

EXECUTIVE

Monday, 21 September 2020

5.00 pm

Virtual Meeting

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Chris Burke, Bob Bushell, Rosanne Kirk and Neil Murray

Officers attending: Angela Andrews, Democratic Services, Kate Ellis, Jaclyn Gibson, Daren Turner, Simon Walters and Carolyn Wheeler

VIRTUAL MEETING

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Alternatively, please join the meeting via telephone by calling 0330 088 5830 using the following ID:

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MINUTES AND EXTRACTS

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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.

OUR PEOPLE AND RESOURCES

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| 4. Review of the Trusted Landlord Scheme and Proposed Changes | 57 - 102 |
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REMARKABLE PLACE

5. Proposal to Introduce a Public Space Protection Order to Prevent Anti-Social Behaviour at Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Car Park

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Present: Councillor Ric Metcalfe (*in the Chair*),
Councillor Donald Nannestad, Councillor Chris Burke,
Councillor Bob Bushell, Councillor Rosanne Kirk and
Councillor Neil Murray

Apologies for Absence: None.

12. Confirmation of Minutes -27 July 2020

RESOLVED that the minutes of the meeting held on 27 July 2020 be confirmed.

13. Declarations of Interest

No declarations of interest were received.

14. Financial Support for Lincoln Arts Trust Ltd

Purpose of Report

To report on the adverse long-term sustainability of the current business model for Lincoln Drill Hall, especially considering the impact of Covid 19 on that model, and then reflect on the potential for providing any continued grant funding from the City Council moving forward.

Decision

1. That the petition submitted entitled 'Keep Funding Lincoln Drill Hall' be received by Executive.
2. That grant funding to Lincoln Arts Trust Ltd (LATL) be continued for another six months to the end of the Service Level Agreement period.
3. That the Service Level Agreement with Lincoln Arts Trust Ltd would not be renewed once it expired on 31 March 2021.
4. That further discussions be held with the trustees of LATL to assist as much as possible with the future well-being of existing staff.

Alternative Options Considered and Rejected

There appeared a limited number of options open now to LATL and to the City Council in particular. The majority of these options came with a large investment requirement.

These were:

Option1: To continue the current level of grant funding into a new SLA. It should be noted however, that the Drill Hall operating model was increasingly unsustainable prior to Covid 19 and would be even less viable moving forward. On this basis Option 1 would still lead LATL to experience severe financial difficulty in a very short period of time and hence could be considered not to be prudent use of public money over the term of a new SLA.

Option 2: To undertake negotiations with another provider in the city regarding a new model of merged delivery and underwrite the entire transition cost. As above, the additional cost to the City Council could be in excess of £250,000. Such costs were beyond the capacity of the council to fund and conversations either directly with other providers or through LATL would indicate very little appetite locally to enter serious negotiations to take on the Drill Hall as an ongoing concern.

Reason for Decision

The Leader of the City Council made an opening statement as follows:

- No member of this council would have ever imagined it would find itself in its current financial situation due to the impact of Covid 19, which was out of its control.
- He praised the work of Drill Hall staff and expressed pride and passion towards Lincoln Drill Hall. He had always had a great deal of affection for the Drill Hall since Council involvement with the venue since 2003.
- It was definitely not the situation that the Council ceased to believe in the importance of arts in the city. City Council support to arts and culture in the city had always been good.
- He offered his support to the hard working staff at the Drill Hall and offered his help in their future well-being as much as he could.

The Council's petition scheme set out that petitions in excess of 900 signatures were entitled to a debate at a meeting of Council. The petition organiser, in the knowledge that the Executive was considering this report, had confirmed her intention to present the petition to the Executive alongside the report as opposed to a separate debate at Council.

Rachael Burnett addressed Executive in support of the petition presented by her to 'Keep Funding Lincoln Drill Hall, covering the following main points:

- She thanked Executive members for allowing her the opportunity to speak.
- She was joined by her colleague Alice Kinloch to make the case for Lincoln City Council to maintain its funding of Lincoln Drill Hall.
- She had set up a petition which had reached 5,204 signatures just a few minutes ago, to make sure the voices of patrons and supporters of this valuable arts hub were heard before the decision was made
- Around a third of the signatories came from outside Lincoln and as far away as Australia showing the far reaching impact of the venue.
- Virtually all arts venues in cities like Lincoln were run as not-for-profit organisations for the community.
- The Lincoln Drill Hall was more than a theatre, cinema, café, comedy club, village hall or music venue. It was all of these things run for the benefit of the community.
- It offered community and mental support.
- If funding was withdrawn from Lincoln Drill Hall it would result in its closure. Staff would lose their jobs and Lincoln would lose a nationally recognised flagship venue and its community used by many different valuable organisations.
- Other venues in the city such as LPAC, Engine Shed, and New Theatre Royal could not replace the space the Drill Hall would leave as they were

run primarily as a business or student resource and did not engage in community work. Lincoln Drill Hall was the only Arts Centre we had.

- Removing the Drill Hall from the City landscape would affect local businesses and their economic sustainability resulting from loss of income generation.
- Provision of Arts in the City directly affected mental health, social cohesion and job creation, all needed at the current time to keep the economy going and the community thriving.
- My role as petitioner and participant of the Drill Hall centred on the dramatic impact it had on the lives of the local community, its inclusivity and accessibility to vulnerable people.
- She had no expertise or access to the finances of the venue only to the wealth of public support for Lincoln Drill Hall, the people's voices and wishes and asked the Council paid heed and acted accordingly.

Alice Kinloch asked how on earth the Council could replace anything as valuable as Lincoln Drill Hall which would affect the well-being of thousands of people in the City.

The Strategic Director of Communities and Environment introduced responses to tonight's officer report to Executive made by Phil Hamlyn Williams, Chairman of the Board of Trustees for Lincoln Drill Hall Trust Ltd in support of continued financial support from the Council to Lincoln Drill Hall, as follows:

- The Lincoln Arts Trust Ltd had always been clear that strong continued revenue funding from the Council would be vital to enable the venue to benefit the City. The Lincoln Arts Trust Ltd had seen its annual grant reduced from £277,000 in 2013 to £190,000 for the year 2020/21.
- Officer Response: The grants cuts each year had been kept as low as possible, totalling between £10k and £15k pa over the period since 2013. The total grant at £189k for 2020/21 reduced from £277k, a reduction of £89k over seven years.
- The team had experienced success in growing income. It had changed its programming and ticket sales model which saw an increase in earned income of 50% between 2016-19.
- Officer Response: A lot of hard work had gone into making the Drill Hall more financially sustainable by the team however there was still a deficit year to year which was above the grant payment and did not factor in the effect of Covid 19 moving forward.
- The report referred to an additional resource request from the Drill Hall in the sum of £250,000 to cover the transition costs of the impact of Covid 19, this was part of another proposal that City Council officers had been involved in creating and nowhere did it say the Council would have to provide that.
- Officer Response: That proposal was pre Covid 19. One of the partners had since said they were no longer in a position to support it leaving the City Council left to fund the transition costs if it were still to progress.
- Whatever reservations the Council had about the 'Restore Factory Settings' proposal the Drill Hall was ineligible for the Cultural Recovery Fund without renewal of the Service Level Agreement due to there being no viable business there. Any transformational funds if they emerged at all

would focus on multiple agency partnerships and without investment by multiple partners the venue would not be able to apply.

- Officer Response: The Restore Factory Settings proposal had been given detailed consideration but was not considered to be sustainable. The Cultural Recovery Fund was part of a £1.75 billion fund for the Arts and Media offering individual grants of up to £3m. Organisations were only allowed to bid if moving to a sustainable business plan moving forward therefore unless this existed there was little merit in making a bid.
- The Trust had been talking to another partner that may be interested in taking on the building should the Trust go into liquidation. It was hoped the Council would support them through the Town's Fund.
- Officer Response: An application had been received to the Town Fund which represented a provisional allocation by Government for regeneration activity in the city totalling £25m. The application was to remodel Lincoln Drill Hall but retain public access. This was one of a number of recovery/regeneration schemes submitted to the Town Fund. It was currently very early days in this process of evaluating these applications.
- The Trust was only eligible for the Cultural Survival Fund if the Service Level Agreement was renewed
- With reference to point 9.6 of the officer's report, Ruston Hall Trust was not a subsidiary of Lincoln Arts Trust Ltd. Lincoln Arts Trust Ltd was the sole corporate trustee of Ruston Hall Trust.
- Contradicting point 9.7 of the officer's report, the Drill Hall was the only venue in the City offering a range of unique experiences, support for the development of young people and opportunities for engagement with disabled communities. With Mansions of the Future in the City coming to an end which had developed a deep relationship with many community organisations in the city, the Drill Hall could fill that gap, together with refocus on use by community art groups and as a hub for young people embarking upon careers in the performing arts.
- Officer Response: The Council fully appreciated the range of groups that used the Drill Hall. To date it had not been appropriate to enter into conversations with clients of the Drill Hall direct as it was for the Trust to decide on its future following the meeting tonight. Once we were clear on the Trust's next steps, if appropriate we were willing to try and help groups find alternate provision within the city.

The Leader of the Council publically thanked Phil Hamlyn Williams and all the Trustees at Lincoln Drill Hall for all their hard work given freely over the years, and Chris Kirkwood, Chief Executive of Lincoln Drill Hall and all his staff. This was a very difficult decision to have to make which affected him personally. He hoped people would understand this situation was not of the Council's making.

Executive took a view on whether the second grant payment by the City Council, due in late September 2020, should be made. Whilst there was no legal requirement for this, it would give the Trust an additional six months to explore any and all opportunities to source additional funding.

By continuing the Council's grant funding for another six months to the end of the current Service Level Agreement (SLA) period, it would give the Trust the best

chance of finding a new (funded) operating model be it through external grant funding or through development of new proposals through the Town Fund.

The Ruston Hall Trust, as owners of the Drill Hall, had in the past retained the Council to manage the venue on its behalf, under a management agreement dated 17 January 2005. However, Lincoln Arts Trust Ltd (LATL) became the sole trustee of the Ruston Hall Trust Ltd and in due course undertook the management and ownership of the Drill Hall with effect from 1 October 2010. All staff were transferred to LATL and it now operated as an entirely separate entity. The City Council had no legal interest in the building or operation but had one place reserved on the Board of Trustees. This post was currently vacant.

Since that time the City Council had provided grant funding to the LATL in return for defined outcomes as specified in a service level agreement between the Trust and Council. Over the years, this had been subject to a range of re-negotiations and resulted in changes to budget provision. In addition, officers had worked with LATL over the years to explore any and all new income streams and had offered advice on a range of activities including marketing the building, packaging offers, potential alterations to the building, improving the façade of building (within Planning guidelines) to build awareness, and officers had been extensively involved in assisting with the exploration of new business models. As such the council had committed significant officer time to helping the Drill Hall explore a range of opportunities and also marketing their offer.

Noting that the current SLA was due to end in March 2021, various conversations had been undertaken over an extended period of time, with other providers and industry experts (covered in more detail in the Part B report). This work concluded that the Drill Hall model was unsustainable in its current form and needed to change.

Recent documentation submitted to the council from LATL confirmed the lack of financial viability pre Covid:

“With the council funding at the level it is (£187kpa) and sales levels as they were, we were still facing a challenge of fundraising over £130,000 each year. As a guide, in 2019-20 we raised £116k approximately, but that sum included £60,000 from Esmee Fairbairn. It is a really challenging total that will only rise year on year.”

The impact of Covid 19 had been felt across all sectors, not least the cultural and arts sector. This sector remained in lockdown currently and many venue operators had been very clear that they could not commercially operate with social distancing in place. Indeed, even if social distancing were relaxed, it would take time for audiences to recover sufficient confidence to attend performances once more in the volumes required. The Chief Executive of LATL had confirmed that with current social distancing, audience numbers would have to be a maximum of one third capacity.

This would either necessitate a further increase in grant funding thereby increasing the financial impact on the City Council OR a new business model adopted by the Trust. An early draft of a proposed new business model was presented to City Council officers by LATL on Friday 7th August 2020, but this model still required the current council grant funding level to be maintained and officer views were that it was an ambitious model unlikely to achieve the income projected, due to the impact of Covid 19 continuing into 2021 and beyond.

The national picture looked bleak over the months ahead. Many theatres were suggesting that performances may not return until Spring 2021. This was in part to allow time for audience confidence to return, and for social distancing to be further relaxed, but was also in response to the fact that performances often took months of planning, preparation and rehearsal. So already it was too late to hold performances over the rest of this calendar year. Until very recently government funding was limited to those overall grants available for businesses in the leisure and hospitality sector. No specific sector support had been announced. However, the Arts Council England in June/July did announce an emergency fund but this is limited in size. The LATL made a successful application, but has only received a modest sum of £59,000 and hence this was a very short-term assistance grant.

This in turn had serious implications for places like Lincoln Drill Hall which relied heavily on the Christmas pantomime season for income to support the programmes over the rest of the year. Indeed, the LATL Chief Executive had confirmed:

“We are already clear that in any scenario, there can be no public programme until 2021. Many artists and promoters who were booked for the autumn have either cancelled autumn touring or rescheduled their plans into next year. Our annual pantomime cannot go ahead as there simply wouldn’t be the volume of audience expected to make it viable.”

On 17 June 2020 we received correspondence from the Chief Executive of LATL, seeking further clarity in terms of the level of grant funding from the City Council for both the rest of 2020/21 and also for 2021/22. The City Council had paid “up front” half of the grant allocation for this financial year to assist the Trust with their cash flow. This amounted to approx. £94,000. The second instalment could be made at the end of Sept 2020, but if the Drill Hall was considered unviable then there was no requirement to pay it, as there were no guarantees that the SLA could be fulfilled.

Although the projections were still being updated, at the time of writing this report the impact of Covid 19 on the City of Lincoln Council’s General Fund in 20/21 was still estimated to be in the region of £2m. In addition, in future years the City Council would need to make further savings of between £1m - £1.5m pa to ensure a balanced budget.

This level of saving did not factor in the additional resource request from the Drill Hall to cover either transition costs or the impact of Covid 19. If these were included the savings could be at least £250k pa higher over next two years.

It would seem reasonable to sum up the situation for the LATL as follows:

- Their current business model was unsustainable and had been for some time.
- Covid 19 had made the situation far worse for the Drill Hall and would require significant additional funding to continue to operate in its current form.
- There were concerns over the viability of the revised business plan submitted, as the effects of Covid 19 were not fully reflected

- There appeared little prospect of a merger with any other provider prepared to take the Drill Hall as a going concern.

15. Strategic Risk Register - Quarterly Review

Purpose of Report

To provide the Executive with a status report of the revised Strategic Risk Register as at the end of the first quarter 2020/21.

Decision

That the Council's strategic risks as at the end of the first quarter 2020/21 be noted by Executive.

Alternative Options Considered and Rejected

None.

Reason for Decision

An interim report on the status of the strategic risks that the Council faces was presented to the Executive in July 2020. At that time, and as a result of the COVID pandemic, rather than provide the full strategic risk register the report only set out the current thirteen strategic risks.

Since reporting in July 2020 officers had now undertaken a full assessment of those risks in terms of the level of assessed risk (likelihood and impact), target risk scores, control measures in place and mitigating actions required in order to; avoid, seek, modify, transfer or retain the risks.

The outcome of this work had resulted in a refreshed Strategic Risk Register for 2020/21, which reflected the significant change in circumstances in which the Council was now operating and the different challenges and opportunities it faced. This refreshed register, contained in Part B of the agenda, would be performance monitored on a quarterly basis, reported to both the Performance Scrutiny Committee and the Executive.

The Strategic Risk Register currently contained thirteen risk, as follows:

1. Failure to engage & influence effectively the Council's strategic partners, council staff and all stakeholders to deliver against e.g. Council's Vision 2025
2. Failure to deliver a sustainable Medium Term Financial Strategy (that supports delivery of Vision 2025).
3. Failure to deliver the Towards Financial Sustainability Programme whilst ensuring the resilience of the Council.
4. Failure to ensure compliance with statutory duties/functions and appropriate governance arrangements are in place.

5. Failure to protect the local authority's Vision 2025 due to changing structures and relationships in local government and impact on size, scale and scope of the Council.
6. Unable to meet the emerging changes required in the Council's culture, behaviour and skills to support the delivery of the council's Vision 2020/2025 and the transformational journey to one Council approach.
7. Insufficient levels of resilience and capacity exist in order to deliver key strategic projects & services within the Council.
8. Decline in the economic prosperity within the City Centre.
9. Failure to mitigate against the implications for the Council following the outcome of Brexit.
10. Failure to deliver key strategic projects.
11. Failure of the Council's key contractors and partners to remain sustainable and continue to deliver value for money
12. Failure to work in partnership to sustain support to vulnerable residents post COVID19.
13. Failure to put in place safe working practices and social distancing measures to protect officers and service users.

The assessed level of each of these thirteen risks was as follows:

Risk No.	Risk Rating	Likelihood	Impact
5 & 8.	Red/High	Almost Certain	Critical
2, 3 & 11.	Red/High	Probable	Critical
7.	Red/High	Almost Certain	Major
1, 10 & 12.	Amber/Medium	Probable	Major
4, 6, 9 & 13.	Amber/Medium	Possible	Major

Sound risk management was one way in which the Council ensured that it discharged its functions in accordance with its expressed priorities, as set out in the Vision 2025, and that it did so in accordance with statutory requirements and within a balanced and sustainable budget and MTFS.

16. Exclusion of the Press and Public

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

17. Financial Support for Lincoln Arts Trust Ltd

The minute associated with this item was set out in item 14 above.

Decision

That the recommendation contained within the report be approved, as per the associated minute detailed above.

18. Strategic Risk Register -Quarterly Review

The minute associated with this item was set out in item 15 above.

Decision

That the recommendation contained within the report be approved.

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SUBJECT: FINANCIAL PERFORMANCE – QUARTERLY MONITORING

REPORT BY: CHIEF EXECUTIVE & TOWN CLERK

LEAD OFFICER: JACLYN GIBSON, CHIEF FINANCE OFFICER

1. Purpose of Report

- 1.1 To present to the Executive the first quarter's performance (up to 30th June), specifically including the financial impact of the Covid19 pandemic, on the Council's:

- General Fund
- Housing Revenue Account
- Housing Repairs Service
- Capital Programmes

And to seek approval for changes to both the revenue and capital programmes.

- 1.2 Financial Procedure Rules require members to receive, on a quarterly basis, a report prepared jointly by the Chief Finance Officer and Corporate Management Team commenting on financial performance to date. This report is designed to meet this requirement.

2. Executive Summary

- 2.1 This report covers the General Fund Revenue, Housing Revenue Account budgets and Investment Programmes for the current financial year. It sets out the estimated impact on the budget of the COVID19 pandemic and puts forward proposed budget revisions, for approval, in order to maintain a balanced budget for 2020/21. The proposed budget changes are temporary changes for this financial year; the impact on future years budgets and the MTFS will be considered separately as will any subsequent savings programme required to underpin the MTFS.

- 2.2 COVID19 has taken its toll on the financial resilience of the Council as income streams have plummeted and there has been a requirement to incur costs to ensure services are being provided throughout this difficult period and to respond to consequences of the pandemic. The impacts of this are not simply restricted to the current financial year but will have a significant impact over the period of the current MTFS and possibly beyond. In terms of the current financial year, 2020/21, the key challenges faced are in respect of:

- Exceptional costs of dealing with Covid19 and increased service demand
- Loss of income

The cumulative impact of these challenges has resulted in significant shortfalls on the General Fund and on the Housing Revenue Account prior to the offset of any Government funding.

- 2.3 In response to calls from the sector the Government have allocated a total of £3.7bn of grant funding to support local authorities to cover expenditure related pressures and announced an income compensation scheme to recompense councils for approx. 75p in every £1 of lost sales, fees and charges income. To date the Council has received funding support of £1.254m for COVID19 related pressures and is forecasting to receive c£2.6m through the income compensation scheme. There has however been no additional financial support provided to the Housing Revenue Account.
- 2.4 Despite this financial support package announced by the Government the General Fund and HRA cannot absorb the level of budget shortfalls without some measures to reduce some areas of expenditure. This will allow the Council to be able to continue to deliver its critical services in the recovery phase and to ensure its balances remain at an adequate level to provide resilience for future years.
- 2.5 Based on a significant number of planning variables, and after offsetting the government funding support package and measures taken to address the budget pressures, as at the end of the first quarter (up to 30th June), the forecast financial position of the Council for 2020/21 is:

	2020/21		
	Budget	Forecast	Variance
	£'000	@ Q1	@ Q1
		£'000	£'000
Revenue Accounts			
General Fund – Contribution to/(from) balances	286	207	79
Housing Revenue Account (HRA) (Surplus)/Deficit in year	75	(107)	(182)
Housing Repairs Service	0	(45)	(45)

Capital Programmes			
General Investment Programme	16,430	16,430	0
Housing Investment Programme	28,505	29,324	819

Reserves & Balances			
General Fund Balances	2,522	2,443	79
HRA Balances	921	1,103	(182)
HRS Balances	127	127	0
General Fund Earmarked Reserves	6,513	5,401	1,112
HRA Earmarked Reserves	1,403	1,270	133

- 2.6 The detailed financial position is shown in sections 3-7 and accompanying appendices.

