

SHARED REVENUES AND BENEFITS JOINT COMMITTEE

Tuesday, 12 June 2018

2.00 pm

**Committee Room 1 - City
Hall**

Membership:	Councillors Ray Cucksey (North Kesteven District Council), Rosanne Kirk (City of Lincoln Council), Ric Metcalfe (City of Lincoln Council) and John Money (North Kesteven District Council)
Substitute members:	Councillors Peter Burley (North Kesteven District Council), Sue Howe (North Kesteven District Council), Donald Nannestad (City of Lincoln Council) and Fay Smith (City of Lincoln Council)
Officers attending:	Democratic Services (City of Lincoln Council), Philip Roberts (North Kesteven District Council), Claire Moses (City of Lincoln Council), Russell Stone (North Kesteven District Council) and Martin Walmsley (City of Lincoln Council)

AGENDA

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1. Election of Chair of the Joint Committee for 2018/19	
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3. 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.	
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9. Performance Update **133 - 142**

Details of Next Meeting: Tuesday, 4 September 2018 (2.00 pm) in North Kesteven District Council Offices

Present: Councillor Ray Cucksey (*in the Chair*),
Councillor Donald Nannestad and Councillor Ric Metcalfe

Apologies for Absence: Councillor John Money

27. Confirmation of Minutes - 28 November 2017

RESOLVED that the minutes of the meeting held on 28 November 2017 be confirmed.

28. Declarations of Interest

No declarations of interest were received.

29. Members' Summary of Reports

A summary of the reports contained within the agenda pack for this meeting was noted.

It was agreed that this summary would not be necessary for future meetings given the quality of the reports presented to the committee, which would usually contain an executive summary.

30. Performance Update

Purpose of Report

To provide the Joint Committee with an update on performance in the Revenues and Benefits Shared Service.

Decision

That performance in the Revenues and Benefits Shared Service be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

Council tax

As at the end of quarter three, in-year collections compared to the same point in 2016-17 were as follows:

- the City of Lincoln was slightly up by 0.05%;
- North Kesteven was slightly down by 0.18%.

Members were informed that the latest update to the end of January 2018 was as follows:

- the City of Lincoln was up by 1.12%;

- North Kesteven was down by 0.12%.

It was noted that the collectable debit for both the City of Lincoln and North Kesteven had increased from 2016/17 by £1.93m and £2.88m respectively.

Business rates

Compared to the same point in 2016/17, as at the end of quarter three, all three in-year business rates collections for which the shared service was responsible had improved, as follows:

- City of Lincoln was up by 1.15%;
- North Kesteven was up by 0.32%;
- West Lindsey was up by 0.33%.

Tables set out at paragraphs 4.8 of the report highlighted the net collectable debit and total net receipt, when compared to the end of the third quarter of 2016/17.

Outstanding revenues customers

The number of outstanding revenues customers in the document imaging system had decreased significantly from quarter two to quarter three 2017/18. Lincoln had reduced from 624 to 80 and North Kesteven had reduced from 393 to 68, equating to a total of 148 outstanding items at the end of December 2017. This was a reduction of 290 from the figure at the end of December 2016. As at 20 February, the total had decreased slightly further to 125 with Lincoln totalling 74 and North Kesteven totalling 51.

Housing benefit overpayments

As at the end of quarter three 2017/18, in-period collections stood at 74.92% for Lincoln and 87.47% for North Kesteven which represented an ongoing positive performance in this area. However, despite the positive rates of in-period overpayments collection, the ongoing issue of outstanding level of overpayments continued.

Members were informed that the latest update to the end of January 2018 was 76.37% for Lincoln and 85.52% for North Kesteven.

It was recognised that, due to the higher level and demographic of caseload, a much higher level of housing benefit overpayment was raised for the City of Lincoln compared to North Kesteven. Up to the end of quarter three in 2017/18 the figures for housing benefit overpayments outstanding was £4,248,202 and £1,823,456 respectively.

Benefits performance

Outstanding assessment work had decreased by 31% from quarter two to quarter three in 2017/18, although the outstanding figure of 934 was higher than at the end of quarter three in 2016/17 which at that time was 829. Further information in relation to this was set out in a table at paragraph 5.1 of the report.

It was noted that average processing times, financial accuracy and customer satisfaction all continued to perform well.

It was reported that, overall, the benefits service was displaying positive performance, despite a raft of challenges and legislative and procedural changes largely due to the ongoing rollout of welfare reforms.

31. Financial Monitoring Quarter 3 2017/18

Purpose of Report

To present the Joint Committee with the third quarter performance for the Revenues and Benefits Shared Service for 2017/18.

Decision

- (1) That financial performance for the Revenues and Benefits Shared Service for the third quarter of 2017/18 be noted.
- (2) That the base budget for the Revenues and Benefits Shared Service be reviewed once the outturn position is confirmed at the end of the financial year.

Alternative Options Considered and Rejected

None.

Reason for Decision

The approved budget for 2017/18 contained a contingency budget of £20,000 within revenues and benefits management costs to cover unforeseen events. The budget had subsequently been revised to accommodate items such as the housing benefit stop notice, the IT costs associated with the local authority data sharing programme and Universal Credit. A table of these costs for the City of Lincoln Council and North Kesteven District Council were set out in paragraph 3.2 of the report.

Finance performance for the third quarter of 2017/18 was detailed in Appendix 1 to the report, setting out an underspend against the approved budget of £129,802. The forecast outturn for 2017/18 predicted that there would be an underspend against the approved budget of £181,887. Further details were included in Appendix 2 of the report.

Benefits staffing and New Burdens funding were noted as being the main contributing factors of the underspend. In terms of benefits staff, posts were career graded and the budget had been historically set to reflect all posts being paid at the highest possible grade. The benefits team consisted of staff at different levels of the career grade depending on their experience and the complexity of cases they were dealing with, which explained the projected underspend in this area. The way in which this particular budget was managed would change next year to ensure that projections were more accurate. With regard to New Burdens funding, it was reported that this was additional funding awarded throughout the year which was not necessarily expected, with additional work undertaken within existing resources.

It was proposed that the base budget for the Revenues and Benefits Shared Service be reviewed once the outturn position was confirmed at the end of the

financial year. It was noted that this would take place through each of the partner authority's decision making processes as part of their respective budget cycles.

Discussion ensued on the use of agency staff and it was noted that, particularly at peak times of the year, the Shared Service did sometimes require agency staff but that the levels of agency staff used were very low when compared to some other authorities. It was noted that the cost implications of using agency staff for these relatively short, busy periods was comparable to the cost of permanently employed staff when taking into consideration the on-costs. Members agreed that the appointment of permanent staff would be preferable, but acknowledged that the service did require flexibility at peak times which the use of agency staff did provide.

32. Revenues and Benefits - base budget forecast 2018/19

Purpose of Report

To present the Joint Committee with the base budget forecast for the Revenues and Benefits Shared Service for 2018/19.

Decision

That the base budget forecast for the Revenues and Benefits Shared Service for 2018/19 be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Revenues and Benefits Shared Service was delivering savings for the City of Lincoln Council and North Kesteven District Council in excess of £500,000 per annum, discounting additional new burdens grant funded expenditure in 2018/19. A full reconciliation to the previous base budget forecast was appended to the report.

A report on the final base budget for the Revenues and Benefits Shared Service would be reported to the next meeting of the Joint Committee in June 2018.

33. Housing benefit overpayments update

Purpose of Report

To provide the Joint Committee with an update on the recovery of housing benefit overpayments.

Decision

- (1) That the report be noted.
- (2) That the Joint Committee supports plans to continue the 'housing benefit overpayment action plan' in relation to the areas outlined in the report for 2018/19, including re-allocation of resources to undertake this work.

Alternative Options Considered and Rejected

None.

Reason for Decision

It was noted that housing benefit overpayments occurred for a variety of reasons. Due to the nature of the relatively large amounts of housing benefit being paid over an extended period, individual overpayments could be sizeable and, for some debts, could take many years to recover at standard weekly rate deductions from ongoing housing benefit entitlement and Department for Work and Pensions benefits.

As at the end of quarter three, the value of outstanding overpayments for the City of Lincoln and North Kesteven were £4,248,202 and £1,823,546 respectively. From quarter two this was an increase for the City of Lincoln of £126,979 and a decrease for North Kesteven of £29,729. Appendix 1 to the report highlighted the current recovery status of housing benefit overpayments for both the City of Lincoln and North Kesteven. It provided a breakdown of the number and value of overpayments for both council and private tenants. The table at paragraph 4.2 of the report showed the value of overpayments raised so far in 2017/18 and how this equated to the total value of housing benefit paid out.

An update on the 2017/18 action plan was included within the report.

In terms of the 2018/19 action plan it was noted that the level of resource allocated to overpayments needed to be reviewed, due to the uncertainty of central government funding within the Revenues and Benefits Service. A report on the outcome of this review would be reported to the Joint Committee on 12 June 2018 along with a proposed timetable of work for 2018/19.

Reference was made to the Department for Work and Pensions' offer of free consultancy work to assist with delivery of the action plan and identify any other initiatives that may be introduced. This offer had been accepted and would be on the basis of a 'critical friend', with a representative from the Department for Work and Pensions scheduled to meet with officers on 27 February 2018.

Discussion ensued on the reasons why housing benefit overpayments were made, with one of the main reasons being that people were failing to report changes in their circumstances. A question was raised as to whether there was anything that could be done in an electronic or automated capacity to assist in reminding people to report a change in their circumstances. A campaign had been considered previously through text messaging but this proved relatively unsuccessful due to people's information becoming out of date and approximately 50% of the messages being undelivered when used for another purpose.

It was noted that the Shared Service did have links with HMRC who shared 'real-time' information which would indicate any changes in income. This was one of the reasons why more overpayments had been registered as prior to this sharing of information so many changes in income may not have been known.

Members also discussed the importance of people understanding what they were entitled to claim, noting that information and examples were set out on the back of benefits notifications.

34. Non-Domestic Rates Update

Purpose of Report

To provide the Joint Committee with an update on current issues within non-domestic rate.

Decision

That the report be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

Updates on the following schemes were noted in response to the spring budget in 2017:

Business rate pilot – 100% business rate retention in 2018/19

Further to the report provided to the previous meeting, which set out the scope for the 100% business rate retention pilot in 2018/19, it was noted that Lincolnshire's bid had been successful. For Lincoln and North Kesteven, of the 100% business rates retained in their respective area, 60% would be retained by the City or District Council and 40% would be retained by the County Council.

Supporting small business relief scheme

The number of hereditaments that had been identified and had benefitted from the scheme since April 2017 for each of the three authorities was noted as follows:

- City of Lincoln – 7 identified, with 6 responding and the award totalling £6,060;
- North Kesteven – 24 identified, with 20 responding and the award totalling £26,821;
- West Lindsey – 25 identified, with 16 responding and the award totalling £22,637.

This scheme would continue in 2018/19.

Support for pubs scheme

The returns for this scheme as at 3 January 2018 were noted as follows:

- City of Lincoln – 70 identified and 27 awards made, totalling £26,016;
- North Kesteven – 41 identified and 36 awards made, totalling £33,602;
- West Lindsey – 60 identified and 33 awards made, totalling £28,445.

This scheme would continue in 2018/19.

Discussion ensued on the relatively low number of applications that had been submitted from premises in Lincoln and it was suggested that this may be due to the number of premises in the city attached to or managed by large national chains. Officers agreed to investigate this further.

Discretionary relief scheme

The different schemes adopted by each local authority were appended to the report. The returns for this scheme as at 3 January 2018 were noted as follows:

- City of Lincoln – 675 identified and 191 awards made, totalling £44,008;
- North Kesteven – 540 identified and 100 awards made, totalling £32,412;
- West Lindsey – 119 awards made, totalling £35,459.

35. Universal Credit

Purpose of Report

To provide the Joint Committee with an update to the national and local position of Universal Credit.

Decision

That the report be noted and that future updates in relation to Universal Credit be provided as part of the regular 'Welfare Reform Update' reports.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Revenues and Benefits Shared Service had worked with the Department for Work and Pensions, Jobcentre Plus, Customer Services, Housing and Communications colleagues to devise a full service preparation action plan. This was outlined in Appendix 1 of the report. This document provided details regarding all activities required to ensure the Shared Service, associated teams and customers were prepared for full service roll-out. The plan also included key information such as the action required and how it would be achieved, the lead officer and links to the strategic plan and associated policies.

To ensure that the activities identified within the action plan were undertaken, joint monthly meetings were taking place and included representatives from the Shared Service, City of Lincoln Council, North Kesteven District Council, Jobcentre Plus and the Department for Work and Pensions.

Paragraphs 6.1 to 6.6 of the report set out key information included and announced as part of the Autumn Statement in November 2017. A further announcement had been made on 23 November 2017 and a new transition for roll-out had confirmed that the Lincoln Jobcentre would continue to roll-out on 7 March 2018, with Sleaford Jobcentre being moved back from July 2018 to November 2018. It was noted that a number of North Kesteven postcodes would migrate over to full service between 7 March 2018 and November 2018, which were shown in the table under paragraph 6.6 of the report.

The Welfare Reform and Project Officer had been working with City of Lincoln housing and council tax colleagues to monitor the impact that Universal Credit claims were currently having on rent and council tax arrears. The data showed that, of the 138 City of Lincoln tenants in receipt of Universal Credit, 60 of them had an increase in their arrears, totalling £15,811.

A Universal Credit update report was presented to the Lincoln Corporate Management Team on 28 November 2017, where it was proposed to introduce a Universal Support Team led by the Welfare Reform and Project Officer. This proposal was supported on a 'test and learn' basis with a review date of July 2018. It was recognised that any arrangement, at least for the first year of Universal Credit full service, would need to be flexible in order to react to changing priorities and demands, and to establish the most effective way of working in a live environment.

It was reported that the following events had recently been held to provide an update on the latest developments in respect of Universal Credit:

- briefing with City of Lincoln Council members – 17 January 2018;
- briefing with Lincoln stakeholder groups – 30 January 2018;
- briefing with the Lincoln Private Landlord Forum – 12 February 2018;
- briefing with North Kesteven District Council members – 19 February 2018.

Discussion ensued on assisted digital support regarding online applications and reassurance was given that adequate support would be provided by staff to ensure that people were getting the assistance they needed, and that this would not be limited to 10 minutes per client as suggested in the report. All instances of staff providing digital support would be recorded and it was also noted that 24 self-service computers had been made available at Lincoln College by way of an overflow facility. It was acknowledged that some people may struggle with the concept of using a computer to access services, which was why the digital support being offered was so important.

It was noted that sufficient information should have been collated by the Joint Committee's next meeting to gain an understanding as to how the Universal Credit roll-out was going in Lincoln.

The Joint Committee placed on record its thanks to the Head of the Shared Service and his team for their fantastic work in preparation for the roll-out of Universal Credit.

36. Welfare Reform Update

Purpose of Report

To update the Joint Committee on progress with the Shared Service's Welfare Reform Strategy Action Plan.

Decision

That the report be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

Updates on the following aspects of 2017/18 welfare reforms were included in the report:

- restrictions on amounts for children and qualifying young persons;
- changes in hardship payments for mentally ill and homeless;
- support for mortgage interest payments;
- employer childcare vouchers no longer being available to new claimants;
- self-employed national insurance contributions changes.

Progress with the Shared Service's Welfare Reform Strategy Action Plan and Universal Credit Preparation Plan was monitored on a quarterly basis by the Joint Committee and an update on progress for both plans was appended to the report. The following aspects of the Welfare Reform Strategy Action Plan were highlighted:

- development of the training delivery plan for Universal Credit and the Universal Support Delivered Locally Programme;
- other opportunities for co-location to support the Universal Support Delivered Locally Programme;
- Invest to Save monthly monitoring;
- review of 2017/18 Council Tax Support Schemes for the 2018/19 schemes;
- assessment of options for 2018/19 Council Tax Support Schemes, including links into Universal Credit.

The Joint Committee expressed its thanks to the Revenues and Benefits Shared Service for its excellent performance and for the excellent work it had undertaken in readiness for the roll-out of Universal Credit. The Chair agreed to directly email all Revenues and Benefits Shared Service staff to convey his personal thanks on behalf of the Committee.

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SUBJECT:	PROPOSED CHANGES TO THE DELEGATION & JOINT COMMITTEE AGREEMENT TO INCORPORATE THE GENERAL DATA PROTECTION REGULATION / DATA PROTECTION ACT 2018
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	SALLY BROOKS, DATA PROTECTION OFFICER & BECKY SCOTT LEGAL & DEMOCRATIC SERVICES MANAGER

1. Purpose of Report

- 1.1 To propose amendments to the Delegation & Joint Committee Agreement to reflect changes in the legal framework relating to data protection.

2. Executive Summary

- 2.1 To implement the changes required by the implementation of the Data Protection Act 2018 (DPA) on the shared service for Revenues & Benefits Service for North Kesteven District Council (NKDC) and the City of Lincoln Council (CLC)

3 Background

- 3.1 Data protection is critical to the Council to ensure that the data which is received, processed, retained and shared is protected in accordance with the legal framework.
- 3.2 The Data Protection Act 1988 will, at the time of writing the report, be replaced by a new DPA 2018 which will incorporate the EU General Data Protection Regulation (GDPR) into UK law which came into force on the 25 May 2018.
- 3.3 The Council needs to ensure that its joint working arrangements where personal data is be shared are compliant with the new legal framework.
- 3.4 The report seeks to amend the Delegation & Joint Committee Agreement to incorporate the standard clauses issued by the Crown Commercial Service.

4 Proposed changes

- 4.1 The Crown Commercial Service has released template clauses to be issued to suppliers of services who process personal data on behalf of an organisation. These have been adapted to reflect the relationship between NKDC and CLC.

- 4.2 The Data Protection Officers appointed by each Council have reviewed this document, and have agreed that both organisations are Joint Controllers of data for the purposes of the legal framework. The fact that personal data is being shared between them in order to deliver the Revenues & Benefits Service means that there needs to be appropriate organisational and technical controls in place to ensure that both organisations comply with the requirements.
- 4.3 The proposed amendments are contained in the Agreement attached at Appendix 1, containing the standard clauses in its Appendix A for consideration.

5. Strategic Priorities

- 5.1 This Strategy does not directly relate to one of the main strategic priorities of the CLC, however it does assist to make the Council's Revenues & Benefits Service fit for purpose by ensuring the legal framework is outlined between the Councils.

6. Organisational Impacts

6.1 Finance

There are no financial implications arising from this report

6.2 Legal Implications

As outlined in the report.

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

The equality/Human Rights implications have been considered and there are no relevant issues to be taken into account.

7. Risk Implications

8. Recommendation

- 8.1 Members are requested to consider the proposed amendments to the Delegation & Joint Committee Agreement attached at Appendix 1 (with associated Appendix A) and approve the proposals.

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?

Appendix 1 and associated Appendix A

List of Background Papers:

None

Lead Officers:

Sally Brooks, Data Protection Officer 01522 873575
& Becky Scott, Legal & Democratic Services Manager
01522 873441

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Dated 4 May 2011

Last amended following decisions of the City of Lincoln Council and North Kesteven District Council on 1 December 2015 and 17 December 2015 respectively.

(1) City of Lincoln Council (“City of Lincoln”)

(2) North Kesteven District Council (“North Kesteven”)

Delegation and Joint Committee Agreement

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THIS AGREEMENT is made on

BETWEEN

(1) **NORTH KESTEVEN DISTRICT COUNCIL** of The District Council Offices, Kesteven Street, Sleaford, Lincolnshire, NG34 7EF (**“North Kesteven”**)

(2) **CITY OF LINCOLN COUNCIL** of City Hall, Beaumont Fee, LINCOLN, Lincolnshire, LN1 1DB (**“City of Lincoln”**).

BACKGROUND

(A) North Kesteven and City of Lincoln are local authorities for the purposes of the Local Government Act 1972 and best value authorities for the purposes of the Local Government Act 1999.

(B) The Councils have agreed to establish and to participate in a joint committee (the “Joint Committee”) to facilitate the joint delivery of Revenues and Benefits functions with a view to their more economical, efficient and effective discharge.

(C) The Joint Committee will oversee the development, planned implementation and continued operation of a shared revenues and benefit service for both Councils. The delegated functions covered are attached as Schedule one to this Agreement.

Functions to remain the responsibility of individual partner authorities (“Reserved functions”) are also attached as Schedule one to this Agreement.

(D) Both Councils have entered into this Agreement in reliance on the exclusive rights given to local authorities to undertake administrative arrangements of this nature in sections 101, 102, sections 112 and 113 of the Local Government Act 1972, and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts; together with the general power within section 2 of the Local Government Act 2000 and the supporting provisions within section 111 Local Government Act 1972.

