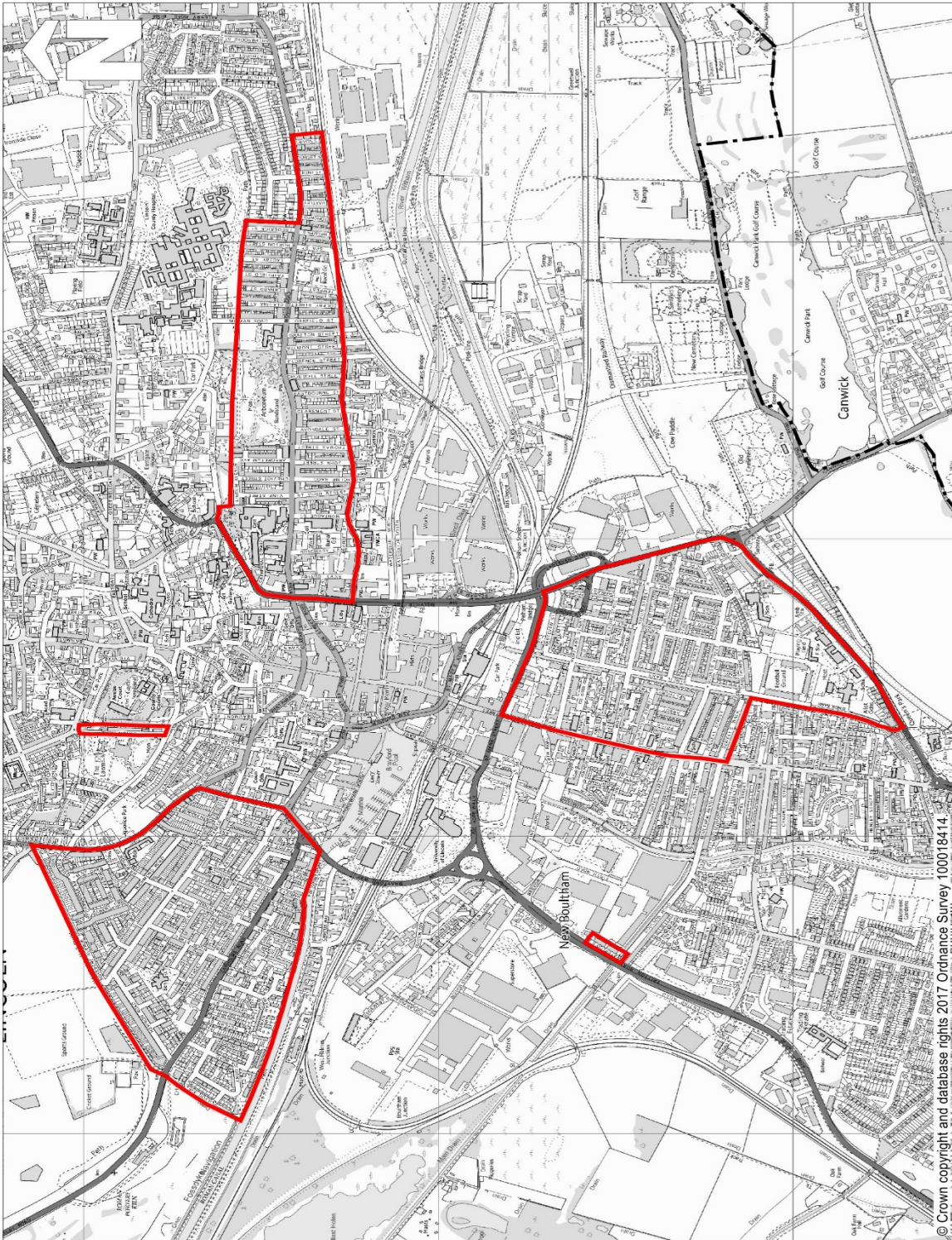
**Recommendation**

7

7.1 Members are asked to comment on the recommendation that the City Council apply to the Secretary of State for a Regulation 7 Direction to removed deemed consent for the display of lettings boards in the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street with a view to implementing a ban on lettings boards in these areas, prior to referral to Executive for approval.

<b>Is this a key decision?</b>	No
<b>Do the exempt information categories apply?</b>	No
<b>Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?</b>	No
<b>How many appendices does the report contain?</b>	2
<b>List of Background Papers:</b>	None

Appendix A



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**Proposed Regulation 7 Direction Areas**

Scale: 1:15000 at A4

Version 2: 28-Sep-2017





RISK REGISTER TEMPLATE

16

<b>Likelihood</b>	A Almost Certain	Retain	Transfer Modify Retain	Avoid Transfer Modify	Avoid Transfer Modify	<i>Occurs several times per year. It will happen.</i>
	B Probable	Retain	Prioritise for Modifying Retain	Transfer Modify Retain	Avoid Transfer Modify	<i>It has happened before and could happen again.</i>
	C Possible	Retain	Prioritise for Modifying Retain	Prioritise for Modifying	Transfer Modify Retain	<i>It may happen but it would be unusual.</i>
	D Hardly Ever	Retain	Retain	Retain	Prioritise for Modifying Retain	<i>Never heard of it occurring. We can't imagine it occurring.</i>
		4 Negligible	3 Minor	2 Major	1 Critical	
		Impact				

<p><b>RISK REGISTER FOR: Regulation 7 Direction applications</b></p> <p><b>VERSION: 1</b></p> <p><b>REVIEWED (DATE): September 2017</b></p> <p><b>OWNER: D Morris</b></p>
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Risk No:	Risk Description:  Risk, cause and consequence	Risk Owner  Job title or initials	Risk Appetite  1. Hungry; 2. Creative & aware; 3. Cautious; 4. Averse	Controls/Actions  Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of January 2018	Assurance – status (tool 9)  (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel  (Improving, Static, Declining)
				Current/Already in Place	Required Mitigation (inc timescales)				
1		DM	2						



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				Current/Already in Place	Required Mitigation (inc timescales)				
	Lack of response to stakeholder consultation			<ol style="list-style-type: none"> <li>Article to be placed in Your Lincoln</li> <li>Webpage set up with online questionnaire</li> <li>Paper copies of questionnaire on request</li> <li>Mailshot to agents, residents, landlords association, lettings agents, universities</li> </ol>		 Impact	 Impact		
2	Missing deadlines for meetings and application	DM	2	<ol style="list-style-type: none"> <li>Project plan</li> <li>Regular progress meetings with Team Leader and Planning Manager</li> </ol>		 Likelihood Impact	 Likelihood Impact		
3	Refusal of application to Secretary of State	DM	2	<ol style="list-style-type: none"> <li>Comprehensive board surveys</li> <li>Adequate consultation exercise</li> </ol>		 Likelihood Impact	 Likelihood Impact		
4	Negative publicity for the Council	DM	2	<ol style="list-style-type: none"> <li>Consultation with stakeholders</li> </ol>		 Likelihood Impact	 Likelihood Impact		

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				Current/Already in Place	Required Mitigation (inc timescales)				

<b>SUBJECT:</b>	<b>DISCRETIONARY RATE RELIEF POLICY</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>MARTIN WALMSLEY, HEAD OF SHARED REVENUES AND BENEFITS</b>

## 1. Purpose of Report

- 1.1 To request Members consider and comment on a new Discretionary Rate Relief Policy proposed to take effect on 1 April 2018.

## 2. Executive Summary

- 2.1 This report provides Policy Scrutiny Committee 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.
- 2.6 The proposed timeline for consideration/approval of this policy, is:
- 8<sup>th</sup> January 2018: Executive;
  - 16<sup>th</sup> January 2018: Policy Scrutiny Committee;
  - 22<sup>nd</sup> January 2018: Executive;
  - 1<sup>st</sup> April 2018: Implementation of policy.

### **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 Policy Scrutiny Committee is asked to consider and comment on a proposed new Discretionary Rate Relief Policy to take effect on 1 April 2018. Executive is due to consider the policy on 22<sup>nd</sup> 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:**

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**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](mailto: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

16<sup>th</sup> January 2018 Policy Scrutiny Committee: Appendix – Draft Discretionary Rate Relief Policy

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
<b>Score</b>			
<b>Relief Awarded</b>			
	<b>Top-up on charities receiving of 80% mandatory relief (%)</b>	<b>Not-for-profit organisations not receiving 80% mandatory relief (%)</b>	
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	

<b>SUBJECT:</b>	<b>LINCOLN SOCIAL RESPONSIBILITY CHARTER</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>HEATHER GROVER – PRINCIPAL POLICY OFFICER</b>

## **1. Purpose of Report**

- 1.1 To present the Policy Scrutiny Committee with the proposed Lincoln Social Responsibility Charter.
- 1.2 To consider the charter in advance of it being forwarded to Executive (22<sup>nd</sup> January 18) for final approval.

## **2. Executive Summary**

- 2.1 Building on the success of the Lincoln Living Wage Campaign, City of Lincoln Council is looking at a new approach towards recognising and encouraging good employers in the city, through Corporate Social Responsibility.
- 2.2 Following earlier consultation with the Reducing Inequalities Theme Group, the Leader and the Living Wage Forum, it was agreed this new approach should be to develop a social responsibility charter for the city.
- 2.3 The aim of the charter is to encourage organisations in Lincoln to undertake activities which benefit both their employees and also the local community in which they are located.
- 2.4 This report presents the proposed new Lincoln Social Responsibility Charter, examples of socially responsible activities, the sign up process and form, what organisations will receive, timescales for implementation, and the setup, launch and ongoing costs for the charter.