3. General Fund Revenue Account

- 3.1 For 2020/21 the Council's net General Fund revenue budget was set at £12,963,220, including a planned contribution from balances of £286,310 (resulting in an estimated level of general balances at the year-end of £2,522,188, after allowing for the 2019/20 outturn position).
- 3.2 The General Fund Summary is currently projecting a forecast over spend of £78,802 (Appendix A provides a forecast General Fund Summary). Although this is a relatively minor overspend in comparison to the net budget there are a significant number of forecast year-end variations in income and expenditure against the approved budget, primarily as a result of Covid-19 along with variances arising from measures taken to address the budget pressures and the financial support provided by Government. Full details of the main variances are provided in Appendix B while the table below sets out the key variances:

	Forecast £'000
Increased expenditure arising as a result of Covid19	518
Income losses as a result of Covid19	5,722
Income Compensation Scheme	(2,600)
Government Grants (Covid19, Rough Sleeping, New Burdens, Test & Trace support).	(1,446)
Budget Review savings/Reduced operating costs due to Covid19	(1,408)
Coronavirus Job Retention Scheme	(138)
Review of capital programme	(307)
Covid19 Reserve (set asides for 19/20)	(291)
Anticipated overachievement of TFS target	(50)
Overall Impact of Covid19 and measures to mitigate	0
2020/21 national pay award implications	110
Net other variances	(31)
Overall forecast budget shortfall	79

- 3.3 The following paragraphs, 3.4 – 3.8 set out further detail on the key financial challenges arising as result of Covid19 that the Council is facing in 2020/21.

3.4 Exceptional costs of dealing with Covid19 and increased service demand

In response to the emergency situation arising in March 2020, the Council has had to adjust its service provision to meet the needs of its users and residents as well as establish new services/responses cells and meet increased costs through contractual arrangements. This has increased costs across of a range of services including:

- **Setting up the Civic Society (including the befriending service) and Business Support Cells** – these support cells saw; the establishment of a

community help phone line to provide signposting support e.g. to community support and referrals to foodbanks; the establishment of a befriending service to prevent feelings of loneliness; and the provision of supporting to businesses impacted by COVID19 by awarding grant funding to all eligible businesses in accordance with the Government schemes.

- **Moving rough sleepers into temporary accommodation** – early on in the pandemic all local authorities were asked to house all rough sleepers in appropriate temporary accommodation. Although an element of these costs are reclaimable through Housing Benefit there is still a cost to the Council of providing the accommodation as well as the provision of furniture, food and cleaning services.
- **Provision of PPE and COVID secure status for Council services and buildings** – during the national lockdown, although the significant majority of Council officers were able to continue to deliver services from their homes there were still a number of service areas where this was not possible, in these such circumstances the Council had to ensure that sufficient measures were in place to protect both the officers as well as service users. In addition as services recover and Council buildings are re-opened the Council must ensure that these meet the COVID secure status which has required additional cleaning regimes, physical changes to public spaces, signage etc.
- **Requirements under existing contracts for services** – in some cases the Council has contractual arrangements in place which allow for a profit share with its partners, these agreements also provide for the sharing of any losses incurred, e.g. the Council is required to share in losses of income of its leisure provider.
- **Increased demand on the Revenues and Benefits Service** – the service has seen a significant increase in the number of both new and change in circumstances claims for Housing Benefits as well as a large increase in the number of new Local Council Tax Support scheme claims.
- **Increased demand on Licensing and Health & Safety Teams** – both service areas have supported the recovery phase including the re-opening of retail, hospitality and leisure services as well as providing support to local test and trace and outbreak planning services.
- **Other costs** – in addition to the key areas of increased costs set out above there have also been a number of other costs incurred in order to keep services running and respond to service pressures e.g. increased fly tipping.

3.5 In total the estimated cost in supporting the response to the emergency situation and recovery phase, as well as meeting rising demand for some services is currently estimated to be £0.518m in the General Fund.

3.6 Income losses

The most significant impact of Covid19 has been on the Council's income streams with monthly income levels plummeting across a range of discretionary services as well as through investments and rental streams, as a result of the shutdown of the economy and its likely phased path to recovery. The Council's reliance on local income streams has increased significantly in recent years as Government funding has reduced through austerity measures and new funding mechanisms have been introduced resulting in the Council having to be more self-sufficient and secure its own funding sources. Prior to the implement of new funding mechanisms in 2013 less than 20% of the Council's funding sources were subject to any level of volatility, for 2020/21 90% is now subject to volatility and emphasises the financial risk that the Council faces from its income streams.

3.7 The most significant of income losses has been:

- **Car Parking** – as a result of the lockdown measures that were imposed in March people were staying at home except for essential journeys, and key workers who have had to use their cars have been given free parking. This has had a profound effect on carpark usage with income down by 97% in April and May resulting in a loss of income against budget of £1,028,870. Although the retail sector re-opened mid-June with the hospitality and leisure sectors following in July and August income levels are still significantly below budgeted levels with estimated losses of a further £979,000 in June - August. Beyond this income levels are not forecasted to return to normal levels during the rest of the financial year, as a result of both ongoing changes in peoples habits and their concerns about 'going out'; and changing business operations e.g. a number of large local employers are advising their workforces to work at home for the foreseeable future. Based on a range of assumptions it is anticipated that income levels could be at 40% less than budgeted levels from September through to March 2021.
- **Development Management, Land Charges & Building Control** – income levels for these service areas have fallen by 64% over the first quarter and are estimated to remain at around 60% of normal levels for the remainder of the year. The recovery of this income source will be dependent on the local economy and how it responds to the current financial climate and whether the housing and development market is able to return to its pre-COVID levels or whether the impending recession will dampen growth.
- **Leisure, Recreation & Tourism** – as a result of lockdown measures the majority of our facilities in this area were closed at the end of March. This covers our recreation grounds, Hartsholme Country Park campsite and activities programme, our community centres and Tourist Information Centres. Whilst some of these services have now re-opened others remain closed for now.
- **Christmas Market** – Following the decision to not hold a Christmas Market in 2020 the Council will suffer income losses of £651,200, however these

losses are offset by a reduction in costs incurred of £603,930, a net loss of £47,270.

- **Commercial Rents** – COVID19 has had a significant impact on many of the businesses in premises owned by the Council. The majority of them were required to close and are only now starting to tentatively re-open. Whilst the Government has provided a package of financial support for businesses, through NNDR reliefs, grants for small business and effected industries, loans and the Coronavirus Job Retention Scheme, it is likely that some businesses will be unable to pay their rent in full this year. The Council has been supporting its tenants who are experiencing financial difficulties and signposting them to the relevant Government support however in some circumstances it has been agreed that rental payments can be deferred and repaid over the course of the financial year. Despite all of this support it is inevitable that some businesses will look to terminate their leases, some may fall into administration and others will look to use options such as Company Voluntary Agreements. Total losses of £0.686m are predicated over the year, a total loss of income of approx. 25% of the overall rental yield.
- **Treasury Management** – following the drop in interest rates on 19th March 2020 to 0.1% the level of investment interest earned by the Council is set to reduce. Although a number of fixed term deposits are currently in place as these expire during the course of the year the level of interest earned on new investments will fall away.
- **Court Cost Charges** – as a result of the closure of the Court service the Council has been unable to progress on Council Tax arrears through the court system and has subsequently not generated fees payable by the tax payer in addition to the arrears.
- **Other Income Areas** – in addition to the key income areas set out above the Council is also experiencing income losses through licensing fees, public conveniences which are either closed or being offered free of charge, bus station departure charges due to a reduction in bus services and the non-issuing for enforcement fines in the City Centre.

3.8 The table below set out the losses incurred during the first quarter of 2020/21 along with estimates, based on a 'most likely scenario' of what the income losses are forecasted to be over the remainder of the year. Although based on a set of planning assumptions the accuracy of these estimates will ultimately be impacted by the length of the phased recovery period and the local and national economies ability to recover. It is expected that some of this lost income will be impaired permanently and will never recover to previous levels. Actual income continues to be closely monitored alongside performance/usage information.

Income Area	2020/21 Budget	Income Loss Q1	Forecast Income Loss Q2- Q4	2020/21 Total Forecast Income Loss
	£'000	£'000	£'000	£'000
Car Parks	5,996	1,443	1,902	3,345
Hartsholme Country Park	75	30	7	37
Leisure Services	85	21	36	58
Community Centres & Rec Grounds	81	21	56	76
Visitor Information Centre	146	36	60	96
Development Management	420	69	183	252
Land Charges	127	19	18	37
Building Control	211	33	38	71
Licensing	126	10	4	14
Hackney Carriages & Private Hire	122	17	10	26
Enforcement Officer	25	6	19	24
Public Conveniences	32	9	11	20
Fairs & Circuses	18	5	14	18
Christmas Market	651	0	651	651
Bus Station	133	27	44	71
Markets	219	9	41	50
Lincoln Properties	1,988	170	417	587
The Terrace	272	15	36	50
Court Cost Income - CT	310	78	109	186
Treasury Investment Income	89	0	53	53
Total Income at risk	11,127	2,015	3,707	5,722

3.9 MHCLG Financial Support

Financial support received from the Government has been provided through a package of measures:

- £3.7bn of un-ringfenced funding to respond to spending pressures – from this allocation of funding the Council has received three allocations totalling £1,254,696.
- An income compensation scheme recognising the unprecedented impact the pandemic has had on councils' income the government is introducing a scheme to compensate them for these losses. The new income loss scheme will involve a 5% deductible rate, whereby councils will pay the first 5% of all lost planned sales, fees and charges income, with the government compensating them for 75p in every pound of net loss (after deducting expenditure saving and other funding e.g. CRJS) thereafter. Although commercial and investment income is specifically excluded from the scheme the Council estimates that c£2.6m of lost income will be compensated for.
- Targeted grants in relation to specific costs pressures and new burdens arising during Covid19, for the Council these include:

- New Burdens: Business Support Grants - £130,000
- Rough Sleepers - £20,250
- Test & Trace - £41,383 (currently allocated in line with expenditure).

The total of this package of financial support is currently estimated to be £4.046m which still leaves the General Fund facing a budget shortfall of £2.194m, prior to the offset of any expenditure savings arising as a result of Covid19.

3.10 Measures to address budget shortfall

The General Fund cannot absorb this level of budget shortfall without a range of measures aimed at reducing expenditure in the current financial year. This will allow the Council to be able to continue to deliver its critical services in the recovery phase and to have maintain a sufficient level of balances to provide a cushion for any future threats e.g. local lockdown, national 2nd wave.

- 3.11 As the forecast budget shortfalls are based on a number of planning assumptions the Council may need to take further action if this forecast changes. In order to respond flexibly to this, it is proposed that the regular quarterly financial performance monitoring reports provided to the Executive will provide the opportunity to make propose further budget amendments if the forecast financial position has changed significantly.
- 3.12 The measures proposed below are primarily one-off opportunities aimed at meeting the budget shortfall in 2020/21. Although they are not, at this stage, ongoing reductions in services they will still, in some circumstances, reduce service standards and performance during 2020/21 as recruitment activity is restricted, expenditure budgets are reduced and staff have been placed on furlough, these measures are not all 'easy wins'. The proposed interventions can be summarised in the following paragraphs.
- 3.13 **Budget Review** – A review of all of the Council's revenue budgets has been undertaken to identify one off budget reductions. These relate to primarily supplies and services and premises budgets and have been released either as a consequence of; not being required during the lockdown period, a change in service operation; or where officers have identified budgets that could be withdrawn for a short period of time. In addition, there are a number of vacancies on the current establishment that are proposed to be held vacant during the current financial year. The outcome of this review has identified savings of £1,480,765 for the General Fund. However, as the 2020/21 budget allows for a vacancy factor of £145,390 it would be deemed prudent to offset half of this target, £72,695 against the budget savings given that a number of posts are being held vacant in order to deliver the savings. The net saving to the General Fund is therefore £1,408,070, a summary of the budget reductions is shown in Appendix M. The most significant of the savings is £603,930 in relation to costs which will not be incurred due to the cancellation of the 2020 Christmas Market. It must be recognised though that by taking this amount of resource out of budgets in year there will be some negative impact in service standards and performance.

- 3.14 **Coronavirus Job Retention Scheme** – Whilst initial clarity around local authorities being able to access the CJRS was vague it did become much clearer that the Council was able to furlough under certain circumstances and other local authorities across the country had already done so. This clarity came at a time when the Council was in a more informed position to make decisions on which staff could be furloughed because; the consequences of lockdown on services was a lot clearer; staff had been redeployed as needed, interim service level demand had been established, and the Council knew what we would be unable to reinstate until later on in the summer whilst still having some capacity to respond to any increase in those service demands whilst furloughing. The decision was therefore taken to furlough 132 officers, with their agreement, across a range of services (General Fund and HRA), predominately income generating areas. Even though the CJRS scheme provides for 80% of employees pay, up to a maximum of £2,500 per month, the Council has paid the remaining 20% so that the officers were at no detriment. The estimated value of the claim through the CJRS to the General Fund is £138,000 for June and July, this amount will increase for claims are submitted for August and September.
- 3.15 **Towards Financial Sustainability** – The TFS programme remains the mechanism for delivering the required reductions in the net budget as per the existing MTFS. The 2020/21 budget was predicated on the delivery of a £500,000 savings target. Based on confident projections of what can be delivered during the year savings of £550,000, an overachievement against the target of £50,000, are set to be achieved. The reviews that make up this saving primarily consist of; the removal of vacant posts/hours from the structure; savings achieved through contract renewal and other supplies and services under delegated budget authority. Any reviews that do require Executive approval will be submitted in due course, as per usual. In addition to this forecast overachievement further reviews totalling £69,000 have been identified which would further contribute to the overall budget shortfall if these are deliverable in year. A further update of the progress against the in year target will be provided in the quarter 2 monitoring report.
- 3.16 **Direct Revenue Finance (DRF)** – As a method of funding capital expenditure Councils can transfer revenue funding to capital via direct revenue finance (DRF). As an alternative to DRF the capital schemes that have been funded in this way could instead be funded in other ways including prudential borrowing. In doing this it would release the resource back to revenue in the year that it was incurred. The consequent impact though is an annual MRP charge (to write off the cost of the asset to revenue over its useful life) and interest costs on the borrowing. Effectively this option is taking the cost of capital investment and spreading it over a number of year and releasing the revenue resource upfront in the year of acquisition/construction. Having reviewed the DRF contributions for 2020/21 it has identified £307,070 of schemes that could instead be financed through borrowing. The ongoing revenue impact of MRP and interest charges would on these be minimal and could be funded from existing treasury management budgets.
- 3.17 **COVID19 Earmarked Reserve** – as part of the closedown of the 2019/20 financial year, and conscious of the financial pressures in 2020/21, resources were identified through a review of DRF as per 3.15 as well as reviewing the Council's MRP provision. This identified available resources totalling £353,654 which was approved by the Executive on 27.07.20 to be transferred to an earmarked reserve

to contribute towards Covid19 pressures in 2020/21. Although £353,654 is held within the reserve only £290,535 is required at this point in order to mitigate the forecasted Covid19 financial impacts. The final amount to be drawdown from the reserve will be subject to the final outturn position.

- 3.18 The total of these measures amounts to £2,193,675 and, along with the financial package of support provided by the Government, will ensure the General Fund maintains a balanced budget for 2020/21 without the need to call upon earmarked reserves and balances. It is proposed that budget revisions are made to reflect these measures and that these resources are held in contingencies, offsetting the budget shortfall in the service areas. This is as opposed to allocating the resource to specific services at this stage, as current forecasts are likely to fluctuate during the financial year. However, there is a need to allocate £127,050 to the leisure services budget in order to meet additional costs above officer delegated approval limits. The required budget revisions are therefore:

- A reduction in service area budgets of £1,408,070
- A new income budget for CRJS of £138,000
- An increase in the TFS target of £50,000
- A reduction in DRF charges of £307,070
- An increase in the leisure services budget of £127,050.

The balance on the Covid19 earmarked reserve will be held and allocated following the final outturn position for the financial year.

- 3.19 In addition to the proposed budget revisions set out above there are a number of additional contributions from earmarked reserves that are required, subject to outturn, as follows:

Directorate	Reserve	Amount £
DCE	Strategic Priority Reserve - Intervention Team Funding re-profiled from 2019/20	2,500
DCE	Invest to Save Reserve – VIC Start Up Funding re-profiled from 2019/20	7,270
	Total additional reserve contribution required:	9,770

4. Housing Revenue Account

- 4.1 For 2020/21 the Council's Housing Revenue Account (HRA) net revenue budget was set at a £75,000 use of balances, resulting in an estimated level of general balances at the year-end of £921,071, after allowing for the 2019/20 outturn position.
- 4.2 The HRA is currently projecting an in-year variance of a £182,615 underspend, which would increase the General Balances to £1,103,686 at the end of 2020/21.

- 4.3 Although the forecast position is an underspend there are a number of forecast year-end variations in income and expenditure as a result of Covid19 along with variances arising from measures taken to address the budget pressures. Full details of the main variances are provided in Appendix D while the table below sets out the key variances:

	Forecast £'000
Increased expenditure arising as a result of Covid19	129
Income losses as a result of Covid19	566
Budget Review savings/Reduced operating costs due to Covid19	(240)
Coronavirus Job Retention Scheme	(124)
Earmarked reserve to fund new Rent Hardship Fund	(100)
Reduced repairs and maintenance expenditure	(230)
Overall Impact of Covid19 and measures to mitigate	1
2020/21 national pay award implications	46
Increased rental income arising from Buy-Backs	(148)
Net other variances	(81)
Overall forecast budget surplus	(182)

- 4.4 The following paragraphs, 4.5 – 4.6 set out further detail on the key financial challenges arising as result of Covid19 that the Council is facing in 2020/21.

4.5 **Exceptional costs of dealing with Covid19**

In response to the emergency situation arising in March 2020, the Council has had to adjust its service provision in order to meet the needs of its tenants. This has increased costs as follows:

- **Establishment of Housing Rent Hardship Fund** – in support of the existing Discretionary Housing Payments scheme the Council established an additional hardship fund specifically for Council tenants who were experiencing problems with meeting their housing rent payments.
- **Provision of PPE and COVID secure status for HRA services and buildings** – during the national lockdown, although the significant majority of Council officers were able to continue to deliver services from their homes there were still a number of service areas where this was not possible, in these such circumstances the Council had to ensure that sufficient measures were in place to protect both the officers as well as service users. In addition as services recover and Council buildings are re-opened the Council must ensure that these meet the COVID secure status which has required additional cleaning regimes, physical changes to public spaces, signage etc

The more significant pressure facing the HRA is in relation to its income streams, primarily it's housing rent income, as follows:

- **Housing Rents** – in order to provide assistance to the Council's housing rent payers the Council undertook a number of positive actions by moving the 2-week rent free period usually awarded in December to the beginning of April as well as establishing a specific hardship fund. These positive actions helped in keeping rent arrears at a consistent level. However, as the impact of these measures has already been applied and as the financial impacts in the economy begin to take effect it is estimated that the level of rent arrears will increase from 2.87% at the end of March 20 to around 4.17% c£1.2m. Whilst a provision for bad debts is maintained this increase in arrears will require additional contributions to the provision of approx. £374,000. The Council will though continue to support its housing tenants with the aim of keeping arrears as low as possible.
- **Housing Voids** – during the period of lockdown it was not possible to re-let a number of void properties in the Council's housing stock resulting in a loss of rental income. As the restrictions of lockdown are reducing the Council is still experiencing a higher than average level of voids just to social distance measures in place increasing the amount of time that it takes for newly void properties to be prepared for re-letting.
- **Treasury Management** – following the drop in interest rates on 19th March 2020 to 0.1% the level of investment interest earned by the Council is set to reduce. Although a number of fixed term deposits are currently in place as these expire during the course of the year the level of interest earned on new investments will fall away.
- **Court Cost charges** – as a result of the closure of the Court service the Council has been unable to progress on Housing Rent arrears through the court system and has subsequently not generated fees payable by the rent payer in addition to the arrears.

4.6 As per the General Fund, the HRA cannot absorb this level of budget shortfall without a range of measures aimed at reducing expenditure in the current year. The measures proposed to ensure the HRA maintains a balanced budget for 2020/21 are similar to those in the General Fund and are summarised in the following paragraphs.

- 4.7 **Budget Review** – As part of the review of all of the Council's revenue budgets to identify one off budget reductions savings for the HRA of £218,890 have been identified, after allowing for an adjustment to the vacancy savings target of £17,770. In addition a further £21,300 of savings were identified in the HRS which will result in a great surplus being repatriated to the HRA. These savings to primarily supplies and services and premises budgets and have been released either as a consequence of; not being required during the lockdown period, a change in service operation; or where officers have identified budgets that could be withdrawn for a short period of time. In addition, there are a number of vacancies on the current establishment that are proposed to be held vacant during the current financial year. The net saving to the HRA is therefore £240,190, a summary of the budget reductions is shown in Appendix M. It must be recognised though that by taking this amount of resource out of budgets in year there will be some negative impact in service standards and performance.
- 4.8 **Coronavirus Job Retention Scheme** – as per the General Fund a number of officers working in the HRA have been placed on furlough. The estimated value of the claim through the CJRS to the HRA is £124,000 for June and July, this amount will increase for claims are submitted for August and September.
- 4.9 **Savings through Repairs and Maintenance** – although a budget review was undertaken to identify one-off savings from supplies & services, staffing and premises budgets, further savings through a reduction in repairs and maintenance work undertaken during the year, and not expected to now be requested has resulted in savings of £229,898. These are primarily arising from external decoration and painting works.
- 4.10 **Earmarked Reserves** – When announcing the Rent Hardship Fund, as set out above, funding for the initiative was agreed from a specific earmarked reserve. The estimated cost of the scheme, capped at £100,000, will therefore be funded from the Housing Strategic Priority Reserve.
- 4.11 The total of these measures amounts to £694,088 and will ensure the HRA maintains a balanced budget for 2020/21 without the need to call upon earmarked reserves and balances. It is proposed that budget revisions are made to reflect these measures and that these resources are held in contingencies, offsetting the budget shortfall in the service areas. This is as opposed to allocating the resource to specific services at this stage, as current forecasts are likely to fluctuate during the financial year. The required budget revisions are therefore:
- A reduction in service area budgets of £218,890
 - A budgeted surplus from HRS of £21,300
 - A new income budget for CRJS of £124,000

The use of the earmarked reserve to resource the Rent Hardship and the underspend on repairs and maintenance will be held and allocated following the final outturn position for the financial year.