OPERATIVE PROVISIONS

1. DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following expressions have the following meanings unless inconsistent with the context:

“Assets”	all and any assets used in delivery of the Shared Services including all items of furniture, information technology (including Software), and all other equipment supplied by the Councils for use in the delivery of the Shared Services
“Asset Register”	a register of all the Assets used by the Councils in the delivery of the Shared Services
"Background IPR"	shall mean all IPR which is proprietary to a Council prior to the Commencement Date
“Commencement Date”	the date of this Agreement
“Commercially Sensitive Information”	any information in respect of which the Councils agree that disclosure would or would be likely to prejudice the commercial interests of any person
“Constitution of the Joint Committee”	the constitution set out at Schedule 2

Appendix 1: 12 June 2018 - Revenues and Benefits Joint Committee – General Data Protection Regulation Update

“Council(s)”	City of Lincoln Council and North Kesteven District Council and any other councils which are appointed as members of the Joint Committee and become parties to this Agreement
“DPA”	Data Protection Act 2018
“Distribution Formula”	the formula and principles by which the percentage contributions of each Council are determined in accordance with clause 11.9 and Schedule 4.
“Exempt Information”	any information or class of information relating to this Agreement which may fall within an exemption to disclosure under FOI Legislation
“FOI Legislation”	the Freedom of Information Act 2000 and subordinate legislation made under this and the Environmental Information Regulations 2004
“Finance Officer to the Joint Committee”	the officer designated as Finance Officer to the Joint Committee by the Councils or such other officer of the Councils as may be agreed by the Joint Committee from time to time
“Force Majeure Event”	the occurrence of (a) war, civil war, armed conflict or terrorism or (b) pressure waves caused by devices travelling at supersonic speeds which directly causes any party (“the Affected Party”) to be unable to comply with all or a material part of its obligations under this

	Agreement or (c) nuclear, chemical or biological contamination unless the source or cause of the contamination is the result of actions of the Affected Party
“GDPR”	the EU General Data Protection Regulation
“Information Request”	a request for information under FOI Legislation
“Intellectual Property Rights”	rights in patents, trade marks, service marks, design rights (whether registrable or otherwise), applications for any of the foregoing, copyright (including rights in software), database rights, knowhow, trade secrets, confidential business information, trade or business names and any similar or analogous rights to any of the above, whether arising or granted under the Laws of England or of any other jurisdiction
“Relevant Posts”	those posts identified in Schedule 3 to this Agreement
“Relevant Staff”	staff employed in Relevant Posts
“Secretary to the Joint Committee”	the officer designated as Secretary to the Joint Committee by the Councils or such other officer of the Councils as may be agreed by the Joint Committee from time to time (also known as "Committee Secretary")

“Section 151 Officer”	the officer designated by a local authority as the person responsible for the proper administration of its financial affairs, as required by section 151 of the Local Government Act 1972
“Service Plan(s)”	plans prepared in a format to be agreed by the Joint Committee including planned service levels of the Shared Service for a defined period including financial and other related data.
“Shared Services Policies and Procedures”	any policies and procedures which the Councils agree should apply to the Relevant Staff or some of them
“Software”	any and all computer programs in Councils source and object code form, including all modules, routines and subroutines of such programs and all source and other preparatory materials relating to them, including user requirements, functional specifications and programming specifications, ideas, principles, programming languages, algorithms, flow changes, logic, logic diagrams, orthographic representations, file structures, coding sheets, coding and any manuals or other documentation relating to them and computer generated works
“Support Services”	the services within each Council which may be required to assist the Joint Committee in the discharge of the Delegated Functions

including secretariat services to support the administration of the Joint Committee itself

- 1.2 References to any statute or statutory provision (including any EU Instrument) shall, unless the context otherwise requires, be construed as including references to any earlier statute or the corresponding provisions of any earlier statute, whether repealed or not, directly or indirectly amended, consolidated, extended or replaced by such statute or provision, or re-enacted in any such statute or provision, and to any subsequent statute or the corresponding provisions of any subsequent statute directly or indirectly amending, consolidating, extending, replacing or re-enacting the same, and will include any orders, regulations, instruments or other subordinate legislation made under the relevant statute or statutory provision.
- 1.3 The headings are inserted for convenience only and shall not affect the construction of this Agreement.
- 1.4 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.
- 1.5 A reference in this Agreement to any clause, paragraph or Schedule is, except where it is expressly stated to the contrary, a reference to a clause or paragraph of or Schedule to this Agreement.
- 1.6 Any reference to this Agreement or to any other document unless otherwise specified shall include any variation, amendment or supplements to such document expressly permitted by this Agreement or otherwise agreed in writing between the relevant parties.
- 1.7 Words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words unless inconsistent with the context, and the rule of interpretation known as ejusdem generis shall not apply.

2 ESTABLISHMENT OF A JOINT COMMITTEE

2.1 In exercise of their powers under sections 101(5) and 102 of the Local Government Act 1972, sections 19 and 20 of the Local Government Act 2000 and all other enabling powers the Councils hereby agree the Constitution of the Joint Committee set out in Schedule 2 which shall govern the operation of the Joint Committee, established by the Councils, to be known as The Shared Revenues and Benefits Joint Committee (and within this Agreement also referred to as “the Joint Committee”) with effect from the Commencement Date.

3. FUNCTIONS OF THE JOINT COMMITTEE

3.1 The Councils agree that the Joint Committee shall be constituted and shall operate and conduct its business in accordance with the terms of this Agreement including the Constitution of the Joint Committee as set out at Schedule 2.

3.2 City of Lincoln and North Kesteven hereby agree to delegate and empower the Joint Committee to discharge on its behalf the Delegated Functions as set out in this agreement and empower the Joint Committee to arrange for the discharge of the Delegated Functions in the manner set out in this Agreement with effect from the Commencement Date.

4. SERVICE PLANS

4.1 Each Council shall submit to the Finance Officer of the Joint Committee before the end of October each year, their estimate of the funding likely to be available to fund the Shared Service for the following three financial years.

4.2 The Head of Service shall prepare and submit to the Joint Committee no later than November each year an annual written Service Plan for the Shared Services for the next three financial years. This shall take into account any constraints arising from clause 4.1 above and set out inter alia the outputs to be achieved by and the resources required for the relevant Shared Service.

4.3 On receipt of a Service Plan for a Shared Service, the Joint Committee shall by the end of the calendar year, review, make such amendments as it thinks fit and approve the Service Plan together with the relevant service level agreement(s).

4.4 The Joint Committee shall be responsible for reviewing actual performance of the Shared Services against the Service Plans and service level agreement(s).

5. OFFICE ACCOMMODATION FOR SHARED SERVICES

5.1 Each Council shall provide suitable working accommodation for the Relevant Staff as may be determined by the structure from time to time established by the Joint Committee for the performance of the Shared Service.

5.2 Any re-location of staff shall be undertaken in accordance with the employing Council's procedures in that regard.

6. SUPPORT SERVICES

6.1 Support Services shall be provided by either Council as appropriate to support the staff and the service and as may be necessary to support the Joint Committee in the strategic management of the Shared Service.

6.2 If any Council believes that additional Support Services may be required for the effective management or performance of the Shared Service it shall consult the other Council to reach agreement as to the appropriate way of providing the additional Support Services. If the Councils are unable to agree the appropriate way of providing the additional Support Services the matter shall be dealt with in accordance with the dispute resolution procedure set out at clause 16.

7. ASSETS

7.1 The Councils agree that on Commencement they will draw up an inventory of Assets ('The Asset Register') which will be kept and regularly updated by the Secretary to the Joint Committee.

8. COSTS AND LIABILITIES IN RESPECT OF THE JOINT COMMITTEE

- 8.1 All losses, claims, expenses, actions, demands, costs and liabilities incurred by the Joint Committee and in fulfilling obligations under this Agreement shall be shared by the Councils on such terms as may be agreed from time to time between the Councils and in the absence of agreement pursuant to this clause, in accordance with the Distribution Formula.
- 8.2 Each Council shall (and hereby undertakes with the other Councils to) indemnify the other Council(s) against and/or contribute to and pay a share of all or any liabilities claims costs and/or expenses of or incurred by that Council arising out of or in connection with or in the course of or as a result of it being a member of the Joint Committee and fulfilling its obligations under this Agreement with the intent that the Council being indemnified and the other Councils shall be jointly liable for all such liability to claims costs and/or expenses in accordance with the Distribution Formula or as otherwise agreed **PROVIDED THAT** such indemnity on the part of the Councils shall not extend to liabilities or claims arising or costs and/or expenses incurred by reason or in consequence of any of the following on the part of the Council seeking to be indemnified that is to say breach by the Council of its obligations under this Agreement; gross negligence; gross misconduct; persistent breach of law or duty (this is to say persisted in after the same shall have been brought to the attention of the relevant Council); any act or omission known or that should have been known to the relevant Council to be contrary to proper Local Government practice or Local Government law or substantial or persistent failure (after reasonable notice) to redress performance of the duties of the relevant Council which shall not comply with the requirements or the standards of or set by this Agreement.
- 8.3 For the avoidance of doubt, such indemnity shall include matters relating to the employment and transfer of staff, losses, costs, expenses or liabilities arising from contracts with third parties and in relation to assets, by way of illustration.
- 8.4 This clause 8 shall survive the expiry or determination of this Agreement.

9. INSURANCE

9.1 Each Council shall ensure that:

9.1.1 it maintains throughout the duration of this Agreement (or procures the taking out and maintenance of) adequate insurance to the levels set out in clause 9.2 and any other such insurances which may be required by law ;

9.1.2 the insurance obtained is effective no later than the date on which the relevant risk commences;

9.1.3 it is responsible for meeting and promptly pays all costs of all insurance premia for the insurances referred to in clause 9.2; and

9.1.4 upon written request it provides to the other Council making the written request:

9.1.4.1 copies of all insurance policies required under this clause;

9.1.4.2 evidence that all of the premia payable under such insurance policies have been paid in full; and

9.1.4.3 evidence that the insurances remain in full force and effect.

9.2 Each Council shall ensure that at all times an adequate level of insurance is maintained by it in respect of the provision of the Shared Service and in particular that public liability insurance of no less than £10 million is taken out and maintained from the Commencement Date and throughout the duration of this Agreement.

9.3 Where any Council allows its premises to be used to allow Relevant Staff to work on matters relating to this Agreement that Council shall ensure that adequate insurance cover is effected and maintained to cover employee liability (including vicarious liability for Relevant Staff employed by the other Council), public liability and any other insurance requirements which may accord with good practice.

9.4 Each Council warrants to the others that as at the date of this Agreement:

9.4.1 it has provided a copy of this Agreement to its insurer (in this clause 9, the

“Insurer”); and,

9.4.2 upon receipt of a notice from an Insurer to a Council that the terms of the insurances required under this clause 9 have changed or that the Insurer withdraws its insurance that Council shall promptly notify the others and use its best endeavours to forthwith obtain replacement insurance as required under this clause 9.

10. STAFFING

10.1 The Host Authority shall act as the employing authority in relation to all staff employed in connection with the provision of that shared service but the terms of employment of those staff (including all matters relating to remuneration, conditions of service, recruitment and selection, disciplinary and grievance procedures, termination of employment, management and supervision) shall be matters for the Joint Committee and the Host Authority will give effect to the decisions of the Joint Committee PROVIDED that in determining all such terms and conditions of employment of any staff the Joint Committee shall ensure that these remain consistent with those of the Host Authority

10.2 The Host Authority will enter into such contracts, hold such land property and buildings and commence or defend any legal proceedings in relation to that shared service as the Joint Committee may from time to time determine and the Host Authority shall hold the benefit of all such contracts and property acquired for the benefit of the Member Authorities jointly.

10.3 The Head of Service shall be responsible for the day to day management of the Relevant Staff, including but not limited to performance management, allocation of holiday, training, personal development reviews and sickness absence issues in accordance at all times with any applicable terms and conditions of employment. For the avoidance of doubt this will include administering ill-health and disciplinary procedures, in respect of instances of long term sickness absence by a member of Relevant Staff and/or where formal disciplinary action may lead to dismissal of a

member of Relevant Staff.

10.4 Each Council shall ensure that all Relevant Staff are provided with appropriate authorisation to perform the Shared Services.

11. FUNDING OF THE JOINT COMMITTEE

11.1 The Finance Officer to the Joint Committee shall prepare a base budget forecast for the Shared Service in respect of the next three financial years by reference to the resources approved within the Service Plans.

11.2 The Joint Committee shall, as soon as practicable, but in any event no later than the 10th January of each year, submit to each Council its funding requirements for the following financial year.

11.3 If any Council disagrees with the amount of their contribution payable in accordance with this clause 11 then they may pursue the dispute resolution procedure set out in clause 16 or may terminate their involvement in the Joint Committee in accordance with clause 14

11.4 Subject to paragraph 11.3 above:

a) The Councils agree that the annual funding requirement of the Joint Committee and its administration shall be shared between the Councils in accordance with the Distribution Formula set out in 11.9 below, and,

b) The Councils shall contribute funding in such sum as represents the proportion of the funding requirement for each financial year determined by the Distribution Formula

11.5 The Councils will pay such sums as they shall be liable to contribute in accordance with clause 11.4 to the Finance Officer to the Joint Committee by one payment annually.

11.6 An annual account in a form agreed by the Councils detailing the expenditure and income of the Joint Committee shall be supplied by the Finance Officer to the Joint

Committee to the parties by 30 May or as soon thereafter as is reasonably practicable in each year in respect of the previous financial year.

- 11.7 The Councils' section 151 Officers and other authorised officers shall have access at all reasonable times and with due notice to the relevant financial records of the Councils and shall be entitled to seek explanations concerning queries relating thereto.
- 11.8 The Councils' Heads of Audit and Monitoring Officers shall have right of access to all records, assets, personnel and premises, including those of partner organisations and the authority to obtain such information and explanations as they considers necessary to fulfil their responsibilities.
- 11.9 The Distribution Formula shall be as set out in Schedule 4. Such proportion shall reduce or increase proportionately in the event that other Councils become parties to this Agreement, or any of the Councils withdraw.

12. DURATION OF AGREEMENT

- 12.1 This Agreement shall come into force on the Commencement Date and shall continue until terminated in accordance with the provisions of this Agreement.

13. VARIATION OF THIS AGREEMENT

- 13.1 Either Council may request a variation to this Agreement by making such a request in writing to the Secretary to the Joint Committee.
- 13.2 The Secretary to the Joint Committee shall circulate the request to each Council within 10 Business Days of receipt of the request for consideration and approval by the Councils.
- 13.3 If both Councils approve the variation then the Secretary to the Joint Committee shall arrange for the preparation of an appropriate Deed of Variation to this Agreement to be prepared for execution by both Councils and such change shall only take effect upon completion of that Deed and the costs associated with the

preparation of such Deed of Variation shall be shared equally between the Councils.

13.4 If one of the Councils does not approve the change then the change to this Agreement shall not occur.

14. WITHDRAWAL FROM THE JOINT COMMITTEE

14.1 Either Council may withdraw from the Joint Committee in accordance with the following procedure:

14.1.1 Either Council which wishes to withdraw from the Joint Committee shall give not less than 18 months notice to the other Council and the Secretary to the Joint Committee of its intention to do so to be served on or before 1 September in any year. The Secretary to the Joint Committee shall consult the Council upon which such notice has been served giving due consideration to:

14.1.1.1 any loss of funding which may arise from such withdrawal to include any non-payment, clawback or repayment of such funding;

14.1.1.2 any other loss, liability, damage, claim or expense; which would be incurred by the Council upon which notice has been served by reason of such withdrawal from the Joint Committee.

14.2 Either Council wishing to withdraw from the Joint Committee undertakes as a condition of such withdrawal to make, prior to withdrawal, such reasonable payment or payments which fairly reflect the actual losses caused by or anticipated as a result of the withdrawal as shall be determined by the other Council pursuant to clauses 8, 11 and 14.1 above and no notice under this clause 14 shall take effect unless and until such payment has been made.

14.3 The Joint Committee reserves the right to recover from any party to this Agreement the costs of any claims, costs, expenses, losses or liabilities of any nature or which

have been caused by any act or omission of that party and which are discovered after the party's withdrawal from this Agreement.

14.4 Where one Council withdraws from this Agreement the Agreement shall terminate and the provisions of clause 15 shall apply.

15. TERMINATION OF THIS AGREEMENT

15.1 Without prejudice to Clause 14.1 the Councils agree that this Agreement may be determined upon terms agreed by both Councils subject to the terms of this Agreement.

15.2 In the event of termination of this Agreement:

15.2.1 Any party shall supply to any other party when requested any information which the other party requires for the continuing provision by that other party of any of the Shared Services.

15.2.2 Any Intellectual Property Rights created under this Agreement shall be owned by the then parties in equal proportions; and

15.2.3 Each of the parties shall undertake to pay such reasonable payment or payments which fairly reflect the obligations of that Council pursuant to this Agreement on the basis set out in clauses 8, 11 and 14.

15.3 In the event of termination of this Agreement, all Assets held by any of the Councils for the purposes of this Agreement shall:

15.3.1 Where reasonably practicable be divided between the Councils proportionate to the average cost of the Shared Service over the previous year;

15.3.2 Be sold for the best consideration possible and the proceeds of sale divided between the Councils proportionate to the average cost of the Shared Service over the previous year, or where relevant;

15.3.3 Be retained by any Council for its own use and purposes subject to an

equitable financial settlement to the other Council as agreed between the Councils;

15.3.4 Be dealt with as otherwise agreed between the Councils; or

15.3.5 In the absence of agreement, in accordance with the dispute resolution procedure in clause 16.

15.4 It shall be the duty of all of the parties to try to minimise any losses arising from the determination of this Agreement. Amongst other issues the Councils shall use their best endeavours to offer priority redeployment to any staff then employed in the provision of the Shared Service, by taking a transfer of any of the staff to provide the Shared Service or to be redeployed more generally and/or by helping to seek alternative employment for them.

INTERNAL DISPUTE RESOLUTION

16.1 The Councils (and where the context requires, the Heads of Paid Service of the Councils) undertake and agree to pursue a positive approach towards dispute resolution which seeks (in the context of this joint working arrangement) to identify a solution at the lowest operational level that is appropriate to the subject of the dispute and which avoids legal proceedings and maintains a strong working relationship between the parties.

16.2 Any dispute or difference shall in the first instance be referred to the Head of Service to resolve in liaison with the other Councils. In the event that such matters cannot be resolved within 10 Business days it shall be referred to the Operational Board and in default of agreement within a further 10 Business Days the matter shall be referred to the Heads of Paid Service. If the Heads of Paid Service are unable to resolve the matter then it shall be referred to the Joint Committee for determination.

16.3 In the event of any dispute or difference between the Councils relating to this Agreement which it has not been possible to resolve through the decision making processes of the Joint Committee (whether this may be a matter of interpretation or otherwise) the matter shall be referred to arbitration in accordance with clause 17.

17. ARBITRATION

If at any time any dispute or difference shall arise between the Councils or any of them which they are not able to resolve in accordance with this Agreement the same shall be referred to and settled by a single arbitrator to be appointed by agreement by the Councils; or in default of agreement, nominated on the application of any of the Councils by the Secretary of State where the dispute or difference relates to costs and expenses arising under this Agreement, or by the President of the Law Society of England and Wales in respect of any other matter.

18. NOTICES

18.1 Form of notice

Any demand, notice or other communication given in connection with or required by this Agreement shall be made in writing and shall be delivered to, or sent by prepaid first class post to, the recipient at the address stated in this agreement (or such other address as may be notified in writing from time to time) or sent by facsimile transmission to the recipient to the facsimile number stated in or sent by electronic mail to the electronic mail address of the recipient stated in this agreement (or such other address as may be notified in writing from time to time).

18.2 Service.

Any such demand, notice or communication shall be deemed to have been duly served:

- 18.2.1 if delivered by hand, when left at the proper address for service;
- 18.2.2 if given or made by prepaid first class post, two Business Days after being posted; or
- 18.2.3 if sent by facsimile, at the time of transmission provided that a confirmatory copy is on the same day that the facsimile is transmitted, sent by prepaid first class post in the manner provided for in clause 18.1

(Form of Notice)

18.2.4 If sent by electronic mail at the time of transmission provided in each case that if the time of such deemed service is either after 4.00 pm on a Business Day or on a day other than a Business Day, service shall be deemed to occur instead at 10.00 am on the next following Business Day.