## **3. Background**

- 3.1 City of Lincoln Council has been managing the Lincoln Living Wage Campaign since 2014. Currently there are 26 Lincoln businesses signed up to the campaign, which has resulted in 220 employees receiving a pay rise in 2017 in line with the increase in the real Living Wage rate.
- 3.2 In 2017 it became apparent some organisations, including City of Lincoln Council, were noticing the pay differentials at the lower level were slowly eroding – for example some team leaders were receiving the same pay as the people they managed. Annual increases in the Living Wage rate has also meant paying the real Living Wage has now become unaffordable for some organisations.
- 3.3 As a direct result of the real Living Wage becoming increasingly more difficult for employers to pay, the Corporate Policy Unit has been looking at a new approach to

recognising good employers in the city. This has resulted in the development of the Lincoln Social Responsibility Charter.

3.4 The Lincoln Living Wage Campaign will continue to be promoted alongside this new charter.

## **4. Main Body of Report**

### **4.1 Why undertake socially responsible activities?**

All organisations, no matter how large or small, or their sector or trade, can undertake some activities which promote them as a good employer. These activities do not need to be costly or time consuming, but together can bring huge benefits to the organisation, the employee and also the local community.

Some of the benefits to an organisation can include:

- Increased staff retention
- Reduced recruitment costs
- More productive workforce
- More attractive to customers
- Increased customer loyalty
- Better brand recognition
- Improved business reputation
- Profits may increase
- Recognition as an ethical employer

Collectively organisations undertaking socially responsible activities can also help to grow the local economy.

### **4.2 Examples of socially responsible activities**

Below lists some examples of socially responsible activities which can benefit employees:

- Living Wage employer (Fair Pay)
- Time off for medical appointments
- Career breaks
- Holiday purchase scheme
- Staff recognition scheme
- Training and development beyond statutory minimum
- Walk/cycle to work incentives
- Stop smoking support

In addition there are a wide number of activities which can be undertaken to benefit the local community. Some of these include:

- Green space sponsorship
- Regular food bank donations
- Apprenticeships
- Training for community groups
- Fundraising
- Use of local services
- Employee volunteering
- Blood & Organ donation

- Dementia friendly accreditation
- Donation of surplus resources
- Support the Lincoln Low Carbon Charter
- Proactive support for community events

It is important to note that the lists above show just a small number of socially responsible activities an organisation can undertake to benefit the employee and the local community. It is likely organisations may already undertake/be planning additional activities in addition to/alongside those listed above.

#### **4.3 The Charter**

The charter which organisations will be required to commit to has been provided at appendix A. This charter will be maintained as a live document and will be updated regularly to reflect new organisations supporting the charter. The charter will be displayed on a new section on the City of Lincoln Council's website. This area of the website will also include an online registration form (Appendix B), together with a guidance document (Appendix C), which provides more details on the charter, the benefits of signing up, and examples of socially responsible activities which an organisation can undertake to support the employee and the local community. It is also proposed to have a copy of the charter in City Hall reception.

Please note, focus to date has been on ensuring the content of the charter is correct. Further work on the branding/design of the charter and supporting documents will be undertaken following the approval process.

#### **4.4 Signing up to the charter**

The proposed sign up form has been provided at Appendix B. This form has been kept simple to encourage sign up, however careful consideration has been given to ensure the form collects the key information required from each organisation. Sign up will be through an online form.

Although information on the socially responsible activities each organisation undertakes will not be listed on the website, this information has been requested in the sign up form. This will help the council to develop a central list of socially responsible activities being undertaken in the city, and will provide information which can be used to help both promote the individual organisation and the wider charter. This central list could also be used to develop a wider social responsibility accreditation scheme in the future should this decision be taken.

There will be no costs to an organisation signing up to the charter.

We are proposing small organisations (1-10 employees) should proactively undertake a minimum of three activities (at least one benefitting the employee & one benefitting the local community). Medium sized organisations (11-49) should proactively undertake a minimum of five activities (at least two benefitting the employee & two benefitting the local community). Large organisations (50+ employees) should proactively undertake a minimum of ten activities (at least five benefitting the employee & five benefitting the local community).

Organisations should also demonstrate how they will be developing their social

responsibility in the future.

#### 4.5 What will organisations signing up receive?

Organisations signing up to the charter will receive their own personal charter signed by the Mayor of Lincoln. Please see Appendix D for a draft example of the personalised charter. At this stage we are proposing a one year charter, which will be issued for the financial year. Providing a limited timeframe allows us to remove any business from the live website that the Living Wage Forum has deemed as not fulfilling requirements, and whilst they may not take their charter down immediately – it will soon be out of date.

In addition, organisations will be promoted via a range of marketing routes – Your Lincoln, online register, press releases, radio interviews, social media, links from other websites and via an interactive map. Consultation has shown that this is of more value to businesses than promotional materials such as free pens etc. Organisations signing up to the charter will also receive invitations to City of Lincoln Council led consultation and civic events, again requested through our consultation with businesses.

#### 4.6 Timescales

Below outlines the key timescales for the approval and launch of the charter.

Action	Completion date
Continue to promote the Living Wage	Ongoing throughout 2018
Consult with Lincoln Living Wage Forum on the draft charter	13 <sup>th</sup> November 2017 to 30 <sup>th</sup> November 2017
Present draft charter to Brayford Business Forum (other forum meetings were arranged but were subsequently cancelled by the organisers)	14 <sup>th</sup> November 2017
Consult with a selection of Lincoln businesses	1 <sup>st</sup> December to 15 <sup>th</sup> December 2017
Present charter to Reducing Inequality Theme Group	10 <sup>th</sup> January 2018
Present charter to Policy Scrutiny Committee	16 <sup>th</sup> January 2018
Seek approval of charter from Executive	22 <sup>nd</sup> January 2018 (26 <sup>th</sup> February 2018 as alternative)
Present final charter to Living Wage Forum	24 <sup>th</sup> January 2018
Present final charter to Service Managers Forum	22 <sup>nd</sup> February 2018
Develop branding/design for the charter and supporting documents	February/March 2018
Charter soft launch (Lincoln Growth Conference)	February/March 2018
Charter formal launch	May 2018

#### 4.7 Costs

The table below shows the estimated costs to setup/launch the charter, together with the estimated ongoing costs. The charter is expected to be funded from the Corporate Policy Unit's existing social policy budget.

<b>Activity</b>	<b>Cost (Max)</b>
Stationary (S)	£50
Branding/Design (S)	£500
Printing of information posters/flyers (L)	£150
Promotion - Roller Banners, Social media (L)	£300
Stationery (O)	£50 per year
Promotion – Social media (O)	£200 per year
Printing of information posters/flyers (O)	£200 per year

Setup - S  
Launch – L  
Ongoing - O

## **5. Strategic Priorities**

5.1 The Lincoln Social Responsibility Charter aims to encourage local organisations to undertake activities which benefit their employees and the local community. In return this will help the organisation to gain recognition as a good employer in the city. This charter feeds directly into helping to support the strategic priority, 'Let's reduce inequality', due to the charter encouraging local organisations to provide better working conditions for residents and provide support within the local community. It also supports other strategic priorities – 'Let's drive economic growth', 'Let's enhance our remarkable place' and to a lesser extent 'Let's deliver quality housing'.

## **6. Organisational Impacts**

6.1 Finance – The setup, launch and ongoing costs for the charter are expected to be minimal. These costs have been outlined in section 4.7 above. It is proposed these costs will be covered by the existing Corporate Policy Unit's social policy budget.

6.2 Legal Implications including Procurement Rules – There are no legal implications arising in this report.

6.3 Land, property and accommodation – N/A

6.4 Human Resources – The implementation of a Lincoln Social Responsibility Charter will require support from the Human Resources team to assist in identifying the socially responsible activities the City of Lincoln Council undertakes to support employees and the local community. This support will help to ensure the council is the first Lincoln organisation to formally sign the charter.

6.5 Equality, Diversity & Human Rights – The Equality Impact Assessment for this project has been provided at appendix E.

## **7. Risk Implications**

7.1 (i) Options Explored – An alternative to the approach above is for City of Lincoln Council to develop a full social responsibility accreditation scheme, which accredits local organisations based on the number and mix of socially responsible activities the organisation undertakes to benefit the employee and the local community. However, this approach would require a significant amount of resource to setup the scheme and to support this going forward. The costs associated with this approach would also be

significantly greater than the charter approach outlined above.

7.2 (ii) Key risks associated with the preferred approach

As experienced with the Lincoln Living Wage Campaign, there is a risk that it could prove difficult to get local organisations to sign up to the charter. This would result in the need to undertake additional promotion to help encourage buy in. Some additional costs associated with additional promotion have been factored into the cost table in section 4.7. However, unlike the Lincoln Living Wage Campaign, there is a significant number of activities an organisation may already be undertaking or could undertake, which will hopefully encourage sign up. This will help to reduce this risk, especially if organisations can also clearly see signing up to the charter will help to promote their organisation.

The reputational risk to the council should take up be very low is negligible. Should sign up be significantly higher than anticipated there is unlikely to be any significant additional workload.

**8. Recommendation**

8.1 Policy Scrutiny Committee considers the proposed Lincoln Social Responsibility Charter and forwards this to Executive for approval.

<b>Is this a key decision?</b>	No
<b>Do the exempt information categories apply?</b>	No
<b>Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?</b>	No
<b>How many appendices does the report contain?</b>	Five
<b>List of Background Papers:</b>	None

**Lead Officer:** Graham Rose, Corporate Policy Officer  
Telephone (01522) 873658





## **Lincoln Social Responsibility Charter**

**the recognition of a good employer, supportive of the local community.**

### **We are committed to treating our staff fairly**

**to ensure we have a reliable, skilled and motivated workforce.**

### **We support our local communities**

**to enable local charities and community groups to deliver their services, and help to make Lincoln a better place to live and work.**

#### **We are collectively committed to:**

- Supporting employees to have a healthy work/life balance
- Enhancing the local economy through paying fair wages
- Supporting local charities and community groups to ensure they have the resources needed to succeed
- Developing the knowledge and skills of employees
- Continuing to make Lincoln a remarkable place to live & work
- Encouraging other/new organisations to embrace Social Responsibility
- Monitoring the progress we are making

#### **We, the undersigned, are committed to the objectives laid out in this charter:**

- *City of Lincoln Council*
-

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## Lincoln Social Responsibility Charter Registration Form

(Hard copy version of the electronic online form)

<b>Organisation</b>	
Name of organisation*	
Address*	
Sector*	
Number of employees*	

<b>Your details</b>	
Name and role of signatory*	
Contact name*	
Telephone Number	
Contact E-mail*	

**Socially Responsible Activities**

Please provide details of the socially responsible activities your organisation currently undertakes, together with how your organisation aspires to be socially responsible in the future. Examples of socially responsibly activities can be found in Section 3 of the Lincoln Social Responsibility Charter Guide, and should be ongoing and reasonably substantial in nature.