5. Housing Repairs Service

- 5.1 For 2020/21 the Council's Housing Repairs Service net revenue budget was set at zero, reflecting its full cost recovery nature.
- 5.2 At quarter 1 HRS are forecasting a surplus of £44,853 in 2020/21 (Appendix E provides a forecast HRS Summary), with full details of the main variances provided in Appendix F.

6. Earmarked Reserves

- 6.1 The details of all the earmarked reserves and their forecast balance as at 31st March 2020 are attached in Appendix G. In summary:

	Opening Balance	Contributions	Actuals Q1	Forecast Q2-Q4	Forecast Balance
	01/04/20				31/03/21
	£'000	£'000	£'000	£'000	£'000
General Fund	6,513	(460)	(630)	(22)	5,401
HRA	1,403	(33)	0	(100)	1,271
Capital Resources	19,449	14,941	0	(26,587)	7,803

7. Capital Programme

7.1 General Investment Programme

- 7.2 The original General Investment Programme for 2020/21 in the MTFS 2020-25 amounted to £15.586m. This was increased to £16.430m following quarter 4 approvals and year end re-profiles from 2019/20.

	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000
Revised budget following 19/20 Outturn Report	16,430	3,699	740	508	500
Budget changes for Executive approval at Q1	0	0	0	0	0
Revised Budget	16,430	3,699	740	508	500

- 7.3 The Chief Finance Officer has delegated authority to approve financial changes up to an approved limit as set out under Financial Procedure Rules. All changes over the approved limit require approval by the Executive.

There are no budget changes approved by the Chief Finance Officer during the first quarter.

- 7.4 There are no changes that require Executive approval for the first quarter.
- 7.5 New projects agreed at Capital Programme Group are then subject to Executive approval.

There are no new projects that require Executive approval for the first quarter.

- 7.6 The table below provides a summary of the projected outturn position for the General Investment Programme:

	MTFS 2020-21 Budget following 19/20 Outturn	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000	£'000
Active Programme				
Housing & Regeneration	50	50	50	0
Communities & Environment	2,657	2,657	2,657	0
Chief Executive	709	709	709	0
Major Developments	7,577	7,577	7,577	0
Total Active Schemes	10,993	15,693	15,693	0
Schemes on Hold/Contingencies	5,437	5,437	5,437	0
Total Capital Programme	16,430	16,430	16,430	0

- 7.7 The overall spending on the General Investment Programme for the first quarter is £0.12m, which is 0.73% of the 2020/21 programme and 1.01% of the active programme. This is detailed further at Appendix J.

Although this appears to be a relatively low percentage of expenditure at this stage of the financial year, quarter 1 was constrained by the national lockdown as well as the diversion of internal resources to focus on the Covid19. The majority of schemes have now recommenced either on site or in terms of their development stages, however it is likely that a number of schemes will not be complete by their original targets and the budgets will need re-profiling accordingly.

7.8 Housing Investment Programme

- 7.9 The original Housing Investment Programme for 20/21 in the MTFS 2019-24 amounted to £25.640m. This was increased to £28.505m following approvals and year end re-profiles as part of the 2019/20 outturn. This has been further adjusted to £29.324 during the first quarter of 2020/21. A summary of the changes are shown below:

	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000
Revised budget following 19/20 Outturn Report	28,505	16,653	14,537	10,567	10,769
Budget changes approved during Q1	(960)	985	0	0	0
New Projects approved during Q1	1,779				
Revised Budget	29,324	17,638	14,537	10,567	10,769

7.10 The Chief Finance Officer has delegated authority to approve financial changes up to an approved limit as set out under Financial Procedure Rules. All changes over the approved limit require approval by the Executive. Changes were approved by the Chief Finance Officer for the first quarter are shown in Appendix K and Ki summarised below:

- Within the new build programme 21 Property Acquisitions have been agreed under delegated authority utilising 1-4-1 receipts and borrowing totalling £3.041m.
- £0.585m to be re-profiled from 21/22 to 20/21 within the new build programme relating to the property acquisitions above.
- Within the new build programme £25,000 in respect of additional costs relating to the development at Markham House
- £1.570m to be re-profiled from Decent Homes 20/21 into contingency 21/22

7.11 There are no changes that require Executive approval for the first quarter

7.12 New projects agreed at Capital Programme Group are subject to Executive Approval.

There was one new project, approved under delegated authority during the first quarter:

- The purchase of social housing units at Riseholme Road - £1.779m.

7.13 The table below provides a summary of the 2020/21 projected outturn position:

	MTFS 20/21 Budget following 19/20 Outturn	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000	£'000
Decent Homes/ Lincoln Standard	8,342	6,802	6,802	(1,540)
Health and Safety	562	562	562	0
Contingent Major Repairs/ Works	500	500	500	0
New Build Programme	16,939	19,328	19,328	2,389
Land Acquisition Fund	95	95	95	0
Other Schemes	1,546	1,516	1,516	(30)
Computer Fund	521	521	521	0
Total Capital Programme	28,505	29,324	29,324	819

7.14 Expenditure against the HIP budget during the first quarter was £1.407m, which is 4.8% of the programme. A further £2.559m has been spent as at the end of July 2020. The expenditure is detailed further at Appendix L.

Although this appears to be a relatively low percentage of expenditure at this stage of the financial year, quarter 1 was constrained by the national lockdown as well as the

diversion of internal resources to focus on the Covid19. The majority of schemes have now recommenced either on site or in terms of their development stages, however it is likely that a number of schemes will not be complete by their original targets and the budgets will need re-profiling accordingly.

8. Strategic Priorities

- 8.1 The MTFS underpins this policy and financial planning framework and set out the overall framework on which the Council plans and manages its financial resources to ensure that they fit with, and support, the direction of the Council's vision and strategic priorities. Vision 2025 identifies the Council's strategic priorities, setting the vision and direction for the council and the city for the next five years. The proposals in this report allow the Council to maintain a balanced budget position in 2020/21 in order that we can continue to deliver services in support of Vision 2025.

9. Resource Implications

- 9.1 The financial implications are contained throughout the report.

Under the Local Government Act 2003 the Chief Finance Officer (S151 Officer) is required to give Council an opinion on the robustness of the budget estimates and the adequacy of reserves. Although there remains some uncertainty around the latest budget estimates based on the information to date on income and expenditure it is evident that without a number of measures being taken the Council would face a significant budget shortfall, even after Government funding.

General Balances, on both the General Fund and HRA, are the only resource not earmarked to a particular future need. The prudent minimum level of balance that should be maintained on the General Fund is between £1.5m-£2m and £1m-£1.5m on the HRA. Based on the latest forecasts of income and expenditure and measures to be applied the level of balances in 2020/21 will be maintained within these ranges.

Although the primary focus of this report has been to set out the financial challenges being faced in the current financial year and the measures proposed to mitigate the budget shortfall, this does not mean that the financial issues for the Council are resolved, it simply means that the in-year budget challenges have been addressed. Beyond 2020/21 the Council is set to face ongoing reductions in resources and increased service costs from the legacy of impacts of Covid19. The combined potential impact in future is possibly greater than that experienced in 2020/21 and will require ongoing reductions in the net cost base in order to live within a significantly reduced resources envelope.

Further work is now underway to assess the ongoing impacts on the Council's resources and to analyse any further Government announcements on local government finance. A report updating the financial planning assumptions for the Budget 2021/22 and MTFS 2021-2026 will be presented in early Autumn. Work will also continue to develop a TFS Phase 7 programme aimed at delivering a significantly higher savings target which will be required to ensure the longer term sustainability of the MTFS.

9.2 Legal Implications including Procurement Rules

There are no legal implications arising from this report.

9.3 Equality, Diversity and Human Rights

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

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

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

10. Risk Implications

10.1 (i) Options Explored

As an alternative to the measures set out in this report, the Executive could decide to take no action at this point and wait until later in the year to make any required changes to the budget. However, as the S151 Officer who has a responsibility to ensure that the Council maintains a balanced budget, I would have to offer caution with this approach, and the likelihood of an unbalanced budget that will arise.

10.2 (ii) Key Risks Associated with the Preferred Approach

As set out in the report the measures proposed are primarily one-off opportunities and not ongoing reductions in services. However, they will still, in some circumstances limit service standards and performance during 2020/21 as recruitment is restricted, expenditure budgets are reduced and staff have been furloughed. These interventions are not all 'easy wins' and will have implications for the Council both now and in future years.

11. Recommendations

Executive are recommended to:

- 11.1 Note the financial performance for the period 1st April to 30th June 2020, the projected outturns for 2020/21, and the impact of Covid19 on the Council's financial position.
- 11.2 Assess the underlying impact of the pressures and underspends identified in paragraphs 3.2 (and Appendix B), 4.3 (and Appendix D), and 5.2 (and Appendix F).
- 11.3 Approve the proposed budget revisions to the General Fund as summarised in paragraph 3.18 and to the HRA as summarised in paragraph 4.11.
- 11.4 Approve the proposed contributions from earmarked reserves as set out in paragraph 3.19.

11.5 Review the changes to the Housing Investment Programme as approved by the Chief Finance Officer as detailed in paragraph 7.10.

Is this a key decision? Yes

Do the exempt information categories apply? No

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

How many appendices does the report contain? Thirteen

List of Background Papers: MTFS 2020-2025

Lead Officer: Jaclyn Gibson, Chief Finance Officer
Telephone (01522) 873258

GENERAL FUND SUMMARY - AS AT 30 JUNE 2020

Please note the above is now shown on an Expenditure Funding Analysis (EFA) basis. This means all charges which are reversed out under statute are now **not** shown in the above figures. Examples of this are depreciation and capital grants. This means the above only includes items which are a call on the general fund balance.

	Ref	Revised Budget £'000	Forecast Outturn £'000	Variance £'000
Strategic Development	A	1,799	1,751	(48)
Chief Finance Officer (S. 151)	B	(483)	369	852
City Solicitor	C	1,544	1,496	(48)
Housing	D	962	1,000	37
Growth & Regeneration	E	0	0	0
Director of Major Developments	F	436	455	19
Communities and Street Scene	G	3,636	6,989	3,353
Health & Environmental Services	H	380	567	188
Planning	I	932	1,218	286
		9,207	13,846	4,638
Corporate Expenditure	J	1,867	1,680	(186)
TOTAL SERVICE EXPENDITURE		11,074	15,526	4,452
Capital Accounting Adjustment	K	3,352	3,659	307
Specific Grants	L	(771)	(2,769)	(1,998)
Contingencies	M	141	(2,146)	(2,287)
Savings Targets	N	(500)	(550)	(50)
Earmarked Reserves	O	(665)	(1,010)	(345)
Insurance Reserve	P	45	45	0
TOTAL EXPENDITURE		12,677	12,756	79
CONTRIBUTION FROM BALANCES		286	208	(79)
NET REQUIREMENT		12,963	12,963	0
Retained Business Rates Income	Q	5,823	5,823	0
Tariff	R	0	0	0
Section 31 grant	S	0	0	0
Levy	T	0	0	0
Collection Fund surplus/ (deficit)	U	202	202	0
Revenue Support Grant	V	23	23	0
Council Tax	W	6,915	6,915	0
TOTAL RESOURCES		12,963	12,963	0

General Fund Forecast Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

Ref		£	Reason for variance
	<u>Additional Expenditure</u>		
B	Buildings Cleaning/City Hall	46,200	Additional costs of enhanced cleaning regimes and other Covid secure buildings measures.
B	Property Management	42,010	Agency costs incurred to cover vacant post and consultancy fees for asset appraisals/schemes.
G	Yarborough/Birchwood Leisure Centres	127,050	Additional COVID expenditure claim due to closure during lockdown.
G	Service Contracts	75,000	Contingency for any future claims arising from contractors in event of 2 nd wave/local lockdown.
G	Health & Safety	41,380	Additional staffing requirements to support testing, tracing, outbreak planning and support to businesses (offset by funding from Government)
D	Rough Sleeping	172,490	Costs incurred in ensuring all rough sleepers are provided accommodation as part of Covid-19 measures (net cost after offset of housing benefit).
M	Staffing Costs	110,000	Estimated additional cost of national 2.75% pay award in excess of budget assumption of 2%.
M	Annual vacancy savings target	72,690	Quarterly vacancy savings target, offset by vacancies within service areas.
	<u>Reduced Income</u>		
A	Land Charges	36,795	Anticipated shortfall in income due reduced demand during lockdown.
B	The Terrace	62,850	Reduction in Rental & Fees & Charges income as a result of Covid-19 and lower occupancy levels.
B	Lincoln Properties	587,100	Reduction in rental income as a result of Covid-19, including impact of CVA for Travelodge.
B	Interest Receivable	52,630	Expected reduction in interest received due to lower base rate.
B	Council Tax	186,130	Expected reduction in court cost income due to closure of courts as a result of Covid-19.

Ref		£	Reason for variance
F	Car Parks	3,344,900	Anticipated loss of income following Covid-19 lockdown and ongoing impact of local economic recovery.
F	Bus Station	70,730	Reduction in departure fees due to reduction in the service levels during Covid 19 and recovery period.
F	Hartsholme Country Park	37,080	Reduction of income due to Park and camp site being closed during lockdown.
G	Private Hire & Hackney Carriages	26,460	Anticipated shortfall of taxi income following Covid-19 disruption.
G	Visitor Information Centre	96,000	Loss of income at VIC due to Covid-19 closure and impact on footfall and tourism during recovery (see reduced expenditure below).
G	Markets	49,510	Reduction in stall licence fee income as a result of Covid-19 and lower occupancy levels.
G	Xmas Market	651,200	Loss of income from cancellation of 2020 Xmas Market (see reduced expenditure below).
G	Yarbrough/Birchwood Leisure Centres	57,520	Loss of swimming and pitch income due to closure of centres during to lockdown and ongoing impact of social distancing.
G	Community Centre & Recreational Grounds	76,390	Loss of income due to ongoing closure of centres and reduction in demand at recreational grounds.
H	Building Control	71,060	Fees and charges losses anticipated following Covid 19 and subsequent impact on local economy and market conditions.
H	Development Control	252,000	Fees and charges losses anticipated following Covid 19 and subsequent impact on local economy and local development.
<u>Reduced Expenditure</u>			
All	Budget Review	(804,140)	A review of all revenue budgets to identify one-off reductions arising either as a result of lockdown and subsequent recovery period or budgets were expenditure can be deferred during current financial year.
N	Towards Financial Sustainability	(50,000)	Anticipated overachievement of current year target of £500k as a result of expected delivery of reviews.

Ref		£	Reason for variance
D	Housing Solutions	(45,590)	Vacancy savings, not identified during budget review (will offset against vacancy savings target)
F	Bus Station	(50,750)	Underspend on repairs and maintenance requirements, potential to contribute to Bus Station Sinking Fund subject to year-end outturn.
G	Xmas Market	(603,930)	Savings arising from non-delivery of 2020 Christmas Market (offsets income losses above, net effect £47,270).
K	Capital Accounting Adjustment – Direct Revenue Financing	(307,060)	Review of capital schemes financed through revenue and identification of schemes to be financed through prudential borrowing with costs spread over the useful asset lives. Additional costs of borrowing can be financed within existing budgets.
<u>Additional Income</u>			
G	Health & Safety	(41,380)	Additional funding to resource staffing requirements to support testing, tracing, outbreak planning and support to businesses.
I	Corporate Services	(138,000)	Anticipated funding through access to Job Retention Scheme, income relates to June and July claims.
M	Contingencies – Income Compensation Scheme	(2,600,000)	Estimate of income losses arising as result of Covid to be compensated for through government scheme. Net income losses, after a 5% deductible and offset for savings arising during period, are compensated for a 75p for each £1 loss.
L	Government Grant	(1,254,700)	Government funding to offset local authority expenditure pressures arising due to Covid-19.
L	Government Grant	(130,000)	New Burdens funding to compensate for work associated with administering the business support grants.
L	Government Grant	(20,250)	Grant received in respect of increased rough sleeping costs as a result of Covid-19 measures (additional expenditure set out above)

HOUSING REVENUE ACCOUNT FUND SUMMARY - AS AT 30 JUNE 2020

	Ref	Revised Budget £'000	Forecast Outturn £'000	Variance £'000
Gross Rental Income	A	(28,666)	(28,540)	126
Charges for Services & Facilities	B	(306)	(299)	6
Contribn towards Expenditure	C	(50)	(37)	13
Repairs & Maintenance	D	8,959	(8,729)	(230)
Supervision & Management:	E	7,187	6,942	(245)
Rents, Rates and Other Premises	F	95	95	0
Increase in Bad Debt Provisions	G	297	672	375
Insurance Claims Contingency	H	106	106	0
Contingencies	I	21	(78)	(99)
Depreciation	J	6,637	6,637	0
Debt Management Expenses	K	12	12	0
HRS Trading (Surplus) / Deficit	L	0	(45)	(45)
Net Cost of Service	M	(5707)	(5,806)	(99)
Loan Charges Interest	N	2,530	2,530	0
Investment/Mortgage Interest	O	(43)	(26)	17
Net Operating Inc/Exp		(3,219)	(3,302)	(82)
Major Repairs Reserve Adjustment	P	3,184	3,184	0
Transfers to/from reserves	Q	111	11	(100)
(Surplus)/Deficit in Year		75	(107)	(182)

Housing Revenue Account Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

Ref		£	Reason for variance
<u>Reduced Expenditure</u>			
E	Budget Review	(218,890)	A review of all revenue budgets to identify one-off reductions arising as a result of lockdown and subsequent recovery period or budgets were expenditure can be deferred during the year.
I	Contingencies	(124,000)	Anticipated funding though access to the Job Retention Scheme. Income relates to June and July claims.
D	Repairs & Maintenance	(229,898)	External decoration & painting and asbestos survey savings incurred during lockdown and recovery period.
<u>Increased Expenditure</u>			
O	Investment Interest	16,550	Expected reduction in interest received due to lower base rate.
H	Bad Debt Provision	374,462	Additional year end contribution forecasted due to anticipated increase in level of housing rent arising due to Covid19.
I	Staffing Costs	46,000	Estimated additional cost of national 2.75% pay award in excess of budget assumptions of 2%.
<u>Increased Income</u>			
L	HRS Trading Surplus	(44,853)	Estimated surplus as at Q1 including £21,300 budget review savings identified.
A	Gross Rental Income	(148,000)	Additional affordable and social rental income arising due to an increased number of property buybacks.
<u>Reduced Income</u>			
A	Dwelling Rents	174,960	Increase in void numbers during lockdown and increased length of time voids being re-let due to social distancing requirements resulting in lost rental income.

HOUSING REPAIRS SERVICE SUMMARY - AS AT 30 JUNE 2020

	Revised Budget £'000	Forecast Outturn £'000	Variance £'000
Employees	3,222	3,097	(125)
Premises	40	40	0
Transport	780	781	1
Materials	1,415	1,415	0
Sub-Contractors	1,916	1,916	0
Supplies & Services	218	295	77
Central Support Charges	474	474	0
Capital Charges	(631)	(631)	0
Total Expenditure	7,435	7,387	(47)
Income	(7,435)	(7,432)	2
(Surplus)/Deficit	0	(45)	(45)

Housing Repairs Service Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

	£	Reason for Variance
<u>Reduced Spending</u>		
Employee Costs	(£125,067)	Vacancies & savings.
<u>Increased Spending</u>		
Supplies & Services	76,801	Equipment Hire – budget to be reviewed.