19. INFORMATION AND CONFIDENTIALITY

19.1 The Councils shall keep confidential any Commercially Sensitive Information relating to this Agreement or the Intellectual Property Rights of the parties and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any Commercially Sensitive Information relating to the Agreement or Intellectual Property Rights of the parties.

19.2 Clause 19.1 shall not apply to:

19.2.1 Any disclosure of information that is reasonably required by persons engaged in the performance of their obligations under this Agreement;

19.2.2 Any matter which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this clause;

19.2.3 Any disclosure to enable a determination to be made under clause 17 (Arbitration);

19.2.4 Any disclosure which is required by any law (including any order of a court of competent jurisdiction), any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law;

19.2.5 Any disclosure of information which is already lawfully in the possession of the receiving party prior to its disclosure by the disclosing party;

19.2.6 Any disclosure by a party to a department, office or agency of the

Government;

- 19.2.7 Any disclosure for the purpose of the examination and certification of a party's accounts.
- 19.3 Where disclosure is permitted under clause 19.2, the recipient of the information shall be placed under the same obligation of confidentiality as that contained in this Agreement by the disclosing Council.

20. DATA PROTECTION

- 20.1 The Councils shall at all times maintain a valid and up to date registration or notification under the DPA, covering any data processing to be performed in connection with this Agreement and their responsibilities as data processors and/or data controllers.
- 20.2 The Councils shall comply with the terms attached at Appendix A

21. SCRUTINY AND AUDIT

- 21.1 The Councils agree that scrutiny relating to this Agreement and the Agreed Functions shall be the responsibility of each Council, the details of this are as outlined in the attached Constitution.
- 21.2 The relevant committees of each Council responsible for scrutiny and audit shall have the right to inspect any documents relating to this Agreement and to require the Joint Committee to answer any questions raised by them.
- 21.3 The accounts relating to the Shared Service and this Agreement shall be the subject of audit by any external auditor appointed by any of the Councils and shall be open to inspection by any external auditor appointed by the Audit Commission.
- 21.4 Any increased cost in undertaking any audit relating to the Shared Service and this Agreement shall be shared pro rata between the Councils on such terms as may be agreed by the Councils.

22. VAT

- 22.1 The Councils agree that so far as permitted by law they shall not charge VAT on any amounts payable under the terms of this Agreement as a non-business supply arising out of an administrative event.

23. INTELLECTUAL PROPERTY

- 23.1 All Intellectual Property Rights in material created by or on behalf the Councils during the provision of the Shared Services arising directly from the performance of this agreement and excluding Background IPR shall vest jointly in the Councils which will hold the Intellectual Property Rights and they shall be held on behalf of all of the parties to this agreement at the time the rights were created.

24. FREEDOM OF INFORMATION

- 24.1 The parties recognise that the Councils are public authorities as defined by FOI Legislation and therefore recognise that information relating to this Agreement may be the subject of an Information Request.
- 24.2 The parties shall assist each other in complying with their obligations under FOI Legislation, including but not limited to assistance without charge, in gathering information to respond to an Information Request.
- 24.3 Any Council shall be entitled to disclose any information relating to this Agreement and the Shared Services in response to an Information Request, save that in respect of any Information Request which is in whole or part a request for Exempt Information:
- 24.3.1 the Council which receives the Information Request shall circulate the Information Request and shall discuss it with the other Council.
 - 24.3.2 the Council which receives the Information Request shall in good faith consider any representations raised by the other Council when deciding whether to disclose Exempt Information; and

24.3.3 the Council which receives the Information Request shall not disclose any Exempt Information beyond the disclosure required by FOI Legislation without the consent of the Council to which it relates.

24.4 The parties to this Agreement acknowledge and agree that any decision made by a Council which receives an Information Request as to whether to disclose information relating to this Agreement pursuant to FOI legislation is solely the decision of that Council. A Council will not be liable to any party to this Agreement for any loss, damage, harm or detrimental effect arising from or in connection with the disclosure of information in response to an Information Request.

25. FORCE MAJEURE

All parties shall be released from their respective obligations in the event that a Force Majeure Event renders the performance of this Agreement not reasonably practicable whereupon all money due to any party under this Agreement shall be paid immediately and clause 13 (Variation of this Agreement) shall apply, as if both Councils in membership of the Joint Committee had agreed to determine this Agreement.

26. SEVERABILITY

26.1 If at any time any clause or part of a clause or schedule or appendix or part of a schedule or appendix to this Agreement is found by any court, tribunal or administrative body of competent jurisdiction to be wholly or partly illegal, invalid or unenforceable in any respect:

26.1.1 that shall not affect or impair the legality, validity or enforceability of any other provision of this Agreement;

26.1.2 the parties shall in good faith amend this Agreement to reflect as nearly as possible the spirit and intention behind that illegal, invalid or unenforceable provision to the extent that such spirit and intention is consistent with the laws of that jurisdiction and so that the amended Agreement complies with the laws of that jurisdiction.

27. SUCCESSORS

This Agreement shall be binding upon and shall ensure to the benefit of each party's successors and permitted assigns.

28. RELATIONSHIP OF PARTIES

Each of the parties is an independent local authority and nothing contained in this Agreement shall be construed to imply that there is any relationship between the parties of partnership or principal/agent or of employer/employee. No party shall have any right or authority to act on behalf of another party nor to bind another party by contract or otherwise except to the extent expressly permitted by the terms of this Agreement.

29. THIRD PARTY RIGHTS

The parties agree that they do not intend that any third party which may benefit from this Agreement shall have any rights of enforcement under the terms of the Contracts (Rights of Third Parties) Act 1999.

30. ENTIRE AGREEMENT

This Agreement and all documents referred to in this Agreement set forth the entire agreement between the parties with respect to the subject matter covered by them and supersede and replace all prior communications, representations (other than fraudulent representations), warranties, stipulations, undertakings and agreements whether oral or written between the parties. Each party acknowledges that it does not enter into this Agreement in reliance on any warranty, representation or undertaking other than those contained in this Agreement and that its only remedies are for breach of this Agreement, provided that this shall not exclude any liability which any party would otherwise have to the other in respect of any statements made fraudulently by or on behalf of it prior to the date of this Agreement.

31. LAW OF AGREEMENT OR JURISDICTION

This Agreement shall be governed by the laws of England and Wales and subject to clauses 16 and 17 (Internal Dispute Resolution and Arbitration) the parties submit to the exclusive jurisdiction of the courts of England and Wales.

IN WITNESS whereof the parties have caused their respective Common Seals to be hereunto affixed to this deed the day and year first before written

Signed for and on behalf of)
City of Lincoln Council)
in the presence of:)

Signed for and on behalf of)
North Kesteven District Council)
in the presence of:)

SCHEDULE 1 – Functions to be delegated

The following functions are delegated to the Head of Shared Revenues and Benefits by Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set out in the Constitution of each Council.

- 1.1 To take all decisions relating to the entitlement of any claimant to Council Tax Benefit/Support/Reduction, Housing Benefit or Discretionary Housing Payment, including:
 - The award of any benefit
 - Calculation of the amount of any benefit awarded
 - Suspension of benefit where a doubt arises to entitlement
 - Withdrawal of benefit on cessation of a claimant's entitlement
 - Determination of any request for the first review of any decision taken in relation to any claim for or withdrawal of benefit
 - Recovery of any benefit overpaid and Administrative Penalties
 - Sanctions in relation to benefit fraud
 - Taking action where necessary in relation to any offence or suspected offence under the Social Security Act 1997 in accordance with the Council's adopted policy.

- 1.2 To act on behalf of either Council on matter relating to National Non Domestic Rates/Council Tax as follows:
 - a) Making proposals for alterations to the rating/banding list
 - b) Objections to proposals to amend the rating/banding list
 - c) Agreeing to alterations to the rating/banding list
 - d) Ensuring there is appropriate representation at a Valuation Tribunal on behalf of either Council in respect of appeals against National Non Domestic Rate/Council Tax

- 1.3 To agree the apportionment of rateable values as determined by the Valuation Office Agency on application, in accordance with Section 44a of the Local Government Finance Act 1988.

- 1.4 To ensure appropriate representation on behalf of either Council at a Benefit Appeal Tribunal
- 1.5 To impose penalties in accordance with Section 14(2) and Schedule 3 of the Local Government Finance Act 1992 on persons failing to supply information on request.
- 1.6 To determine applications for the remittance or reduction of Council Tax payable in accordance with Section 13A of the Local Government Act 1992 and that the applicant shall have the right to have the matter referred to the Joint Committee.
- 1.7 In accordance with the provisions of Section 101 and 223 of the Local Government Finance Act 1972 to prosecute and defend on behalf of either Council, or to appear on the Councils' behalf in proceedings before a Magistrates' Court or County Court relating to all and/or any of the matters referred to in the sub-paragraphs below:
 - a) Proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non Domestic rates;
 - b) Proceedings relating to the collection and recovery of penalties;
 - c) Committal proceedings relating to unpaid Council Taxes and National Non Domestic rates;
 - d) Proceedings relating to the recovery of monies due to either Council either directly or under agency arrangements;
 - e) Proceedings relating to benefit fraud.
- 1.8 To determine applications for National Non Domestic rate mandatory relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988.
- 1.9 Responding to all requests for information in accordance with the Freedom of

Information Act 2000 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority)

- 1.10 Responding to all requests for information in accordance with the Data Protection Act 1998 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority)
- 1.11 To provide data as required to other agencies – including statutory information as required by the Department for Work and Pensions.
- 1.12 Any other matter delegated to the Head of Shared Revenues and Benefits in accordance with the Constitution of each Council.
- 1.13 Administrative and other support services required to ensure that functions set out in **paragraphs 1.1 to 1.12** are carried out

The following functions are delegated to the Joint Committee by City of Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set out in the Constitution of each Council.

- 1.14 Determining management structures and any associated redundancies in relation to those employees of the Host Authority who wholly or mainly carrying out the functions set out in **paragraphs 1.1 to 1.12** above.
- 1.15 The appointment of a Head of Shared Revenues and Benefits with responsibility to report to the Joint Committee (such officer to be employed by the Host Authority) who shall be authorised to engage such employee (to be employed by the Host Authority) as may be required in connection with the functions delegated in **paragraphs 1.1 to 1.12** above and in respect of which budget provision has been made by the Joint Committee/Member Authorities

- 1.16 Awarding contracts for ICT and other supplies required by the service to carry out the functions delegated in **paragraphs 1.1 to 1.12**
 - 1.17 Any other matter delegated to the Joint Committee in accordance with Constitution of each Council
- 2 The functions delegated to the Joint Committee shall be exercised subject to any proposed expenditure being contained in the annual Revenues and Benefits budget approved by the Member Authorities and any proposed activities being within the Business Plan approved by the Member Authorities provided that:
- 2.1 the Finance Officer to the Joint Committee may agree virement in between budget heads up to a maximum of £50,000 in any year provided that the overall approved budget is not exceeded and the expenditure does not occur in future years
 - 2.2 Any virement above £50,000 will be dealt with by the Joint Committee provided that the overall approved budget is not exceeded.
- 3 The following functions and matters shall be reserved to and decided by each Member Authority from time to time; all decisions and policies on such matters shall be notified to the Joint Committee as necessary as soon as reasonably practicable after any such decision is made and the Joint Committee shall give effect to all such policies and decisions of the Member Authorities in the exercise of the functions delegated to it:
- Collection of payments of Council Tax and national non-domestic rates ('NNDR')
 - Calculation of Council tax base
 - Council tax setting
 - Collection fund accounting
 - Submission of benefit subsidy claims
 - Submission of statutory information/data – for example, as required by the Department for Work and Pensions
 - Determination of the policy for discretionary Council tax reductions and housing

payments.

- Determination of applications for discretionary NNDR relief
- Determination of applications for NNDR hardship relief
- Determination of policy for second homes
- Determination of policy for local war pension and associated schemes
- Determination of the policy for and authorisation of write off/ unrecoverability of debts.

SCHEDULE 2 - Constitution of the Joint Committee

- 1 Each Council shall appoint two Members (being elected members of that Council) as its nominated Members of the Joint Committee. The Members appointed shall have full voting rights and shall be appointed in accordance with each Council's Constitution.
- 2 Each Council may nominate one or more named substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 3 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 4 Each Council may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Secretary to the Joint Committee.
- 5 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 6 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary to the Joint Committee.
- 7 Meetings of the Joint Committee shall be held at the venue or venues as agreed by both Councils.

- 8 The Council hosting the first meeting shall appoint one of its nominated members as Chairman and that member shall remain Chairman until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chairman's term of office as Chairman, the Council which did not appoint the first Chairman shall appoint one of its nominated members as Chairman for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of Chairman in subsequent years.
- 9 The Council which has not appointed the Chairman of the Joint Committee in any year shall appoint one of its nominated members as Vice Chairman.
- 10 The Joint Committee shall meet at least once every two months unless otherwise determined by the Joint Committee.
- 11 The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee, for the purposes of resolving urgent matters arising between the bimonthly meetings of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one Member of the Joint Committee from each Council requests it or the Head of Paid Service of both Councils requests it.
12. Meetings shall be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
13. The Secretary to the Joint Committee shall send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting. The Secretary to the Joint Committee shall send to all Members of the Joint Committee, to the Political Group Leaders of each Council and relevant officers of each Council printed copies of the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant

meeting.

14. The Secretary to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the Chairman or Vice-Chairman.
15. Meetings of the Joint Committee will commence at a time to be agreed by the Joint Committee.
16. A meeting of the Joint Committee shall require a quorum of one Member of each Council who are entitled to attend and vote. If there is a quorum of members present but neither the Chairman nor the Vice Chairman is present, the Members present shall designate one Member to preside as Chairman for that meeting.
17. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Council Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman shall have a second or casting vote but before exercising this, the Chairman shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
18. Any Member of the Joint Committee may request the Joint Committee to record the votes of individual Members of the Joint Committee on a matter for decision.
19. Any member of either Council who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the Chairman and comments will be recorded only on the direction of the Chairman.

20. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 21.
21. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
22. Any key decisions relevant to the Joint Committee shall be recorded in each Council's Forward Plan. Each Council may call in any decision of the Joint Committee in accordance with the scrutiny arrangements of that Council's Constitution. Should a decision of the Joint Committee be called in appropriate members of the other Council will be invited to attend the scrutiny meeting. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee shall take no action to implement that decision until call in procedure is completed.
23. The Joint Committee may delegate a function to an officer.
24. Any contractual arrangements that relate to the Shared Service will be undertaken by the host Council and that Council will apply its own financial regulations and contract procedure rules.
25. The Secretary to the Joint Committee shall provide governance and secretarial support services to the Joint Committee. The host Council shall make available committee officers to provide administrative services at the meetings of the Joint Committee.
26. The host Council shall provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.

27. The Finance Officer to the Joint Committee shall provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
28. The Joint Committee shall establish a working group of senior officers representing each partner authority and Shared Revenues and Benefits Service to be known as the Operational Board.
29. The members of the Operational Board shall comprise the following officers:
 - Director of Resources, City of Lincoln Council;
 - Deputy Chief Executive, North Kesteven District Council;
 - Head of Shared Revenues and Benefits Service; and,
 - such other officers of as the Joint Committee or Operational Board may decide are required.
30. The responsibilities of the Operational Board shall be to:
 - Manage the performance of the shared revenues and benefits services to be in relation to the Joint Committee Functions so as to ensure, so far as is possible and practicable, ensure the delivery of such services in accordance with the delivery plan approved by the Joint Committee and the progress and performance targets set by the Joint Committee.
 - To report to the Joint Committee meetings on the progress and performance of the services provided in connection with the performance of functions delegated to the Shared Service against the delivery plan and targets set by the Joint Committee.
 - Strive to ensure that the services provided are delivered equitably between both Councils, so far as may be practicable.
 - Prepare and submit to the Joint Committee for its approval on or before 30th November in each year an annual business plan, annual budget and annual delivery plan for the next Financial Year.
 - To report to the Joint Committee on the income and expenditure of the shared service against the approved budget.
 - To seek to ensure so far as is practicable that the functions delegated to the shared service are performed within the budget approved by the Joint Committee and to notify the Joint Committee of any material divergence from the annual budget and the reasons therefore.

Appendix 1: 12 June 2018 - Revenues and Benefits Joint Committee – General Data Protection Regulation Update

- To recommend to the Joint Committee the resources required to perform the functions delegated to the shared service to the requisite performance standards and any changes required in such resources to maintain such performance standards.
- To make appropriate recommendations to the Joint Committee on any matter of relevance to the business of the Joint Committee and of the shared service

SHARED REVENUES AND BENEFITS (NORTH KESTEVEN DISTRICT COUNCIL AND CITY OF LINCOLN COUNCIL)

JOINT COMMITTEE TERMS OF REFERENCE

1. To approve and monitor the Shared Revenues and Benefits Service Delivery Plan for each Financial Year.
2. To approve the annual budget for the Joint Committee and the Shared Revenues and Benefits.
3. To approve the annual report of the Joint Committee and the Shared Revenues and Benefits.
4. To monitor expenditure and income of the Joint Committee and Shared Revenues and Benefits Service against the agreed annual budget.
5. To set progress and performance targets for the functions delegated to the shared service, approve the delivery plan for the performance of such functions and monitor and review the performance of such functions against such targets and delivery plan.
6. To approve changes to staffing structures and any associated management of change procedures including redundancies.
7. To recommend to the two Councils any amendment of the terms of reference of the Committee or Constitution.
8. To appoint one or more sub-committees of the Committee (in accordance with Regulation 11(4) of the 2000 Regulations*) as it may consider to be required and to delegate specific functions to such sub-committees. Any sub-committee shall comprise a majority of Joint Committee Members (one of whom shall chair the subcommittee) but may include non-Joint Committee Members or officers of the Committee or of the Shared Revenues and Benefits Service and the Committee shall determine terms of reference of each sub-committee, the term of office of each sub-committee member and the quorum for meetings of each sub-committee and the financial limits within which it shall operate.
9. To delegate specific functions to officers of the Committee or of the Shared Revenues and Benefits Service in accordance with the provisions of section 101 of the Local Government Act 1972 and Regulation 11(4) of the 2000 Regulations*.

* “The 2000 Regulations” means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended by the Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001

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Protection Regulation Update

Revenues Assistant	Revenues Assistant (Council Tax)
Revenues Officer	Revenues Assistant (Council Tax)
Benefits Officer	Revenues Assistant (Council Tax)
Benefits Officer	Revenues Assistant (Council Tax)
Welfare Advisor	Revenues Assistant (Council Tax)
	Revenues Assistant (Council Tax)
	Revenues Assistant (Rating and Income)
	Revenues Assistant (Rating and Income)
	Revenues Assistant (Rating and Income)
	Revenues Visiting Officer

SCHEDULE 4 - Distribution Formula

Agreed and set out in financial monitoring reports to the Shared Revenues and Benefits Joint Committee.

(1) City of Lincoln Council (“City of Lincoln”)

(2) North Kesteven District Council (“North Kesteven”)

Appendix A

Delegation and Joint Committee Agreement

(1) Definitions

(to be added to contract if not already present or amended if definitions already exist)

1.1 Standard Definitions

Council	a Council to this Agreement
Agreement	this contract
Law	means any law, subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of Section 2 of the European Communities Act 1972, regulation, order, regulatory policy, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements with which the Contractor is bound to comply
Personnel	means all directors, officers, employees, agents, consultants and contractors of the Council and/or of any Sub-Contractor engaged in the performance of its obligations under this Agreement

1.2 GDPR Clause Definitions

Data Protection Legislation	(i) the GDPR, the LED and any applicable national implementing Laws as amended from time to time (ii) the DPA 2018 [subject to Royal Assent] to the extent that it relates to processing of personal data and privacy; (iii) all applicable Law about the processing of personal data and privacy;
Data Protection Impact Assessment	an assessment by the Controller of the impact of the envisaged processing on the protection of Personal Data
Controller, Processor, Data Subject, Personal Data, Personal Data Breach, Data Protection Officer	take the meaning given in the GDPR
Data Loss Event	any event that results, or may result, in unauthorised access to Personal Data held by the Councils under this Agreement, and/or actual or potential loss and/or destruction of Personal Data in breach of this Agreement, including any Personal Data Breach

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Data Subject Access Request	a request made by, or on behalf of, a Data Subject in accordance with rights granted pursuant to the Data Protection Legislation to access their Personal Data
DPA 2018	Data Protection Act 2018
GDPR	the General Data Protection Regulation (Regulation (EU) 2016/679)
LED	Law Enforcement Directive (Directive (EU) 2016/680)
Protective Measures	appropriate technical and organisational measures which may include: pseudonymising and encrypting Personal Data, ensuring confidentiality, integrity, availability and resilience of systems and services, ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and regularly assessing and evaluating the effectiveness of the such measures adopted by it
Sub-processor	any third party appointed to process Personal Data on behalf of the Councils related to this Agreement

(2) The Clauses

1. DATA PROTECTION

1.1 The Councils acknowledge that for the purposes of the Data Protection Legislation, both Councils are the Joint Controllers of data. The only processing that the Councils are authorised to do is listed in Schedule 1 and may not be determined by either one of the Councils alone.