As a guide, it is suggested small organisations (1-10 employees) should undertake a minimum of three activities (at least one benefitting the employee & one benefitting the local community). Medium sized organisations (11-49) should undertake a minimum of five activities (at least two benefitting the employee & two benefitting the local community). Large organisations (50+ employees) should undertake a minimum of ten activities (at least five benefitting the employee & five benefitting the local community).

Organisations should also demonstrate how they will be developing their social responsibility in the future.

Total number of socially responsible activities my organisation already undertakes*	
---	--

**Socially responsible activities we are already undertaking which benefit our employees\***  
*E.g. pays real Living Wage, time off for medical appointments, staff recognition scheme*

<i>Activity</i>	<i>Frequency activity undertaken</i>

**Socially responsible activities we are already undertaking which benefit the local community\*** *E.g. sponsorship for local events and groups, work experience placements*

Activity	Frequency activity undertaken
<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-20deg);">DRAFT</p>	

**How does your organisation intend to develop your social responsibility in the future?\*** *e.g. new activities and frequency, implementation of social responsibility action plan*

--	--

### Social Responsibility Statement

Please provide a brief statement below on why your organisation is proud to undertake socially responsible activities.\*

--

Does your organisation have a social responsibility policy?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

(please tick)

### Terms and Conditions and Disclaimer

*Terms and Conditions: By signing this Declaration I confirm that I have the authority to sign the aforementioned organisation ("the organisation") up to the Lincoln Social Responsibility Charter, and the Organisation agrees to support all of the principles outlined in the Charter. I agree on behalf of our Organisation that if the Organisation cannot continue to commit to the Charter, our Organisation will notify the City of Lincoln Council as soon as possible, and our Organisation agrees to relinquish use of the Lincoln Social Responsibility brand and/or any reference to the Organisation committing to the Lincoln Social Responsibility Charter (whether in its literature and/or on its website or any other materials in any form). I acknowledge that the Lincoln Living Wage and Social Responsibility Forum reserves the right to refuse award where the Forum has evidence that the employment practices of an organisation do not fit with the ethos of this Charter. I understand there is no right to appeal this decision.*

*Disclaimer: City of Lincoln Council does not monitor the Organisation's involvement with the Lincoln Social Responsibility Charter, and by signing this Declaration, you are self-certifying your Organisation's commitment to the Charter. If it comes to the council's attention that your Organisation is claiming to be undertaking any activities which cannot be substantiated then your registration will be withdrawn with immediate effect, you will be notified and your Organisation will relinquish use of the Lincoln Social Responsibility brand and/or any reference to the Organisation committing to the Lincoln Social Responsibility Charter, again whether in literature and/or on its website or any other materials in any form. I understand there is no right to appeal this decision. The City of Lincoln Council may contact you to seek feedback on any impacts to your Organisation or staff. However, City of Lincoln Council is not responsible in any way for the Organisation's compliance with the Lincoln Social Responsibility Charter and shall not be liable in respect of any losses, claims, damages or any other liabilities that the Organisation or its employees, agents or other third parties may suffer as a result of the Organisation becoming a signatory to this scheme.*

**Before signing up to the Lincoln Social Responsibility Charter, please read and acknowledge that you have understood the above Terms and Conditions and Disclaimer.**

<input type="checkbox"/>	Yes, I have read and understand the Terms and Conditions and Disclaimer *
--------------------------	---

(please tick)

**Please provide an electronic version of your logo with this registration form.**

**Submit registration**

Please tick here to formally sign your organisation up to the Lincoln Social Responsibility Charter\*

(please tick)

**Please note, by signing this form you agree to the details (including your statement) above being made publically available on the City of Lincoln Council's website.**

\*Denotes mandatory field

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**PROUD**  
TO BE  
**LINCOLN**

**Lincoln Social Responsibility Charter**

**Guide**

**Launched:**

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## **Section 1 - Background to the charter**

Since 2015 City of Lincoln Council has administered the Lincoln Living Wage Campaign, which aims to raise awareness of the real Living Wage and the benefits this can have for the employee, the employer and the local economy.

On 1<sup>st</sup> April each year the real Living Wage increases to a rate based on the current cost of living, and is set by the Living Wage Foundation.

In 2017 it became apparent some organisations, including City of Lincoln Council, were noticing pay differentials at the lower levels were slowly eroding. This has resulted, for example, in some team leaders receiving the same pay as the people they manage. These increases have also meant paying the real Living Wage has become unaffordable for some organisations.

As a direct result of the real Living Wage becoming increasingly more difficult for some employers to pay, the Lincoln Living Wage and Social Responsibility Forum is looking at a new approach to recognising good employers in the city.

City of Lincoln Council, with the support of the Lincoln Living Wage and Social Responsibility Forum, has therefore introduced the Lincoln Social Responsibility Charter. The charter aims to recognise those organisations in the city which go the extra mile to support both their employees and the local community.

The Lincoln Living Wage Campaign will continue to be promoted alongside this charter.

## **Section 2 – Benefits of recognising Social Responsibility**

There can be many benefits to organisations undertaking socially responsible activities, as well as the benefits these activities can bring to employees, the community and the local economy.

Below lists some examples of the potential benefits to organisations:

- Increased staff retention
- Reduced recruitment costs
- More productive workforce
- More attractive to customers
- Increased customer loyalty
- Better brand recognition
- Improved business reputation
- Profits may increase
- Recognised as an ethical employer

### Section 3 – Socially responsible activities

All organisations, no matter how large or small, sector or trade, will be able to deliver some socially responsible activities. Below lists some examples of socially responsible activities your organisation may be already undertaking or could aim to undertake. These activities will be over and above any statutory minimum requirement. The activities have been split into two groups – those which benefit the employee and those which benefit the local community in City of Lincoln.

It should be noted that this list is just a guide. It is likely there are other socially responsible activities your organisation could be carrying out. If this is the case, please include these when you sign up to the charter (see Section 5 for information on how to sign up). This will not only assist the City of Lincoln Council to promote your organisation and the activities you undertake, but also help to create a central list of socially responsible activities being undertaken in the city.

<b>Examples of socially responsible activities which benefit the employee</b>
<u>Terms and conditions</u> <ul style="list-style-type: none"><li>- Additional paternity leave (paid and unpaid) in addition to statutory entitlement</li><li>- Time off for medical appointments</li><li>- Flexible working policy in place</li><li>- Holiday purchase scheme</li><li>- Fair Pay (real Living Wage)</li><li>- Opportunity to take career breaks</li><li>- Travel to work benefits (for all employees)</li><li>- Staff recognition scheme</li></ul>
<u>Opportunities</u> <ul style="list-style-type: none"><li>- Training and development (in addition to statutory training and development)</li><li>- Employee volunteering (within work time)</li><li>- Mentoring</li><li>- Work shadowing</li></ul>
<u>Health</u> <ul style="list-style-type: none"><li>- Occupational health service</li><li>- Support for mental wellbeing</li><li>- Health insurance package</li><li>- Implementation of a no smoking policy which includes external areas</li><li>- Providing 'stop smoking' support</li><li>- Promotion of healthy living e.g. walk/cycle to work incentives including travel plans</li></ul>

## Examples of socially responsible activities which benefit the local community in City of Lincoln

### Environment

- Signing up to the Low Carbon Lincoln Charter
- Reducing travel/air miles
- Green space sponsorship

### Community

- Fundraising for local charities (e.g. dress down days/sponsored activities)
- Sponsorship of local events/groups (financially)
- Participation in World Hello Day
- Food Bank collection/donation
- Local recruitment
- Contribute to a Lincoln Community Chest or other charitable fund

### Skills

- Work experience placements
- Apprenticeships
- Places for charities/community groups on workplace training
- Sharing on the job skills in an educational setting

### Resources

- Offer of free meeting space/space for community group/charity meetings
- Donation of surplus resources (e.g. furniture & stationery)
- Offer of spare car parking for local charities/groups
- Use services of local businesses/local products
- Promotion and/or use of Fairtrade products

### Health

- Blood & Organ Donation promotion to employees and service users
- Dementia Friendly accreditation
- Concessions (for students, older people, disabled people and the unemployed)

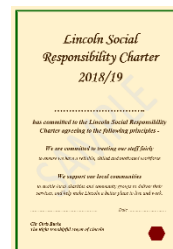
As a guide, it is suggested small organisations (1-10 employees) should proactively undertake a minimum of three activities (at least one benefitting the employee & one benefitting the local community). Medium sized organisations (11-49) should proactively undertake a minimum of five activities (at least two benefitting the employee & two benefitting the local community). Large organisations (50+ employees) should proactively undertake a minimum of ten activities (at least five benefitting the employee & five benefitting the local community).

Organisations should also demonstrate how they will be developing their social responsibility in the future.

Eligible organisations will be those which either have a base in Lincoln or have employees who live within the city boundary.

## Section 4 – Recognising socially responsible organisations

Organisations signing up to the charter will receive a personalised version of the charter endorsed by the Mayor of Lincoln.