EARMARKED RESERVES – Q1 MONITORING 2020/21

	Opening Balance 01/04/2020 £'000	Budgeted Contribution £'000	Actuals Q1 £'000	Forecast Q2-Q4 £'000	Forecast Balance 31/03/2021 £'000
General Fund					
Grants & Contributions	1,106	(140)	0	(42)	923
Budget Carry Forwards	134	0	(13)	0	121
Air Quality Initiatives	15	6	0	0	21
Asset Improvement	4	0	0	0	4
Backdated Rent Review	170	0	0	0	170
Birchwood Leisure Centre	26	0	0	20	46
Boston Audit Contract	14	0	0	0	14
Business Rates Volatility	1,959	0	0	0	1,959
Christmas Decorations	14	0	0	0	14
City Hall Sinking Fund	60	27	0	0	88
Commons Parking	27	0	0	0	27
Covid-19 Response	354	0	(291)	0	63
Crem Income	0	0	0	0	0
DRF Unused	203	(167)	(8)	0	28
Electric Van replacement	15	4	0	0	19
Funding for Strategic Priorities	926	(276)	(272)	0	379
Income Volatility Reserve	0	0	0	0	0
Invest to Save (GF)	336	7	(10)	0	333
IT Reserve	94	29	0	0	124
Mayoral Car	47	0	0	0	47
Mercury Abatement	371	(54)	0	0	317
MSCP & Bus Station Sinking Fund	60	0	0	0	60
Organisational Development	0	0	0	0	0
Private Sector Stock Condition Survey	45	12	0	0	57
Property Searches	4	0	0	0	4
Revenues & Benefits Share Service	25	0	(25)	0	0
Section 106 Interest	32	0	0	0	32
Strategic Growth Reserve	57	0	0	0	57
Strategic Projects – Revenue Costs	146	(120)	(11)	0	15
Tank Memorial	10	0	0	0	10
Tree Risk Assessment	106	20	0	0	126
Vision 2025	0	191	0	0	191
WGC Planning	150	0	0	0	150
Yarborough Leisure Centre	2	0	0	0	2
	6,513	(460)	(630)	(22)	5,401

Appendix G

	Opening Balance 01/04/2020 £'000	Budgeted Contribution £'000	Actuals Q1 £'000	Forecast Q2-Q4 £'000	Forecast Balance 31/03/2021 £'000
HRA					
Capital Fees Equalisation	140	(30)	0	0	110
De Wint Court	73	0	0	0	73
Housing Business Plan (New)	0	77	0	0	77
Housing Repairs Service	126	0	0	0	126
HRA Repairs Account	579	(79)	0	0	500
Housing Strategic Priority	176	75	0	(100)	151
HRA Survey Works	54	(54)	0	0	0
Invest to Save (HRA)	133	0	0	0	133
Rent Hardship Fund (New)	0	0	0	0	0
Stock Retention Strategy	22	(22)	0	0	0
Strategic Growth Reserve	101	0	0	0	101
	1,403	(33)	0	(100)	1,271
Total Earmarked Reserves	7,916	(493)	(630)	(122)	6,671

CAPITAL RESOURCES – Q1 MONITORING 2020/21

	Opening balance	Contributions	Used in financing	Forecast balance 31/03/2020
	£'000	£'000	£'000	£'000
Capital Grants/Contributions	5,224	2,800	(7,913)	111
Capital receipts General Fund	761	1,500	(468)	1,793
Capital receipts HRA	1,065	820	(1,303)	582
Capital receipts 1-4-1	3,280		(1,470)	1,810
Major Repairs Reserve	5,061	6,637	(10,020)	1,678
HRA DRF	4,058	3,184	(5,413)	1,829
Total Capital Resources	19,449	14,941	(26,587)	7,803

As the contributions for 1:4:1 receipts depend upon levels of RTB sales no budget is set for these receipts. The amount of 1:4:1 receipts which require spend on eligible developments creating new social housing units is £1.3m in 19/20, to avoid repayment to MHCLG. Currently the HIP has firm schemes to facilitate this. The expected amount to be spent in 20/21 shown above represents 30% of eligible spend (therefore £3.43m of funding is required to support eligible planned spend). At quarter 1 there was £899k of 1:4:1 eligible spend 30% of which will be funded by 1-4-1 receipts.

General Investment Programme – Summary of Financial Changes

Project Name	2020/21	2021/22	2022/23	2023/24	2024/25	Notes
	£'000	£'000	£'000	£'000	£'000	
2020/21 MTFS Budget following 19/20 outturn report	16,430	3,699	740	508	500	
Budget for approval	16,430	3,699	740	508	500	
Total changes for Q1	0		0	0	0	

General Investment Programme – Summary of Expenditure as at 30th June 2020

Scheme	2020/21 MTFS Budget following 19/20 outturn report	Revised Budget	Actuals as at Q1	Variance	Spend
	£	£	£	£	%
<u>ACTIVE SCHEMES</u>					
<u>DCE - Communities & Environment</u>					
Disabled Facilities Grant	1,504,472	1,504,472	180,266	(1,324,206)	12%
Transformation of Birchwood LC	30,000	30,000	0	(30,000)	0%
Artificial Grass Pitches (AGP)	188,301	188,301	0	(188,301)	0%
New Software - Crem	11,375	11,375	0	(11,375)	0%
Swift Gardens Play Area	74,200	74,200	0	(74,200)	0%
<u>DCE - Community Services</u>					
Flood alleviation Hartsholme Park	10,000	10,000	0	(10,000)	0%
Boultham Park Masterplan	49,700	49,700	0	(49,700)	0%
Boultham Park Lake	695,026	695,026	47,795	(647,231)	0%
Allotment Capital Improvement Programme	679	679	0	(679)	0%

Appendix J

Scheme	2020/21 MTFS Budget following 19/20 outturn report	Revised Budget	Actuals as at Q1	Variance	Spend
	£	£	£	£	%
Car Park Improvements – ticket machines	87,360	87,360	0	(87,360)	0%
Car Park Improvements - CCTV	6,142	6,142	0	(6,142)	0%
<u>General Fund Housing</u>					
Housing Renewal Area	50,000	50,000	9,985	(40,415)	20%
<u>Major Developments</u>					
Lincoln Transport Hub	0	0	(104,202)	102,202	0%
Central Markets	263,383	263,383	0	(263,383)	0%
Western Growth Corridor	7,313,010	7,313,010	517	(7,312,493)	0%
<u>CX - Corporate Policy</u>					
New Telephony System	16,066	16,066	0	(16,066)	0%
New Website	2,240	2,240	0	(2,240)	0%
Infrastructure Upgrade	3,772	3,772	0	(3,772)	0%
<u>CX - Chief Finance Officer</u>					
Planned Capitalised Works	127,759	127,759	0	(127,759)	0%
Allotments Asbestos Sheds	33,795	33,795	0	(33,795)	0%
City Hall Improvements	931	931	0	(931)	0%
Guildhall Works	17,630	17,630	0	(17,630)	0%
Stamp End Demolition	139,400	139,400	0	(139,400)	0%
Greyfriars Roof Improvements	4,050	4,050	0	(4,050)	0%
City Hall 3 rd Floor Fire Works	5,001	5,001	0	(5,001)	0%

Appendix J

Scheme	2020/21 MTFS Budget following 19/20 outturn report	Revised Budget	Actuals as at Q1	Variance	Spend
	£	£	£	£	%
Guildhall	609	609	0	(609)	0%
Michaelgate Structural Works	2,283	2,283	0	(2,283)	0%
Long Leys Road Drainage	10,438	10,438	0	(10,438)	0%
Lucy Tower Lifts	137,005	137,005	38,702	(98,303)	28%
YLC Diving Boards	42,550	42,550	0	(42,550)	0%
BLC Roof	3,267	3,267	0	(3,267)	0%
The Terrace	0	0	(2,712)	(2,712)	0%
Greetwell hollow	150,000	150,000	0	(150,000)	0%
Deacon Road	12,287	12,287	(49,980)	(62,267)	0%
TOTAL BUDGET FOR ACTIVE SCHEMES	10,992,731	10,992,731	120,371	(10,872,360)	1.10%
<u>Schemes Currently Non Active</u>					
Crematorium - remodelling	4,700,000	4,700,000	0	(4,700,000)	0%
Capital Contingencies	666,910	666,910	0	(666,910)	0%
IT Reserve	70,562	70,562	0	(70,562)	0%
TOTAL BUDGET FOR SCHEMES NON ACTIVE	5,437,472	5,437,472	0	(5,437,472)	
TOTAL GENERAL INVESTMENT PROGRAMME	16,430,203	16,430,203	120,371	(16,101,428)	0.73%

Housing Investment Programme – New Build/Acquisitions Programme– Summary of Financial Changes

Project Name	2020/21 MTFS Budget Following Outturn report	Budget increase/ (reduction)	Budget to be Approved	Reprofile (to) from future years
Unallocated new build budget	1,330,282	0	1,330,282	
New Build Programme 70% Match funding	1,719,465	(1,719,465)	0	
New Build Programme (141 eligible)	736,914	(736,914)	0	
New Build Capital Salaries	40,560	0	40,560	
New Build- De Wint Court	9,326,313	0	9,326,313	
New Build - Markham House	485,118	25,000	510,118	
New Build – Searby Road	62,497	0	62,497	
Western Growth Corridor	1,259,766	0	1,259,766	
New Build - QER	195,051	0	195,051	
Rookery Lane	446,935	0	446,935	
Property Acquisitions	1,335,588	3,041,345	4,376,933	(584,996)
New Build Acquisition - Riseholme Road	0	1,779,149	1,779,149	
New Build Programme	16,938,489	2,389,115	19,327,604	(584,996)
Land Acquisition				
Land Acquisition fund	94,689	0	94,689	0
Land Acquisition	94,689	0	94,689	0
Total New Build/Acquisitions	17,033,178	2,389,115	19,422,293	(584,996)

Housing Investment Programme – Decent Homes– Summary of Financial Changes

Project Name	2020/21 MTFS Budget Following Outturn report	Budget increase/ (reduction)	Budget to be Approved	Reprofile (to) from future years
	£	£	£	£
<u>Decent Homes</u>				
Bathrooms & WC's	656,011	(200,000)	456,011	200,000
DH Central Heating Upgrades	1,728,972		1,728,972	0
Thermal Comfort Works	100,000		100,000	0
Kitchen Improvements	1,361,147	(700,000)	661,147	700,000
Rewiring	198,791	(170,000)	28,791	170,000
Re-roofing	596,442	(300,000)	296,442	300,000
Lincoln Standard Windows Replacement	677,233		677,233	0
Structural Defects	102,361		102,361	0
Door Replacement	808,378		808,378	0
New services	57,964	(20,000)	37,964	20,000
Void Capitalised Works	1,334,628		1,334,628	0
Fire doors	238,680		238,680	0
Fire compartment works	40,000		40,000	0
Total Decent Homes	7,900,607	(1,390,000)	6,510,607	1,390,000
Lincoln Standard				
Over bath showers (10 year programme)	441,653	(150,000)	291,653	150,000
Total Lincoln Standard	441,653	(150,000)	291,653	150,000
Health & Safety				
Asbestos Removal	183,816	0	183,816	0
Asbestos Surveys	189,885	0	189,885	0

Appendix Ki

Replacement Door Entry Systems	105,890	0	105,890	0
Renew stair structure	42,799	0	42,799	0
Fire Alarms	40,000	0	40,000	0
Total Health & Safety	562,390	0	562,390	0
Other				
Environmental new works	1,192,517	0	1,192,517	0
2 Gunby Avenue	3,333	0	3,333	0
Communal Electrics	81,150	0	81,150	0
Garages	138,778	0	138,778	0
HRA Assets - Shops/Buildings	42,962	0	42,962	0
CCTV	26,685	0	26,685	0
Communal TV Aerials	60,376	(30,000)	30,376	30,000
Total Other	1,545,801	(30,000)	1,515,801	30,000
Contingency Schemes				
Contingency Reserve	500,000	0	500,000	0
Total Contingency Schemes	500,000	0	500,000	0
Other Schemes				
Housing Support Services Computer Fund	231,156	0	231,156	0
Infrastructure Upgrade	251,633	0	251,633	0
Operation Rose	38,611	0	38,611	0
Total Other Schemes	521,400	0	521,400	0
Total Housing Investment	11,471,851	(1,570,000)	9,901,851	1,570,000

Housing Investment Programme – Summary of Expenditure as at 30th June 2020

Project Name	2020/21 Budget following 2019/20 Outturn	Revised Budget	Q1 Budget Change	Actuals as at Q1	Variance	Spend
	£	£	£	£	£	%
Decent Homes						
Bathrooms & WC's	656,011	456,011	(200,000)	81,778	(374,233)	18%
DH Central Heating Upgrades	1,728,972	1,728,972	0	42,066	(1,686,906)	2%
Thermal Comfort Works	100,000	100,000	0		(100,000)	0%
Kitchen Improvements	1,361,147	661,147	(700,000)	96,736	(564,411)	15%
Rewiring	198,791	28,791	(170,000)		(28,791)	0%
Re-roofing	596,442	296,442	(300,000)		(296,442)	0%
Lincoln Standard Windows Replacement	677,233	677,233	0		(677,233)	0%
Structural Defects	102,361	102,361	0		(102,361)	0%
Door Replacement	808,378	808,378	0	23,738	(784,640)	3%
New services	57,964	37,964	(20,000)	5,657	(32,307)	15%
Void Capitalised Works	1,334,628	1,334,628	0		(1,334,628)	0%
Fire Doors	238,680	238,680	0		(238,680)	0%

Appendix L

Fire Compartment Works	40,000	40,000	0		(40,000)	0%
<i>Prelim Costs & Exceptionals to be allocated</i>			0		-	0%
Decent Homes	7,900,607	6,510,607	(1,390,000)	249,975	(6,260,632)	

Lincoln Standard						
Over bath showers (10 year programme)	441,653	291,653	(150,000)	10,086	(281,567)	3%
Lincoln Standard	441,653	291,653	(150,000)	10,086	(281,567)	

Health & Safety						
Asbestos Removal	183,816	183,816	0	37,301	(146,514)	20%
Asbestos Surveys	189,885	189,885	0	4,196	(185,689)	2%
Replacement Door Entry Systems	105,890	105,890	0		(105,890)	0%
Renew stair structure	42,799	42,799	0		(42,799)	0%
Fire Alarms	40,000	40,000	0		(40,000)	0%
Health & Safety	562,390	562,390	0	41,498	(520,892)	

New Build Programme						
Unallocated New Build	3,786,661	1,330,282	(2,456,379)	0	(1,330,282)	0%

Appendix L

New Build Programme	2,489,927	4,294,076	1,804,149	51,893	(4,242,183)	1%
Purchase and repair	1,335,588	4,376,933	3,041,345	895,854	(3,481,079)	20%
De Wint Court	9,326,313	9,326,313	0.00	157,270	(9,169,043)	2%
New Build Programme	16,938,489	19,327,604	2,389,115	1,105,017	(18,222,587)	6%

Land Acquisition						
Land Acquisition Fund	94,689	94,689	-	0	(94,689)	0%
Land Acquisition	94,689	94,689	0	0	(94,689)	0%

Other						
Environmental works	1,192,517	1,192,517	0	0	(1,192,517)	0%
2 Gunby Avenue	3,333	3,333	0	0	(3,333)	0%
Communal Electrics	81,150	81,150	0	0	(81,150)	0%
Garages	138,778	138,778	0	0	(138,778)	0%
HRA Assets - Shops/Buildings	42,962	42,962	0	0	(42,962)	0%
CCTV	26,685	26,685	0	0	(26,685)	0%
Communal TV Aerials	60,376	30,376	(30,000)	0	(30,376)	0%
Other	1,545,801	1,515,801	(30,000)	-	(1,515,801)	-

Contingency Schemes						
Contingency Reserve	500,000	500,000	0	0	(500,000)	0%

Contingency Schemes	500,000	500,000	0	0	(500,000)	
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<u>Other Schemes</u>						
Housing Support Services Computer Fund	231,156	231156	0	0	(231,156)	0%
Operation ROSE	38,611	38611	0	0	(38,611)	0%
IT Infrastructure Upgrade	251,633	251633	0	0	(251,633)	0%
Other Schemes	521,400	521,400	0	0	(521,400)	

GRAND TOTALS	28,505,029	29,324,144	819,115	1,406,577	(27,917,567)	
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BUDGET REVIEW SAVINGS 2020/21**GENERAL FUND**

Cost Centre	Description	2020/21 Budget £	Proposed Reduction £
<u>AD COMMUNITIES & STREET SCENE</u>			
1737	Parking Services Admin	213,680	(2,000)
18**	Car Parks	(2,025,180)	(85,545)
113*	Conveniences	1,300	(7,750)
Total			(95,295)
<u>DCE MANAGEMENT</u>			
1780	DCE Management	321,890	(12,080)
1784	DCE Administration	68,860	(1,400)
Total			(13,480)
<u>AD PLANNING</u>			
1190	Building Regulations	22,970	(5,210)
1777	Planning & Regeneration Manager	80,860	(100)
1781	Development Control	198,580	(2,270)
1782	Heritage	97,040	(11,450)
Total			(19,030)
<u>AD HEALTH & ENVIRONMENTAL</u>			
1353	Tourism	52,900	(20,000)
1352	Christmas Market	(41,870)	(603,930)
1354	Visitor Information Centre	115,130	(60,970)
1778	Culture & Events Team	104,260	(590)
1103	Animal Warden	51,190	(560)
1117	Animal Activities Licensing	(220)	(500)
1702	Anti Social Behaviour	153,750	(34,825)
1715	Licensing	164,940	(1,350)
1727	Enforcement Officer	37,710	(1,410)
1750	PPASB & Licensing Manager	64,020	(150)
1754	Public Protection	71,530	(1,730)
1107	Pollution Control	(4,160)	(3,000)
1215	Housing Renewal	10,200	(10,200)
1230	Clearance Areas & CPO's	100	(100)
1714	Health and Safety	162,150	(8,290)
1764	Food Health & Safety	328,690	(37,870)
1765	Environmental Protection	80,960	(800)
1906	Housing Regeneration	406,130	(57,690)
1126	Crematorium	(1,146,170)	(112,000)
1127	Cemeteries	(128,550)	(7,000)
1326	Recreation Grounds	5,350	(2,150)
1345	Sport Development	14,260	(8,000)
1375	Fairs & Circuses	(17,780)	(220)
1650	Birchwood Leisure Centre	46,270	(3,000)
1740	Sports & Leisure Management	78,140	(5,930)
1769	Recreational Services	115,350	(9,730)

1776	Leisure Services	92,130	(800)
Total			(992,795)

AD MAJOR DEVELOPMENTS

1050	Director of Major Developments	204,890	(3,190)
1060	Major Developments Team	344,210	(11,520)
1030	Industrial Promotion	16,510	(16,510)
Total			(31,220)

AD CITY SOLICITOR

1006	Guildhall	14,860	(3,000)
1356	Twinning	8,240	(4,000)
1560	Civic	88,830	(17,550)
1716	Legal Services	274,740	(9,000)
1542	Municipal Elections	57,880	(7,410)
1546	Representation of the People Act	31,230	(3,500)
1549	Dem Rep & Management	271,000	(5,290)
1712	Democratic Support	204,360	(4,150)
1688	Procurement & Efficiency	60,450	(1,000)
Total			(54,900)

AD CHIEF FINANCIAL OFFICER

1693	Internal Audit	102,850	(2,370)
1570	Policy & Resources Other	156,760	(45,000)
1591	Retirement Benefits	1,177,550	(2,500)
1593	Emergency Planning	27,230	(2,230)
1670	CX Management	293,850	(30,290)
1704	Chief Executive	164,060	(1,900)
1718	CX Business Management	168,410	(16,870)
1674	Benefits	632,930	(10,750)
1678	Revenues Local Taxation	416,680	(32,750)
1003	City Hall	(453,590)	(10,000)
1007	Managed Workspace	(9,070)	(5,000)
1009	The Terrace	(51,850)	(5,000)
1565	Beaumont Manor	90	(90)
1771	Property Management	394,460	(2,080)
5663	Newland Street West Depot	(2,600)	(1,080)
1679	Banking	174,550	(3,890)
1696	Financial Services	498,030	(38,900)
Total			(210,700)

AD STRATEGIC DEVELOPMENT

1695	Business Dev & IT Manager	631,860	(68,180)
1723	CX Corporate Policy	245,950	(15,600)
Total			(83,780)

AD HOUSING INVESTMENT & STRATEGY

1701	Community Leadership & Sustainability	135,830	(15,650)
1772	Housing Strategy and Investment	150,830	(3,350)
Total			(19,000)

AD HOUSING

1260	Control Centre	(720)	(28,410)
1905	Housing Needs	461,970	(2,515)
1930	Housing Solutions Management	70,430	(9,460)
Total			(40,385)

TOTAL BUDGET REDUCTIONS	(1,560,585)
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Less: HRA CSS Recharge	57,940
Less: R&B Shared Service Recharge	21,880
Less: 50% of vacancy savings target	72,695

TOTAL GENERAL FUND SAVING	(1,408,070)
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HOUSING REVENUE ACCOUNT/HOUSING REPAIRS SERVICE

Cost Centre	Description	2020/21 Budget £	Possible Saving £
<u>AD HOUSING</u>			
1902	Housing Admin	299,790	(64,020)
1908	Housing Quality & Performance	91,950	(22,430)
1916	Housing Finance & Policy Team	82,940	(630)
2000	Housing Revenue Account Summary	359,300	(7,040)
2010	General - S & M	143,910	(6,780)
1909	Housing Tenant Participation	113,090	(6,950)
1915	Housing Management North	1,120	(1,530)
1932	Tenancy Services Team	887,960	(10,870)
2006	Housing Revenue Account Rents	85,310	(14,990)
2012	Lincoln Tenants Panel (LTP)	17,200	(9,160)
2035	Supported Housing	337,560	(1,100)
Vari	Sheltered Accommodation	144,800	(4,180)
1931	Voids Support Team	151,570	(1,110)
1900	Director of Housing & Investment	404,930	(1,750)
Total			(152,540)

AD HOUSING INVESTMENT

1931	Voids Support Team	151,570	(640)
5680	Fleet	412,580	(20,000)
9015	Maintenance & Construction	579,550	(300)
1921	Planned Maintenance Team	600,460	(360)
Total			(21,300)

AD HOUSING INVESTMENT & STRATEGY

1909	Housing Tenant Participation	113,090	(7,500)
2012	Lincoln Tenants Panel (LTP)	17,200	(11,180)
1928	DHCS Quality and Development	164,330	(7,500)
Total			(26,180)

TOTAL BUDGET REDUCTIONS	(200,020)
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Add: HRA CSS Recharge from GF Savings	(57,940)
Less: 50% of vacancy savings target	17,770
TOTAL HRA SAVING	<u>(240,190)</u>

EXECUTIVE

21 SEPTEMBER 2020

SUBJECT:	REVIEW OF THE TRUSTED LANDLORD SCHEME AND PROPOSED CHANGES
REPORT BY:	CHIEF EXECUTIVE AND TOWN CLERK
LEAD OFFICER:	ALI HEWSON, DEMOCRATIC SERVICES OFFICER

1. Matter for Executive

1.1 To approve the proposed changes to the Trusted Landlord Scheme.

List of Background Papers: Policy Scrutiny Committee– 18 August 2020, Report +Minute.