1.2 Both Councils shall notify the other immediately if it considers that any of the processing under the Agreement infringes the Data Protection Legislation.

1.3 The Councils shall provide all reasonable assistance to each other in the preparation of any Data Protection Impact Assessment prior to commencing any processing. Such assistance may, include:

(a) a systematic description of the envisaged processing operations and the purpose of the processing;

(b) an assessment of the necessity and proportionality of the processing operations in relation to the Services;

(c) an assessment of the risks to the rights and freedoms of Data Subjects; and

(d) the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of Personal Data.

1.4 Both Councils shall, in relation to any Personal Data processed in connection with its obligations under this Agreement:

(a) process that Personal Data only in accordance with Schedule 1, unless required to do otherwise by Law. If it is so required the Council shall promptly notify the other Council before processing the Personal Data unless prohibited by Law;

(b) ensure that it has in place Protective Measures, which have been reviewed and approved by the other Council as appropriate to protect against a Data Loss Event having taken account of the:

(i) nature of the data to be protected;

(ii) harm that might result from a Data Loss Event;

(iii) state of technological development; and

(iv) cost of implementing any measures;

(c) ensure that:

(i) the Council's Personnel do not process Personal Data except in accordance with this Agreement and in particular Schedule 1;

(ii) the Councils take all reasonable steps to ensure the reliability and integrity of any Personnel who have access to the Personal Data and ensure that they:

(A) are aware of and comply with the Council's duties under this clause;

(B) are subject to appropriate confidentiality undertakings with the Council or any Sub-processor;

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(C) are informed of the confidential nature of the Personal Data and do not publish, disclose or divulge any of the Personal Data to any third Council unless directed in writing to do so by the Council or as otherwise permitted by this Agreement; and

(D) have undergone adequate training in the use, care, protection and handling of Personal Data; and

(d) not transfer Personal Data outside of the EU unless the prior written consent of both Councils has been obtained and the following conditions are fulfilled:

(i) the Council has provided appropriate safeguards in relation to the transfer (whether in accordance with GDPR Article 46 or LED Article 37) as determined by the Councils;

(ii) the Data Subject has enforceable rights and effective legal remedies;

(iii) the Council complies with their obligations under the Data Protection Legislation by providing an adequate level of protection to any Personal Data that is transferred (or, if it is not so bound, uses its best endeavours to assist the other Council in meeting its obligations); and

(e) the Councils delete or return Personal Data (and any copies of it) to the other Council on termination of the Agreement unless the other Council is required by Law to retain the Personal Data.

1.5 Subject to clause 1.6, the Councils shall notify the other Council immediately if it receives a request relating to Personal Data in the other Council's control including:

(a) a Data Subject Access Request (or purported Data Subject Access Request);

(b) a request to rectify, block or erase any Personal Data;

(c) any other request, complaint or communication relating to either Council's obligations under the Data Protection Legislation;

(d) receives any communication from the Information Commissioner or any other regulatory authority in connection with Personal Data processed under this Agreement;

(e) receives a request from any third Council for disclosure of Personal Data where compliance with such request is required or purported to be required by Law;

or

(f) becomes aware of a Data Loss Event.

1.6 The Councils obligations to notify under clause 1.5 shall include the provision of further information to the other Council in phases, as details become available.

1.7 Taking into account the nature of the processing, the Councils shall provide each other with full assistance in relation to either Council's obligations under Data Protection Legislation and any complaint, communication or request made under clause 1.5 (and insofar as possible within the timescales reasonably agreed) including by promptly providing:

(a) full details and copies of the complaint, communication or request;

(b) such assistance as is reasonably requested to enable the other Council to comply with a Data Subject Access Request within the relevant timescales set out in the Data Protection Legislation;

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(c) the other Council, at its request, with any Personal Data it holds in relation to a Data Subject;

(d) assistance as requested by the other Council following any Data Loss Event;

(e) assistance as requested by the other Council with respect to any request from the Information Commissioner's Office, or any consultation by the other Council with the Information Commissioner's Office.

1.8 The Councils shall maintain complete and accurate records and information to demonstrate its compliance with this clause.

1.9 The Councils shall allow for audits of its Data Processing activity by the other Council or the other Council's designated auditor.

1.10 The Councils shall designate a data protection officer as required by the Data Protection Legislation.

1.11 Before allowing any Sub-processor to process any Personal Data related to this Agreement, the Councils must:

(a) notify the other Council in writing of the intended Sub-processor and processing;

(b) obtain the written consent of the other Council;

(c) enter into a written agreement with the Sub-processor which give effect to the terms set out in this clause such that they apply to the Sub-processor; and

(d) provide the other Council with such information regarding the Sub-processor as the other Council may reasonably require.

1.12 The respective Council shall remain fully liable for all acts or omissions of any Sub-processor.

1.13 The Councils may, at any time on not less than 30 Working Days' notice, revise this clause by replacing it with any applicable controller to controller standard clauses or similar terms forming part of an applicable certification scheme (which shall apply when incorporated by attachment to this Agreement).

1.14 The Councils agree to take account of any guidance issued by the Information Commissioner's Office. The Councils may on not less than 30 Working Days' notice to the other Council amend this Agreement to ensure that it complies with any guidance issued by the Information Commissioner's Office.

SUBJECT: NON-DOMESTIC RATE UPDATE

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: CLAIRE MOSES, REVENUES AND BENEFITS MANAGER

1. Purpose of Report

1.1 To provide Members with an update on current issues within non-domestic rate.

2. Executive Summary

2.1 This report provides Joint Committee with an update on non-domestic rate to include reference to City of Lincoln Council and North Kesteven District Council together with West Lindsey District Council. The report is not intended to include non-domestic rate issues (for example, performance matters) covered in other reports before the Joint Committee.

3. Background

3.1 The report brought to the last meeting of the Joint Committee provided Members with an update on the following non-domestic rate issues:-

- Business Rates Pilot;
- Spring Budget 2017;
- Discretionary Relief Policy; and
- Local Government Finance Bill 2017.

3.2 Focus for both Government and billing authorities since the last meeting of Joint Committee has been on implementing the measures announced by the Chancellor in the Spring Budget on 8 March 2017, which have impacted on funding for reliefs during 2017/18 through to 2020/21. The latest position on all three measures is covered in this report.

3.3 Additional updates are provided in this report and will update on the following non-domestic rate issues: -

- Business Rate Pilot – 100% Business Rate Retention in 2018/19; and
- Spring Statement 2018.

4. Spring Budget 2017

4.1 Supporting Small Business Relief Scheme – 2017/18 to 2020/21

This relief was made available to those ratepayers who faced a large increase as a result of the loss of small business or rural rate relief. The transitional relief scheme does not provide support in respect of changes in reliefs. Therefore, those ratepayers who lost some or all of their small business or rural rate relief, may have faced very large percentage increases in bills from 1 April 2017.

To support these ratepayers, the Supporting Small Businesses Relief Scheme ensured that the increase per year in the bills of these ratepayers is limited to the greater of:-

- A percentage increase p.a. of 5%, 7.5%, 10%, 15% and 15% from 2017/18 to 2020/21; all plus inflation. Unlike the transitional relief scheme, for the first year of the scheme, the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief; or
- A cash value of £600 per year (£50.00 per month). The cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought in to paying something.

Billing authorities were expected to use their discretionary powers under Section 47 Local Government Finance Act 1988 to grant the relief. In doing so, they will be compensated for the cost of granting the relief through a Section 31 grant from Government.

The number of hereditaments that have been identified for 2017/18 and have benefitted from the scheme as at 31 March 2018 for each of the three authorities, is as follows:-

Loss of small business relief – 2017/18

Authority	No. identified	No responded	Total award
City of Lincoln	7	6	£6,060
North Kesteven	24	21	£29,607
West Lindsey	25	16	£22,003

Once this relief had been announced, officers manually adjusted accounts – this has ensured those ratepayers who faced large increases as a result of the loss of small business or rural rate relief, are not left waiting for relief to be awarded.

The relief awarded for the period 2018/19 as at 1 April 2018 for each of the three authorities, is as follows: -

Loss of small business relief – 2018/19

Authority	No. identified	No responded	Total award
City of Lincoln	8	5	£7,007
North Kesteven	23	19	£26,500
West Lindsey	26	15	£20,201

4.2 Support for Pubs Scheme – 2017/18

This relief is for pubs that have a rateable value of below £100,000. Under the scheme, eligible pubs receive up to a £1,000 discount on their bill for 2017/18. Billing authorities were expected to use their discretionary powers under Section 47 Local Government Finance Act 1988 to grant the relief. In doing we will be compensated for the cost of granting the relief through a Section 31 grant from Government. If the balance outstanding is less than £1,000 the amount awarded will be for the full amount outstanding.

During 2017/18, Officers identified those ratepayers that may be entitled to relief and sent application forms. By doing so, ratepayers can declare whether any relief awarded would not exceed the state aid limit. The number of application forms returned as at 31 March 2018 were as follows: -

Support for Pubs Scheme – 2017/18:

Authority	No. identified	Total awards made	Total award (£)
City of Lincoln	70	26	£25,427
North Kesteven	41	35	£31,689
West Lindsey	60	34	£29,302

The relief awarded for the period 2018/19 as at 1 April 2018 for each of the three authorities, is as follows: -

Support for Pubs Scheme – 2018/19

Authority	No. identified	No. awards	Total award
City of Lincoln	63	24	£24,500
North Kesteven	40	32	£31,008
West Lindsey	59	30	£29,014

At last meeting of this Committee, on 20 February 2018, clarification was provided with regards to the percentage of relief awarded against the number of pubs identified. There are a number of factors to be considered when awarding the reliefs, such as whether the pub is subject to state aid. Whilst the number of pubs with a rateable value below £100,000 have been identified, officers will not know whether these pubs will be subject to state aid until forms are returned. If a form has not been returned, officers have sent reminders and encouraged pubs to apply for the relief.

4.3 Discretionary Relief Scheme

A £300m discretionary fund over four years from 2017/18 through to 2020/21, to support those businesses that faced the steepest increases in their business rate bills as a result of the recent revaluation, has been established. The intention is that every billing authority is provided with a share of the £300 million to support their local businesses. Billing authorities are expected to use their share of the funding to develop their own discretionary relief schemes to deliver targeted support to the most hard-pressed ratepayers.

The £300m covers the four years from 2017/18; the proposed breakdown being:-

- £175m in 2017/18
- £85m in 2018/19
- £35m in 2019/20
- £5m in 2020/21

Letters were sent to the Chief Financial Officers of each Billing Authority on 28 April 2017 to confirm the grant distributions for 2017/18. The grant distributions for the three authorities in 2017/18, is as follows:-

- City of Lincoln £198,000
Council:
- North Kesteven DC: £186,000
- West Lindsey DC: £158,000

During 2017/18, Officers have undertaken a number of exercises to correctly identify those ratepayers that may be entitled to relief and sent application forms. Initial letters and application forms were issued on the scheme had been approved, with two further reminder exercises being undertaken during quarter 3 and 4. As a result of this, the number of awards has increased significantly since the last update to Joint Committee.

In doing this, ratepayers can declare whether any relief awarded would not exceed the state aid limit. The number of application forms returned as at 31 March 2018 were as follows:-

New Discretionary Relief Scheme – 2017/18 relief awarded:

Authority	No. identified	Total awards made	Total award (£)	Current not spent (£)
City of Lincoln	675	413	£137,981	£60,019
North Kesteven	540	339	£127,585	£53,406
West Lindsey	329	217	£105,004	£52,996

The Department for Communities and Local Government (now Ministry of Housing, Communities and Local Government – MHCLG) advised the funding must be fully allocated for 2017/18 by 31 March 2018. Whilst the completion of the NDR3 statutory government return requires spend as at 31 March 2018, this form can further be updated in July 2018 with any adjustments undertaken in 2018/19 for 2017/18. At which point, it is expected the level of relief awarded will have increased further.

New Discretionary Relief Scheme 2018/19:

The grant distribution for the three authorities in 2018/19, is as follows: -

- City of Lincoln Council: £96,000
- North Kesteven DC: £91,000
- West Lindsey DC: £76,000

It had been proposed that the agreed Option for 2017/18 be applied to future years but with lower amounts to be used in the 'award column'. It had also previously been agreed for the proposed scheme for 2018/19 to be included as part of the main budget reports, with delegation to the Chief Finance Officer for final decision. However, due to the large underspend for 2017/18, Officers will recommend a revision to the allocation of funding, which will require the scheme to go through the committee process in early 2018/19.

Officers are currently reviewing the number of businesses affected by the change and will be issuing financial modelling proposals to Chief Finance Officers by mid-May 2018. It is anticipated for the scheme to be approved by 31 May 2018, with delegation to the Chief Finance Officer. This is much earlier than for the 2017/18 scheme.

5. Business Rate Pilot – 100% Business Rates Retention in 2018/19

- 5.1 On 1st September 2017 the Government (through DCLG) published an 'Invitation to Local Authorities in England to pilot 100% Business Rates Retention in 2018/19 and to pioneer new pooling and tier-split models'. The Government is looking to expand on the six Pilots that it agreed for 2017/18, in order to inform options for the future design of local government finance and, in particular the move to 100% Business Rates Retention.

- 5.2 Lincolnshire Finance Officers proactively examined this opportunity and assessed the implications on current arrangements, the Lincolnshire Business Rates Pool (LBRP), and the opportunity to develop a pilot pool for the Greater Lincolnshire area. Following discussions with Leaders and Chief Executives and individual Authority approval, the submission of a Pilot was made in December 2017. The Pilot was approved and came into effect on 1 April 2018.
- 5.3 The Pilot is currently expected to run for one year only (1 April 2018 to 31 March 2019) with the key requirements being to promote financial sustainability and coherent decision making across functional economic areas and use some of the additional retained income invested to encourage further growth.
- 5.4 The pilot would operate in a similar way to the existing 50% business rate retention system and pooling arrangements, but with a number of key differences:
- The Pilot would operate with a zero levy, therefore retaining locally a greater proportion of any Business rates growth;
 - The safety net would be at pilot level, but will be set at 97% of Baseline rather than the current 92.5% for individual councils / business rate pools;
 - Councils would forgo Revenue Support Grant (RSG) & Rural Services Grant with revised tariffs and top ups being calculated;

It has been proposed that any gains are split on the same basis as the existing Business Rates Pool.

6. Spring Statement 2018

- 6.1 At the Spring Statement on 13 March 2018, the Chancellor announced that the next business rates revaluation would be brought forward one year to 2021. Following the previous announcement on more frequent revaluations, this means that three-yearly revaluations will take effect from 2024.
- 6.2 The Government has now also published a summary of responses to the discussion paper on more frequent revaluations, which can be found at the following link: <https://www.gov.uk/government/consultations/business-rates-delivering-more-frequent-revaluations> . However, the key responses are details as below: -
- More frequent revaluations would make valuations fairer and more closely aligned to the market;
 - A few businesses noted it would create uncertainty for them, by complicating the system and potentially lead to more reliance on agents;
 - Some respondents noted that there was a risk to there not being enough qualified surveyors to carry out more frequent revaluations;
 - Local authorities were main concerned that the current system would struggle to carry out more frequent revaluations unless the number of outstanding appeals was reduced;
 - Many respondents argued that more frequent revaluations would reduce the incentive to appeal because valuations would be closer to the market;

- Most respondents were concerned that a self-assessment system could impose additional costs and burdens on businesses;
- Some local authorities felt that self-assessment could be workable, especially if it were to significantly reduce the incentive to appeal by giving ratepayers a much bigger role in valuations;
- Many respondents argued that formula-based revaluations would go against the aim of more frequent revaluations of aligning rates bills more closely to market values;
- However, some local authorities noted that a formula option was the most transparent and simple, and would provide increased stability and certainty for local government funding. However, they accepted it would not be the fairest approach.

6.3 To bring forward the next revaluation to 2021, the Government will shortly introduce secondary legislation to set the valuation date for the 1 April 2019. This will allow the Valuation Office Agency (VOA) to start preparing for a 2021 revaluation.

6.4 As a result of the above, the Government also confirmed that to prioritise implementation of an early revaluation, they are delaying the linking of local authority billing systems to HMRC's digital tax accounts to the earliest opportunity after the start of the first three-year revaluation cycle in 2024.

7. Strategic Priorities

7.1 Both City of Lincoln Council and North Kesteven DC have a number of strategic priorities. Two that have an impact on the Non-Domestic Rate Service are:-

- City of Lincoln "Let's Reduce Inequality".
Council:
- North Kesteven DC: "Our Community and Our Economy".

7.2 Both authorities look 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 business rate. Digital Inclusion, Channel Shift, Financial Inclusion and Partnership Working are all key priorities for the shared service.

7.3 At the City of Lincoln Council, a strategic priority that underpins the authority's vision for 2020 is '*Let's reduce inequality*'; within which, there is the aspiration '*Let's help people succeed*'. To achieve this aspiration, there is to be examination of the Discretionary Rate Relief Policy. This will involve an exploration of how the city council's Discretionary Rate Relief Policy could be used to create employment opportunities for residents.

8. Organisational Impacts

8.1 Finance

No direct financial implications arising from this report.

8.2 Legal Implications including Procurement Rules

No direct financial implications arising from this report.

8.3 Land, property and accommodation

There are no direct implications arising from this report.

8.4 Human Resources

There are no direct implications arising from this report.

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

The equality implications have been considered within this report. In bringing forward any change to the existing criteria for awarding discretionary relief, consideration will be given as to whether a full Equality Impact Assessment is required.

8.6 Significant Community Impact

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

8.7 Corporate Health and Safety implications

There are no corporate Health and Safety implications.

9. Risk Implications

9.1 A Risk Register is in place for the Revenues and Benefits Shared Service and is monitored by the Shared Service Senior Management.

10. Recommendation

10.1 Members are requested to note this report.

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?

None

List of Background Papers:

None

Lead Officer:

Claire Moses, Revenues and Benefits Manager
Telephone: 01522 873764

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**SHARED REVENUES AND BENEFITS JOINT
COMMITTEE**

12 JUNE 2018

SUBJECT: WELFARE REFORM AND UNIVERSAL CREDIT UPDATE
DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK
LEAD OFFICER: ROB KAY, WELFARE REFORM AND PROJECTS OFFICER

1. Purpose of Report

1.1 To provide Joint Committee with an update regarding the national and local position of welfare reform, with a specific focus on Universal Credit (UC) for this particular report.

2. Executive Summary

2.1 This report provides Joint Committee with an update on Universal Credit to include reference to the national and local position of Universal Credit, City of Lincoln, North Kesteven and the Shared Service preparations for roll-out to Full Service, migration of customers in receipt of legacy benefits and the potential impact of migration to City of Lincoln and North Kesteven rent arrears.

3. Background

3.1 Future reports will provide Joint Committee with an up to date position on the following:

- National Progress
- Full Service Preparation – City of Lincoln, North Kesteven and Shared Service Preparation
- Impact on the Councils income (Rent, Council Tax and Overpayments)
- Universal Support Team
- Background Papers.

4. National Progress – Universal Credit

4.1 As Full Service roll-out progresses, the number and range of people claiming UC is likely to grow quickly. As of 15th May 2018, there are 274 jobcentres running the Full Service with roll-out scheduled to be completed by December 2018.

4.2 Latest figures published by the Department for Work and Pensions (DWP) were released on 15th May 2018, with statistics relevant to the period up to 12th April 2018.

- Total number of claims has now reached 2 million
- 870,000 households receiving UC – this is a 7% increase from the previous month
- 320,000 (36%) were in employment.

4.3 It is expected managed payment figures will increase as the roll-out to Full Service

gains momentum. A managed payment can be applied for by the landlord for payment of rent or rent arrears deduction. The payment of UC Housing Costs would be paid direct to the landlord. Landlords are required to complete a form requesting this.

5. Recent Universal Credit changes

5.1 Housing Benefit transitional payment

The Autumn Budget 2017 introduced a Housing Benefit transitional payment for Universal Credit claimants from 11th April 2018. This means that from this date, customers who have been receiving Housing Benefit immediately prior to claiming Universal Credit will receive an unrecoverable transitional payment of two weeks.

This is for natural migration customers only (i.e. not for the future 'managed migration' of legacy benefits'.