In addition, to help raise awareness of this charter and to encourage more organisations in Lincoln to undertake socially responsible activities, organisations signing up to the Lincoln Social Responsible Charter, and the activities they undertake, will be promoted using the following routes –

- 'Your Lincoln' residents magazine
- Online register (displayed on a City of Lincoln Council managed webpage)
- Press releases
- Radio interviews
- Social media
- Socially responsible organisation map
- Links from other webpages

Organisations are also encouraged to promote the socially responsible activities they undertake to their service users and potential new customers.

Organisations signing up to the charter will receive invitations to City of Lincoln Council led consultations and civic events.

## Section 5 – Signing up to the charter

If you feel your organisation fully supports the Lincoln Social Responsibility Charter and meets the eligibility criteria, please consider signing up to the charter.

Signing up to the charter only takes a few of minutes and can be completed by visiting [www.lincoln.gov.uk/???](http://www.lincoln.gov.uk/???). (Web link to be inserted when the charter is launched).

Accreditation to the Lincoln Social Responsibility Charter will be valid for the financial year from the date of registration. If you register within two months of a new financial year you will receive accreditation for the coming year.

## Section 6 - Next steps

The charter will be evaluated at the end of the first year. This will provide an opportunity to assess its success and look at whether the Lincoln Living Wage and Social Responsibility Forum should consider the creation of a socially responsible accreditation scheme in the longer term. This would award organisations based on the level and type of socially responsible activities they undertake.

The information collected from organisations supporting this charter will help in deciding whether to work towards developing an accreditation scheme.

## Section 7 – Further information

For further information on the Lincoln Socially Responsible Charter, please visit [www.lincoln.gov.uk/???](http://www.lincoln.gov.uk/???) (link to be inserted) or use the contact details below.

Corporate Policy Unit  
City of Lincoln Council  
City Hall  
Lincoln  
LN1 1DD  
E-mail: [policy@lincoln.gov.uk](mailto:policy@lincoln.gov.uk)  
Tel: 01522 873658

The Lincoln Social Responsibility Charter is closely linked to the City of Lincoln Council's Social Value Policy. Please use the following link to view this policy. [City of Lincoln Council Social Value Policy](#) (link to be inserted when made publically available).

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# *Lincoln Social Responsibility Charter 2018/19*

.....

*has committed to the Lincoln Social Responsibility  
Charter agreeing to the following principles -*

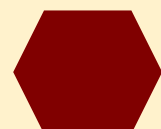
*We are committed to treating our staff fairly  
to ensure we have a reliable, skilled and motivated workforce*

*We support our local communities  
to enable local charities and community groups to deliver their  
services, and help make Lincoln a better place to live and work.*

.....

*Date .....*

*Cllr Chris Burke  
The Right Worshipful Mayor of Lincoln*



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## Equality with Human Rights Analysis Toolkit SECTION A



Name of policy / project / service	Lincoln Social Responsibility Charter
Background and aims of policy / project / service at outset	Building on the success of the Lincoln Living Wage Campaign, City of Lincoln Council is looking at a new approach towards recognising good employers in the city. The aim of the Lincoln Social Responsibility Charter is to encourage organisations in Lincoln to undertake socially responsible activities which benefit both their employees and also the local community in which they are located.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Heather Grover, Principal Policy Officer
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Graham Rose, Corporate Policy Officer

## 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	Yes			The proposed charter aims to recognise good employers in the city who undertake socially responsible activities which benefit both their employees and the local community. As a result of these aims, it is expected there will be a positive impact overall on one or more of the protected characteristics.	N/A	
Disability including carers (see Glossary)	Yes				N/A	
Gender re-assignment	Yes				NA	
Pregnancy and maternity	Yes				NA	
Race	Yes				NA	
Religion or belief	Yes				N/A	
Sex	Yes				NA	
Sexual orientation	Yes				NA	
Marriage/civil partnership	Yes				NA	
Human Rights (see page 8)	Yes				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):

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

Conclusion of Equality Analysis (describe objective justification for continuing)	There is no negative equality or human right impact. All outcomes are expected to be positive for the organisation, the employee, the local community and the wider local economy.
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69 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)	Heather Grover	Date	13 <sup>th</sup> December 2017
Checked and approved by Assistant Director (Sign and Print Name)		Date	

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<b>SUBJECT:</b>	<b>REPAIRS AND MAINTENANCE AND RECHARGEABLE REPAIRS POLICY</b>
<b>DIRECTORATE:</b>	<b>HOUSING AND REGENERATION</b>
<b>REPORT AUTHOR:</b>	<b>BOB LEDGER – DIRECTOR OF HOUSING AND REGENERATION</b>

**1. Purpose of Report**

1.1 To seek comments on the Repairs and Maintenance Policy and the Rechargeable Repairs Policy

**2. Executive Summary**

2.1 The Repairs and Maintenance Policy and the Rechargeable Repairs Policy are documents providing detail around both landlord and tenant responsibilities for repairs to the Council’s housing stock as agreed within the terms and conditions of the tenancy agreement.

2.2 The policies incorporate the tenancy terms and conditions approved by Executive in 2015.

2.3 Both policies were considered by Housing Scrutiny Sub Committee in January 2017 to provide clarity for staff when processing repair requests.

2.4 The attached versions include amendments around responsibilities for plastering. The amendments to the policy seek to clarify this issue and ensure fair, consistent and transparent recharges and to reduce officer time in processing complaints.

**3. Background**

3.1 The Repairs and Maintenance Policy and the Rechargeable Repairs Policy are documents providing detail around both landlord and tenant responsibilities for repairs to the Council’s housing stock as agreed within the terms and conditions of the tenancy agreement.

3.2 Repairs that are the responsibility of the tenant can be completed by the Housing Repairs Service and the costs recharged back to the tenant in line with our Rechargeable Repairs Policy.

3.3 The current Repairs and Maintenance Policy and Rechargeable Repairs Policy were considered by Housing Scrutiny Sub Committee in January 2017 and captures the content of the tenancy agreement which was previously approved by Executive in 2015.

3.4 Over time there have been a number of disputes about recharging for plastering

works. These have been predominantly where incoming tenants have been advised not to steam strip wallpaper but do so resulting in large areas of plasterwork coming away from the walls.

- 3.5 Therefore the Chair of Policy Scrutiny requested that the Housing Management team review and clarify the policies accordingly. The attached draft Repairs and Maintenance Policy has received minor amendments to achieve this (copy included as Appendix One).
- 3.6 Page 8 lists the Council's responsibilities for repairs. An additional line which says "*Extensive areas of plastering required due to the age and condition of existing plaster work*" has been included.
- 3.7 Similarly page 13 currently says "*Any other repairs which investigations establish are not attributable to fair wear and tear.*" This has been amended to read "*Any other repairs which investigations establish are not attributable to fair wear and tear including plastering work required after the use of a steam stripper to remove wall paper coverings.*"
- 3.8 There are no changes proposed to the Rechargeable Repairs Policy, although a copy is enclosed at Appendix Two for information.

#### **4. Strategic Priorities**

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

The Repairs and Maintenance and the Rechargeable Repairs Policy ensure that we deliver a fair, consistent and transparent approach to the provision of repairs to maintain the Council's housing stock.

##### **4.2 Let's reduce inequality**

The policy includes the discretion to waive charges for vulnerable tenants in cases where a tenant's vulnerability throws into question whether they should be held responsible for damage that isn't fair wear and tear.

#### **5. Organisational Impacts**

- 5.1 Finance - The implementation of a Repairs and Maintenance Policy and a Rechargeable Repairs Policy ensures that all staff across Housing Services and Customer Services are aware of the Council's responsibilities. Therefore Control Centre staff are better informed to ensure they only send operatives to out of hours calls for emergencies and repairs that are not the Council's responsibility will be carried out at cost to tenants ensuring a more cost effective approach to service delivery.
- 5.2 Legal Implications including Procurement Rules - none
- 5.3 Land, property and accommodation - none
- 5.4 Human Resources - none



5.5 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required) – the policies ensure transparent and consistent service delivery to all tenants. Inclusion of measures to consider waiving charges for rechargeable repairs in cases where we have evidence of vulnerability e.g. learning difficulty and the tenant did not understand they could be charged. Consideration was given to the Equality Analysis process and there is no negative impact to individuals who exhibit a protected characteristic, nor are there any negative human rights implications.

## 6. Risk Implications

6.1 (i) Options Explored  
Do nothing – some additional clarity is required around plastering works.

Amend policy – will provide clarity around plastering works.

6.2 (ii) Key risks associated with the preferred approach - none

## 7. Recommendation

7.1 Members make comments on the amendments in wording to the Repairs and Maintenance Policy to provide clarity around responsibilities for plastering work.

**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?** 2

**List of Background Papers:** None

**Lead Officer:** Bob Ledger, Director Housing and Regeneration  
Telephone (01522) 873200

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# Repairs and Maintenance Policy

## Document control

<b>Organisation</b>	<b>City of Lincoln Council</b>
<b>Title</b>	<b>Repairs and Maintenance Policy</b>
<b>Author - name and title</b>	Matthew Hillman – Repairs Manager
<b>Owner - name and title</b>	Matthew Hillman – Repairs Manager
<b>Date</b>	October 2017
<b>Approvals</b>	
<b>Filename</b>	
<b>Version</b>	<b>V 2.0</b>
<b>Next review date</b>	2020

## Document Amendment history

<b>Revision</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change description</b>
<b>V2</b>	<b>Karen Talbot - ADH</b>	<b>October 2017</b>	<b>Amendments to clarify responsibilities for plastering work</b>
<b>V1</b>		<b>January 2017</b>	Implementation

## Distribution and training history

<b>Details</b>	<b>Date</b>
<b>Available on shared drive</b>	<b>January 2017</b>
<b>Briefings to Repairs staff and Customer Services</b>	

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## **Introduction**

The City of Lincoln Council (CoLC) is a stock retained local authority, committed to providing the best services possible for our tenants, who occupy approximately 7,800 properties throughout the city. Our homes are a mix of houses, bungalows, maisonettes and flats, some of which are in our three high rise blocks.