Lead Officer: Ali Hewson, Democratic Services Officer
Telephone – 873370

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78. Review of the Trusted Landlord Scheme and Proposed Changes

Simon Colburn, Assistant Director – Health and Environment Services

- a. presented a report to inform the committee of proposed changes to the City of Lincoln Council's Trusted Landlord Scheme Document and review of the scheme
- b. gave the background to the Trusted Landlord Scheme as detailed at paragraph 2 of the report
- c. advised that as of June 2020, 81 applications had been received, of which 33 had been accepted, 26 rejected (either the landlord was not accredited or had failed to produce documents) The remaining 22 applications were either currently being processed or awaiting compliance visits.
- d. explained that there were currently 505 properties covered by the scheme, however, affiliated agents were included within the 33 Trusted Landlord Scheme members, as the reporting process did not allow a distinction between individual landlords and agents. The review of the scheme, the online application form and the supporting processes would seek to address this.
- e. advised that the 22 applications pending processing represented 346 properties. Therefore subject to acceptance on the scheme, the total number of properties covered by the scheme would be 851.
- f. advised that a target of 15% of the private rented stock had been set, however this had not been achieved and was currently 9%.
- g. explained that the target had not been achieved as the Trusted Landlord scheme had been suspended for several months in 2019/20 to focus resources on the mandatory licensing of Houses in Multiple Occupation,
- h. referred to paragraph 4.2 of the report and highlighted the benefits of the Trusted Landlord Scheme.
- i. referred to Appendix A of the report and summarised the main changes to the scheme:
 - Updated Privacy Notice for GDPR compliance
 - The inclusion of checks for Banning Order Offences, Civil Penalties and the Rogue Landlord Database to determine Fit and Proper Person Compliance
 - Recent inspections for other purposes would be taken into consideration when arranging compliance visits
 - Virtual inspections would be acceptable at the discretion of the City Council

- Criteria set out of the circumstances where an application would be rejected.
- A broadening of the compliance checks for affiliate Letting and Managing Agents
- Amendments to the Terms and Conditions in respect of the above changes

Members asked how the virtual inspections worked and how could Officers be sure that the Landlord was showing the correct property?

Simon Colburn, Assistant Director – Health and Environment Services responded that the use of photographs and videos had proved to be an efficient way of starting off the process. They could be used at the discretion of Officers, for example to inspect a small change to a property where the Landlord was known to Officers and they were certain that the correct information was being provided.

RESOLVED that the proposed changes to the Trusted Landlord Scheme be supported and referred to Executive for approval.

SUBJECT:	REVIEW OF THE TRUSTED LANDLORD SCHEME AND PROPOSED CHANGES
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SARA BOOTHRIGHT - ENVIRONMENTAL HEALTH & CORPORATE SAFETY MANAGER

1. Purpose of Report

- 1.1 To inform the committee of proposed changes to the City of Lincoln Council's Trusted Landlord Scheme Document and review of the scheme.

2. Background

- 2.1 The impact of student demand and the increase in the number of houses in multiple occupation led to a series of studies and reports in 2014 which resulted in the development of the Trusted Landlord Scheme (TLS). The TLS was launched in March 2017 and works with five existing national, regional and local accreditation schemes operating in Lincoln, bringing landlords accredited with those schemes under the common badge of the TLS.
- 2.2 The TLS provides collective public recognition for responsible landlords who deliver private rented accommodation in the city. The purpose of the Scheme is to improve standards of accommodation and management, help improve neighbourhood relations and to recognise and support those landlords participating in the Scheme.
- 2.3 The criteria for landlords to be accepted as part of the common badging scheme are as follows:
- Full membership of an accreditation scheme which shares a protocol with the city;
 - Agreement to the terms and conditions of the TLS
 - Declaration of all property available to rent in Lincoln
 - Agreement to an inspection of property
- 2.4 As the joining criteria for the TLS satisfies some of our Private Sector Housing (PSH) enforcement functions, TLS members benefit from dispensations as a consequence of being enrolled on the scheme, these include:
- A reduced HMO licensing fee
 - Potential exemption from re-active enforcement inspections
 - Exemption from pro-active inspection programmes
 - Preference will be given to TLS members in the discharging of our homelessness duty into the private sector.

Whilst some of the accreditation schemes may charge landlords for membership, there is currently no fee payable to join the TLS as this was considered to be a potential barrier to joining the scheme.

- 2.5 Accreditation schemes are usually only open to individual members, therefore letting and managing agents are precluded from joining those schemes, which would make them ineligible for the TLS. However, as there are many large portfolio and absent landlords who rely on local agents to manage their properties, the scheme does allow agents to obtain affiliate membership and promote their support of the Scheme.
- 2.6 In the absence of any change to the fit and proper status of the landlord, a successful applicant will remain a member of the TLS for a period of 3 years.
- 2.7 The ultimate aim of the scheme is for all landlords to belong to an accreditation scheme and their housing safe, comfortable and managed in a professional manner. The unscrupulous landlords would be driven out of the market by sustained enforcement.

3. Applications received to-date

- 3.1 As of June 2020 we have received 81 applications for the scheme, of which 33 have been accepted, 26 rejected (either the landlord was not accredited or had failed to produce documents). The remaining 22 applications are either currently being processed or awaiting compliance visits.
- 3.2 There are currently 505 properties covered by the scheme, however it should be noted that affiliated agents are included within the 33 TLS members, as the reporting process does not allow a distinction between individual landlords and agents. The review of the scheme, the online application form and the supporting processes will seek to address this.
- 3.3 The 22 applications pending processing represent 346 properties. Therefore subject to acceptance on the scheme, the total number of properties covered by the scheme will be 851.
- 3.4 A target of 15% of the private rented stock being covered by the scheme was set at its initial launch.

Estimated number of privately rented properties in Lincoln. <i>BRE Dwelling Level Housing Stock Model 2014</i>	9,632
Therefore 15% of the private rented stock	1,445

The scheme was suspended for several months during 2019/20 to focus resources on the mandatory licensing of HMOs. Mandatory licensing was extended in October 2018 to include smaller properties used as HMOs, which resulted in a significant increase of the number of HMOs that required a mandatory licence. The suspension of the Trusted Landlord Scheme meant that the target set has not been achieved, and at present only 9% of the estimated rented stock would be covered by the scheme if all pending applications were to be accepted. The suspension was lifted in July 2020 when we recommenced the processing of TLS applications.

4. Purpose of review

- 4.1 There have been many changes in legislation applicable to the private rented sector over the past 5 years including the introduction of banning orders; a database of rogue landlords and property agents; improved electrical safety standards; and civil penalties. The General Data Protection Regulations also came into effect in May 2018, prior to the launch of the scheme. As a result of these legislative changes, and given the current scheme has not met the targets set, and improvements to the operational procedures have been identified, the Private Sector Housing Team has taken this opportunity to review the scheme.
- 4.2 The benefits of the TLS remain pertinent, particularly given the provision of quality housing in the City remains a key priority and the impact the expanding private rented sector is having on Council resources. These immeasurable benefits include:
- The fostering of good relations between responsible private sector landlords and the Council;
 - A reduced burden on the Private Sector Housing Team resources in respect of compliance checks relating to HMOs, and reactive and proactive enforcement of standards;
 - The Council's promotion of good quality landlords helping to drive up overall standards of housing and management;
 - Closer working between Private Sector Housing Enforcement and Housing Solutions, Anti-Social Behaviour and other partners and statutory bodies.
- 4.3 An increase in the demands placed on the PSH Team in conjunction with staff absences has resulted in the team focus being directed to more urgent, higher risk cases, which as a consequence has led to less attention being paid to the processing and promotion of the scheme, however applications are to-date still being received.
- 4.4 Given the legislative changes previously mentioned and as the initial members of the scheme are due to renew their membership, this would be an appropriate time to review the scheme document, a copy of which is attached to this report with the proposed changes are underlined.
- 4.5 A summary of the main changes are:
- Updated Privacy Notice for GDPR compliance;
 - The inclusion of checks for Banning Order Offences, Civil Penalties and the Rogue Landlord Database to determine Fit and Proper Person Compliance;
 - Recent inspections for other purposes will be taken into consideration when arranging compliance visits;
 - Virtual inspections will be acceptable at the discretion of the City Council;
 - Criteria set out of the circumstances where an application would be rejected;
 - A broadening of the compliance checks for affiliate Letting and Managing Agents;
 - Amendments to the Terms and Conditions in respect of the above changes.

5. Strategic Priorities

- 5.1 Let's drive economic growth

Housing plays a key part in economic stability and growth. The TLS supports those business organisations involved with the private rented market i.e. private landlords, investment landlords and letting and property management agencies. Well managed properties that are looked after and where investment is made contribute to the local construction, building supplies and maintenance economy.

5.2 Let's reduce inequality

The private rented sector is playing an increasingly important role for those in receipt of low income. The promotion of good standards whether through accreditation or enforcement will help protect those tenants least able to exercise choice in the selection of accommodation.

5.3 Let's deliver quality housing

The TLS helps to drive improvements in standards of private rented accommodation and its management and enables Council resources to focus on enforcing standards of those properties not in the scheme.

5.4 Let's enhance our remarkable place

The TLS requires its members to take a more responsible approach to dealing with the behaviour of their tenants and the impact their properties have in the local community.

6. **Organisational Impacts**

6.1 Finance

There are no Finance implications associated with this report. The accreditation budget was built into the re-structuring of the Private Housing Team in 2015 and this report does not call upon extra revenue in the review of the scheme. It will of course run in competition with the other demands upon the team.

6.2 Legal Implications including Procurement Rules

There are no Legal implications associated with this report which aren't mentioned above.

6.3 Equality, Diversity and Human Rights

There are no Equality, Diversity and Human Rights implications associated with this report.

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

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

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

Whilst reviewing the scheme, officers have considered the potential impact of the public sector equality duty, and equality, diversity and human rights issues and

concluded that there is no need to complete an Equality Analysis as there is no change in impacts on protected characteristics arising from the review of the scheme and the proposed changes.

An Equality Analysis was completed when the scheme was approved in 2016 which has been reviewed for the purpose of this report. The 2016 Equality Analysis found no potential for unlawful discrimination and that the scheme would likely have a positive impact as Trusted Landlords will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.

7. Risk Implications

7.1 (i) Options Explored

The TLS required a review in view of the changes of requirements in the legal framework and the operational changes in the Private Sector Housing team.

7.2 (ii) Key risks associated with the preferred approach

They may be summarised as follows:

1. Failure to recruit increased numbers of landlords into the partner accreditation schemes.
2. Failure to recruit into the Trusted Landlord Scheme.
3. The lack of any appreciable improvement in the management of private rented sector accommodation.

8. Recommendation

- 8.1 That the Committee consider the review, the proposed changes to the TLS and provide comments accordingly, with a view to it being referred to the Executive for approval.

Is this a key decision?

No

Do the exempt information categories apply?

No

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

No

How many appendices does the report contain?

1

The Trusted Landlord Scheme Document

List of Background Papers:

None

Lead Officer:

Lyndsay Morris
Telephone (01522) 873787

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City of Lincoln

The Trusted Landlord Scheme

**A scheme for recognising and promoting professional standards
in the private rented sector**



Contents

1	Introduction
2	Overview
3	Aims of the Scheme
4	Fit and Proper Person
5	Knowledge Verification and Continuing Professional Development
6	Code of Practice for both Tenancy and Property Management
7	Property Inspections
8	Anti-Social Behaviour and Neighbourhood Relationships
9	Terms and Conditions of the Scheme
10	Management and Operation of the Scheme
11	Complaints and Disputes
12	Marketing and Promotion
13	Integration with City of Lincoln Corporate Strategies and Policies
14	Integration with Managing and Letting Agents
15	Monitoring and Review
Appendix 1	Protocol between City of Lincoln and the accreditation schemes
Appendix 2	Terms and Conditions of the Scheme
Appendix 3	Privacy Notice

1 INTRODUCTION

The increased importance of the private rented sector, its continued growth and the contributory factors are all well documented. Lincoln shows no exception to this national trend. It might be argued that as a geographically small authority it is particularly sensitive to local influences. A local factor that does influence the local housing market is the demand for student accommodation.

It was the impact of student demand and the increase in the number of houses in multiple occupation that led to a series of studies and reports in 2014. This concluded with a report to the Executive in December 2014. One of the outcomes of the Executive meeting was a direction that an accreditation scheme should be developed for the rented sector across the City. The purpose of such a scheme would be to improve standards of accommodation and management for tenants, to help improve neighbourhood relations, and for landlords who agree to participate in such a scheme public recognition and support.

Through 2015 local, regional and national accreditation schemes were studied to help understand what makes a scheme viable and effective. Workshops and consultation exercises were undertaken locally. The outcome was a scheme which was put out for consultation at the end of November and open for response until 18 December. This final version of the scheme takes account of feedback from the consultation exercise and later comment from accreditation scheme administrators.

2 OVERVIEW

The Scheme aims to work with the national, regional and local accreditation schemes operating within Lincoln. It is not an alternative to the other schemes, it is not a competitor. It embraces the other schemes through common badging. Inevitably there are differences between the schemes as each appeals to different market sectors and promotes their own particular attributes.

The accreditation schemes available within Lincoln have been identified. Each has adopted a fit and proper person test, uses a code of practice and has in place a complaints procedure. Notwithstanding these similarities the Trusted Landlord Scheme is written in such a way variations to this basic model can be accommodated.

The criteria for landlords to be accepted as part of the common badging scheme are as follows:

- Full membership of an accreditation scheme which shares a protocol with the city **(interim membership will not be accepted and full accreditation should be obtained)**
- Agreement to the terms and conditions of the Trusted Landlord Scheme
- Declaration of all property available to rent in Lincoln
- Agreement to an inspection of property.

The Lincoln scheme will only accredit individual landlords and will not be open to letting agents except as landlords in their own right. However due to the prevalence of investment landlords in the city who employ agents to fully manage their properties, provision has been made for integrating them into the scheme through affiliate membership, details of which are provided in section 14 of this document.

Within this document the Trusted Landlord Scheme is referred to as the Scheme, and membership of the Scheme may also be referred to as “enrolment” or “enrolled”

3 AIMS of the SCHEME

The aims of the scheme reflect the desire to improve and bring about consistent standards within the rented sector, to support landlords, to support neighbourhood cohesion and complement the work of the City Council.

1	To promote good practice in tenancy management.
2	To increase the supply of safe, good quality private rented accommodation.
3	To provide advice and support to landlords to help them achieve good practice in tenancy management and the provision of safe, good quality private rented accommodation
4	To recognize and promote the public image of landlords who are prepared to provide good quality, well managed accommodation
5	To create greater confidence amongst tenants in the quality and management of the accommodation that they are renting.
6	To make it easier for tenants to obtain information about and identify safe, good quality housing.
7	To provide opportunities for landlords and tenants to be informed about legislative proposals, policy proposals and administrative changes which may affect them.
8	To reduce the number of disputes between landlords and tenants needing intervention by statutory agencies.
9	To create good working relationships between landlords, tenants, the City Council and other statutory bodies.
10	To enable the local authority to have a greater comprehension of the private rented sector and so assist landlords in their operation of successful businesses.
11	To enable the Council to focus their enforcement resources on property which is neither of good quality nor well managed.
12	To assist in the prevention of homelessness by improving landlord and tenant relationships.
13	To develop a joint approach to tackling anti-social behaviour and nuisance.
14	To help landlords and tenants to understand their responsibilities in respect of the communities within which their properties are situated.

4 **FIT and PROPER PERSON**

The expectations of the fit and proper person test are the same as those for mandatory licensing and found in part 2 Housing Act 2004¹.

Compliance

Where an accreditation scheme has a fit and proper person element this will be deemed as sufficient as a self-declaration for the Lincoln Trusted Landlord Scheme.

If an accreditation scheme does not have a fit and proper person test then the test to be applied for the Scheme will be the same as that adopted for the purposes of the council's HMO licensing policy.

All applicants will be checked against the Rogue Landlord Database, the City of Lincoln Council records relating to prosecutions and civil penalties and housing enforcement records in relation to banning order offences²

If the council becomes aware of any detrimental information concerning an accredited landlord the matter will be referred back to the accreditation scheme for consideration under the terms of their scheme. On the finding of detrimental information acceptance into the Trusted Landlord Scheme will likely be refused by the City of Lincoln Council.

Where a landlord is accredited in their own right but is also a director/owner of a company and that company is prosecuted, receives a civil penalty or is part of an ongoing enforcement case, their application will not be accepted.

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.

¹ Section 66 Housing Act 2004

² [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#)

5. KNOWLEDGE VERIFICATION and CONTINUING PROFESSIONAL DEVELOPMENT.

Knowledge of the law and practice relating to the proper management of residential accommodation is a requirement of the scheme. This may be demonstrated through examination or assessment by a competent body.

The maintenance of tenancy and property management skills and knowledge of the law should be achieved through demonstrable professional development.

Compliance

Where an accreditation scheme has an assessment of competence and continuing professional development this will be deemed as sufficient for the Lincoln Trusted Landlord Scheme.

Where an accreditation scheme does not have an assessment of competence and continuing professional development then the applicant will need to seek out appropriate training themselves and provide the relevant evidence.

6 CODE of PRACTICE for both TENANCY and PROPERTY MANAGEMENT

As a general rule the aim is neither to replace the codes of practice of other schemes nor to replicate their detail. The intention is to embrace the other schemes.

In applying to join the Scheme a landlord should belong to a recognised accreditation scheme where members are expected to adhere to a Code of Practice for the good management of their properties.

Such a Code of Practice shall include reference to the following matters either specifically or by implication:

1. Matters relating to landlord conduct
2. Matters relating to tenancy creation, including
 - a. Inventories
 - b. Energy Performance Certificate
 - c. Gas Safe certificate
 - d. Electrical Installation Condition Report (EICR)
3. Matters relating to tenancy deposit scheme and bonds
4. Matters relating to tenancy advice and guidance
5. Matters relating to timely repairs and maintenance
6. Matters relating to access
7. Matters relating to the condition of the property and its state of repair, including reference to:
 - a. Warmth and comfort
 - b. Hazards, as per Housing Health and Safety Rating System
8. Matters relating to fire risk, including:
 - a. Risk assessments
9. Matters relating to provision of sufficient amenities
10. Matters relating to routine maintenance including reference to:
 - a. Gas safety
 - b. Electrical safety
 - c. Fire safety (to include carbon monoxide alarms)

Compliance

Where all the matters listed in the Lincoln Trusted Landlord Scheme are referenced in an accreditation scheme code of practice, either specifically or by implication, then the requirements of the Lincoln Trusted Landlord Scheme will be deemed to be satisfied.

7. PROPERTY INSPECTIONS

At least one property will be inspected to assess compliance with the law and the Code of Practice. Where an applicant has 15 or more properties in Lincoln then up to 10% of the portfolio of properties will be inspected. In determining the number of properties to be visited, consideration will be given to visits already carried out by the accreditation scheme and, inspections carried out by the Private Sector Housing Team for other purposes. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable to assess compliance with property standards.

Landlords applying to join the scheme will need to provide a list of all properties which they make available to let in Lincoln

Compliance

Inspected properties will be assessed against legal requirements and the requirements of the Code of Practice

Where properties are inspected (either in person or virtually) by an accreditation scheme then the requirement for assessment by inspection for the purposes of the Lincoln Trusted Landlord scheme will be deemed to be satisfied and no other inspection required.

8. ANTI SOCIAL BEHAVIOUR and NEIGHBOURHOOD RELATIONSHIPS

One of the driving forces for the development of an accreditation scheme was the impact upon local communities of a more transient population associated with rented accommodation and houses in multiple occupation in particular. Some accreditation schemes within their codes of practice already make reference to anti-social behaviour and the need for tenants to be familiar with the arrangements for local services. Landlords are likely to have similar clauses in their tenancy agreements.

For the sake of clarification and consistent application the specific requirements of the Lincoln Trusted Landlord Scheme are set out below.

Tenant behaviour

1. The landlord will make reasonable enquiries of prospective tenants to satisfy themselves that they will not have a detrimental effect on the property, the community or on neighbours. This is considered to be part of the normal referencing procedure undertaken by landlords when assessing the suitability of tenants.
2. Where a statutory authority is investigating a complaint about anti-social behaviour and has reason to contact the landlord then the landlord will be expected to acknowledge the communication and where possible assist by taking any reasonable and practical steps to help prevent or reduce anti-social behaviour by persons occupying or visiting the house

Refuse storage and collection.

3. All properties will be provided with refuse storage facilities sufficient for the number of occupants and to comply with refuse collection and recycling arrangements of the City Council.
4. Where the City makes available a notice which describes refuse storage arrangements for the dwelling and the refuse collection arrangements for the locality the landlord will make sure that the new tenant(s) are provided with a copy.

Appearance of the property

5. At the commencement of a tenancy it is expected that the visual appearance of the property will be reasonable, that outbuildings and yards will be in a reasonable state of repair, gardens tidy and free of litter, and boundary walls and other structures safe.
6. Where a dwelling house is in shared occupation then the landlord will ensure throughout the tenancy that the outbuildings, yards, forecourts, gardens and boundary structures are in good repair, safe and clean (this is an existing legal requirement).

7. If during the course of the tenancy the dwelling detracts from the visual amenity of the area the landlord will be expected to assist the statutory agency by taking reasonable and practical steps to help remedy the situation.
8. If a “To Let” sign is used then once the letting has been agreed the sign should be taken down within 14 days.

The council will assist in the interpretation of “reasonable enquiries” and “reasonable and practical steps”

Compliance

A landlord enrolled within the Trusted Landlord Scheme agrees to abide by these requirements.