5.2 New claims for temporary accommodation

From 11th April, the housing cost element of Universal Credit will not be available to customers making a new claim for their housing costs whilst living in temporary accommodation. Affected claimants will now be able to claim Housing Benefit for support with their temporary accommodation, whilst receiving the personal element of Universal Credit in the same manner that exists with other accommodation.

Customers who already receive the housing cost element of Universal Credit for temporary accommodation will continue to do so until there is any change to the amount of rent they pay for their accommodation. At this point, the housing cost element of Universal Credit will cease, and the claimant will be required to claim Housing Benefit for ongoing support with housing costs.

5.3 Support for 18 to 21 year olds claiming Universal Credit

Ministers have reversed a 2014 move stopping individuals under the age of 21 automatically being entitled to Universal Credit housing costs.

The DWP provides a programme of intensive support for all 18 to 21 year olds making a new claim to Universal Credit. This programme is being rolled-out in line with the roll-out schedule for Universal Credit. It aims to encourage and support all young people into employment, work-related training or an apprenticeship, including a programme of intensive support that's tailored to the individuals' needs and job goals. If the individual is attending training or work experience, travel and childcare costs may also be reimbursed.

6. Impact on the Councils income – Rent

6.1 The Welfare Reform and Project Officer has been working with City of Lincoln Housing and North Kesteven Housing colleagues to monitor the impact UC claims are currently having on rent collection.

6.2 The data shows that of the 183 City of Lincoln tenants in receipt of UC, as of 30th April

2018, 101 of them have had an increase in their arrears, totalling £41,327.

- 6.3 The same information is being gathered for North Kesteven tenants and a verbal update will be provided at the meeting of this committee on 12th June 2018.

7. Universal Support Team

- 7.1 An advertisement for the Universal Credit Support Team was sent as an expression of interest ring-fenced to Housing Benefit Officers for two to join the Welfare Reform and Projects Officer in a team to deliver ADS/PBS (Assisted Digital Support and Personal Budgeting Support).
- 7.2 The two successful candidates began 12th Feb 2018 to undertake training ready for go live on 7th March 2018.
- 7.3 The team is currently on a rota to be located in Lincoln Jobcentre 9am – 12pm & 1pm – 4pm every day to be on hand to support customers. A dedicated e-mail address and telephone number are also in place, for direct access to this team.
- 7.4 Providing Assisted Digital Support (ADS) for customers wishing to make a claim by:
- Supporting the customer to transact with Universal Credit using a personal computer or their specific device
 - Ensuring the customer keeps log-in credentials safe
 - Setting up a personal email address if the customer doesn't already have one
 - Ensuring that the customer is able to access their email account to retrieve the email code
 - Ensuring that the customer is aware of the details they need to have to hand to safely complete their identity verification and claim Universal Credit
 - Supporting the customer to scan relevant documents to process a claim
 - Ensuring that the customer understands how to access the 'partner code' and the requirement for their partner to complete their online claim using the partner code

Helping our customers maintain their Universal Credit claim by providing assistance in:

- Managing their claim via the online Universal Credit account on whatever device they have access to
- Managing their own email account on whatever device they have access to
- Navigating the platform and clearing their personal 'To do' list
- Making journal entries
- Uploading documents including their CV and medical certificates
- Notifying a change of circumstances
- Making enquiries
- Printing documents

Provide Personal Budgeting Support (PBS) for our customers by:

- Supporting customers to manage their monthly payments and prioritise essential bills such as rent
- Supporting customers who require personal budgeting assistance to manage their Universal Credit. The support to be offered includes:
 - Identifying the appropriate channel and provider to deliver personal

budgeting support and referring the customer to the right place immediately

- Providing, or arranging, telephone or face to face personal budgeting support and follow up action as appropriate
- Referring customers who may need an alternative payment arrangement to Jobcentre Plus
- Referring customers to Welfare Advice for other support services such as debt advice

Resulting in claimants being able to:

- Understand their Universal Credit award and what they can claim as well as entitlement to other benefits or grants
- Work out monthly income and outgoings
- Recognise priority bills, such as rent
- Identify and cut back on non-essentials
- Complete and maintain a budgeting plan
- Convert from a Post Office card accounts/Simple payments to more appropriate banking products, including a transactional bank account
- • Set up or re-organise direct debits for prioritised payments.

7.5 The UC Support Team is also responsible for the training of Benefits Officers in Universal Credit and also ceasing of relevant Housing Benefit claims, processing Council Tax Support, allocating overpayments to the correct recovery method, as well as several briefings for other departments as well as external partners including the DWP.

7.6 The UC Team have produced a ‘dashboard’ of statistical information which is updated each fortnight and provides, at a quick glance, key information relating to the teams outputs, along with regional and national updates. This can be seen in **Appendix 1 (City of Lincoln)** and **Appendix 2 (North Kesteven)**, and is also detailed below: --

3 April to 31 May 2018

During this period, the UC Support Team have supported: -

	Assisted Digital Support (ADS)	Personal Budgeting Support (PBS)	ADS/PBS Combination
City of Lincoln	123	25	54
North Kesteven	13	6	8

The average time to undertake an ADS/PBS is 40 minutes.

The average age of the customer requiring support is 40.

Assisted Digital Support Provided for all shared service UC customers as at 31

May 2018

Type of Support	Number of customers supported
New claim UC	135
Council Tax Support	45
Change of circumstances for UC	18
Password	12
Email	48
Updating journal	25
Logging in	7
Uploading	4
Booking interview	68
Collecting documents	3

Personal Budgeting Support Provided for all shared service UC customers as at 31 May 2018

Type of Support	Number of customers supported
Advance payment	45
DHP	36
Direct Debits	16
Income and Expenditure (budgeting)	23
Debt referral	6
Other benefits	7
Alternative Payment Arrangement	23
Council Tax Support arrears	3
Housing Solution referrals	6
UC Calculation	12
Food voucher	5
Referral other depts.	24
Bank account	5
Attending interview with customer	1

Universal Credit information documents

- 2,891 UC documents have been received from the period 1 April to 31 May 2018.

8. Welfare Reform from April 2018

8.1 There have been a number of Welfare Reforms since April 2018, which are detailed below.

8.2 Support for Mortgage Interest (SMI) payments

From 6 April 2018, Support for Mortgage Interest will no longer exist as a benefit for new or existing claimants. Claimants will instead be invited to apply for a loan if they want to continue to be supported. Loans will be repaid upon the sale of a claimant's house; or on a claimant's return to work if the borrower can afford it.

8.3 Employer Childcare Vouchers will no longer be available to new claimants

New claims for Employer Supported Childcare (Childcare Vouchers) will not be accepted from April 2018. Existing claims will continue until the child is 15 years old (or 16 years old if disabled) or the claimant starts claiming under another scheme (Childcare element of Working Tax Credit, Childcare element of Universal Credit or Tax Free Childcare), whichever is earliest.

8.4 Self-Employed National Insurance Contributions change

The government announced in the Budget 2016 that from April 2018, self-employed people will no longer pay Class 2 National Insurance Contributions, which currently count towards entitlement to contributory benefits such as New State Pension. Clarification is awaited regarding how Class 4 National Insurance Contributions will count towards contributory benefit entitlement.

The proposed increase in the rate of Class 4 National Insurance Contributions announced by the Chancellor in the Spring Budget 2017 has now been reversed. There will be no increases to Class 4 National Insurance Contributions during the current Parliament.

9. Welfare Reform Strategy Action Plan

- 9.1 Progress with our shared service's 'high level' Welfare Reform Strategy Action Plan and Universal Credit Preparation Plan is to be monitored by Joint Committee, on a quarterly basis.

An update on progress of both plans are provided at **Appendix 3** to this report. The action plan is fluid and flexible to respond to changes in welfare reform related priorities, changes and demands.

10. Strategic Priorities

- 10.1 **City of Lincoln: Let's drive economic growth and North Kesteven: Our economy and Our Community:** An understanding of Universal Credit and its wider impacts on City of Lincoln residents and arrears levels is important when reducing poverty and driving economic growth across the City. The aim of Universal Credit is to provide a simplified means tested benefits system, with the objective of avoiding the poverty trap, where there is a disincentive to work longer hours because of the loss of benefits and higher taxes.
- 10.2 **City of Lincoln: Let's drive economic growth and North Kesteven: Our economy and Our Community:** - A key role in reducing inequality by ensuring residents receive

the benefits they are entitled to and providing money / debt advice. There are strategic priorities when engaging with those in receipt of Welfare Benefits, Digital Inclusion, Channel Shift/ Customer Experience, Financial Inclusion and Partnership Working are all key priorities as part of this report.

11. Organisational Impacts

- 11.1 **Finance:** There could be significant financial implications to City of Lincoln Council as set out in previous updates of this report.
- 11.2 **Legal implications inc Procurement Rules:** There are no direct Legal or Procurement implications arising from this report.

12. Risk Implications

- 12.1 The Council bears the risk of any rent arrears which are not fully recovered

13. Recommendation

- 13.1 Joint Committee notes this report – and that an update will be presented at the next meeting of this Committee, on 4th September 2018.

Key Decision No

Do the Exempt Information Categories Apply No

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

Does the report contain Appendices? Yes

If Yes, how many Appendices? Appendix 1: Universal Credit Dashboard – City of Lincoln
 Appendix 2: Universal Credit Dashboard – North Kesteven
 Appendix 3: Welfare Reform Action Plan
 No

List of Background Papers:

Lead Officer: Rob Kay, Welfare Reform and Projects Officer,
 Telephone 01522 873767

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April — June 18

Average time spent with customers — **41 minutes**

Average age of customers — **40**

UCINFO (01/04 — 25/05)

Total — **2,891**

As of **30/04/2018**

Council Tenants — **183**

UC Housing COLC as of 30/04/2018

101 arrears increased total of **£41,327.13** from date of claim

79 arrears decreased by **£24,095.55** from date of claim

3 not in arrears or in credit

123 ADS

PBS

No answer — **18**

⊗ **25** ADS/PBS

Contact info needed — **7**

54 PBS

No help wanted — **1**

UC DHPs (01/04/2018)

On-going DHP — **7**

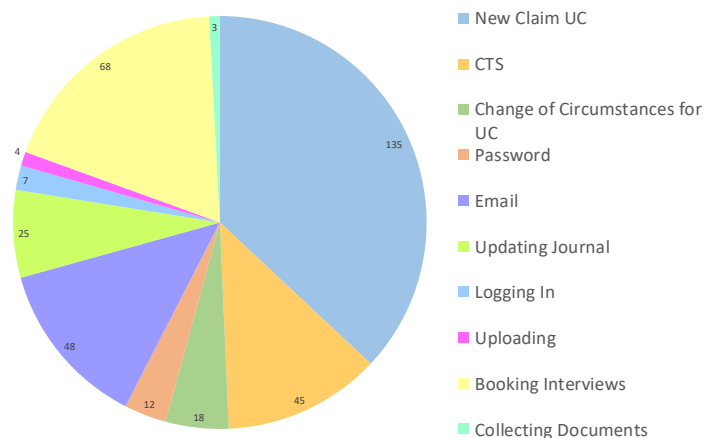
One-off DHP — **1**

Total increase **£40,255.21** from dates of claim

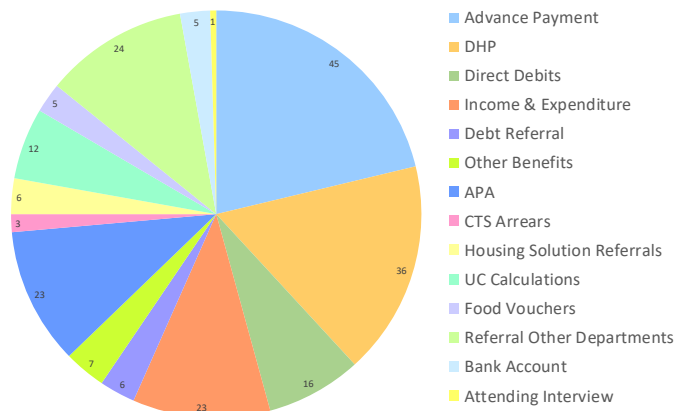
Total arrears at point of claim was **£44,328.02**

Total arrears as of **30/04/2018** is **£84,583.23**

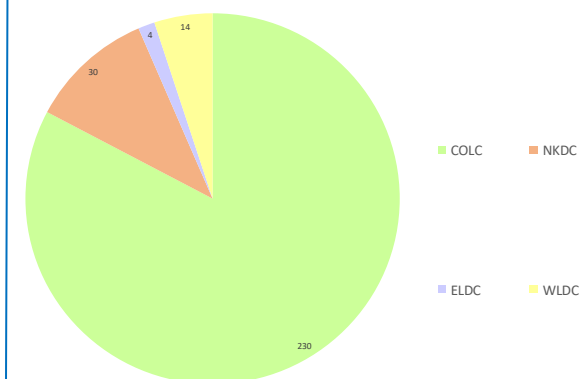
ADS



PBS



Customers by LA



Key dates:

- Temporary Accommodation — **11 April**
- 2 Week HB Run On — **11 April**
- Newark — **09 May**
- Skegness — **13 June**
- Spalding — **11 July**
- Louth, Gainsborough and Boston — **12 September**
- Sleaford — **14 November**
- 3 or more Children Under UC — **January 19**

COLC

As of **03/05/2018:**

HB working age — **5,818**

HB pensioners — **1,913**

CTS working age & pensioners — **8,810**

UC Customers CTS — **264**

NKDC

As of **03/05/2018:**

HB working age — **2,623**

HB pensioners — **1,847**

CTS working age & pensioners — **5,833**

UC Customers CTS — **52**

82

**COLC UC Stats
12/04/2018**

National — **815,365**

COLC — **1,254**

NKDC — **464**

**COLC UC Stats
12/04/2018**

Employment — **480**

Not in employment — **774**

**COLC UC Stats
12/04/2018**

Age

16-19 — **86**

20-24 — **345**

25-29 — **192**

30-34 — **159**

35-39 — **112**

40-44 — **92**

45-49 — **84**

50-54 — **82**

55-59 — **78**

60-65 — **22**

Over 65 — **0**

Unknown — **0**

**COLC UC Stats by work condition
12/04/2018**

Unknown or missing regime — **0**

Preparing for work — **9**

Planning for work — **11**

Working – no requirements — **202**

No work requirements — **83**

Working – with requirements — **162**

Searching for work — **783**

April — June 18

Average time spent with customers — **39 minutes**

Average age of customers — **41**

NK Only

13 ADS

⌘ **6** ADS/PBS

8 PBS

PBS NKDC other

No answer — **2**

Contact info needed — **0**

No help wanted — **1**

UCINFO (01/04 — 25/05)

Total — **2,891**

As of ??

Council Tenants — ??

UC DHPs (01/04/2018)

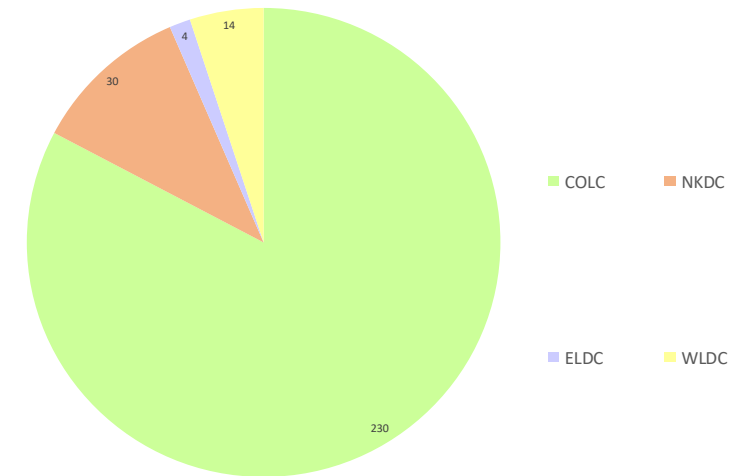
On-going — **4**

One-off — **1**

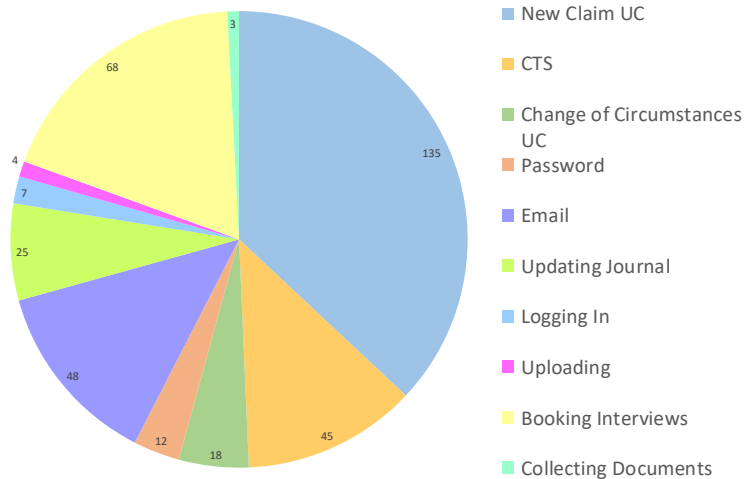
UC Housing NKDC as of 30/04/2018

?

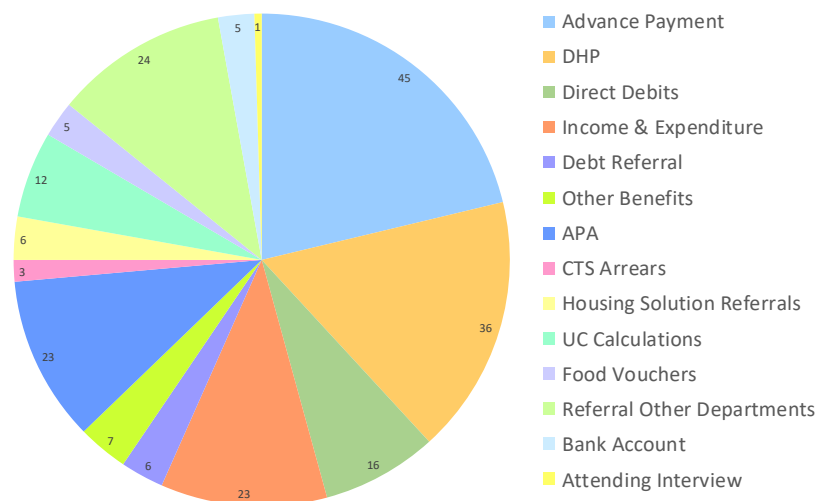
Customers by LA



ADS Total breakdown



PBS total breakdown



Key dates:

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HB working age —
2,623

HB pensioners —
1,847

CTS working age &
pensioners — **5,833**

UC Customers CTS
— **52**

National UC Stats

08/03/2018

National — 815,365

COLC — 836

NKDC — 362

Postcode	Postcode Live date	Jobcentre
LN3 5, LN4 1, LN4 2, LN5 0, LN5 9, LN6 3, LN6 4, LN6 5, LN6 8, LN6 9	07/03/2018	Lincoln
NG23 7	09/05/2018	Newark
PE20 3	12/09/2018	Boston
LN10 6, LN4 3, LN4 4, NG32 3, NG34 0, NG34 4, NG34 7, NG34 8, NG34 9	14/11/2018	Sleaford