The CoLC aims to deliver a continuously improving responsive repair and maintenance service by making sure that day to day repairs are carried out quickly, on time and to a high standard that customers are satisfied with, whilst maintaining value for money within the service at all times.

The CoLC will ensure that all properties are repaired and maintained, providing a safe home environment for all its residents and tenants. The service area will also contribute to the financial viability of the organisation by improving performance, with a main focus on 'right first time' repairs wherever possible.

## **Aims and objectives of policy**

At commencement of tenancy, the CoLC lets all properties to the 'Empty Homes Letting Standard' and throughout the life of our assets, we deliver improvements to our properties to maintain them to at least the Lincoln Homes standard (incorporates all aspects of the Decent Homes standard).

Within the provision of the Housing Act 1985 (amended) each tenant has a right to repair. This policy identifies which repairs the CoLC are responsible for in line with the maintenance of housing stock and which repairs tenants are responsible for within the terms and conditions of their tenancy agreement.

The CoLC will continually look to improve the repair and maintenance service and continually consult with tenants to seek their views on the quality of the service and the repairs carried out at their homes.

## **Diversity and inclusion**

The CoLC will make sure that the principles of equality, diversity and inclusion are integral in the business planning and delivery of the repair, maintenance and void services, which work in tandem with this Repairs and Maintenance Policy. The CoLC is committed to

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delivering its repair and maintenance service in a way which meets the diverse needs of local communities. This will be achieved by treating people fairly and taking the nine protected characteristics of the Equality Act 2010 into consideration within all aspects of the repair service, including access to the service.

## **Regulatory requirements**

The Home Standards contained in the revised Homes and Communities Agency Regulations, which came into effect on 1 April 2012, lay out the requirements for organisations in terms of repair and maintenance. The regulations state the following:

### **Quality of accommodation**

Registered providers shall:

- Ensure that tenants homes meet the standard set out in Section 5 of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.
- Meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance, if these standards are higher than the Decent Homes Standard.
- In agreeing a local offer, ensure that it is set at a level not less than these standards and have regard for Section 6 of the Government's Decent Homes Guidance.

### **Repairs and maintenance**

Registered providers shall:

- Provide a cost effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choice to, tenants and has the objective of completing repairs and improvements 'right first time'.
- Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

The specific expectations relating to repair and maintenance is that:

- Registered providers shall ensure a prudent, planned approach to repairs and maintenance of homes and communal areas. This should demonstrate an appropriate balance of planned and responsive repairs, and value for money. The approach should include responsive and cyclical repairs, planned and capital work; work on empty properties and adaptations.
- Registered providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants needs.

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## **Involvement and empowerment**

- Registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in the management of repair and maintenance services such as commissioning and undertaking a range of repair tasks as agreed with landlords, and the sharing of savings made.

## **Service delivery**

The repair service is available 24-hours a day, 365 days of the year. A team of operatives work an 8am to 4pm shift pattern Monday to Thursday and 8am to 3:30pm on a Friday. Emergencies that are reported after 4pm Monday to Thursday or after 3:30pm on a Friday are passed to the emergency call out team. The call out team then work between 4pm and 8am each day and from 3:30pm on Friday until 8am on Monday.

All emergencies will be attended within a 24-hour period.

## **How to report a repair**

A request for a repair can be made by the following methods:

- Online at [www.lincoln.gov.uk](http://www.lincoln.gov.uk)
- By telephoning Customer Services on 01522 873333 during opening hours.
- In the event of an emergency, outside of office hours, telephone 01522 534747.

When a request is received the CoLC will:

- If on the phone – arrange an appointment with the customer at the earliest possible date available, that is suitable for the customer.
- If online – the customer can select a preferred appointment time and Customer Services will try to find a suitable appointment to match the customer's preference. Customer Services will then confirm the appointment by a phone call or a text message.
- Complete emergency repairs within 24hours.
- Complete other repair requests within an average of 15 working days.

If the CoLC is called out to deal with a repair between the hours of 4pm and 8am during any day of the week, including Bank Holidays, and the repair is not a genuine emergency, the CoLC will recharge the full costs of the call-out to the tenant.



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## Health and Safety

The CoLC is committed to providing a safe and healthy working environment at all times under the Health and Safety at Work Act.

In line with the CoLC's Health and Safety Policy, all managers have responsibility for the employees they manage, to make sure that all of the CoLC's working practices are in line with appropriate health and safety legislation and good practice, making sure that employees, tenants, buildings and stakeholders are safe.

All employees (individually or collectively) must adhere to procedures and method statements which are designed for the protection of themselves and other people who they may have contact with.

## Consultation

The CoLC will work with tenants to continually improve the repairs service in a range of ways including, focus groups, service review groups and tenant inspections, in line with published regulatory standards.

Further information on how tenants can become involved in shaping the way we deliver services is available at [www.lincoln.gov.uk/housing/council-tenants/resident-involvement/](http://www.lincoln.gov.uk/housing/council-tenants/resident-involvement/)

## Performance management

There are a number of indicators recorded in respect of repairs and maintenance. Performance figures are presented to Housing Services Team, Lincoln Tenants Panel, Performance Scrutiny Committee and Housing Scrutiny Sub Committee. Targets for the team in 2016/17 are as follows:

- An average end to end time of 15 days.
- An average response time for emergency repairs of less than one day.
- 85% of repairs completed 'right first time'.
- 95% of tenants satisfied with the repairs service.

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## Responsibilities

### City of Lincoln Council

The CoLC is responsible for the structure, exterior, services and common parts of the property including:

- Drains, gutters and outside pipes.
- Roof, external walls, doors and windows (excluding glass).
- Extensive areas of plastering required due to the age and condition of existing plaster work.
- Installations for supplying water, gas and electricity.
- Installations and appliances for heating the property and for hot water.
- Basin, sinks, baths and toilets (excluding toilet seats).
- Communal aerials.
- Lifts and other communal amenities such as laundries, common rooms, door entry systems, fire alarms, corridors and waste chutes in high rises.
- Pathways and steps which provide main access to the front and back door of the property.
- Garages and outside brick built store places.
- Lifeline/warden alarm units and their pull cords
- Washing line posts.

### Emergency repairs

- In the event of a gas leak (or smell of gas), call the gas emergency line immediately on 0800 111999. Turn the handle at the meter to the flat (horizontal) position.
- If there is a problem with electricity, turn the mains switch on the consumer unit to the off position. If the tenant has a power cut call Western Power Distribution on 0800 6783 105.
- If there is a problem with water, turn the main stop tap to the right (clockwise) or turn off the sure stop. If the tenant has no water, then call Anglian Water on 0800 771 881.

Emergency repairs that are the responsibility of the CoLC will be attended to within 24 hours of the problem being reported, unless there are factors that are outside of the organisation's control, for example in the event of severe weather conditions that are causing hazardous driving conditions, or where the number of emergencies impact on capacity and resources to deliver services. In such circumstances, tenants will be kept informed of any delays.

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Emergency repairs are those repairs that:

- Remove immediate danger to the occupants of a property or an outside space.
- Restore essential services such as heat and power.
- Avoid major damage to a property such as a serious flood.
- Make the property secure following a break in by changing locks or boarding a broken window.
- Remove any possible health and safety risk.

## **Tenant responsibility**

The terms of the Tenancy Agreement state that there are a number of obligations for a tenant once they sign to accept the keys for the property. These include but are not limited to:

- Not cause damage to your home, to our property or to the property of your neighbours;
- Not neglect your home or let it fall into disrepair;
- Keep the inside of your home clean and in good decorative order;
- Take reasonable precautions to prevent water pipes bursting through frost or the property being damaged by fire;
- Keep your home secure at all times using all security locks where provided;
- Keep your windows clean unless you pay for this through a service charge;
- Not cause damage to any of our fixtures and fittings, including glass, inside your home or in communal areas, deliberately or through misuse or negligence;
- Provide safe storage and recharging facilities for motorised wheelchairs/scooters that belong to you. In sheltered housing we may provide storage and recharging facilities for electric wheelchairs/scooters. It will remain your responsibility to ensure that they are safe and secure within that designated area.
- You must report any repairs that are our responsibility without delay and as soon as you are aware of them.
- You are responsible for repairing any damage to your home that is caused deliberately or negligently by you, your children, friends, relatives, visitors and any other person living in your home.
- You will also have to pay for the cost of repairing any damage to other property or to the communal areas which is caused deliberately or negligently by, your children, friends, relatives, visitors and any other person living in your home.

Tenants are also responsible for renewing or replacing the following items unless they require replacement through normal wear and tear:

- Door locks, keys and fobs including suited keys (fobs, communal and suited keys are only obtainable from the CoLC).
- Door furniture.
- Cupboard latches.
- Internal decoration.
- Toilet seats and toilet roll holders.
- Shower hoses and spray heads that are not part of the fixed plumbing system.
- Plugs and chains to sinks, wash hand basins and baths.
- Internal doors.
- Architraves (the moulded trim around door frames).
- Skirting boards, pelmets and curtain battens.
- Shelving.
- Coat rails and hooks.
- Floor tiles and glazed wall tiles with the exception of kitchens and bathrooms.
- Door bells.
- Broken windows and front / back door glass caused by accidental damage or without a crime reference number.
- Cost of un-authorized removal of CoLC property including stair lifts.
- Removal or re fixing of disabled adaptations due to carpet renewal.