9. TERMS and CONDITIONS

When a landlord applies to become enrolled with the Trusted Landlord Scheme this will be on the understanding that they agree to the terms and conditions of the Scheme. These are described in appendix two to this document.



10 MANAGEMENT and OPERATION of the SCHEME

As a generality the primary administrative burden remains with the accreditation schemes. The role of the Lincoln Trusted Landlord Scheme will be to receive applications from landlords belonging to a recognised accreditation scheme, give consideration to the applications and maintain a data base of successful applicants.

Below greater consideration is given to the administration and this will help to define the City's role.

Persons eligible to join scheme

Anybody who owns³ property, or properties, in Lincoln and which are made available to let as a private dwelling, or dwellings, may apply to join the Lincoln Trusted Landlord Scheme, provided that they are also a member of a recognised accreditation scheme.

Membership of other schemes

The recognised accreditation schemes are:

1. Decent and Safe Homes Landlord Accreditation Scheme (DASH)
2. National Residential Landlords Association (NRLA)
3. Lincoln Student Accommodation Accreditation Scheme
4. The Private Rented Sector Accreditation Scheme (PRSAS)

Recognised accreditation schemes may be added or removed from this list with the authorisation of the Private Housing Team Leader

How to join

Accreditation schemes may, with the permission of the accredited landlord refer details to the City Council.

Alternatively landlords may apply directly to the Council by providing the following details:

1. Full name of applicant
2. Contact details
3. Membership details of accreditation scheme
4. Full list of all properties available for residential letting within the city boundary

³ "owner's interest" in relation to any premises means

- a) An estate in fee simple absolute in possession, or
- b) A term of years absolute of which not less than 3 years remain unexpired at the date of the membership application.

5. Declaration to accept terms and conditions of the Lincoln Trusted Landlord Scheme.
6. Submission of a fee where appropriate

Initial handling of the application

The application will be acknowledged and recorded in a data base. The addresses of the properties will be retained for the purposes of the Scheme only.

Assessment of the application

Membership of a recognised accreditation scheme will mean deemed compliance with:

1. The Code of Practice
2. Self-declaration of being a Fit and Proper Person
3. The landlord competence and training requirement

where these form part of the accreditation scheme.

On receipt of an application the scheme administrator will confirm membership with the accreditation scheme and carry out internal compliance checks .

Inspection of the property(s)

A pre-inspection questionnaire will be sent to the landlord. The inspection may be undertaken by an officer in the direct employment of the City Council, or by an agency worker engaged for the particular purpose, or may be undertaken by one of the accreditation schemes under arrangement. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable.

The landlord will be given the inspector's details and the inspection arrangements confirmed.

The inspection will generate a report for each property. It will comment on adherence to the code of practice. Where improvements are required these will be presented to the landlord as a proposed improvement plan for agreement.

If there are substantial deficiencies the application will likely be refused, the applicant will be notified and the accreditation scheme will be notified.

The improvement plan will form part of the Trusted Landlord Scheme and will not be part of any enforcement action. However, the scheme administrators reserve the right to refer a case for enforcement if there are any deficiencies which give rise to "imminent risk of serious harm" i.e. those matters which might give rise to Emergency Remedial Action⁴ or an Emergency Prohibition Order⁵.

⁴ Section 40 Housing Act 2004.

⁵ Section 43 Housing Act 2004

The accreditation decision

Acceptance

If all the accreditation requirements are deemed to have been satisfied, and if the property inspection(s) have been carried out and all matters are satisfactory, then the landlord will be accepted as a Trusted Landlord and the following actions undertaken:

1. The landlord will be notified.
2. The landlord will be provided with a promotional pack
3. The Trusted Landlord Scheme data base will be updated
4. The parent accreditation scheme will be notified

Rejection

An application will be rejected on finding of any of the following:

- a) The landlord is not a fully accredited member of a relevant accreditation scheme.
- b) The Council becomes aware of detrimental information which suggests that the landlord is not a fit and proper person for the purposes of the scheme.
- c) Substantial deficiencies are found during the inspection of an applicant's property.
- d) The landlord fails to agree to the terms and conditions of the Trusted Landlord Scheme.

The landlord will be notified in the event that their application is rejected. Where an application has been rejected as a result of items b) or c) above, the council will not consider a further application submitted by that landlord for a period of 3 years.

Duration of accreditation

The accreditation status will be refreshed each year by simple confirmation of continued accreditation.

The inspection of properties under this scheme will have a term of 3 years from the enrolment date. This term will renew on the fourth year when selected properties will be programmed for inspection or reinspection.

Fees

Any fee charged will be to assist in the administration costs of the scheme. It is not intended to generate surpluses.

Personal information

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.



11 COMPLAINTS and DISPUTES

Complaint about a landlord

If a complaint is received about a landlord enrolled with the Lincoln Trusted Landlord Scheme the complaint will be acknowledged and referred to the accreditation scheme for its consideration using its complaints procedure.

If the accreditation scheme deems that the complaint is outside the scope of its scheme then they may refer it back to the Lincoln Trusted Landlord Scheme for its consideration.

Complaint about a property

If a complaint is received about a property owned by a landlord enrolled with the Lincoln Trusted Landlord Scheme then in the first instance the City Council will ask the landlord to investigate and, if it is found to be appropriate, prepare an improvement plan. The improvement plan will be presented to the Council for its consideration and agreement.

The Scheme administrators reserve the right to visit the property directly if it appears that there might be any deficiencies which give rise to “imminent risk of serious harm” i.e. those matters which might give rise to Emergency Remedial Action⁶ or an Emergency Prohibition Order⁷

⁶ Section 40 Housing Act 2004.

⁷ Section 43 Housing Act 2004

12 MARKETING and PROMOTION

The City Council will market and promote the Scheme and in so doing will consider how best to use the methods described below.

1. Production and distribution of promotional material including leaflets.
2. Maintenance of an up to date web page including links to the participating organisations, and an up to date list of all landlords enrolled within the scheme.
3. Maintenance of a webpage for enrolled landlords to give notification of local events such as training, policy and legislative updates.
4. Development of a logo to be used in association with the scheme and to be made available to all enrolled landlords for use with their own promotional material.
5. Development of certificates for use by enrolled landlords.
6. Preparation of a “welcome pack” for new tenants which will include information about local services and responsibilities. These packs to be made available to landlords.
7. Joint working with accreditation schemes and professional organisations

13 INTEGRATION with CITY of LINCOLN CORPORATE STRATEGIES and POLICIES

Dispensations in the licensing of houses in multiple occupation

In recognition of adherence to the terms of the accreditation scheme the following dispensations will be introduced to Lincoln's policy for the licensing of houses in multiple occupation

The **fit and proper person test** (section 66(1)-(3) Housing Act 2004) will be deemed to have been satisfied for the enrolled landlord on completion of a self-declaration form as part of the HMO licence application. There will be no requirement to submit a basic disclosure.

The **management arrangements** (section 66 (5) and (6) Housing Act 2004)) will be deemed to have been satisfied for the enrolled landlord.

A **verification visit** will not be made where the assessment of the application can be based on the written submission and drawings alone unless the inspection needs to be done as part of the 10% sample of properties. Inspections may still take place to check compliance with licence conditions.

The authority will be satisfied that there are no **part one actions** to be taken (section 55(5) and (6) Housing Act 2004, unless there is reason to think otherwise.

The reduced actions will result in a reduced HMO licence fee charge

Exemption from re-active enforcement inspections

Where a complaint is received about the condition of a property owned by an enrolled landlord the assumption will be made that the landlord will handle the complaint under the terms of the accreditation scheme.

The landlord will be given the opportunity to investigate and respond to the complainant.

The City of Lincoln will only investigate and pursue action if the complaint persists or reasonable progress is not made.

This has already been described under the heading of "11. COMPLAINTS and DISPUTES"

Exemption from pro-active inspections programmes

Where there is a planned programme of inspections concerning a geographical area or a particular class of dwelling then as a general rule properties owned by enrolled landlords will be exempt.



Assisting in the discharge of the homelessness duty

Referrals to accredited landlords

All local authorities have a duty towards homeless households. These duties are set out within the Housing Act 1996 and the Homelessness Act 2002. The Localism Act 2011 allows the council to discharge its homelessness duty into the private sector provided the accommodation is appropriate and suitable. In consideration of what is appropriate and suitable the City of Lincoln will direct homeless persons to accommodation owned by landlords who are members of an accreditation scheme if they are prepared to consider such nominations.

Access to Choice Based Lettings

The council will consider advertising privately owned properties as available to let only if the landlord is enrolled with the Trusted Landlord Scheme.

The Deposit Guarantee will be available by preference to landlords enrolled with the Trusted Landlord Scheme.

Co-ordinated approach to anti-social behaviour

The City of Lincoln will prepare a protocol to illustrate how the council and landlords can work together to help reduce anti-social behaviour.

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.

14 INTEGRATION with MANAGING and LETTING AGENTS

Letting Agents and Managing Agents are generally not eligible to join accreditation schemes and this precludes their inclusion in a scheme such as the Lincoln Trusted Landlord Scheme based as it is on a common badging principle. They may be eligible to join if they themselves are owners or landlords.

Given the important role of Letting Agents and Managing Agents the accreditation scheme provides a means by which Managing and Letting Agents could be affiliated to the scheme.

To be affiliated a Letting Agent or Managing Agent would need to demonstrate that they:

1. Are a member of a professional body (ARLA, NAEA, safeagent, UKALA) or an accredited member of a qualifying scheme where permissible.
2. Are a fit and proper person (for organisations this will apply to the principle partners or company officers).
3. Belong to a letting or property managing agents redress scheme.
4. Belong to an approved or designated client money protection scheme if clients' money is held.
5. Will display the current Energy Performance Certificate rating alongside any advertisement for property to let.
6. Will promote the Lincoln Trusted Landlord Scheme.
7. Will accept the principles of the Lincoln Trusted Landlord Scheme.

On receipt of an application the scheme administrator will carry out internal compliance checks .

Where an Agent meets the criteria listed above they will be accepted as an affiliate member of the Trusted Landlord Scheme. The Agent will be notified of their acceptance, will be provided with a promotional pack and our trusted landlord scheme database will be updated.

Affiliated letting agents and managing agents will be able advertise their engagement with the Scheme.

Where an agent does not fully satisfy the criteria above, their application for affiliate membership will not be accepted.

15 MONITORING and REVIEW

A steering group will be formed for the purposes of reviewing the operation of the scheme, the application of the protocol, performance against the aims, and the development of best practice.

The steering group will consist of representatives from the City Council and representatives of the accreditation schemes. Nominated landlords and nominees from other interested parties may also be included on the steering group.

Individual cases will not be considered by the steering group other than to assist in the assessment of the scheme.

The following performance measures will be recorded:

- The number of referrals from key partners in the scheme

- The number of landlords enrolled within the scheme

- Number of properties included within the scheme

- The annual increase or decrease in membership

- The number of new landlords

- The number of landlords who have withdrawn from the scheme

- The number of landlords, if any, who have been removed from the scheme.

- Number of anti-social behaviour instances linked to properties owned by enrolled landlords

- Number of complaints received by the City Council about properties owned by enrolled landlords and the actions taken.

APPENDIX ONE.

PROTOCOL to be AGREED BETWEEN THE CITY of LINCOLN AND INDIVIDUAL ACCREDITATION SCHEME ADMINISTRATORS

The accreditation scheme [NAMED] agrees to enter into an agreement with the City of Lincoln whereby it will be a participatory organisation for the purposes of the Lincoln Trusted Landlord Scheme

The accreditation scheme will:

1. Promote the Lincoln Trusted Landlord Scheme generally
2. Promote Lincoln Trusted Landlord Scheme to all members known to let residential accommodation in Lincoln
3. If one of its members applies to the Lincoln Trusted Landlord Scheme for membership then the participating scheme will provide membership details to Lincoln scheme administrators on request
4. Inform the Lincoln Trusted Landlord Scheme administrators of changes to their scheme as soon as possible
5. Will inform the Lincoln Trusted Landlord Scheme administrators of any change of circumstances concerning their member which could affect that individual's continuing membership of their scheme
6. Will accept any referrals from the Lincoln Trusted Landlord Scheme administrators concerning possible infringement of their scheme rules (both the Lincoln Trusted Landlord Scheme and that of the accreditation scheme)
7. Will let Lincoln Trusted Landlord Scheme administrators know of the outcomes of their investigations into any complaint.

The City of Lincoln will:

1. Promote the Lincoln Trusted Landlord Scheme generally.
2. Will promote the accreditation scheme alongside other participatory schemes
3. Inform the Lincoln Trusted Landlord Scheme administrators of changes to their scheme as soon as possible
4. Will provide the format for applications to be made to the Lincoln Trusted Landlord Scheme
5. Will provide the administrative support for the Lincoln Trusted Landlord Scheme
6. Will accept applications to the Lincoln Trusted Landlord Scheme from eligible members of the accreditation scheme
7. Will consult with the accreditation scheme to establish that an applicant to the Trusted Landlord Scheme is a member of their scheme.

8. Will refer complaints about an individual landlord to the accreditation scheme for investigation according to their rules
9. In any investigation of complaint against a member of the accreditation scheme will abide by the schemes' adjudication; unless there is an obligation to take statutory action.
10. Will publicly recognise successful applicants to the Lincoln Trusted Landlord Scheme
11. Will make provision to ensure compliance of those parts of the Lincoln Trusted Landlord Scheme which are not included in the accreditation scheme.
12. The City council will consult with the accreditation scheme concerning any changes to the policies referenced within the scheme, and in particular will consult on any guidance concerning local interpretation of housing standards.

APPENDIX TWO

CITY OF LINCOLN TRUSTED LANDLORD SCHEME

TERMS AND CONDITIONS.

These are the terms and conditions for landlords and letting agents who wish to enrol, and are accepted onto, the City of Lincoln's Trusted Landlord Scheme (the "Scheme").

Pre-condition

To enrol onto the scheme the landlord must first be accredited with one of the **recognised organisations**.

The **recognised organisations** are:

1. Decent and Safe Homes (DASH)
2. National Residential Landlords Association (NRLA)
3. Lincoln Student Housing Accreditation Scheme
4. The Private Rented Sector Accreditation Scheme (PRSAS)

Recognised accreditation schemes may be added or removed from this list with the authorisation of the Private Housing Team Leader

Fit and proper compliance

All applicants will be checked against the Rogue Landlord Database, the City of Lincoln Council records relating to prosecutions and civil penalties and housing enforcement records in relation to banning order offences.

Where detrimental information is found it is likely the applicant will be excluded from the scheme.

Training and Knowledge

Where the accreditation scheme does not have an assessment of competence and continuing professional development then members of the Trusted Landlord Scheme are required to provide evidence of initial and ongoing training and knowledge relevant to property management

Standards

The standards to be applied to the management of residential properties and tenancies in the control of the enrolled landlord shall be the standards set out in the code of practice of the accreditation scheme to which the landlord subscribes.

The landlord will also agree to abide by any additional terms of the **Scheme**. These are described in section 8 “*ANTI SOCIAL BEHAVIOUR and NEIGHBOURHOOD RELATIONSHIPS*”

Where the City has adopted a protocol for landlords and letting agents to aid with the handling of problems concerning anti-social behaviour they will work to the terms of that protocol so far as is reasonably possible.

Inspection of properties

A condition of the **Scheme** is that up to 10% of the landlord's properties in Lincoln are assessed. The landlord should assist in providing access to the selected properties and provide copies of relevant documents to aid the assessment. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable to assess compliance with property standards.

After a landlord has been accepted into the Trusted Landlord Scheme then should he/she acquire any further residential property within the city boundary for the purpose of letting, or if any of the original properties are disposed of then the landlord should notify the council without undue delay.

Promotion of membership of the Scheme

Whilst the landlord is enrolled with the Scheme he/she may freely advertise that membership in any promotional material, and may use any logo developed by the Council for that purpose.

Where the landlord ceases to be enrolled with the scheme for whatever reason then he/she must without delay remove any promotional material, whether paper or electronic, which suggests or could imply current membership of the Scheme. For the purposes of clarity the advertisement of historic enrolment need not be withdrawn.

Payment

Where the City Council charges a fee in respect of enrolment into the scheme then this will be paid by the landlord within 30 calendar days of the invoice being raised.

Exclusion from the Scheme

If a Trusted Landlord is in breach of the Terms and Conditions of the Scheme, or otherwise fails to meet the requirements of the scheme or brings the scheme into disrepute then that person may be excluded from the scheme.

Where the Council decides to exclude a person from the scheme then the right of appeal against such a decision will follow the corporate complaints procedure.

APPENDIX THREE

CITY OF LINCOLN TRUSTED LANDLORD SCHEME

PRIVACY NOTICE

How we protect and use your personal information

City of Lincoln Council are the controllers of the information you provide. We take your privacy seriously and laws including the Data Protection Act 2018 state that we must:

- use your personal information fairly, lawfully and be open with you about this
- use it for a particular purpose and not do anything incompatible with this
- keep your information accurate and delete any inaccuracies without delay
- obtain from you only the information which is necessary
- retain your information only for as long as necessary
- store your information safely and securely

Why we need your personal information

We require your name, contact details and a list of the properties owned [or managed] by you within the boundary of the council for the purposes of administrating and promoting the trusted landlord scheme.

We need your information for the legal reason that it is necessary to perform our official duties in promoting housing standards in accordance with Parts 1-4 of the Housing Act 2004. This may include details of any criminal convictions you may have where relevant, see further details below.

Who we share your personal information with

We will share your information where necessary with;

- the landlord accreditation bodies to whom you belong, this includes any complaints against you as a landlord or against any of your properties including the outcome of property inspections.

- your name and the streets where you own or manage properties will be published online on the trusted landlord scheme website.
- Other sections of the council such as;
- Housing solutions team (to advertise your accommodation)
- Public Protection and Anti-Social Behaviour (in relation to any complaints)
- Private Housing enforcement team (in relation to complaints and housing offences for example failure to obtain a Houses in Multiple Occupation (HMO) licence.

This may include the sharing of sensitive data relating to any criminal convictions you may have as all applications will be checked against the Rogue Landlord Database (Housing and Planning Act 2016) and the Council's records relating to prosecutions, civil penalties and housing enforcement records.

We also share information when we are legally required to do so such as with the Police or HMRC for example for the prevention and detection of crime.

How we keep your information secure and how long with keep it

Your information will be stored in accordance with appropriate security measures. Your information will be retained throughout your membership of the scheme and for 3 years following the end of your membership or for 6 months following any unsuccessful application.

Your data protection rights

[You have the right to request access to your information, to request that it be rectified if incorrect, to object to or restrict its processing and to its erasure in certain circumstances. For further information regarding your data protection rights see our council privacy notice \[www.lincoln.gov.uk/privacy-policy\]\(http://www.lincoln.gov.uk/privacy-policy\)](#)

Your right to complain

[If you want to know more about your rights relating to the information we hold about you or you have a complaint regarding the way we have handled your information please contact our; Data Protection Officer at: City of Lincoln Council, City Hall, Beaumont Fee, LN1 1DD. Telephone 01522 881188 or \[dpo@lincoln.gov.uk\]\(mailto:dpo@lincoln.gov.uk\)](#)

If however you remain unhappy, then you have a right to complain to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 or visit www.ico.org.uk or email caseworker@ico.org.uk.

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APPENDIX C

SECTION A

Name of policy / project / service	The Trusted Landlord Scheme
Background and aims of policy / project / service at outset	<p>The scheme arose out of an Executive resolution of 15 December 2014 to create a local authority led accreditation scheme. Executive had given consideration to a report on the growth of houses in multiple occupation in Lincoln. Accreditation schemes for private rented accommodation are entirely voluntary but do complement enforcement of standards. Accreditation schemes aim to increase the professionalism of landlords and to bring about improved living conditions. Although the proposal arose out of the study of HMOs the scheme embraces the whole of the private rented sector, estimated to be one fifth of Lincoln's total housing stock.</p>
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	<p>Alan Jones, Private Housing team Leader</p>
Key people involved <i>i.e. decision-makers, staff implementing it</i>	<p>Director of Communities and Environment. Assistant Director (Simon Colburn) Service Manager (Sara Boothright)</p>

SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	✓			A large proportion of the tenant population is made up of students. Research shows that for the worst HMOs the most vulnerable are often very young children. Whilst the scheme will not be targeting the worst housing it will help to drive up standards overall.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Disability including carers (see Glossary)	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Gender re-assignment	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Pregnancy and maternity			✓	There is no direct impact	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Race	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Religion or belief	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Sex	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a	Yes/No/NA	No actions are planned. Future work is dependent

				fit and proper person test which precludes those who have practised unlawful discrimination.			upon Executive's acceptance of the proposal.
Sexual orientation	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.		Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Marriage/civil partnership			✓			Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Human Rights (see page 8)	✓			The primary thrust of the scheme is to make sure the rented accommodation is safe and to protect the tenants from harm.		Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.

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

Did any gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
Details about the number and proportion of young people who suffer from poor conditions in HMOs	Y	Undertake desk top exercise to locate the research papers

SECTION C

Decision Point - Outcome of Assessment so far:

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

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

Conclusion of Equality Analysis (describe objective justification for continuing)	The Scheme is about improving standards and management in the private rented sector and can only be a good thing.	
When and how will you review and measure the impact after implementation?*	The measures are included in the scheme itself.	
Checked and approved by responsible officer(s) (Sign and Print Name)	Alan Jones	Date 14 June 2016
Checked and approved by Assistant Director (Sign and Print Name)		Date

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

EXECUTIVE

21 SEPTEMBER 2020

SUBJECT:	PROPOSAL TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MUTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK
REPORT BY:	CHIEF EXECUTIVE AND TOWN CLERK
LEAD OFFICER:	ALI HEWSON, DEMOCRATIC SERVICES OFFICER

1. Matter for Executive

1.1 To approve the implementation of a PSPO in the area detailed above.

List of Background Papers: Policy Scrutiny Committee– 18 August 2020, Report +Minute.