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR3	Analysis of any shared service staff training and development needs, identification of transferrable skills	Head of Shared Revenues and Benefits	<p>Moved to Q3 2017/18, and ongoing</p> <p>(was Quarter 2 2016/17)</p>	<p>Update 4.5.16: Suggested insufficient information is available at this stage, so this analysis to move to same timescale alongside action WR2. Universal Credit training to staff (and other stakeholders) delivered prior to 30.11.15, and updates as required.</p> <p>Update 21.10.16: Suggested insufficient information is available at this stage, so this analysis to move to same timescale alongside action WR2.</p> <p>Update March 2017: As above – permanent WR&PO role in place – rollout of Full Service UC to be confirmed</p> <p>Update July 2017: Full service rollout announced and WR meetings at COL and NK have been re-introduced with Welfare Reform Lead chairing these meetings. Feed in from Vision 2020 – 2 projects Welfare Reform (WR) and Universal Credit (UC).</p> <p>Update November 2017: UCFS meetings have taken place at both sites – UC Planning document is being developed and will be completed in readiness for an update to CMT on 28 November.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>Update November 2017: WR & UC meeting due to take place on 28 November with both COL and NK – presentations by 2 companies to show online UC calculation tool.</p> <p>Update November 2017: RB Business Plan for 2018/19 will be going to JC on 28 November – inclusion of training needs analysis</p> <p>Update January 2018: Expression of Interest advert has been sent to Shared Service Benefit Officer on 17/01/2018 for a seconded opportunity to be involved with UC Support Team project.</p> <p>Opportunity is ring fenced to HB Officers as an ongoing knowledge of HB/UC is essential</p> <p>Update May 2018: Expression of interest successful and 2 HB Officers have secured full time roles as UC Support Team Members.</p> <p>In post from 12 February 2018 receiving training and live with full service from 7 March 2018.</p> <p>Test and learn approach, with a review of team effectiveness to be undertaken in July 2018.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR4	Assess impacts of COL/NK funding changes regarding national UC rollout	Head of Shared Revenues and Benefits	Ongoing	<p>Overall DWP and DCLG Admin Grants reduced for 2016/17 (for HB and CTS, respectively) and adjustment made to shared service budget.</p> <p>Update 21.10.16: DWP and DCLG Amin grants not yet known for 2017/18</p> <p>Update 27 February 2017: Universal Support 17/18 grant funding offer received for personal and digital support: COL = £4,107 NK = £1,028 This is broken down in to quarters – sign up required from S151</p> <p>Update 13 March 2017: Universal Support funding agreement signed by COL and NK S151</p> <p>Update 10 July 2017: Q1 performance against US funding: Digital support <ul style="list-style-type: none"> • COL = 1 – target is 7 • NK = 0 – target is 5 Personal budgeting <ul style="list-style-type: none"> • COL = 4 – target is 5 • NK = 0 – target is 3 </p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>Actions being taken – WR meetings arranged for August to remind all of responsibilities and requirement of funding – Vision 2020 meeting for COL, Customer experience board for COL, Digital inclusion meeting for NK</p> <p>Update: Q2 performance against US funding: Digital support</p> <ul style="list-style-type: none"> • COL = 9 – target is 9 • NK = 7 – target is 6 <p>Personal budgeting</p> <ul style="list-style-type: none"> • COL = 4 – target is 6 • NK = 1 – target is 3 <p>1. Actions being taken – PBS and ADS are included in the UC Plan and will be a standing item on the WR and UC Planning meeting agendas so performance can be reported.</p> <p>Update: Q3 performance against US funding: Digital support</p> <ul style="list-style-type: none"> • COL = 15 – target is 7 • NK = 4 – target is 4 <p>Personal budgeting</p> <ul style="list-style-type: none"> • COL = 4 – target is 4 • NK = 1 – target is 3

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>PBS is reliant on DWP referrals, these have not been coming through and this has been fed back in the quarterly MI reports.</p> <p>Update: Q4 performance against Universal Support (US) funding: Digital support</p> <ul style="list-style-type: none"> • COL = 15 – target is 7 • NK = 4 – target is 4 <p>Personal budgeting</p> <ul style="list-style-type: none"> • COL = 4 – target is 4 • NK = 1 – target is 3 <p>With the introduction of the UC Support team, the number of customers supported has increased significantly since full service rollout date.</p>
WR11	Training delivery plan for UC and USDL to be formulated	Revenues and Benefits Manager	Ongoing (was March 2015 – June 2015)	<p>Training/awareness sessions for various internal and external stakeholders underway.</p> <p>Update April 2017: WR&P Officer attendance at team meetings to advise on 17/18 national changes – including local CTS schemes</p> <p>Update July 2017: Ongoing for assessment staff with changes to legislation included in monthly QC checking – any fails will be picked up with individuals – ongoing</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

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Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>and more than 1 staff member will be picked up in individual 1-1's and team meetings respectively. LCTS to be included in QC from September 2017 and undertaken by</p> <p>Update January 2018: As above</p> <p>More in depth Training will begin from Mid-February</p> <p>Update May 2018: 1-1 training has been provided to all Benefits Officer across the shared service – this has covered the role of the UC Support Team and the impacts of recent legislation changes surrounding 2 week transition award of HB</p>
WR13	Other opportunities for co-location to support USDL work identified	Head of Shared Revenues and Benefits	Ongoing throughout 2015/16, 2016/17 and into 2017/18.	<p>Update 20.1.16: Discussions taking place with Sleaford and District Citizens Advice, for potential trial co-location in NKDC Offices, Sleaford.</p> <p>Update 4.5.16: 6-month trial of Citizens Advice in NKDC Offices commenced 3.5.16.</p> <p>Update: 24.10.16 Trial in NKDC has seen low numbers (23 clients in 5 months) with most referrals coming from DWP. CAML feel that this is positive and expected take-up to be slow. Have extended trial to March 2017</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>Discussions are ongoing with CA in Lincoln. Prices & options for accommodation and capital works have been supplied and CA are now looking at whether this presents a workable solution for their business.</p> <p>Update April 2017: CAML have extended their location at NKDC offices following successful trial.</p>
WR15	Invest to Save monthly monitoring	Revenues and Benefits Manager	March 2018	<p>Update April 2017: This was the LCC Corporate Fraud funded project. From April 2017 this will be funded solely through the shared service.</p> <p>Update July 2017: Q1 performance is positive. CM attending invest to save meeting in August for a paper to go to LFO's on 31 August</p> <p>Update September 2017: LFO's have considered the invest to save paper and project plan – further meeting to take place in October 2017 for all LFO's to be in attendance and give steer for next steps / agreement of any joint working</p> <p>Update November 2017: LFO's have considered the invest to save paper and project plan – Manager service SPD review to be undertaken in April – with COL/WL leading on tender process. Managed service CTS review to be undertaken with tender as part of</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

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Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>SPD process. COL/NK Invest to save project ongoing to 31 March 2018 for Business Rates, SPD and empty homes (agreement of RB Joint Committee)</p> <p>Update January 2018: Managed Service Single Person Discount review to be undertaken from April 2018 to August 2018. Managed service CTS review is going back to LFO's for discussion as only WL, COL and NK would be interested and there could be significant impact on resources if this is undertaken at the same time as the SPD review. COL/NK Invest to save project for Business Rates has now ceased as the resource has been removed from this project. Current NDR staff will be picking this up as part of day-to-day working.</p> <p>Update May 2018: Managed Service Single Person Discount Review – successful procurement exercise this been undertaken with a supplier being contacted for contracts to be signed and access to system. Project is due to start in June 2018</p>
WR17	Quarterly updates to Revenues and Benefits Joint Committee on welfare reform strategy progress	Revenues and Benefits Manager	Quarterly throughout 2017/18	<p>Update 22.10.15: Updates presented to Joint Committee 8.9.15 and 24.11.15.</p> <p>Update 20.1.16: To be presented to Joint Committee 23.2.16.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>Update 4.5.16: To be presented to Joint Committee 24.5.16.</p> <p>Updated 5.8.16: To be presented to Joint Committee 6.9.16.</p> <p>Updated: 21.10.16: To be presented to Joint Committee 22.11.16</p> <p>Updated April 2017: Decision taken not to provide updates for next 2 JC's due to minimal activity. Update from November to include UIC full service preparation.</p> <p>Updated September 2017: UC Full service and WR update to be issued to JC for 28 November and COL CMT on 14 November.</p> <p>Updated November 2017: As above, although CMT date amended to 28 November due to a number of updates received and outcome of autumn statement on 22 November.</p> <p>Updated January 2018: CMT have approved the formation of a UC Team</p> <p>Updated May 2018: UC progress and UC Support Team update to be provided at COL CMT on 29 May</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				2018, 12 June 2018 R&B Joint Committee and 18 June 2018 NKDC P&R OSP.
WR27	Agreement to initial Universal Credit Partnership Delivery Agreement between COLC/NKDC and DWP	Head of Shared Revenues and Benefits	<p>2017/18 DP agreement to be finalised and in place – target by end March 2017.</p> <p>2018/19 – review Universal Support funding agreement</p> <p>New Action for 2019/20 – review Universal Support funding agreement</p>	<p>Update 27 February 2017: Universal Support 17/18 grant funding offer received for personal and digital support: COL = £4,107 NK = £1,028 This is broken down in to quarters – sign up required from S151</p> <p>Update 13 March 2017: Universal Support funding agreement signed by COL and NK S151 Update 13 March 2017: Funding will need to be reviewed for 2018/19 and new agreement signed</p> <p>Update May 2018: 2018/19 funding agreements – have been agreed and signed, for both COL and NK.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR28	Review of DHP procedures for COL + NK for 2016/17 and 2017/18	Benefits Team Leader (Lincoln	Prior to 1 st April 2017, and throughout remaining 2016/17 and 2017/18 via monthly monitoring	<p>Update March 2017: Policy for 17/18 reviewed and agreed.</p> <p>Update April 2017: Benefits Team Leader to meet monthly with respective Housing Teams and colleagues to discuss DHP. Plan in place for additional resource during renewal period – on track</p> <p>Update July 2017: Q1 Monitoring – on track for spending – no concerns identified.</p> <p>Update August 2017: CM attendance at Vision 2020 meeting to request transfer of DHP underspend in HRA to CTS – this was refused. Led to Bob asking for review of policy if we have underspend, are we too harsh? Meeting arranged with CM, LB, and Housing in September 2017. Meeting also arranged in September with NK Housing for potential bid to continue with 320k from NK HRA and general review of policy. LB will review policy for introduction of more UC customers and monthly changes.</p> <p>Update November 2017: Meetings held with Housing Teams to discuss budget and current spend – both teams asked to review and return with proposals for remaining spending of both government and HRA funded: -</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

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Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<ul style="list-style-type: none"> • COL = £174,966 (budget = • NK = £116,198 (budget = <p>Update January 2018: Meetings continue to be held with Housing Teams to discuss budget and current spend – both teams asked to continue to review awards and highlight cases in need of DHP.</p> <p>Update May 2018: Underspend for both COL and NK DHP for 17/18. DHP meetings being arranged for 18/19 across both sites – this will encompass other areas such as performance updates, review of eviction reasons etc</p>
WR29	Monthly monitoring of 2017/18 Council Tax Support Schemes COL + NK	Revenues and Benefits Manager	Monthly, throughout 2017/18 as part of taxbase	<p>Update July 2017: Ongoing through taxbase: COL = Overspend as Ctax increase as not included as part of modelling / budgeting NK = On track as per budget</p> <p>Update November 2017: Ongoing through taxbase: COL = £7,483,735 (reduction from September of £70,080) – MTFS is £7,471,020 – total overspend of £12,715 NK = £5,127,738 – On track as per budget – reduction from September of £10,743</p> <p>Update November 2017: Ongoing through taxbase:</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>COL = £7,418,927 (reduction from November of £64,808) – MTFS is £7,471,020 – total underspend of £52,093 NK = £5,120,670 – On track as per budget – reduction from November of £7,067</p> <p>Update May 2018: 18/19 scheme in place. Ongoing review through taxbases.</p> <p>2019/20 Scheme to start being considered in June 2018. Committee timetables in place.</p>
WR30	Review of 2017/18 Council Tax Support Schemes COL + NK for 2018/19 scheme	Revenues and Benefits Manager	End July 2017	<p>Update July 2017: COL scheme has caused vulnerable customers to face hardship. Protection for vulnerable customers to be included in option for 18/169 scheme Increase in EHP awards has resulted in full 310k being spend – report to CMT to request transfer of DHP from HRA to EHP</p> <p>Update August 2017: DHP transfer declined by CMT – EHP to be awarded as Section 13A – relevant officers made aware.</p> <p>Update May 2018: 18/19 scheme in place. Ongoing review through taxbases.</p> <p>2019/20 Scheme to start being considered in June 2018. Committee timetables in place.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR31	<p>Assessment of options for 2018/19 Council Tax Support Schemes COL+NK – including links into UC</p> <p>New action – consider options for CTS schemes 2019/20</p>	<p>Revenues and Benefits Manager</p> <p>Revenues and Benefits Manager</p>	<p>End July 2017</p> <p>Quarter 2 2012017/18</p>	<p>Update June 2017: Modelling for 18/19 schemes taking place. No modelling tool available for UC banding from Northgate. Unlikely to change UC for 18/19 – will review impacts and consider approach for 19/20 once we know facts and how UC is impacting on customers, service, collection etc.</p> <p>Update July 2017: COL scheme = Agreement for all options to be considered – support for protection of vulnerable customers</p> <p>NK Scheme = CM met with S151 Officer to discuss options – and steer on consultation. All options can be considered at this stage</p> <p>Update August 2017: COL Scheme = Agreement to all options to be considered as part of consultation – preference for protection for vulnerable and removal of family premium.</p> <p>Update September 2017: NK Scheme = CMT 6th September – request for presentation to Exec which CM has put together and is with S151 for agreement.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
				<p>CM has engaged team members for consultation process – web, comms, media teams and Critiqom are also aware in readiness for URL on site and issuing of letters and press release.</p> <p>Update November 2017: NK Scheme = OSP P&R 13 November. Consultation ends 17 November – 372 respondents as at 3 November COL Scheme = consultation ends 10 November – 332 responds as at 8 November</p> <p>Update January 2018: Both Execs have approved the proposed CTS schemes and will be going to Council on 23rd January (COL) and 25th January (NK).</p> <p>Approved at Exec as follows: - COL – Protection for vulnerable and increase EHP to £20,000 NK – Reduce backdating to 3 months and continue with EHP of £20,000</p> <p>Update May 2018: 19/20 Scheme to start being considered in June 2018. Committee timetables in place.</p>

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR32	Produce annual COL/NK welfare reform report	Revenues and Benefits Manager	November 2017 November 2018	Update May 2018: 2018/19 Report – Complete and report has been approved by R&B Joint Committee on 20 February 2018 Update May 2018: 2019/20 report required
WR33 Vision 2020	Preparing for Universal Support group to meet between COL and NK (working with partners as required)	Revenues and Benefits Manager as part of Vision 2020	From January 2015, and ongoing	Updated April 2017: Was formation an development of USDL but WLDC have removed this work. UC to be managed by WR&P Officer for the shared service. Updated August 2017: CMT / Vision 2020 have agreed to the formation of a ‘preparing for Universal Support’ Group. To be managed by CM as part of Vision 2020 attendance and direct management to WR&P Officer Updated November 2017: Monthly meetings have been planned and include R&B, Housing, Customer Services, JCP – Comms teams will also be invited. Updated January 2018: Monthly meetings taking place alternate sites Update May 2018: Monthly meetings taking place alternate sites

APPENDIX 3: Revenues and Benefits Joint Committee – 12 June 2018 - Welfare Reform Strategy Action Plan update May 2018

Ref.	Action	Responsible Officer/ Organisation	Target Date	Comments/ Updates
WR34 Vision 2020	Further Support for residents to adapt to welfare reform	Revenues and Benefits Manager	Ongoing throughout 2017/18 and beyond	Updated May 2018: Update is the same each month. Vision 2020 performance update template provide all updates on this
WR35 Vision 2020	Maintaining support for people moving to Universal Credit	Revenues and Benefits Manager	Ongoing throughout 2017/18 and beyond	Updated May 2018: Update is the same each month. Vision 2020 performance update template provide all updates on this Links to WR33
WR36	Analyse potential impacts of key welfare reform announcements from Budgets in 2017	Revenues and Benefits Manager	Ongoing throughout 2017/18 and beyond	Updated May 2018: Update is the same each month. Vision 2020 performance update template provide all updates on this Links to WR34

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SUBJECT:	HOUSING BENEFIT OVERPAYMENTS UPDATE
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	CLAIRE MOSES, REVENUES AND BENEFITS MANAGER (SHARED SERVICE)

1. Purpose of Report

- 1.1 To provide Revenues and Benefits Joint Committee with an update on the recovery of Housing Benefit overpayments.

2. Executive Summary

- 2.1 This report sets out how officers intend tackling the outstanding Housing Benefit (HB) overpayments debts, as well as detailing the scope for the Department for Work and Pensions (DWP) Housing Benefit debt recovery health check.
- 2.2 **Appendix 1** to this report shows the findings and recommendations of the review undertaken by the DWP's Housing Delivery Division (HDD).

3. Background

- 3.1 Housing Benefit overpayments can occur for a variety of reasons;
- Customers not promptly notifying of a change of circumstances affecting their entitlement to HB;
 - Delays in re-assessment of HB once a change has been reported to the Benefits Officer;
 - Fraudulently-claimed HB;
 - Error made in assessment of HB by the local authority; and
 - Error made by the Department for Work and Pensions (DWP) and Her Majesty Revenues & Customs (HMRC) in one of the benefit or incomes used in the assessment of Housing Benefit entitlement.
- 3.2 Due to the nature of the relatively large amounts of HB being paid over an extended period, individual overpayments can be sizeable and for some debts, these take many years to recover at standard weekly rate deductions from ongoing HB entitlement and DWP benefits.

4. Value and Extent

- 4.1 As at 2017/18 outturn, the value of outstanding overpayments for City of Lincoln and North Kesteven are £4,219,349 and £1,824,908, respectively. The recovery of overpayments can be at different stages and these are usually broken down into two areas – Live HB claim or Sundry Debtor. For Live HB claims, the amount of Housing

Benefit awarded is reduced each week by a certain amount (called an 'on-going deduction'). This amount is used to reduce the outstanding overpayment until it is cleared. Sundry Debtors overpayments are those where the customer is no longer in receipt of Housing Benefit, and the customer is invoiced for the outstanding debt. The customer is then required to set an arrangement to pay.

5. Department for Work and Pensions (DWP) – Overpayment Review – April 2018

5.1 In April 2018, the DWP's Housing Delivery Division (HDD) Performance Development Team (PDT) conducted an end to end review of the Shared Service Housing Benefit overpayment and debt recovery process.

5.2 The HDD team met with the Head of Service and Revenues & Benefits Manager to discuss the scope of the review and current processes within the team to identify and recovery overpayments.

5.3 As a result of the scoping meeting, it was agreed that the PDT consultants would carry out an end to end on-site overpayment process review for two days. This was undertaken at City Hall, with the PDT meeting a number of key staff – including senior management, team leaders, benefits officers, appeal officers and members of the recovery team. The review was structured to include: -

- Analysis of the existing debt provision;
- Specific case sampling;
- Interviews with staff;
- Process observations;
- Prevention of debt; and
- Information feedback.

5.4 During the two days, senior management highlighted the targeted work which had already been undertaken in relation to overpayment recovery. At the last meeting of this Committee, Officers advised an action plan was in place to reduce the number of overpayments. The following actions were undertaken during quarter 3 and 4 of 2017/18: -

1. During November and December 2017, the Housing Benefit Overpayment Recovery Officer completed a review of all City of Lincoln overpayments which were being recovered via ongoing Housing Benefit. The aim of the review was to contact those customers to increase the weekly repayment figure or, where the overpayment was low, to seek payment in full. As a result of this work, the number of customers with an outstanding overpayment not at sundry debt stage has decreased from 1,006 to 874. The Officer has continued to review the ongoing and new cases on a quarterly basis to ensure effective and proportionate managed arrangements are in place
2. From January 2018, the recovery officer began a review of the North Kesteven cases, in particular the older cases which were at 'write off' stage – with a view for a final decision to be made and for these overpayments to be written off. As a result of this, there has been a reduction in the number of overpayments not at sundry debt stage. Work has been undertaken to action all historical write off's which had been approved but not cleared on the Benefits System.

The Officer has also reviewed all cases currently being recovered via ongoing Housing Benefit, using the same approach as for City of Lincoln (point 1 above). This has resulted in the number of customers with an outstanding overpayment not at sundry debt stage decreasing from 558 to 455.

3. During Quarter 4, a detailed analysis of cases at sundry debtor was due to be undertaken. The work that was being undertaken up to December 2017 was being absorbed by the existing members of the recovery team. It was intended for an Expression of Interest exercise to be undertaken in December 2017, however, due to a number of other work pressures, staffing changes and changes in Government schemes, the work was temporarily stopped. Officers have now reallocated resources allowing recruitment into a dedicated role, as detailed in section 6.5 of this report.

6. DWP – Findings and Recommendations – the next steps

6.1 As a result of the review, the PDT has provided officers with a report detailing the findings and recommendations, this is shown in **Appendix 1**. The PDT will also return to City Hall on 15 June 2018 to provide a verbal update to all staff who were involved with the original review.

6.2 The PDT identified some good practices whilst conducting the review, as well as acknowledging the shared service has already recognised work that needed to be done – such as: -

- Identifying old debtors – reviewing the status of recovery and moving the recovery stage forward;
- Filling the Expression of Interest for a Housing Benefit Overpayment recovery officer; and
- Identifying debtors suitable to be referred to the DWP as part of their Debt Service pilot

6.3 The PDT put forward eleven recommendations (paragraph 15 onwards in appendix 1), of which nine have been included in the HB Overpayment recovery action plan. These are: -

- Review current timeline for issuing of reminders;
- Review of diary dating process;
- Process in place to review the level of benefit claw back;
- Consideration of claimant capital as recovery method;
- Introduction of a telephone rota within the recovery team;
- Analysis and understanding of management information (MI);
- Targeted activity for highest and oldest debts;
- Communicating the importance of recovery to all staff so they understand their role; and
- Collaboration between staff and the HB recovery team – to share achievements and discuss areas for improvement;

Recommendations 8 and 9 have not been included within this action plan, as they relate to quality checking, for which there is a separate ongoing project and are already included within this.