In line with the Tenancy Agreement tenants also have a responsibility for:

#### **Baths, basins, drains and waste**

- Initially trying to clear blocked baths, sinks and basins. Tenants will be recharged if, following the completion of the repair, the fault is found to have been caused by the tenant.
- Replacing plugs and chains to baths, basins and sinks.
- Repairing any items that have been fitted by the tenant previously.
- Keeping gully grids clear of leaves and rubbish.
- Clearing blockages in washing machines or dishwashers. If the tenant is fitting this as a new appliance they are responsible for this work
- Environmental work including flea treatments/needle removal/body fluids or rubbish.
- Other fixtures and fittings, and any alterations or improvements that the tenant has made.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

### **Doors and locks**

- Replacement of keys/locks when keys have been lost or tenant has locked themselves out.
- Fitting and repairing any additional locks and latches.
- Replacing glass in any internal or external door.
- Adjusting door when a new carpet fitted.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

### **Electrics**

- Resetting trip switches and if necessary turning off the mains supply.
- Replacing light bulbs, fluorescent tubes and starters.
- Replacing electrical plugs and plug fuses for tenants own appliances.
- Testing and cleaning of smoke detectors.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

### **Floors and stairs**

- Repairing and replacing any floor coverings, vinyl tiles sheeting, carpets or laminates that the tenant has fitted.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

### **Garden and garages**

- Repairing any fencing, patios, steps, sheds or other garden features, garages or driveways not originally provided by the CoLC and not in place at the commencement of tenancy.
- Maintaining garden paths other than those giving main access to the front and back door of the property or to a CoLC washing line post.
- Replacing keys or locks to garage or shed doors when the keys have been lost.
- Renewing broken clothes lines.
- Grassed areas and borders.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Gutters**

- Keeping gully grids clear from leaves and rubbish.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Heating**

- Checking that heating controls (room thermostat, timer or programmer) are set correctly.
- Keeping the home properly heated and ventilated to prevent condensation or the build-up of carbon monoxide.
- Keeping the home properly heated to prevent pipes from bursting particularly during cold weather, or whilst tenants are away from the property for a period of time.
- Bleeding radiators.
- Any other repairs which investigations establish are not attributable to fair wear and tear.
- Gas and/or electric supply

## **Kitchen fittings**

- Installation of washing machines, dishwashers or tumble driers including waste, supply pipes and vents if not already provided by the CoLC.
- Repairing any extra units that have been installed in the property by the tenant.
- Minor repairs to kitchen units e.g. tightening screws and adjusting drawers and cupboard doors.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Pipes and taps**

- Taking steps to prevent pipes from bursting during cold weather, particularly if the tenant is to be away from the property for any length of time.
- Turning off the water supply at the stop tap or sure stop if a water pipe has burst, and then turning all the taps on to allow all remaining water to flow out.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Roofs and chimneys**

- Putting up and securing TV aerials (except communal aerials). Tenants need permission to put up a satellite dish.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Toilets**

- Cleaning toilet pans.
- Attempting to clear blocked toilets. If on repair it is found that the blockage is caused by the tenant, a member of their household or a visitor, then the tenant will be recharged.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Walls and ceilings**

- Decorating walls and ceilings inside the home.
- Filling minor cracks and holes in walls and ceilings.
- Keeping air vents clear and cleaning extractor fan vents.
- Any other repairs which investigations establish are not attributable to fair wear and tear including plastering work required after the use of a steam stripper to remove wall paper coverings.

## **Windows**

- Replacing broken or cracked glass where caused by accidental damage or without a crime reference number.
- Keeping window trickle vents clear.
- Any other repairs which investigations establish are not attributable to fair wear and tear.

## **Leaseholders**

The CoLC is responsible for the structure of the building and any outbuildings/sheds, communal areas, systems and installations in leasehold blocks. The leaseholder is responsible for everything within the home, which is for their use and benefit. Rights and responsibilities for individual properties are contained within individual lease agreements.

The Leaseholder service charge for day-to-day repair and maintenance is charged in advance as an estimated amount. An adjustment is made to the service charge account for the following year for any difference between the estimated and actual costs. Employees will have regard for this when deciding upon the repair required at a property, and should further clarity be required, the employee should contact the Finance and Leasehold Team Leader. We cannot charge an individual leaseholder more than £250 for any work unless we have first served a Section 20 Notice (this is done by the Finance and Leasehold Team who will advise employees on the process and timescales). However,

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the following information provides a general summary of responsibilities relating to repair and maintenance which include:

- The main structure, foundations, roof, guttering, communal drains, external pipe work and windows excluding glass (leaseholders are responsible for windows that they, or a previous leaseholder, have installed in their property).
- Any communal services and any related machinery or installations connected with those services; this would include lifts and lighting in communal areas, door entry systems (including handsets within leasehold properties).
- Communal areas, including external doors, passageways, staircases, halls, landings and any grounds within the estate such as bin or drying areas, which are jointly used by the tenants.

Further information about service charges is available in our Leaseholders' Guide which can be found at:

[www.lincoln.gov.uk/housing/council-tenants/your-tenancy/leaseholder-rights-and-responsibilities](http://www.lincoln.gov.uk/housing/council-tenants/your-tenancy/leaseholder-rights-and-responsibilities)

## **Access arrangements**

The following need to be taken into consideration when access is required to properties to complete a repair.

- Tenants must allow authorised employees of the CoLC or other agents of the CoLC into their home during reasonable hours to inspect its condition, carry out repairs or improvements, or to service appliances. This also includes any other work that the CoLC consider necessary to ensure that the property and surrounding properties do not put the tenant or anyone else at risk.
- Employees or contractors employed by the CoLC must have access to carry out gas servicing or electrical inspections as and when required.
- Where possible the CoLC will give at least 24 hours advance notice, and all employees of the CoLC or its agents will carry formal identification at all times.
- The CoLC may need to gain access to homes to inspect, clean or repair a home or neighbouring dwellings, or any sewers, drains, pipes, wiring or cable serving a home or neighbouring dwellings.
- Authorised employees of the CoLC may need to enter a property without notice in an emergency, using reasonable force if necessary, if the CoLC feel there is a risk of personal injury or damage to property or surrounding properties.



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## **Rechargeable repairs**

Tenants, their family members and any visitors to their home are responsible for any damage caused to the property, either caused accidentally, deliberately or through neglect.

The CoLC aim to make sure that all tenants are aware of their obligations not to damage or neglect CoLC property and that they are responsible for damage caused by their children, pets and visitors. This is formally agreed with the tenant when the tenancy agreement is signed.

Where damage or neglect has occurred (for which the tenant is responsible) then the tenant can arrange for the damage to be repaired themselves, however, if this does not meet current health and safety, building regulation requirements or in the case of gas and electricity the current legislation or a suitable standard, the CoLC will carry out further works and charge the tenant the additional costs.

In addition, the CoLC will not be liable if a tenant has installed a defective system, fixtures or fittings without permission. The CoLC may carry out and charge for repairs considered necessary for health and safety reasons or in situations of emergency, arising from the misuse of the property. This does not include repairs undertaken as a result of fair wear and tear.

When a current or former tenant wishes to dispute a bill for rechargeable repairs they have received, this will in the first instance be to the employee who has issued the rechargeable repair letter advising that the charges are correct and due for payment. If this disagreement is not resolved, the current or former tenant can make a formal complaint.

For more information on Rechargeable Repairs please refer to the separate policy document.

## **Vulnerable tenants**

When making a decision whether or not to recharge a tenant for repairs that can't be attributable to fair wear and wear account must be taken of any vulnerability factors.

A vulnerable tenant is someone who is or may be in need of community care services by reason of mental health or other disability, age or illness, who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. This includes individuals who might be in receipt of social care or health services.

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Each person should be considered individually. Where there are concerns that someone is potentially vulnerable the final decision to recharge or waive the charge will rest with the Tenancy Services Manager.

## **Adaptations**

Everyone's housing needs are different and the CoLC offers permanent adaptations to resident's homes to ensure that it remains suitable for their needs. The CoLC works with Lincolnshire County Council to provide adaptations to its properties. If an adaptation is assessed as being necessary and appropriate by Lincolnshire County Councils Social Services, it will be referred to the CoLC who will determine whether the request is 'reasonable and practicable'. If it is, the CoLC will install the adaptation. Permanent and semi-permanent adaptations are provided by the CoLC including stair lifts and through floor lift. Lincolnshire County Council will provide hoists and other aids through its social care teams. The CoLC will not remove adaptations from its properties for new tenants if the property is advertised with the adaptations. Any adaptations, including stair lifts or lifts, that are removed by the tenant without the CoLC permission will be recharged. Further information is available in our aids and adaptations policy.

## **Alterations**

The CoLC recognise that tenants will want to make alterations and improvements to their homes. Where requests are reasonable they will not be refused. The terms of the Tenancy Agreement do however mean that an introductory tenant is not allowed to make alterations and improvements to their property within the first 12 months of their tenancy. Written permission must be obtained if tenants wish to carry out any of the following types of improvements:

- Decorate any part of the outside of their home.
- Make any structural changes or additions to the property.
- Erect a shed, garage or any other external construction.
- Remove, add or alter any part of a fence or garden wall.
- Add to, change or replace any fixtures and fittings provided by CoLC.
- Put up a satellite dish, television, radio or amateur radio aerial such as a Citizens Band aerial.
- Apply artex to a ceiling. Artex is not allowed on walls.
- Fit tiles to walls or floors.
- Alter the electrical, gas, heating or water installations including having a water meter installed.

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The CoLC will not unreasonably refuse permission for such improvements or changes, but may impose conditions. If required, planning permission, building regulations approval or any other permission must be obtained before starting the work. The CoLC will provide any service contracts or repairs to any installation it has provided.

## Right to Buy applications

Once an application under the Right to Buy is received by the CoLC then there becomes a legal responsibility for the organisation to carry out emergency repairs only. This will make sure that the property remains wind and water tight and is fit for human habitation. Examples of repairs that might be carried out are as follows:

- Serious water penetration.
- No power.
- No heating.
- No bathing facilities.
- Not being able to use a toilet when there is only one in the property.