Lead Officer: Ali Hewson, Democratic Services Officer
Telephone – 873370

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79. Proposal to Introduce a Public Space Protection Order to Prevent Anti-Social Behaviour at Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Carpark

Simon Colburn, Assistant Director – Health and Environment Services

- a. presented a report to:
 - i. inform committee of a proposal to implement a Public Space Protection Order (PSPO) to provide additional tools and powers to reduce and manage incidents of ASB and drug use within the Councils multi-storey carparks namely Lucy Tower, Lincoln Central and Broadgate.
 - ii. inform the committee of the public and partner consultation responses received and to seek the views of the committee on the proposal.
- b. gave the background to the report and advised that the purpose of the proposed PSPO was to provide additional tools and powers to tackle ongoing and protracted ASB occurring on a regular basis within the multi-storey carparks.
- c. proposed that the PSPO be put in place for a maximum period of 3 years after which a full review would take place.
- d. advised that a significant number of complaints had been received relating to Anti-Social behaviour taking place in the multi-storey car parks and highlighted the number of reported incidents in each of the 3 multi storey car parks.
- e. advised that the Council had already taken positive steps to address the number of reported incidents including introducing CCTV which was assisting with deterrence and would assist in the enforcement aspect of the proposed PSPO.
- f. advised that a public and private consultation had taken place between Monday 23rd September 2019 and Friday 8th November 2019. As part of the consultation partners were approached directly to seek their views and any evidence they held in relation to the proposed PSPO.
- g. referred to paragraph 5 of the report and summarised the responses received from the consultation.
- h. referred to paragraph 6 of the report and highlighted the evidence including reported incidents, full details of the information provided from the internal incident reporting system provided by City of Lincoln Council Corporate Health and Safety Team were shown in Appendix C to the report.

- i. advised on the additional powers that the PSPO would provide as detailed at paragraph 8 of the report.
- j. referred to paragraph 9 of the report and advised how the PSPO would be implemented and enforced.
- k. advised on the impact of COVID 19 as detailed at paragraph 9 of the report and stated that there was a very clear requirement for the Councils buildings and property to be Covid secure and a need for the customers to be able to safely use the facilities provided.
- l. invited members questions and comments

Comment : Referred to paragraph 8.1 of the report and commented that he felt that this approach was sympathetic but also this process would make dealing with anti- social behaviour quicker and simpler.

Question: P3 was not supportive of the PSPO, had they provided any suggestions on how the issue could be dealt with better?

Response: P3 was reluctant to support the criminalisation of certain behaviours. However, the Council and Police were supportive of introducing powers which allowed for criminal action to be taken as a last resort. If approved, the PSPO would be one of a range of tools that could be used to tackle anti-social behaviour in the multi-storey car parks.

RESOLVED that the proposal to implement a PSPO be supported and referred to Executive for approval.

SUBJECT:	PROPOSAL TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MULTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To inform the committee of the proposal to implement a Public Space Protection Order (PSPO) to provide additional tools and powers to reduce and manage incidents of ASB and drug use within our multi-story carparks namely Lucy Tower, Lincoln Central and Broadgate. Location Map attached as **APPENDIX A**.
- 1.2 To inform the committee of the public and partner consultation responses received and to seek the views of the committee on the proposal.

2. Executive Summary

- 2.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour.
- 2.2 The PSPO's are flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the behaviour unreasonable.
- 2.3 The purpose of the proposed PSPO is to provide additional tools and powers to tackle ongoing and protracted ASB occurring on a regular basis within our Multi-Story carparks.
- 2.4 The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies on the following points:
 1. Does your agency have any information in support of or against the proposal of the PSPO?
 2. Does your agency have any concerns or objections to the proposed PSPO?
- 2.5 We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-story car parks, and if not why?
3. If you use our multi-story car parks have you witnessed any anti-social behaviour?
4. Do you have any concerns or objections to the proposed PSPO?

2.6 The City of Lincoln, much like other towns and cities nationally, has seen an increase in on street ASB particularly linked with substance misuse and associated issues such as begging, leaving behind drug paraphernalia and using areas as toilets. These issues have manifested across the city centre and have become a recurring problem particularly within our multi-Storey car parks which have resulted in the public and car parking staff reporting intimidating and unpleasant incidents.

2.7 The introduction of a PSPO would provide the framework and tools and powers to better protect the multi-storey car parks, our employees and the public from harm. Multi-storey car parks have been negatively impacted by ASB due to the shelter and privacy they provide to those wishing to engage in anti-social acts. As a result we do not see ASB in our open air car parks.

3. Background

3.1 For a number of years City of Lincoln Council has received significant complaints relating to the Anti-Social Behaviour taking place in our multi-story car parks. The main concerns relate to drug use and paraphernalia such as needles being left behind, additionally the stairwells are being used as a toilet, smelling particularly strong of urine but also containing faeces on occasion.

3.2 From January 2019 to 9th December 2019 the council had reported via our internal incident report system across the following sites; Broadgate, Lucy Tower, Central multi-storey car parks and the bus station a total of 706 incidents.

Broadgate multi-storey car park had a total of 369 reported incidents.
 Lucy Tower multi-storey car park had a total of 212 reported incidents.
 Central multi-storey car park had a total of 124 reported incidents.

3.3 Areas of the car parks are often unsanitary and pose a health and safety risk to both the Public and Employees that use the areas. Additionally the car parks are often the first and last image that visitors have of Lincoln and do not portray Lincoln as a vibrant, safe and welcoming city.

3.4 As well as recommending the introduction of a PSPO the council has already taken positive steps to address the number of reported incidents. The Council has recently introduced CCTV at both the Lucy Tower Street and Broadgate Car parks. Central Carpark had CCTV in already. CCTV is assisting with deterrence, and will also assist in the enforcement aspects of the proposed PSPO. The Council has also put on additional security patrols to support staff and give reassurance to the public.

- 3.5 The limited number of responses to the consultation would suggest that despite the numbers of incidents reported by our staff, the diligent work of Council staff is successfully making sure that the vast majority of carpark users are able to use facilities without witnessing any of the problems.

4. Public Space Protection Orders

- 4.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the Public Space Protection Order, which was enacted by order of the Secretary of State on the 20th October 2014
- 4.2 Local authorities have the power to make Public Spaces Protection Orders if satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 4.3 The second condition is that the effect, or likely effect, of the activities:
- a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

- 4.4 A Public Space Protection Order is an order that identifies the space to which it applies ("the restricted area" within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues are still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 4.5 The Anti-Social Behaviour Crime and Policing Act rescinded powers known as gating orders. This Power has now been replaced by Public Space Protection Orders.

5. The consultation

- 5.1 On Monday 23rd September 2019 a public and partner consultation was launched. The consultation closed at 5pm on Friday 8th November 2019. As part of the

consultation partners were approached directly seeking their views and any evidence they may hold in relation the proposed PSPO.

The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies on the following points:

1. Does your agency have any information in support of or against the proposal of the PSPO?
2. Does your agency have any concerns or objections to the proposed PSPO?

We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-storey car parks, and if not why?
3. If you use our multi-storey car parks have you witnesses any anti-social behaviour?
4. Do you have any concerns or objections to the proposed PSPO?

5.2 We have directly approached all members of the Safer Lincolnshire Partnership (formerly Lincolnshire Community Safety Partnership) as well as approaching the following partners;

- Lincolnshire Police,
- Lincoln BIG,
- P3,
- Framework,
- Addaction,
- Probation

In addition to this we have also advised relevant portfolio holders of the consultation and City of Lincoln Communications team have put out information of the public consultation.

5.3 In response to the consultation we have received a total of 10 responses. 6 from the public and 4 from partners. Of the 4 partner responses 2 were in favour, 1 opposed and one indifferent. Of the 6 public responses 4 were in favour, one wanted further information and 1 suggested using weaponising music. The 4 public responses that supported the PSPO all gave examples of what they have witnessed first-hand when using our multi-storey car parks. A copy of the comments received is provided in **APPENDIX B**.

5.4 Lincolnshire Police responded to the consultation stating;

'Lincolnshire Police would be supportive of the proposed PSPO to cover the ongoing issues within Lincoln car parks as highlighted. Whilst we are aware of a number of incidents, which are usually reported to us via CCTV, we are also aware that a proportion are not reported to police and are managed by local

partners. I would observe that the conditions are not stipulated within the consultation, but the broad aims of the PSPO are set out. We would be supportive of those aims, specifically with the intent to reduce ASB in public areas, especially where the public are encouraged to utilise these facilities.'

5.5 Of the responses received they fell into four specific areas.

- a. In favour of the PSPO – 3 responses
- b. In favour but with concerns about displacement or enforceability 3– responses
- c. Against due to criminalisation of the vulnerable / those causing ASB – 1 response
- d. Against as they do not agree there is a problem in the carparks - no responses.

Three responses did not express a view – Total 10 responses.

5.6 To address points B and C above:

With regard to point B, The problems that are arising in our multi-story carparks may be displaced as a result of introducing a PSPO however, whilst the PSPO is fundamentally an enforcement tool it will be the council's intention to continue to offer support to holistically address issues in tandem with any enforcement actions that are necessary. With the projects that are currently running across Lincoln City all agencies will be in a better position to jointly tackle anti-social behaviour and to offer comprehensive support to individuals where there is a willingness to engage positively with agencies. By implementing a PSPO the aim would be to disrupt the cycle of ASB across these locations.

With regard to point C, The council and Partners will continue to make a robust offer of support to those who may require any additional support. Criminalisation will remain a last option however it is expected that some enforcement will be necessary to deter ASB and tackle entrenched behaviour alongside support. A robust approach is required to ensure public and employee safety and there is a legal requirement for the council to ensure that its buildings and structures are safe and managed appropriately.

6. The Evidence

- 6.1 The total number of people using or attempting to use drugs in our carparks is most likely a core of 20 – 30 people who continuously use the carparks to take drugs often multiple times a day. We know this from speaking directly with car parking employees as well as from the information gathered by the councils Intervention Team and neighbourhood policing teams who attend incidents and patrol the carparks. These are either from or associate with people at the Corner house (Broadgate) or visit the Addiction centre near Lucy Tower. Those who cause ASB in our multi-storey carparks can be genuinely homeless or people sleeping off the effects of drugs.
- 6.2 Total reported incidents at Broadgate, Lucy Tower and Central multi-storey car parks were 706. However some of these reports contained multiple incidents within one report and so the actual number of incidents may be much higher.

- 6.3 Central car park has a higher incident rate less by way of drug taking more by way of abusive youths, skateboards and youths on bicycles. Central multi storey car park had a total of 124 reported incidents.
- 6.4 Broadgate multi storey car park had a total of 369 reported incidents.
- 6.5 Lucy Tower multi store car park had a total of 212 reported incidents.
- 6.6 Our records show that police were called 173 times.
- 6.7 Our records show 11 ambulances were called in relation to drugs or our known on street cohort of individuals.
- 6.8 Full details of the information provided from our internal incident reporting system provided by City of Lincoln Council Corporate Health and Safety Team are shown in **APPENDIX C**

7. The Proposal

- 7.1 To introduce a PSPO to cover our multi-story car parks namely Lucy Tower, Lincoln Central and Broadgate.

That the proposed PSPO (Draft order) is attached as **APPENDIX D. APPENDICES A1, A2 and A3** show each location. The proposal is for each site to have its own order. The inner thick red line shows the site boundary and the outer red line shows where the PSPO will extend to beyond the site boundary. This is 5 meters beyond the site boundary. The purpose for the extended boundary is to prevent ASB such as begging or drug use taking place directly outside access and exit points of the car parks. Both the carpark and the additional 5 meter boundary will be covered by the PSPO being sought.

- 7.2 The PSPO is proposed to remain in place for a maximum of three years before review, however it is proposed that a review be undertaken with the Service Manager, Assistant Director and Portfolio Holder after 12 months and any matters arising fed back to Policy Scrutiny Committee.
- 7.3 Members would need to be satisfied that the legal conditions, laid out above in sections 4.2 and 4.3, have been met. Officers' view is that these requirements have been met based upon:

- Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area.
- Feedback from the consultation attached as **APPENDIX B**. Full responses are available on request from Democratic Services.

8. Additional powers the PSPO will provide

- 8.1 The PSPO will provide a quicker and simpler response to ASB in our multi-storey car parks compared to the current provisions available. The PSPO will enable authorised officers to issue a fixed penalty notice (FPN) to a person who commits

an offence, where deemed appropriate, as set out in 7.1 above. In extreme cases or where proportionate a perpetrator can be summoned to court for prosecution but this would ordinarily only be done where there are repeat or extreme cases of ASB.

- 8.2 The FPN Amount currently issued for the City Centre PSPO is £75 reduced to £50 if paid within 10 days. Additionally, if they agree to attend We Are With You it's £40. It is proposed that these fine levels are also used for this PSPO if approved.
- 8.3 Failure to comply with either a prohibition, or requirement, within the order is an offence. Upon summary conviction (offences heard within the Magistrates Courts) defendants can face a fine not exceeding level three on the standard scale (currently £1000). The defendant cannot be found guilty of an offence under a prohibition/requirement where the local authority did not have the power to include it in the order. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN).
- 8.4 The PSPO should be viewed as an additional tool in tackling ASB and the full range of existing powers can still be utilised where appropriate. It is also noteworthy that the council will still work hard to engage perpetrators of ASB with support services and this option may be utilised as an alternative to enforcement where deemed appropriate.
- 8.5 By working with our car parking staff over the last 6 months they are now able to identify the majority of ASB perpetrators that frequent our car parks and along with the use of CCTV this will further enable both the identification of ASB perpetrators and the gathering of evidence to ensure a robust approach is taken where ASB is committed.

9. Implementation of the PSPO

- 9.1 The PSPO if agreed, could be implemented quickly. It is recommended that some communications messages be done at the time of the implementation and that some signage also be placed around the premises effected.
- 9.2 The enforcement of the PSPO will be undertaken by the PPASB Team, The Intervention Team and supported by Police where appropriate and where resource permits.
- 9.3 The introduction of bodycams for car parking employees and CCTV in these locations will assist PPASB officers and police officers in enforcing breaches of the order where necessary. The PSPO will be administered alongside an offer of assistance for the individual wherever possible.

10. Impact of Covid-19

- 10.1 Due to Covid-19 this report has been delayed in being put before the committee for consideration. The information presented remains relevant and the issues described within remain.
- 10.2 Updated statistics are contained within **APPENDIX E**. Any drop in incidents from March is most likely due to lack of use of facilities and staffing in car parks during

Lockdown and the Covid-19 pandemic.

- 10.3 Due to Covid-19 it is even more necessary to ensure that individuals are not placing themselves in a position to require close contact from other members of the public or services. The ongoing risk of Covid-19 adds an additional consideration when carpark attendants are requiring individuals to leave, checking those asleep or under the influence are ok or coming into contact with individuals sitting in the already narrow stairwells within the carpark. Additionally these risks are also passed to the public that use the carparks and to services attending the carparks.
- 10.4 With the current threat of Covid-19 there is a very clear requirement for our buildings and property to be Covid Secure and a need for the customers to be able to safely use the facilities provided.

11. Strategic Priorities

11.1 Let's drive economic growth

Projects within the city centre to tackle anti-social behaviour enhance our city making it a more attractive city for investment.

11.2 Let's reduce inequality

The service seeks to reduce inequality through its work with individuals and communities.

11.3 Let's enhance our remarkable place

Projects within the city centre to tackle anti-social behaviour serve to improve and enhance the city.

12. Organisational Impacts

12.1 Finance (including whole life costs where applicable)

There are no financial implications

12.2 Legal Implications including Procurement Rules

There may be a resource required to process prosecutions. Members should satisfy themselves that the PSPO meets the conditions set out in the report and that the PSPO is a proportionate response to the reported anti-social behaviour.

12.3 Land, property and accommodation

All land owners within the area are required to be consulted, which has been satisfied through the consultation conducted.

12.4 Human Resources

There are no human resources implications

12.5 Equality, Diversity & Human Rights

The proposal does not have any direct Human Rights implications.

12.6 Corporate Health and Safety implications

The introduction of the PSPO would alleviate the Public Health and Safety concerns associated with the car parks currently.

13. Risk Implications

13.1 (i) Options Explored

- a. To take no further action – without the PSPO the council can continue to use other powers such as Community Protection Notices and Injunctions in cases of extreme ASB. This process is being used currently however due to the incremental requirements of community protection notices and other powers the process can be lengthy and doesn't give any immediate sanctions to deter persons causing ASB.
- b. To introduce a PSPO providing addition tools and powers to address the ongoing issues of ASB. It may displace ASB however partners have a range of interventions in place that should allow them to tackle continued ASB.

13.2 (ii) Key risks associated with the preferred approach

There is a possibility that by introducing a PSPO that this will increase the prevalence and visibility of drug taking and possibly defecation in other areas. However with the ongoing interventions across the city there will support available for vulnerable individuals that wish to engage.

14. Recommendation

- 14.1 That the committee consider fully the proposal to implement a PSPO and if satisfied with the proposal approve and recommend to executive committee.

Is this a key decision? Yes

Do the exempt information categories apply? No

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

How many appendices does the report contain? 7

Appendix A – Location Map of Car Parks
Appendix A1 – Broadgate MSCP Map
Appendix A2 – Central MSCP Map
Appendix A3 – Lucy Tower MSCP Map
Appendix B – Anonymised consultation responses

Appendix C – Incidents Report provided by CoLC
Corporate Health and Safety for January – December
2019

Appendix D – Draft Order

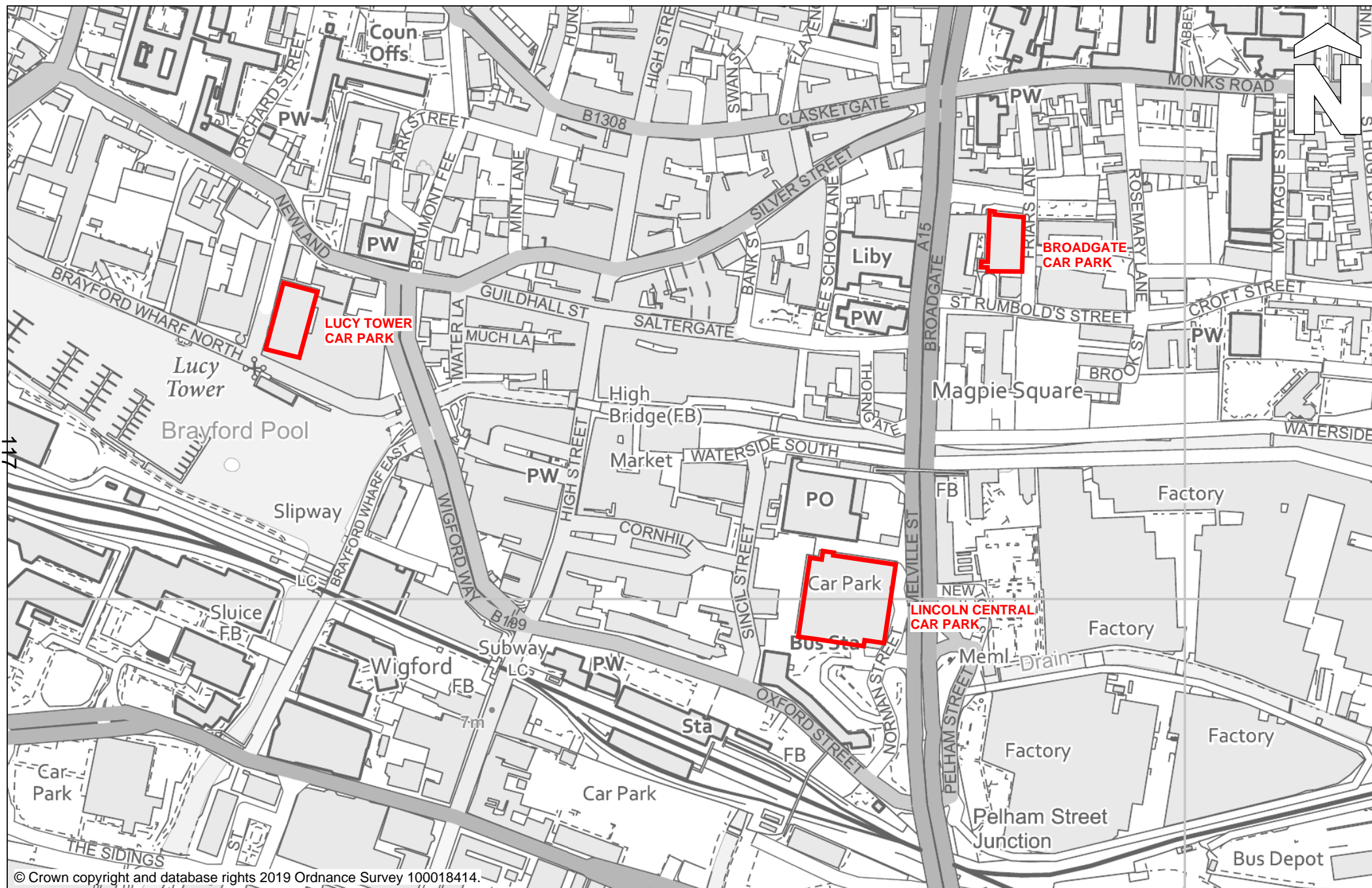
Appendix E – Incidents Report provided by CoLC
Corporate Health and Safety for January – July 2020