- 6.4 The recommendations, along with work already planned have been used to create an action plan which is due to be implemented on 18 June 2018 once all staff have received an update regarding the recommendations. The action plan is shown in **Appendix 2**. This action plan will be used as a working document and will direct the workload for the overpayment recovery team during the next nine months. This action plan will be updated regularly and will be provided in future committee reports to show the progress which is being made.
- 6.5 During May 2018, an advertisement for 1 Full Time Equivalent Housing Benefit Recovery Officer (fixed term) was sent as an expression of interest which was ring-fenced to Housing Benefit Officers. There were three applicants for the role, who underwent a selection process. As a result, the successful candidate was appointed in Mid-May. The successful candidate has experience in overpayment recovery and has started to work with the Team Leader to form the action plan.

7. Strategic Priorities

- 7.1 Both City of Lincoln and North Kesteven have a number of strategic priorities. Two that have an impact on the Revenues and Benefits Service are:-
- Lincoln: "Let's Reduce Inequality".
 - North Kesteven: "Our Community and Our Economy".
- 7.2 Both authorities look to protect the poorest people. The Benefits Service plays a key role in reducing poverty and disadvantage by ensuring residents receive the benefits they are entitled to and providing money / debt advice. The Revenues Section are also mindful of the strategic priorities when engaging with business ratepayers as they recover the business rate. Digital Inclusion, Channel Shift, Financial Inclusion and Partnership Working are all key priorities for the shared service.

8. Organisational Impacts

- 8.1 Finance: There would be a positive financial implication arising from this report in relation to the reduction in outstanding Housing Benefits overpayments.
- 8.2 Legal Implications including Procurement Rules: There are no direct Legal or Procurement implications arising from this report.
- 8.3 Land, property and accommodation: There are no direct implications arising from this report.
- 8.4 Human Resources: There are no direct implications arising from this report.

8.5 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required) – There are no direct Equality, Diversity or Human Rights implications arising from this report.

8.6 Significant Community Impact: There is no change in policy / strategy or the way the service is being delivered.

8.7 Corporate Health and Safety implications: There are no corporate Health and Safety implications.

9. Risk Implications

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

10. Recommendation

10.1 Members are asked to note this report and note that an update will be brought to Revenues and Benefits Joint Committee on 4 September 2018; and

10.2 Support plans to continue with the 'Housing Benefit Overpayment Action Plan' in relation to the areas outlined in this report, for 2018/19, including re-allocation of resources to undertake this work.

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? Two

Appendix 1: Housing Delivery Division findings and recommendations report
Appendix 2: Housing Benefit Overpayment Action Plan

List of Background Papers: None

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Department
for Work &
Pensions

To: Martin Walmsley
Claire Moses

From: Debbie Harrison
Lucie Eastham
Housing Delivery Division
May 2018

Lincoln City Council and North Kesteven District Council

Performance Development Team Housing Benefit Debt Recovery Health Check

Introduction

1. In April 2018, following a request from Lincoln City Council (LCC) and North Kesteven District Council (NKDC) the Housing Delivery Division (HDD) Performance Development Team (PDT) conducted an end to end review of LCC and NKDCs Housing Benefit (HB) overpayment and debt recovery process.
2. This report provides a brief summary of the findings and recommendations following the review. The recommendations are informal and offered to LCC and NKDC to consider adopting when updating its current processes. The PDT consultants assigned to this project were Lucie Eastham and Debbie Harrison.

Background

3. LCC and NKDC have a HB caseload of approximately 8,000 and 4,500 respectively. At the start of 2017/18 LCC had a total outstanding debt of £4,024,000 and NKDC £1,777,000. Prior to undertaking the review, the PDT consultants gathered supporting historical debt recovery performance data to establish any trends or areas for improvement.
4. The two councils have been through a significant amount of transformation becoming a shared service and moving IT supplier. There is a plan in place to identify and reduce 'old debt' and become up to date with 'new debt'
5. PDTs initial data gather (see **Annex 1**) included the last full 3 years performance data. The data shows a year on year increase in the total amount of debt recovered and the percentage of in year debt recovery achieved. However, overall

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outstanding debt has also increased year on year.

6. PDT consultants compared the debt recovery performance for both LCC and NKDC with that of a number of neighbouring LAs to give a more holistic view and greater context of their achievements to date. The table below includes a comparison of the in year recovery rate and the percentage of recovery against the total outstanding debt for each LA.

Council performance for % of recovery for 2016/17

County performance for % of recovery for 2016/17	In Year (%)	Against total debt (%)
Boston	68.51%	59.16%
East Lindsey	74.72%	33.54%
Lincoln	56.53%	18.67%
North Kesteven	61.74%	23.77%
South Holland	84.51%	38.34%
South Kesteven	92.81%	36.12%
West Lindsey	59.11%	24.32%

Scope and Approach

7. As detailed in the Partnership Agreement, the scope of the review included an independent assessment of the end to end Housing Benefit overpayment process for LCC and NKDC.
8. It was agreed that the PDT consultants would carry out an end to end on-site overpayment process review including:
 - ensuring overpayment processes and procedures are consistent and as efficient and effective as possible
 - reviewing existing recovery/enforcement procedures to ensure they maximise all opportunities to recover outstanding debt
 - reviewing arrangements for writing off debt
 - ensuring the most effective use is being made of available management information
 - ensuring overpayments are classified correctly
 - reviewing overpayment correspondence
 - reviewing quality and target expectations
9. The review was conducted over 2 days at LCC and was structured to include:
 - analysis of the existing debt position
 - specific case sampling

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- interviews with staff (including processors and team leaders)
- process observations
- prevention of debt
- informal feedback

Following completion of the review the PDT consultants wish to highlight the following findings and recommendations, detailed below.

Findings

10. PDT identified some good practices whilst conducting the review. LCC and NKDC recognised that work needed to be done with old debtors lost during the IT changes going back to 2012. This work includes looking at a total of just over 5000 overpayments and reviewing them. There is an expectation that this will be completed in the next 3 months. The recovery officers covering this work were knowledgeable, proactive and enthusiastic.
11. LCC and NKDC are currently filling an expression of interest for a debt officer. LCC were part of the Debt Service pilot which has now gone live nationally that shares employment and updated address details with LAs from HMRC. The new debt assistant will join the HB Assessor team and work on the Debt Service outcomes. This means that full use of the information provided can be used timeously and payment arrangements made or Direct Earnings Attachments (DEA) put in place.
12. LCC have a visiting officer who will talk to debtors about overpayments when on a visit or hand deliver a letter. Feedback shows this has worked well and payment arrangements made following a visit or hand delivery of a letter.
13. The recovery officers were aware of how much debt was outstanding and were under no illusions of the entirety of their recovery task.
14. We sampled 10 on going benefit cases and 4 sundry debtor cases. PDT identified that:
 - 80% of ongoing benefit claimants were not set at the correct recovery rate and agreed reductions had not been reviewed, some for many years however all cases were classified correctly
 - 3 ongoing benefit cases sampled showed that where claimants had moved into work and then returned to benefit, no monies had been collected whilst with the sundry debtor recovery team

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- 1 sample showed, where a claimant had an agreement reduction of £5 due to hardship and then moved into work, returning to benefit after a 2 year period the ongoing benefit claw back rate was automatically set at £5 and not reviewed. This was a fraud case and should be being recovered at £18.50
- 2 of the 4 sundry debtor cases had a payment agreement in place. However 1 of these was set at £5 a fortnight despite being in work which is lower than the ongoing benefit rate. This had not been reviewed for a number of years
- a further sundry debtor case had had the final reminder sent out in June 2013 and no further action had been taken. Presumably this was a case that was 'lost' due to the change in IT and will be reviewed shortly.

Recommendations

15. We identified the following timeline for letters sent to sundry debtors ie where no HB benefit is in payment:

- Day **1** - Invoice Issued (automated process however daily intervention used as a check before invoice is sent)
- Day **21** – 1st reminder sent
- Day **35** – Final reminder sent
- Currently there is a 16 week period before the next action is taken
- Day **147** – Letter before action sent (this states the claimant has another 2 weeks to respond)
- Day **161** - further action considered. DEAs, PDPs, Instalments, Debt collection agency

Recommendation 1	
<p>Consider current timeline in particular looking at:</p> <ul style="list-style-type: none"> • reducing reminders at days 21 and 35 • starting action at day 31 	<p>Annex C within the Overpayment Recovery Good Practice Guide shows in a flowchart an effective HB overpayment recovery time line.</p> <p>https://www.gov.uk/government/publications/housing-benefit-overpayment-recovery-good-practice</p>

16. Benefit assessment officers talked PDT through the process of recovery from ongoing benefit. It appears that where Housing Benefit is in payment there is a robust process in place to recover from ongoing benefit including:

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- automatic uprating of recovery rate
- underlying entitlement considered
- hardship consideration takes place with Income & Expenditure forms being used at every opportunity
- blameless tenants considered
- claim suspended at the point a change is notified
- ability to suspend claims by customer service staff

However there are certain areas that could be considered to strengthen the recovery process.

Recommendation 2	
Review the diary dating process to ensure a consistent approach to diary dating including how and when this should be done	There were varied methods of diary dating across the teams with confused views of how often a review should take place. Some officers were using their own Outlook diaries to diary date which would disappear if the officer left.
Recommendation 3	
Ensure that there is a process in place to review the level of benefit claw back when a claimant returns to HB where there has been a recovery reduction previously	Sampling and talking to assessors showed missed opportunities are evidential where claimants have: <ul style="list-style-type: none"> • returned to benefit • had a recovery reduction
Recommendation 4	
Consider claimant capital before recovery from ongoing benefit or payment arrangement	There was no evidence to show that any claimant capital was considered when an overpayment has been identified. It was presumed that a claimant on benefit should have the recovery clawed back from HB
Recommendation 5	
Consider putting a telephone rota in place, for example half a day at a time so debt officers time dealing with debt recovery is not as highly impacted	25% of officers time is taken on call handling from claimants relating to any aspect of 'any' recovery at any time of the day. The staff consider this to impact severely on recovery work and being able to 'get on with work'. A more structured way of dealing with calls would be beneficial to the completion of recovery tasks.

17. Despite the production of much Management Information (MI) some team leaders or senior benefit staff did not use this to look at productivity or results. Staff have no targets to work towards and some do not consider debt recovery to be part of their role. Generally the recovery team and the assessment team felt they could work more closely.

Recommendation 6	
Ensure that team leaders and senior benefits staff are able to analyse and understand Management Information (MI) to manage debt recovery performance	Evidence shows that team leaders collate MI for senior managers and pass MI onto the staff. However, there is no analysis of the MI themselves or understanding of productivity, achievements or areas for improvement
Recommendation 7	
Consider looking at the highest and oldest debt MI and completing some targeted activity on these groups	Although there was much MI produced, MI around oldest and highest debtors was not. It is not unusual for 50% of total debt to be owed by under 5% of the highest debtors or 25% of total debt owed by those debtors owing more than £10k
Recommendation 8	
Consider setting targets for both assessors and recovery teams Examples of targets could be: <ul style="list-style-type: none"> • Quality target (whole new claim process) • Number of claims processed (broken down depending of complexity) • Recovery % target or monetary figure 	Staff had no targets to work to for either quality or the number for example of claims processed. Do the staff understand what is expected of them?
Recommendation 9	
Review current activity within quality checking and consider re-introducing more % checks	While focused checks are conducted for subsidy analysis, quality checks are not currently priority. The findings in this report confirm that with a quality check framework in place missed opportunities for recovery could significantly reduce and give assurance that correct rates are being recovered. If peer quality checks are to be resumed there should be an element of some: <ul style="list-style-type: none"> • checking by the team leaders to ensure consistency.

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	<ul style="list-style-type: none"> analysis of checks for trends or sharing good practice
Recommendation 10	
The importance of recovery should be regularly communicated so that staff understand debt recovery is part of their role and understand the level of debt	It was identified that some staff were uncomfortable with recovery and had indicated to their managers that recovery was not their role. PDT can offer support in this area and conduct a telephone communications workshop to revisit skills and improve confidence in talking to claimants and dealing with challenging conversations
Recommendation 11	
Consider more collaboration between staff for example a monthly or bi monthly meeting where they can share achievements and discuss areas for improvement	It was suggested that more interaction between teams (assessors and recovery) would be beneficial by the assessors and debt officers

18. During the visit PDT was also able to assist in the Universal Credit work area and support the lead with some good practices to support a more efficient service. The universal credit lead took actions to:

- revisit the process currently in place for checking CIS interest markers are set/unset, to reduce the amount of notifications currently received. 1000 had been received in a month
- liaise with the IT systems team to be proactive in readiness for PDF to be switched off

19. We would like to thank all the staff who were involved in this review for their honest and open conversations and for making us feel so welcome during our visit.

Summary report produced by Debbie Harrison and Lucie Eastham

Annex 1

PDT looked at the historic performance on debt identified, recovered, outstanding and written off. The following table provides last full 3 years performance published on gov.uk.

<i>Historical Performance on debt recovery</i>		Lincoln City Council	North Kesteven District Council
Total HB debt identified			
	2014/15	£1,560,000	£811,000
	2015/16	£1,441,000	£739,000
	2016/17	£1,706,000	£920,000
Total HB debt recovered			
	2014/15	£859,000	£432,000
	2015/16	£931,000	£492,000
	2016/17	£961,000	£568,000
Total HB Debt Outstanding at start of year			
	2014/15	£2,550,000	£1,120,000
	2015/16	£3,122,000	£1,329,000
	2016/17	£3,441,000	£1,470,000
<i>Historical Performance on debt recovery</i>		Lincoln City Council	North Kesteven District Council
Total HB Debt written off			
	2014/15	£80,000	£47,000
	2015/16	£90,000	£50,000
	2016/17	£102,000	£11,000
In year recovery			
	2014/15	55.06%	53.27%
	2015/16	64.61%	66.58%
	2016/17	56.33%	61.74%

Appendix 1: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Recovery against total debt outstanding			
2014/15		20.90%	22.37%
2015/16		20.43%	23.79%
2016/17		18.67%	23.77%

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Housing Benefit Overpayment Recovery Action Plan – 2018/19

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
Expression of interest to be issued to staff	Benefits Team Leader (BTL)	<ul style="list-style-type: none"> Email to all Housing Benefit Officers with expression of interest details – start date 18 June 2018, after HDD report 	08.05.18	17.05.18	3 x EOI received Interviews, test and information chat undertaken on 17 May 1 X FTE recruited Work to start on 18 June 2018
Management Information to be set up and agreed	BTL	<ul style="list-style-type: none"> BTL to speak with Recovery and Systems Team Leaders to ascertain what MI is available on Northgate system 	18.06.18	Weekly for team Monthly for reporting	04.05.18 – email sent to support team with a list of MI requirements 01.06.18 – baseline Mis to be available
Review of HDD Findings	BTL	<ul style="list-style-type: none"> HDD report to be reviewed by BTL and R&B Manager to set action plan 	26.05.18	18.06.18 and then weekly	31.05.18 – draft plan devised and issued to HBOP team for discussion and input

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
Review of Housing Benefit Debt Service project	BTL	<ul style="list-style-type: none"> Login to online forum to read through the guidance and experiences of other teams Check data download table 	08.06.18	Monthly	HBOP where there is no suitable recovery to be issued to debt service on a monthly basis
Agree working arrangements for HBOP officers	BTL	<ul style="list-style-type: none"> To liaise with Recovery Team Leader to discuss current working arrangements and processes for sundry debts 	08.06.18	Monthly	BTL and Recovery Team Leader to meet each month to review arrangements
Meet with successful HBOP officer	BTL	<ul style="list-style-type: none"> To provide a remit of the role and gain input into creation of action plan 	08.06.18	Monthly	Remit of role to be reviewed monthly at 1-1
Set up MI spreadsheet	BTL	<ul style="list-style-type: none"> MI spreadsheet to provide baseline stats as at 31 May 2018 To be completed each month to give comparison figures MI details to be gathered are further down in the action plan for each stage of debt 	01.06.18	Monthly	
Recovery method flowchart	BTL	<ul style="list-style-type: none"> To produce a recovery method flowchart which clearly shows preferred recovery method 	08.06.18	Monthly	To be reviewed monthly to ensure fit for purpose

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
		routes (taking into account recommendations from HDD regarding capital, review of methods etc)			
Creation of overpayments					
Understanding the importance of recovery (HDD recommendation 10)	BTL's and Recovery Team Leader	<ul style="list-style-type: none"> • Communication of the work and action plan is needed from the outset at benefit and recovery team meetings. • Staff need to understand debt recovery is part of their role and understand the level of debt and importance of recovering this 	30.06.18	Monthly	
Benefits Officer training	HBOP Team	<ul style="list-style-type: none"> • Confidence in discussing overpayments with customers • Setting appropriate arrangements 	30.06.18	Monthly	Effectiveness of training to be reviewed at team meetings (discussion with staff) along with reviewing relevant stats
Review diary dating process	HBOP Team	<ul style="list-style-type: none"> • To ensure consistent approach to diary dating including how and when this should be done. 	30.06.18	Monthly	Diary date report to be reviewed by HBOP team to ensure it is

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
(HDD recommendation 2)		Removal of use of outlook? Use of Northgate diary suite? <ul style="list-style-type: none"> Who should be reviewing the diary date? The Benefits Officer or the HBOP Officer? 			being used to full capacity
Consider claimant capital as recovery method (HDD recommendation 4)	BTL	<ul style="list-style-type: none"> Capital to be considered before recovery from ongoing benefit or payment arrangement 	08.06.18		To be included as part of the HBOP recovery flowchart
Overpayments recovered from ongoing Housing Benefit					
Monthly management Information (MI) required	BTL / HBOP Team	<ul style="list-style-type: none"> Detailed MI required: - <ul style="list-style-type: none"> No. at this stage Value at this stage 	31.05.18	Monthly	To be gathered each month on a spreadsheet for easy comparison to review movement and effectiveness of work undertaken
Review level of clawback (HDD recommendation 3)	HBOP Team	<ul style="list-style-type: none"> Process in place to review when a claimant returns to HB where there has been a recovery reduction previously 	08.06.18	Monthly	

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
Overpayments at sundry debt and on arrangement					
Monthly management Information required	BTL / HBOP Team	<ul style="list-style-type: none"> • Detailed MI required: - <ul style="list-style-type: none"> ○ No. at each stage ○ Value at each stage ○ No. passed on to next stage 	31.05.18	Monthly	To be gathered each month on a spreadsheet for easy comparison to review movement and effectiveness of work undertaken
Consider current timeline for reminders (HDD recommendation 1)	HBOP Team	Looking at: <ul style="list-style-type: none"> • Reducing reminders at days 21 and 35 • Starting action at day 31 	15.06.18	N/A	
Passing on of non-arrangement debts to HBOP Recovery team	BTL	<ul style="list-style-type: none"> • Process needed as to what point the debt is passed to the HBOP recovery team for next action (such as referral to DWP debt service) 	08.06.18	Monthly	To be reviewed monthly to ensure these debts are being passed on to next stage
Telephone rota (HDD recommendation 5)	Recovery Team Leader	<ul style="list-style-type: none"> • Consider putting a telephone rota in place, for example half a day at a time so debt officer time 	30.06.18	N/A	

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
		dealing with debt recovery is not as highly impacted			
Overpayments over 4 months old and where there is no arrangement					
Monthly management Information required	BTL / HBOP Team	<ul style="list-style-type: none"> • Detailed MI required: - <ul style="list-style-type: none"> ○ No. at this stage ○ Value at this stage 	31.05.18	Monthly	To be gathered each month on a spreadsheet for easy comparison to review movement and effectiveness of work undertaken
Existing overpayments over 4 months old with no action: Removal of these overpayments from sundry team	HBOP Team	<ul style="list-style-type: none"> • To be removed from the recovery team and brought into the HBOP team 	08.06.18	N/A	
Existing overpayments over 4 months old with no action: Review of status of recovery	HBOP Team	<ul style="list-style-type: none"> • Status of recovery stage to be reviewed • Appropriate action to be undertaken – arrangement / debt service or write off <ul style="list-style-type: none"> ○ Detailed MI required: - <ul style="list-style-type: none"> ▪ No. at this stage ▪ Value at this stage 	31.07.18	Monthly for new cases	

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
Use of DWP Debt Service Project	BTL / HBOP Team	<ul style="list-style-type: none"> • These debts to be reviewed and passed to DWP Debt service project for potential recovery from earnings • Detailed MI required: - <ul style="list-style-type: none"> ○ No. at this stage ○ Value at this stage 	30.06.18	Monthly	
Looking at highest and oldest debt MI (HDD recommendation 7)	HBOP Team	<ul style="list-style-type: none"> • Targeted review of these cases 	31.07.18	Monthly	
Write Offs					
Monthly management Information required	BTL / HBOP Team	<ul style="list-style-type: none"> • Detailed MI required: - <ul style="list-style-type: none"> ○ No. at this stage ○ Value at this stage 	31.05.18	Monthly	To be gathered each month on a spreadsheet for easy comparison to review movement and effectiveness of work undertaken

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
Management Information (MI)					
MI to be collated monthly	BTL / HBOP Team	<ul style="list-style-type: none"> MI as above to be collated on a spreadsheet for easy monthly comparison 	31.05.18	Monthly	<p>Baseline stats for 31.05.18</p> <p>Each month to be available within 3 working days of 1st of each month</p>
Management Information (MI) to be readily available (HDD recommendation 6)	BTL	<ul style="list-style-type: none"> Ensure that team leaders and senior recovery staff are able to analyse and understand the MI to manage debt recovery performance Feedback to HBOP officers – providing update on performance, looking at 'issue' areas Feedback to team members – providing update on actions taken and outcomes 	01.07.18	Monthly	<p>Baseline and June stats to be available 1 July 2018</p> <p>Monthly stats to be available within 3 working days of 1st of each month</p>

Appendix 2: 12 June 2018 – Revenues and Benefits Joint Committee – Housing Benefit Overpayments Update

Action Needed	Responsible Person	Action	Completion Date	Review Date	Comments
HBOP Team and their role					
Collaboration between Benefits / Recovery Officers and the HBOP Team (HDD recommendation 11)	HBOP Team	<ul style="list-style-type: none"> • Bi-monthly meetings where achievements can be shared and areas for improvements can be discussed • This can be led by the HBOP Project Manager 	01.07.18	Bi-Monthly	

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SUBJECT: REVENUES AND BENEFITS - FINANCIAL OUTTURN 2017/18

REPORT BY: CHIEF EXECUTIVE & TOWN CLERK

LEAD OFFICER: JACLYN GIBSON, CHIEF FINANCE OFFICER

1. Purpose of Report

- 1.1 To provide Members with the financial outturn for the Revenues and Benefits shared service for 2017/18.