## Complaints

When a current or former tenant wishes to dispute the bill for rechargeable repairs they have received, this will in the first instance be to the employee who has issued the rechargeable repair letter advising that the charges are correct and due for payment.

If this disagreement is not resolved, the current or former tenant can make a formal complaint using the following methods

- Online at [www.lincoln.gov.uk/complaints](http://www.lincoln.gov.uk/complaints)
- By email to [complaints@lincoln.gov.uk](mailto:complaints@lincoln.gov.uk)
- By telephoning 01522 881188
- By letter to Housing Services  
City of Lincoln Council,  
City Hall,  
Beaumont Fee,  
Lincoln,  
LN1 1DD

Complaints will be acknowledged and responded to within 10 working days. Further information is available at [www.lincoln.gov.uk/complaints](http://www.lincoln.gov.uk/complaints)





# Rechargeable Repairs Policy

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## Introduction

The City of Lincoln Council (CoLC) is a stock retained local authority, committed to providing the best services possible for our tenants who occupy approximately 7,800 properties throughout the city. Our homes are a mix of houses, bungalows, maisonettes and flats some of which are in our three high rise blocks.

The CoLC aims to deliver a continuously improving responsive repair and maintenance service, by making sure that day to day repairs are carried out quickly, on time, to a high standard that customers are satisfied with, whilst maintaining value for money in the service at all times.

The CoLC will make sure that all properties are repaired and maintained, providing a safe home environment for all its residents and tenants. Where repairs are found to be not attributable to fair wear and tear then they will be treated as rechargeable. This document sets out what is to be classed as rechargeable and how tenants will be advised of these charges.

## Aims and objectives of policy

The overall aim of this policy therefore is to ensure that the assets of CoLC are protected at all times and where it becomes apparent that they have been neglected by the current or former tenant then action will be taken to recover the costs associated with reinstating the property to the required standard, which meets current health and safety and building regulations or in the case of gas or electrical repairs current legislation.

Tenants, their family members and any visitors to their home are responsible for any damage caused to the property, either caused accidentally, deliberately or through neglect.

The CoLC aim to make sure that all tenants are aware of their obligations not to damage or neglect CoLC property and that they are responsible for damage caused by their children, pets and visitors. This is formally agreed with the tenant when the tenancy agreement is signed.

Where damage or neglect has occurred (for which the tenant is responsible) then the tenant can arrange for the damage to be repaired themselves, however, if this does not meet current health and safety, building regulation requirements or in the case of gas and electricity the current legislation or a suitable standard, the CoLC will carry out further works and charge the tenant the additional costs.

In addition, the CoLC will not be liable if a tenant has installed a defective system, fixtures or fittings without permission. The CoLC may carry out and charge for repairs considered necessary for health and safety reasons or in situations of emergency, arising from the misuse of the property. This does not include repairs undertaken as a result of fair wear and tear

## **Diversity and inclusion**

The CoLC will make sure that the principles of equality, diversity and inclusion are integral in the business planning and delivery of the repair and maintenance and void services which work in tandem with this Rechargeable Repair Policy. The CoLC is committed to delivering its repair and maintenance service in a way which meets the diverse needs of local communities and will achieve this by treating people fairly and taking the nine protected characteristics of the Equality Act 2010 into consideration in all aspects of the repair service including access to the service.

## **Regulatory requirements**

The Home Standards contained in the revised Homes and Communities Agency regulations which came into effect on 1 April 2012 lay out the requirements for organisations in terms of repair and maintenance. The regulations state the following.

### **Quality of accommodation**

Registered providers shall:

- Ensure that tenants' homes meet the standard set out in Section 5 of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard
- Meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance, if these standards are higher than the Decent Homes Standard
- In agreeing a local offer, ensure that it is set at a level not less than these standards and have regard for Section 6 of the Government's Decent Homes Guidance e.g. the Lincoln Home Standard incorporates all aspects of the Decent Homes Standard.

### **Repairs and maintenance**

Registered providers shall:

- Provide a cost effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choice to, tenants and has the objective of completing repairs and improvements 'right first time'
- Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes

The specific expectations relating to repair and maintenance is that:

- Registered providers shall ensure a prudent, planned approach to repairs and maintenance of homes and communal areas. This should demonstrate an appropriate balance of planned and responsive repairs, and value for money. The approach should include responsive and cyclical repairs, planned and capital work; work on empty properties and adaptations
- Registered providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants needs



## **Involvement and empowerment**

- Registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in the management of repair and maintenance services such as commissioning and undertaking a range of repair tasks as agreed with landlords, and the sharing of savings made.

## **Scope of the policy**

Generally, CoLC is responsible for repairing and maintaining the structure of the property and any fixtures and fittings originally provided in the property.

Tenants are informed of their repairing responsibilities when they sign their tenancy agreement, and the repairing responsibilities are further outlined in the Repair and Maintenance Policy.

## **Section 4.2 right to repair**

You have the right to have repairs carried out to your homes under Section 96 of the Housing Act 1985 (as amended); and the regulations made under it apply to this agreement

The tenancy agreement also identifies repairs for which the tenant is responsible, and if not completed, repairs that can be carried out by the CoLC with costs recharged to the tenant.

Examples of work which CoLC may charge for include, but are not limited to the following:

- Damaged sinks or toilets
- Broken windows or doors
- Lost keys
- Lost access control fobs
- Missing or damaged smoke alarms

A list of common recharge items, including charges, are listed in Appendix 1.

Where damage or neglect has occurred (for which the tenant is responsible) then the tenant can arrange for the damage to be repaired themselves, however, if this does not meet current health and safety, building regulation requirements or in the case of gas and electricity the current legislation, CoLC will carry out further works and charge the tenant the additional costs.

In addition CoLC will not be liable if a tenant has installed a defective system, fixtures or fittings without permission. The CoLC may carry out and charge for repairs considered necessary for health and safety reasons or in situations of emergency, arising from the misuse of the property. This does not include repairs undertaken as a result of fair wear and tear.

## How to report a repair

A request for a repair can be taken:

- Online at [www.lincoln.gov.uk](http://www.lincoln.gov.uk)
- By telephoning Customer Services on 01522 873333 during opening hours
- In the event of an emergency outside of office hours telephone 01522 534747

When a request is received the CoLC will:

- If on the phone – arrange an appointment with the customer at the earliest possible date available, that is suitable for the customer.
- If online – the customer can select a preferred appointment time and Customer Services will try to find a suitable appointment to match the customer's preference. Customer Services will then confirm the appointment by a phone call or a text message.
- Complete emergency repairs within 24 hours.
- Complete other repair requests within an average of 15 working days.

If CoLC is called out to deal with a repair between the hours of 4pm and 8am any day of the week, including Bank Holidays, and the repair is not a genuine emergency the CoLC will charge the full costs of the call-out.

At present most requests for repairs come through Customer Services by phone. The Customer Services Assistant will arrange an appointment with the tenant while they are on the phone reporting the repair. In some circumstances the repair will be passed to a Resource Planner to process. During the initial contact the CSA or Resource Planner will determine:

- Whether the nature of the repair is due to normal fair wear and tear at which point the repair will be dealt with in line with the Repair and Maintenance Policy
- Whether the information provided by the tenant leads the CSA or the Resource Planner to believe that the repair is damage caused by the tenant, a member of the tenant's family or pet or a visitor to their home. In these instances the CSA or Resource Planner will advise the tenant that these repairs are rechargeable and give them the option to complete themselves or for the CoLC to complete and recharge the tenant
- Any repair relating to gas and electricity will have to be completed by CoLC to satisfy health and safety requirements and current legislation

## Rechargeable repairs identified at repair appointment

During a request for a repair being received by CoLC the CSA or Resource Planner will contact the tenant to arrange an appointment to complete the repair. At that appointment, if it is evident that the repair has been created because of neglect and not fair wear and tear, the operative will inform the tenant that the repair will be rechargeable.

If in the operative's opinion leaving the repair would pose a health and safety risk to the tenant and their family they will inform the tenant that the repair will be completed and at a later date they will receive an invoice for the works that have been carried out. This will always be the case for gas and electrical rechargeable repairs.

If the repair does not pose a health and safety risk, the operative will ask the tenant if they would like to arrange for the repair to be completed at their own expense or for the CoLC to complete the repair and for the tenant to be recharged for the costs of carrying out the works.

If the tenant requests the CoLC to carry out the works then the operative will complete the repair and then report back for an invoice to be raised for the works that have been completed.

If the tenant decides to carry out the works themselves the operative will report this back to their Team Leader to advise the appropriate Housing Officer who will write to the tenant advising them they have 28 days to complete the required work.

### **Rechargeable repairs identified by a visiting officer**

During a visit to a tenant's home by any visiting officer if a repair is found not to be attributable by normal fair, wear and tear the tenant will be advised that the repair will be rechargeable.

If leaving the rechargeable repair would pose a health and safety risk to the tenant and their family the tenant will be advised that the CoLC will complete the work and they will be recharged for the cost of the work and an invoice will be sent to them for payment.

If the officer is of the opinion that leaving the repair would not pose a health and safety risk to the tenant and their family, they will be give two options, these are:

1. To arrange for the repair to be completed at their own expense, if the tenant decides to do this the tenant will be given 28 days to complete the required work. A letter will be sent to the tenant detailing the required work and the timescales for completion

The Housing Officer will visit the property after 28 days to ensure that the work has been completed to a satisfactory standard. If the work has been completed satisfactorily the communication will be closed and the tenant will be notified in writing.

If some progress has been made the Housing Officer will continue to work with the tenant until the work has been completed satisfactorily. If the tenant does not continue to make progress or the work is not completed the Housing Officer will discuss the case with their line manager to determine an appropriate course of action. This may result in CoLC completing the work and recharging the tenant

2. If the tenant does not want to complete the works themselves then the CoLC will carry out the work and recharge the costs to the tenant

## **Property improvement**

Secure tenants have a general right to improve their home provided the improvement is agreed by the CoLC, complies with all planning, building and environmental requirements, and does not adversely affect neighbours or their properties.