2. Executive Summary

2.1 2017/18 Outturn

The 2017/18 financial outturn for the Revenues and Benefits shared service resulted in an underspend of £184,798, a variance of 7.6% of the revised budget.

3. Background

3.1 2017/18 Outturn

The business case indicated potential revenue savings of £475,270 per annum following the successful implementation of the new staffing restructure on 1st February 2012.

- 3.2 These savings were already factored into the annual budget for the shared service with an allowance for a contingency budget of £20,000 to be set aside to fund any unforeseen circumstances and increased service demands.

- 3.3 The budgets for 2017/18 were increased by £165,949, over and above the base budget assumption, funded from specific grants received from central government for New Burdens.

4. Financial Outturn 2017/18

- 4.1 The financial performance quarterly monitoring report for the 3rd quarter predicted an underspend of £181,887 against the revised budget, after taking into account New Burden grants. This underspend was largely down to; £106,000 New Burdens Grants – much of which was received in the latter part of the financial year, and £85,500 due to not all Benefits Officers being at the top scale of the career grade.

- 4.2 A summary of the main year-end variations against the approved budget for 2017/18 is shown below.

<u>Service Area</u>	£	<u>Reason for variance</u>
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<u>Service Area</u>	£	<u>Reason for variance</u>
Revenues and Benefits Management		
Contingency Budget	(20,000)	Retained budget of £20,000 in 2017/18 which has been set aside to fund any unforeseen costs. This under spend is offset against additional resource costs identified below.
Staff Costs	(24,045)	Underspend on Management Staffing due to interim support and acting up to cover the head of the shared service post for part of the year.
IT Costs	17,850	Overspend on annual support of Northgate system
Benefits		
Staffing	(85,500)	Underspend on career graded posts
Agency Staff	(8,600)	Nil spend on Benefits Agency Staff
Telephones	(9,720)	Activity levels less than budgeted
New Burdens	(106,000)	New Burdens added here but partly spent in Revenues and balance underspent
Revenues Local Taxation		
Printing	30,520	This should decrease moving forward due to the further rollout of an outsourced correspondence solution
Agency	58,610	To cover vacant roles in the service
Staffing	(20,630)	Vacancies at various points throughout the year.
Postage	16,990	This should decrease moving forward due to the further rollout of an outsourced correspondence solution
Money Advice		
Staffing	(16,860)	Vacancies at various points throughout the year.
Car Mileage	(3,660)	Activity less than budgeted

6. Organisational Impacts (nb. Finance, Legal and E & D sections below are mandatory, others to be completed only where there is an impact)

6.1 The financial implications are contained throughout the report.

6.2 There are no legal implications arising from this report.

6.3 There are no equality and diversity implications as a direct result of this report.

7. Risk Implications

7.1 A full financial risk assessment is included in the Council's Medium Financial Strategy.

8. Recommendation

8.1 Members are recommended to note the financial outturn for 2017/18.

Key Decision No

Do the Exempt Information Categories Apply? No

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

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer: Martin Walmsley, Head of Shared Revenues and Benefits, Telephone 01522 873597

Appendix 1 Financial Outturn for 2017/18

Running Costs

	Annual Budget			Outturn			Variance		
	CoLC	NK	Combined	CoLC	NK	Combined	CoLC	NK	Combined
Revenues & Benefits									
Management	160,370	170,370	330,740	148,345	157,595	305,940	(12,025)	(12,775)	(24,800)
Benefits	724,072	524,627	1,248,699	597,320	432,789	1,030,108	(126,752)	(91,839)	(218,591)
Revenues Local Taxation	314,020	326,350	640,370	350,673	364,442	715,115	36,653	38,092	74,745
Money Advice	109,590	109,590	219,180	101,514	101,514	203,028	(8,076)	(8,076)	(16,152)
Total 2016/17	1,308,052	1,130,937	2,438,989	1,197,851	1,056,340	2,254,191	(110,201)	(74,598)	(184,798)

**SHARED REVENUES AND BENEFITS JOINT
COMMITTEE**

12 JUNE 2018

SUBJECT: PERFORMANCE UPDATE

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: MARTIN WALMSLEY, HEAD OF SHARED REVENUES AND BENEFITS

1. Purpose of Report

- 1.1 To provide Members with an update on performance in the Revenues and Benefits shared service.

2. Executive Summary

- 2.1 This report provides an update on Revenues and Benefits performance information – for annual outturn 2017/18, and for 2018/19 up to the end of April 2018.
- 2.2 The Revenues and Benefits Shared Service has now been in operation since 1st June 2011, and performance has been maintained and improved whilst continuing to provide value for money. Continual improvement and success is being achieved in terms of both statistical and financial performance, as well as positive outcomes for customers of the partner local authorities.

3. Background

- 3.1 At the 20th February meeting of this committee, a report was presented detailing Revenues and Benefits performance up to the end of Quarter 3 2017/18.
- 3.2 Performance is reported to this committee on a quarterly basis.

4. Revenues Performance

4.1 Council Tax

- 4.2 Positive Council Tax in-year collection has been achieved for 2017/18, the table below showing how performance has progressed since the shared service formed in June 2011.

Financial Year	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12
City of Lincoln	97.17%	97.09%	97.12%	96.93%	96.56%	96.32%	96.80%
North Kesteven	99.20%	99.14%	99.16%	99.25%	99.16%	99.13%	99.40%

- 4.3 Annual outturns therefore increased by 0.08% and 0.06% for Lincoln and North Kesteven, respectively. It should also be noted that 2017/18 was the first year City of Lincoln made changes to its Localised Council Tax Support scheme reducing the level of support in some cases.
- 4.4 When considering the current collection levels, it should be noted that the collectable debit for both City of Lincoln and North Kesteven has increased from 2016/17 by £1.98m and £2.86m respectively.
- 4.5 In terms of the new financial year, 2018/19, as at the end of April 2018 Council Tax in-year collection has increased (compared to April 2017) for both Lincoln and North Kesteven – by 0.16% and 0.03% respectively.

4.6 Business Rates

- 4.7 As with Council Tax, positive Business Rates in-year collection has been achieved for 2017/18, the table below showing how performance has progressed since the shared service formed in June 2011.

Financial Year	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12
City of Lincoln	98.87% <i>(Target 99.10%)</i>	99.43%	99.78%	99.46%	99.31%	99.08%	99.20%
North Kesteven	99.89% <i>(target 99.09%)</i>	99.09%	99.46%	99.78%	99.53%	99.93%	99.70%
West Lindsey	98.53% <i>(Target 98.44%)</i>	97.34%	99.44%	99.17%	99.12%	99.13%	98.90%

- 4.8 2017/18 Annual outturns, compared to 2016/17, were therefore:

- City of Lincoln: 0.56% down;
- North Kesteven: 0.80% up;
- West Lindsey: 1.19% up.

Although City of Lincoln’s in-year collection rate decreased, this was mainly due to some large rateable value schedules coming back from the Valuation Office Agency in March 2018 which were input by officers increasing the debit due considerably – without a realistic expectation of payment coming in during the current financial year (i.e. 2017/18).

The tables below in paragraph 4.9 show how ‘Net collectable debit’ and ‘Total net receipt’ compared for each local authority, between 2017/18 and 2016/17.

4.9 City of Lincoln:

	Total net receipt (£)	Net collectable debit (£)
2017/18	43,813,019	44,309,559
2016/17	44,103,355	44,357,594
Difference	-290,336	-48,035

North Kesteven:

	Total net receipt (£)	Net collectable debit (£)
2017/18	26,011,407	26,040,368
2016/17	25,966,851	26,206,144
Difference	+44,556	-165,776

West Lindsey:

	Total net receipt (£)	Net collectable debit (£)
2017/18	16,406,963	16,651,521
2016/17	16,438,475	16,887,839
Difference	-31,512	-236,318

4.10 In terms of the new financial year, 2018/19, as the end of April 2018 Business Rates in-year collection compares to April 2017, as below:

- City of Lincoln: 0.68% up;
- North Kesteven: 3.91% up;
- West Lindsey: 2.44% down.

4.11 Outstanding Revenues Customers

4.12 The number of outstanding Revenues Customers as the end of quarter 4 2017/18 shows a really positive position. The table below reflects the best position since our shared service formed in terms of the amount of outstanding work going into a new financial year. This is vital, as being as up-to-date as possible helps to ensure that Council Tax Bills and Adjustment Notices issued are accurate (i.e. without outstanding changes to be made to an account), improving timeliness of collection and recovery. The key reasons for outstanding work being in this positive position are – mainly down to the implementation of an number of integrated e-forms during 2017/18, but also a temporary agency resource in place during Quarter 4 to help assist with the ‘predictable increased demand’ on the team during this period – due to collecting outstanding 2017/18 monies, taking 2018/19 new year billing calls etc.

31st March	2018	2017	2016	2015	2014	2013	2012
City of Lincoln	121	296	448	1,025	683	939	1,713
North Kesteven	95	223	266	356	545	465	577

4.13 As at the end of April 2018, this positive position remains – with a total of 104 outstanding items in the Document Imaging System. However, with the temporary agency resource being released at the start of May it is vital that this positive position is maintained, - also new properties registrations kept up-to-date – as the number of accounts being administered by the team is likely to increase significantly over the next few years with some large scale housing developments in the districts.

4.14 Housing Benefit Overpayments

4.15 The table below shows in-period collection rates over the last six financial years (2011/12 is not shown, due to the changeover to the Northgate ICT system for Lincoln during that financial year and a number of conversion exercises that had to be undertaken relating to Housing Benefit Overpayments).

Financial Year	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13
City of Lincoln	81.81%	76.38%	75.22%	68.60%	72.98%	89.14%
North Kesteven	88.31%	70.16%	77.76%	64.61%	85.40%	92.85%

4.16 In respect of 2018/19, in-period collection at the end of April 2018 stood at 127.34% for Lincoln and 120.73% for North Kesteven, (meaning more monies had been recovered than raised).

4.17 Although in-period Housing Benefit Overpayments collection figures remain positive as demonstrated above, an issue raised a number of times with this committee, the rising level of outstanding overpayments, continues. The table below shows how this position has developed over the last five financial years.

31st March	2018	2017	2016	2015	2014
City of Lincoln	£4,219,349	£4,081,552	£3,510,798	£3,186,971	£2,633,438
North Kesteven	£1,824,908	£1,793,997	£1,482,271	£1,324,672	£1,011,484

4.18 In respect of 2018/19, outstanding overpayments figures at the end of April 2018 are unfortunately not available at the time of writing this report. There appears to be a technical issue with the related system reports which is being investigated and progressed – a verbal update will be provided to this Committee on 12th June.

4.19 A separate, more detailed report – ‘Housing Benefit Overpayments Update’ – is included elsewhere on this committee’s agenda, which includes details of a proposed action plan for the 2018/19. The plan includes actions identified from a positive two-day exercise involving officers from the Department for Work and Pensions, which took place at the end of April 2018.

5. Benefits Performance

5.1 The table below shows the number of outstanding Benefits customers awaiting assessment, at the end of each financial year since the formation of the shared service:

31st March	2018	2017	2016	2015	2014	2013	2012
City of Lincoln	696	555	1,064	1,267	2,396	2,004	2,401
North Kesteven	511	500	714	1,036	978	1,206	2,648

Although the position is not quite as positive as at the end of 2016/17, this is still a much improved position compared to that at the end of other recent financial years.

5.2 As at the end of April 2018, Benefits customers outstanding figures – split by those who are already in progress (i.e. where the customer has been contacted and further information is required) against those which have not yet started to be processed – show that there are 630 claims where the case has not yet been looked at:

	Benefits customers awaiting
--	------------------------------------

	assessment (as at 30th April 2018)		
	Customer has been contacted	Customer not yet contacted	Total
City of Lincoln	285	510	795
North Kesteven	415	120	535

5.3 It is a real day-to-day challenge, with decreasing grants from central government also having an impact, to maintain the position of assessing Housing Benefit and Council Tax Support claims in a timely and accurate manner, but whilst also providing vital support to Universal Credit customers – which is being carried out by some of our Benefits Officers from March 2018, when Universal Credit Full Service (UCFS) launched in Lincoln Jobcentre. This ‘challenge’ of allocation of resources to a variety of demands will very much be at the forefront of officers’ minds moving forward, particularly with Sleaford Jobcentre moving to UCFS in November 2018. The Benefits Team also undertakes a variety of other tasks, such as; Discretionary Housing Benefits, Revisions and Appeals, Overpayments collection (not debtor stage), Subsidy and Quality Control, and various initiatives relating to reducing fraud and error in the system.

5.4 In terms of Housing Benefit average processing times, the table below shows the figures for New Claims and Changes of Circumstance for the last six financial years:

Financial Year		2017/18 <i>Average no. days</i>	2016/17 <i>Average no. days</i>	2015/16 <i>Average no. days</i>	2014/15 <i>Average no. days</i>	2013/14 <i>Average no. days</i>	2012/13 <i>Average no. days</i>
New Claims	Lincoln	24.29	29.44	25.45	26.14	28.33	23.60
	North Kesteven	18.81	15.98	12.76	12.05	12.66	15.94
Changes of Circumstance	Lincoln	4.00	4.49	5.40	5.07	6.97	8.10
	North Kesteven	2.82	3.06	2.84	2.91	2.92	10.98

These figures are positive and competitive against the national position – the most recent data available (from Department for Work and Pensions) at the time of writing this report, relates to Quarter 3 2017/18 – with the average for new claims being 22 days, and for changes of circumstance 9 days. However, changes of circumstance in particular is ‘seasonal’ with quarter 4 containing a high level of ‘1 day’ processed changes – e.g. income upratings, rent increases. For quarter 4 2016/17, the published statistics show the national average changes of circumstance processing time as 4 days.

- 5.5 Prompt processing of claims remains vital, but of equal importance is accuracy of processing and ‘getting it right, first time’. The table below the outcomes of claims checked under our quality checking regime, since the formation of the shared service:

Financial Year	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12
City of Lincoln	92%	91%	83%	79%	77%	72%	65%
North Kesteven	95%	95%	97%	98%	98%	100%	99%

6. Strategic Priorities

- 6.1 Both City of Lincoln and North Kesteven have a number of strategic priorities. Two that have an impact on the Revenues and Benefits Service are:-

- Lincoln: “Let’s Reduce Inequality”.
- North Kesteven: “Our Community Our Economy”.

- 6.2 The Benefits Service plays a key role in reducing inequality by ensuring residents receive the benefits they are entitled to and providing money / debt advice. The Revenues Section is also mindful of the strategic priorities when engaging with business ratepayers as they recover business rates – and also promoting and encouraging growth in the districts. Digital Inclusion, Channel Shift / Customer Experience, Financial Inclusion and Partnership Working are all key priorities for the shared service.

7. Organisational Impacts

- 7.1 Finance: There are no direct financial implications arising from this report.
- 7.2 Legal Implications including Procurement Rules: There are no direct Legal or Procurement implications arising from this report.
- 7.3 Equality, Diversity & Human Rights: There are no direct implications arising from this report.

8. Risk Implications

- 8.1 A Risk Register is in place for the Revenues and Benefits shared service.

9. Recommendations

- 9.1 Note the performance information as set out in this report.
- 9.2 Note that a performance update will be presented at the next meeting of this committee, on 4th September 2018.

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?

Appendix 1: Performance Data – Annual Outturn 2017/18, and April 2018

List of Background Papers:

None

Lead Officer:

Martin Walmsley, Head of Shared Revenues and Benefits
Telephone (01522) 873597

12th June 2018 Revenues and Benefits Joint Committee
Appendix 1: Performance Data – Annual Outturn 2017/18, and April 2018

Measure	<u>2017/18 Year Outturn</u>		<u>2016/17 Year Outturn</u>		<u>April 2018</u>		<u>April 2017</u>	
	NK	COL	NK	COL	NK	COL	NK	COL
Local Authority								
Council Tax collection (cumulative)	99.20%	97.17%	99.14%	97.09%	11.34%	10.29%	11.31%	10.13%
NNDR collection (cumulative)	99.89%	98.87%	99.09%	99.43%	29.15%	15.45%	25.24%	14.77%
NNDR collection – WLDC (cumulative)	98.53%		97.34%		14.43%		16.87%	
No. Revenues customers awaiting change to be processed	95	121	223	296	34	70	331	524
Total Net Arrears for Council Tax prior years (i.e. not including current year)	£846,222	£2,063,692	£759,057	£2,028,512	£1,481,088	£3,350,742	£1,313,700	£3,267,448
Total Net Arrears for NNDR prior years (i.e. not including current year)	£160,486	£231,759	£88,149	£225,695	£161,612	£573,978	£531,972	£656,208
Housing Benefit overpayments collection in period	88.31%	81.81%	70.16%	76.38%	120.73%	127.34%	103.00%	156.87%

12th June 2018 Revenues and Benefits Joint Committee
Appendix 1: Performance Data – Annual Outturn 2017/18, and April 2018

Measure	2017/18 Year Outturn		2016/17 Year Outturn		April 2018		April 2017	
	NK	COL	NK	COL	NK	COL	NK	COL
Local Authority								
Outstanding Housing Benefit overpayments debt	£1,824,908	£4,219,349	£1,793,997	£4,081,552	£TBC (system reports issue)	£TBC (system reports issue)	£1,794,346	£4,036,684
Housing Benefit New Claims: Average number of days to process (cumulative)	18.81 days	24.29 days	15.98 days	29.44 days	18.47 days	28.80 days	21.41 days	25.10 days
Housing Benefits Changes of Circumstances: Average number of days to process (cumulative)	2.82 days	4.00 days	3.06 days	4.49 days	2.68 days	3.62 days	2.60 days	4.17 days
No. Benefits customers awaiting assessment (cumulative)	511	696	500	555	535	795	512	818
% Benefits claims checked financially correct (cumulative)	95%	92%	95%	91%	96%	89%	97%	93%
Benefits – Customer satisfaction (cumulative)	99.75%	98.98%	99.73%	98.99%	No survey – review of process taking place	No survey – review of process taking place	No survey	No survey