In instances where an improvement has been made without permission, this can be granted retrospectively as long as the improvement has met all other provision required.

Permission will not be refused unreasonably but may be granted with conditions such as returning the property to its original standard before the end of the tenancy. Where these conditions are not met, or in instances where a permitted improvement does adversely affect neighbours or require some rectification, the tenant will be required to carry out these works and if unable or refused, the CoLC may complete works and recharge the tenant using the same process described above.

## **Mutual exchanges**

If rechargeable repairs are identified in either or both parties properties during the mutual exchange process conditional approval will be given. Final approval will not be given until the rechargeable items have been repaired or renewed. Prior to final approval the Housing Officer will visit the property/properties to inspect the work to ensure that it has been completed to a satisfactory standard. Checks should also be made of outstanding rechargeable debts when a request for a mutual exchange is received and conditional approval be given until the debts have been cleared in full.

## **Rechargeable repairs identified as part of a void inspection**

When a tenant gives notice to end their tenancy, a Void Support Officer will complete a pre termination inspection. This inspection will identify any repairs that cannot be classified as fair wear and tear, and are therefore the responsibility of the tenant to rectify. This may also include work to return the garden to an acceptable standard, the decoration to an acceptable standard or the recharging of any clearance / storage and cleansing of the property where required.

The tenant will be given the opportunity to arrange for these repairs to be completed prior to the termination of the tenancy. However, if these are not attempted, nor completed to the satisfaction of CoLC then a recharge will be raised for the cost of completing these repairs.

If after the tenant vacates the property, further non wear and tear repairs are identified at the void property inspection, these will also be recharged to the tenant.

## **Rechargeable repair identified because of action taken by Lincolnshire Police**

When Lincolnshire Police act with reasonable force in correctly executing a warrant at a property, there is no liability on their part to make good the damage caused regardless if an arrest was, or wasn't made. In all cases the damage will be recharged to the tenant. If the tenant objects then they must take this matter up with the Police and the recharge will stand.

Where the Police act incorrectly (such as force entry at the wrong address) and CoLC are responsible for maintaining the fabric of the building then the Police will be approached for compensation.

## **Vulnerable tenants**

When making a decision whether or not to recharge a tenant for repairs that can't be attributable to fair wear and tear account must be taken of any vulnerability factors.

The Repair and Maintenance Policy states that a vulnerable tenant is someone who is or may be in need of community care services by reason of mental health or other disability, age or illness, who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. This includes individuals who might be in receipt of social care or health services.

Each person should be considered individually. Where there are concerns that someone is potentially vulnerable the final decision to recharge or waive the charge will rest with the Tenancy Services Manager.

## **Payments for rechargeable repairs**

Whenever practical, tenants will be required to complete a rechargeable repair form prior to completion of any works. However in instances where this is not possible, i.e. emergency repairs, the work will be carried out and the tenant will be invoiced after the work has been completed.

Payment for repairs would normally be expected to be paid in full. However if this is not possible arrangements can be made for a lump sum to be paid and / or smaller weekly instalments to be made until the debt has been repaid in full.

## **Complaints**

When a current or former tenant wishes to dispute the bill for rechargeable repairs they have received this will in the first instance be to the employee who has issued the rechargeable repair letter advising that the charges are correct and due for payment.

If this disagreement is not resolved, the current or former tenant can make a formal complaint using the following methods:

- Online at [www.lincoln.gov.uk/complaints](http://www.lincoln.gov.uk/complaints)
- By email to [complaints@lincoln.gov.uk](mailto:complaints@lincoln.gov.uk)
- By telephone on 01522 881188
- By letter to:  
Directorate of Housing and Regeneration  
City of Lincoln Council,  
City Hall,

Beaumont Fee,  
Lincoln,  
LN1 1DD

Complaints will be acknowledged and responded to within 10 working days.

Further information is available at [www.lincoln.gov.uk/complaints](http://www.lincoln.gov.uk/complaints)

**POLICY SCRUTINY COMMITTEE**

**16 JANUARY 2018**

<b>SUBJECT:</b>	<b>POLICY SCRUTINY WORK PROGRAMME 2017/18 AND EXECUTIVE WORK PROGRAMME UPDATE</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>LEAD OFFICER:</b>	<b>CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER</b>

**1. Purpose of Report**

1.1 To present the Policy Scrutiny Committee Work Programme for 2017/18 and receive comments and considerations from members with items for the municipal year 2017/2018 and to advise Members of the items that are on the current edition of the Executive Work Programme.

**2. Background**

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

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

**3. Recommendation**

3.1 That Members give consideration to the Policy Scrutiny Work Programme for 2017/18 and update where appropriate to include items which they wish to consider from the Executive Work Programme as required.

**List of Background Papers:** None

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

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## Policy Scrutiny Committee Work Programme – Timetable for 2017/18

20 June 2017

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of Houses in Multiple Occupation Article 4 Direction and Supplementary Planning Documents – Review (Deferred from Feb 2017 meeting)	Simon Walters	Requested by Committee
LWP – Waste Recycling and Enforcement Policy	Steve Bird	Added by Steve Bird
Mutual Exchange Policy	Karen Talbot	Request from Chair
Information Security Policy	Matt Smith	Requested by Committee
Public Realm Strategy	Gill Wilson	Added by Gill Wilson
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2017 -2018	Democratic Services	Regular Report

8 August 2017

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Business Rates	Claire Moses	Added by Claire Moses
Arboretum - Designated public place order review	Sam Barstow	Added by Sam Barstow
Animal Welfare Policy	Steve Bird	Added at November meeting - moved from June meeting
Policy Scrutiny Work Programme 2016-2017 Update	Democratic Services	Regular Report

Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
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**22 August 2017**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of Neighbourhood Working Service	Democratic Services	Regular Report

**10 October 2017**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Annual Scrutiny Report	Democratic Services	Regular Report
Procurement Policies	Heather Carmichael	Added by Heather Carmichael on 21 August 2017.
Council Tax Support scheme for 2018/19	Claire Moses	Added by Claire Moses 25 July 2017
Community Infrastructure Levy	Gill Wilson / Toby Forbes Turner	
Policy Scrutiny Work Programme 2017 -2018	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**28 November 2017**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Policy Scrutiny Work Programme 2016-2017 Update	Democratic Services	Regular Report

Key Holding Post Implementation Review	Steve Lockwood	Requested by the Chair at the meeting on 28 <sup>th</sup> March 2017
Public Health Funeral	Ian Wickes	
Homelessness Strategy	Alison Timmins	
Establishment of a wholly owned Housing Company	Bob Ledger	Added by Bob Ledger
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**16 January 2018**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Repairs Policy	Karen Talbot	Requested by Chair and moved from 28 November meeting
Discretionary Rate Relief Policy	Claire Moses	Added by Claire Moses 25 July 2017
Regulation 7 Direction on Lettings Boards	Kieran Manning	
Lincoln Corporate Social Responsibility Charter	Graham Rose	Added by Graham Rose 9 October 2017
Policy Scrutiny Work Programme 2016-2017 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**20 March 2018**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Consultation and Engagement Strategy	Pat Jukes	Requested by Chair
Review of Travellers Protocol	Becky Scott	
Customer Experience Strategy Post Implementation Review	Joanne Crookes	Requested at 21 February 2017 meeting.
People Strategy Post Implementation Review	Claire Burroughs	Requested at 21 February 2017 meeting
Growth Policy	Claire Moses	Added by Claire Moses 17 October 2017 moved from January 2018 meeting
Policy Scrutiny Work Programme 2016-2017 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

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**To be scheduled**

- Waste Strategy
- Revised Allotments Agreement

## EXECUTIVE WORK PROGRAMME

**January 2018 - December 2018**

### NOTES

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

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

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

### EXECUTIVE WORK PROGRAMME SUMMARY

<b>Date of Decision</b>	<b>Decision</b>	<b>Decision: Summary</b>	<b>Decision Taken By</b>	<b>Key Decision</b>	<b>Exempt Information</b>
08 January 2018	Non-Domestic Rate: Current Discretionary Rate Relief Policy Review	Executive is asked to consider the proposed City of Lincoln Council's Discretionary Rate Relief Policy for consultation approval	Executive	Yes	Public
08 January 2018	Council Tax Support Scheme - 2018/19	1. Review consultation responses relating to the Localised Council Tax Support Scheme for 2018/19; 2. Consider the proposed City of Lincoln Council's Localised Council Tax Support scheme for 2018/19 and refer to Full Council for approval; 3. Approve continuation of an Exceptional Hardship Fund of £20,000 for 2018/19 to top-up CTS awards in appropriate cases	Executive	Yes	Public
08 January 2018	City Hall Cleaners	To approve the proposed increase in establishment for the City Hall Cleaners.	Executive	No	Private
08 January 2018	CONSIDERATION OF A COMMUNITY GRANT FUNDING LOTTERY FOR COLC	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	Executive	Yes	Public
26 February 2018	BUSINESS RATES GROWTH POLICY	To consider/approve a Business Rates Growth Policy for the City of Lincoln. Final decision to be taken by Executive on 26th March 2018 - to be considered by Policy Scrutiny Committee on 20th March 2018.	Executive	Yes	Public
26 March 2018	Western Growth Corridor	To continue the development of the Western Growth Corridor, including	Executive	No	Private

		consideration of any relevant options required to facilitate the project			
26 March 2018	Housing Allocations Policy	To approve the revisions to the Council's Housing Allocations Policy in accordance with Part VI of the Housing Act 1996	Executive	Yes	Public
16 April 2018	Residents Parking Scheme Zones		Executive	Yes	
16 April 2018	Resident's Parking Scheme Policy		Executive	Yes	

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