List of Background Papers:

None

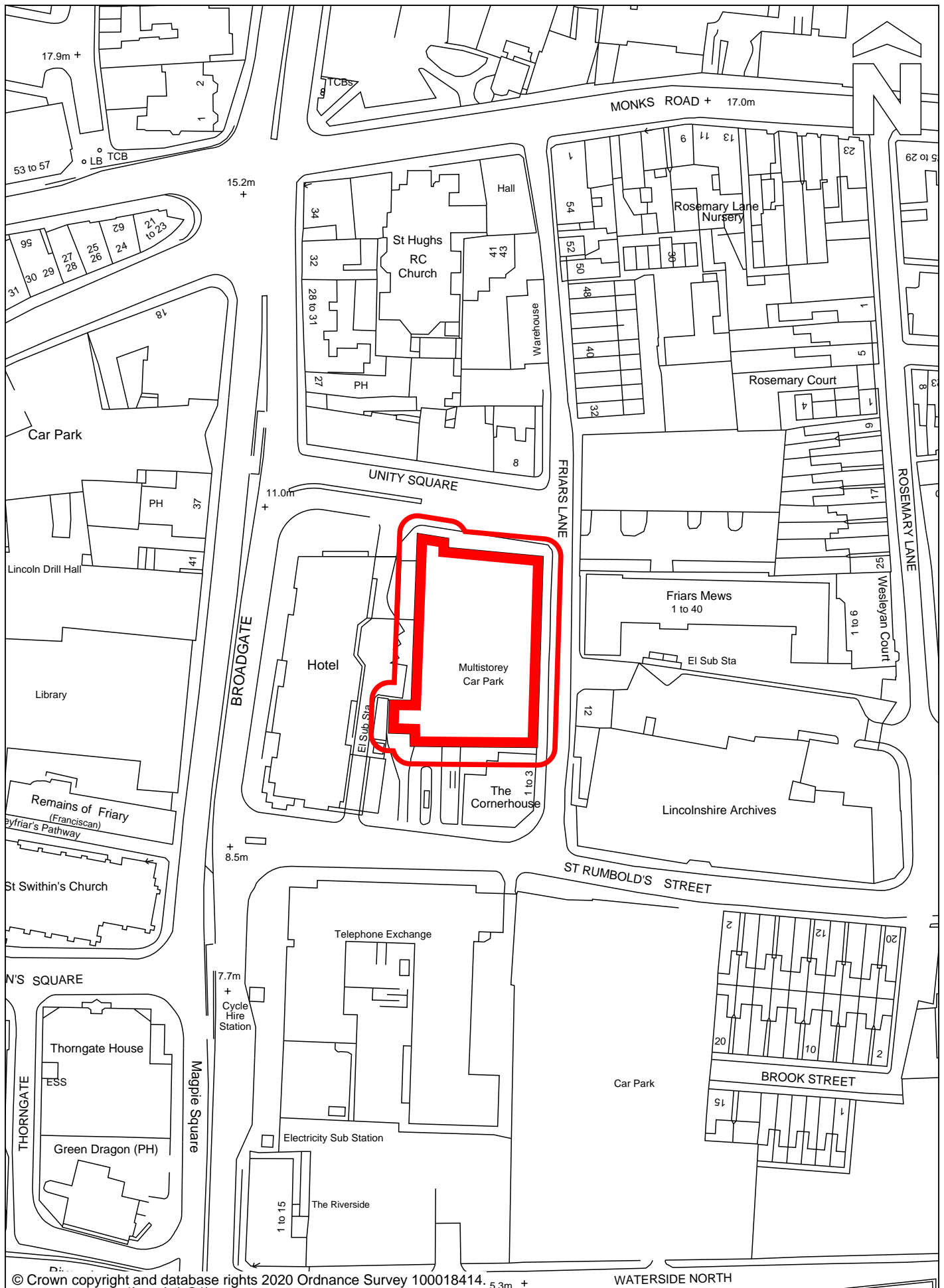
Lead Officer:

Francesca Bell – Public Protection, Anti-Social
Behaviour and Licensing Service Manager
Telephone (01522) 873204



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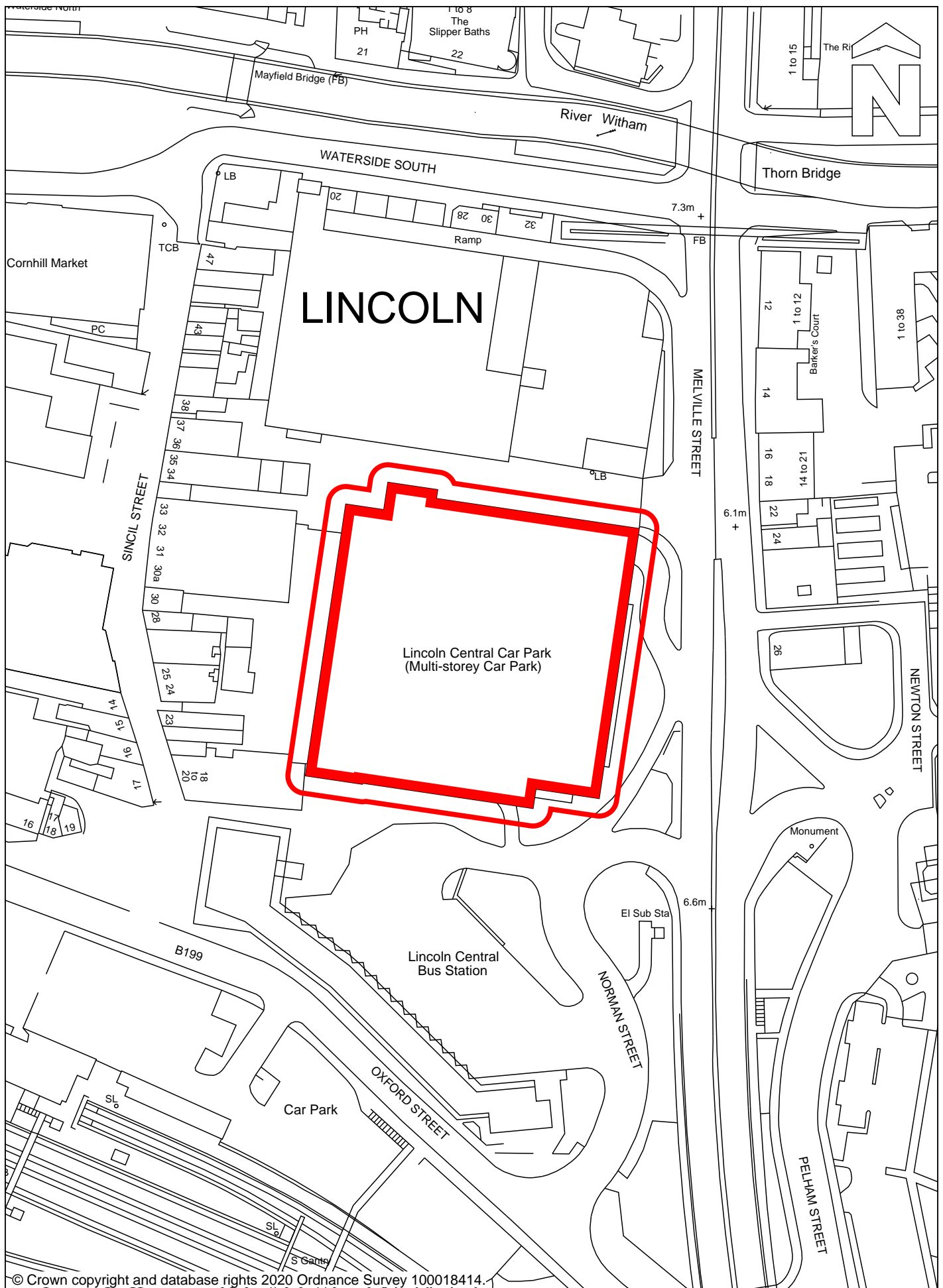


Broadgate Multi-storey Car Park PSPO

Scale: 1:1250 at A4

Version 1: 26-Feb-2020

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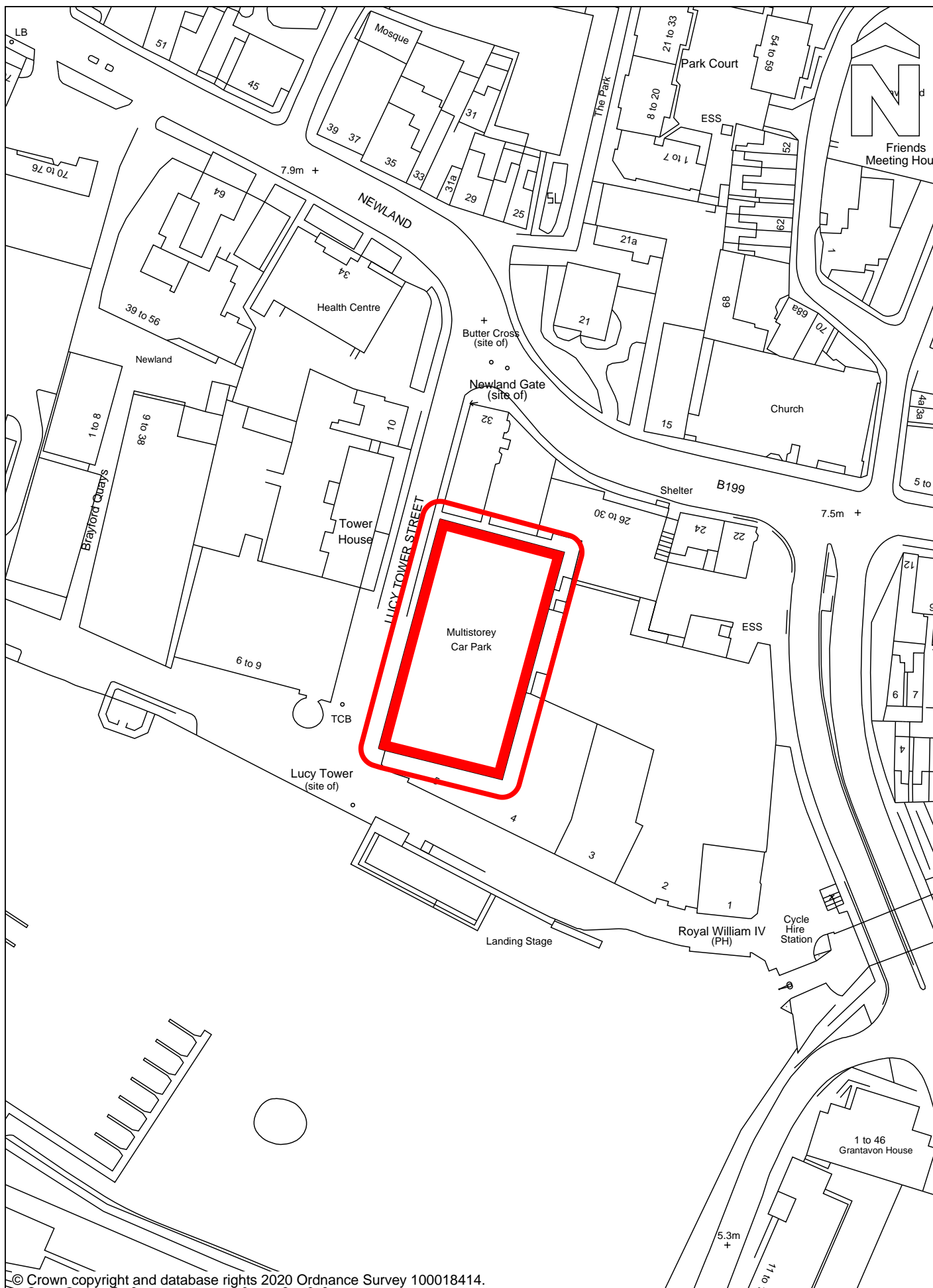


Lincoln Central Multi-storey Car Park PSPO

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Version 1: 26-Feb-2020

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Lucy Tower Street Multi-storey Car Park PSPO

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Version 1: 26-Feb-2020

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Public Responses:

1. I generally agree with the proposal to prevent drug users, anti social behaviour and car parks being used as toilets, but by closing areas off to these people they will merely move somewhere else, provision needs to be made for them in order to prevent them using the car parks I do use all the multi car parks mentioned but would never use them on my own at night

2. Please find my comments below. I am a middle aged woman, using Broadgate car park normally alone. Frequently I carry my laptop.

I have multiple times been afraid for my personal safety. On getting into my car at the end of the day anywhere from 4-5:30 pm the first thing I do is centrally lock all doors.

The feeling of insecurity is worse in winter months when it is dark so early.

1. Do you have any information in support of the proposed PSPO?

I arrive in Broadgate car park around 07:30am. I NEVER use the stairs in a morning now, the lifts are frequently not on by 7:35-7:40, so I walk down the car ramps.

2. Do you use our multi-storey car parks, and if not why?

Yes, mostly Broadgate at least 5 days a week for work and sometimes the new one by the bus station.

3. If you use our multi-storey car parks have you witnesses any anti-social behaviour?

Yes. Only in Broadgate. Multiple times I have mentioned to the attendant where I have passed sleepers just for his information.

This is not me complaining about the attendant, it was more just to mention to him so he knew where to look.

- Blatantly open drug dealing
- Men who either have mental difficulties or drug addiction shouting and running across the car park
- Addicts hanging around in the general area
- Car park users being targeted on leaving the car park for begging purposes
- Using the area for toilet activities
- Using the area next to the lift to sleep
- Using the stairwell to sleep

4. Do you have any concerns or objections to the proposed PSPO?

No, the worst thing to do is nothing. I am very pro any action to address the current issues. I would welcome feeling safe and commend you for any action.

Many thanks

Christine

3. To PPASB@lincoln.gov.uk with the subject heading as PSPO/MSCP 2019.

1. Do you have any information in support of the proposed PSPO?

I have regularly witnessed the increase in anti-social behaviour in the multi-storey car parks (and in the centre of Lincoln) . This deters myself , and others whom I've spoken to , from coming into Lincoln centre other than for work and when I do come in I now try to use surface car parks .

2. Do you use our multi-storey car parks, and if not why?

Yes , however I have recently reduced usage of Broadgate and Lucy Tower because of anti-social behaviour and not feeling safe in these multi-storeys . For these reasons I have not used the new Central Car Park since it opened. I certainly would not use any of the multi-storey car parks in the evenings .

3. If you use our multi-storey car parks have you witnessed any anti-social behaviour?

Drug taking , shouting , intimidating behaviour , excrement and urine on the staircases in Broadgate and Lucy Tower. I feel very concerned about parking services' staff who have to deal with

this on a daily basis and I would advocate most strongly that all the Council's multi-storey car parks should have two attendants on duty at all times for reasons of improved Health and Safety for public and staff .

4. Do you have any concerns or objections to the proposed PSPO?

NoI support it but how is it going to be actioned / enforced ?

It would be better if Ad Action and The Corner House were located elsewhere as their proximity to multi storey car parks and hotels where visitors stay is contributing to this situation .

I have lived here for 20 years and chose to move here because Lincoln was a safe and attractive city . The anti- social behaviour is a growing problem which needs to be addressed as it is driving residents and tourists away from the centre of Lincoln . It is also creating an unfavourable impression on students and other visitors .

4. The issue here is going to be enforcement and how it will be funded?

What are the specific "tools and powers" that are being proposed?

Clarification would be greatly appreciated.

5. I support wholeheartedly the proposed PSPO on the multi storey car parks in Lincoln. I use the Lucy Tower carpark when I shop in the city centre and for visiting the cinema. When using the car park my family and I will always avoid the stairs and lift, and walk up/down using the same route as the cars as in our opinion it is safer and more hygienic. Also as the drug users congregate around the stair and lift area, we will enter and exit from the front of the car park. It's a shame that we have felt the need to do this for a good few years. I live here so I am used to the sights but for visitors it must be a bit shocking as the Brayford should be a welcoming clean and vibrant area. I cannot comment on the other car parks as I don't use them. My only concern would be where the drug users etc will choose to congregate next...

6. Good evening,

I came across your article via a local Facebook group and based on some recent research that I have done, I thought it best to contact you.

Have you ever thought about weaponizing music? Don't worry it is not as drastic as it sounds. Essentially, PA systems are installed within areas that have problems with anti-social behaviours and classical music is amplified. Both Cleethorpes Train Station and Hull Train Station have utilised this method with significant results.

Furthermore, classical music is also played in McDonalds at key points especially late and night, as well as on the London Underground. Again, both have noticed a significant decrease in anti-social behaviours.

There is a good amount of academic material that has researched the effects of music on behaviour, I have provided a few references below.

- Hirsch, L (2007) Weaponizing Classical Music: Crime Prevention and Symbolic Power in the Age of Repetition. *Journal of Popular Music Studies*, 19 (4) 342-358.
- Milliman, R (1982) Using Background Music to Affect the Behavior [sic] of Supermarket Shoppers. *Journal of Marketing*, 46, 86-91.

Partner responses

1. Interserve (Justice)

We have no objections

Thanks

2. Public Health LCC

Re: Proposal to introduce a PSPO to provide additional tools and powers to reduce and manage incidents of ASB and drug use within our multi-story carpark

1. Does your agency have any information in support of or against the proposal of the PSPO?

2. Does your agency have any concerns or objections to the proposed PSPO?

- It would be interesting to know in more detail how this PSPO will be implemented / managed once in operation.
- Whilst we understand the need to reduce and manage incidents within the multi storey carparks, we do also have some comments/questions below which refer to the statements made within your proposal:

"For a number of Years City of Lincoln Council have received high volumes of incidents many of which have been logged on our own internal incident reporting system and a number of these have been reported to Lincolnshire Police."

"Over the last 12 months complaints have increased significantly. The main concerns relate to Drug use and Paraphernalia such as needles being left behind"

- Is there any backing data as part of the consultation? And if so, how can respondents be confident that the new PSPO is based upon an increased need that has been identified particularly in the last 12 months? Where are these statistics please?

The proposed PSPO will look to achieve the following:

1. Prevent access to those who are not using the carpark to leave or return to a vehicle.
How will this access actually be prevented? What preventions will be in place?
2. To follow directions to leave when asked by a member of staff or an authorised officer.
3. Not to cause harassment alarm or distress to the public or staff.

3. lincolnshire police

In relation to the below consultation:

Lincolnshire Police would be supportive of the proposed PSPO to cover the ongoing issues within Lincoln car parks as highlighted. Whilst we are aware of a number of incidents, which are usually reported to us via CCTV, we are also aware that a proportion are not reported to police and are managed by local partners. I would observe that the conditions are not stipulated within the consultation, but the broads aims of the PSPO are set out. We would be supportive of those aims, specifically with the intent to reduce ASB in public areas, especially where the public are encouraged to utilise these facilities.

4.P3

...We therefore cannot provide you with the support you seek for this course of action and we oppose actions – Such as a PSPO – that not only make it more difficult for the most vulnerable citizens to access support services but also criminalise non criminal activities....

APPENDIX C - MSCP incidents (January – December 2019)

The total people using or attempting to use drugs is probably a core of 20 – 30 people who continuously use the car parks to take drugs (3-3 times a day). These are either from or associate with people at the Corner house (Broadgate) or visit the Addiction centre. Rough sleepers can be genuine the homeless or people sleeping off the effects of drugs.

Central car park has a higher incident rate of abusive youths, skateboards and youths on bicycles.

Total reported incidents at Broadgate, Lucy Tower and Central multi storey car parks 706.

Broadgate multi storey car park had a total of 369 reported incidents.

Lucy Tower multi store car park had a total of 212 reported incidents.

Central multi storey car park had a total of 124 reported incidents.

December 2019 (up to 09/12/19)

16 incidents.

Broadgate. 8 incidents which involved

Moving on rough sleepers (2) 5 people using or attempting to use drugs (smoking or injecting drugs), clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 7 incidents which involved

(9) Youths on bikes riding around top floor, (1) rough sleeper and clearing up urine, excrement, blood, vomit and drug paraphernalia

Central car park. 1 incident which involved

(2) Youths on bikes

November 2019

67 incidents.

Broadgate 34 incidents which involved

55 people using or attempting to use drugs (smoking or injecting drugs), 25 rough sleepers moved on, (1) intoxicated, (2) potential self-harmers, ASB vehicles (1 moped, 5 cars). Police called 6 (101). (3) Aggressive behaviour. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 11 incidents which involved

5 people using or attempting to use drugs (smoking or injecting drugs), 4 rough sleepers moved on, (6) youths riding bikes, (6) youths on skateboards, (1) potential self-harmer, (14) youths top floor trying to climb over to the Odeon cinema. Police called (1) 101. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 11 incidents which involved

(7) Rough sleepers moved on, (3) possible drug users, (2) skateboarders, (9) youths on bikes. Police called (1) 101.

October 2019

88 incidents

Broadgate 43 incidents, which involved

76 people using or attempting to use drugs (smoking or injecting drugs), 19 Rough sleepers moved on, (3) aggressive behaviour, fighting. Police called (11), male defecate on entrance ramp, Significant signs of drug use found and removed clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 27 incidents, which involved

2) people using or attempting to use drugs (smoking or injecting drugs), 10 rough sleepers, moved on, (8) youths on bikes, (4) youths on skateboards, (1) abusive behaviour, Police called (2), 1 unconscious male, (5) youths on top level, Significant signs of drug use found and removed clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 11 incidents which involved,

(8) Youths abusive/threatening to staff, (2) joy riders abusive to staff, (6) youths on bikes, (2) youths on skateboards (who damaged a barrier), (1) rough sleeper, (6) youths running up and down the ramp into oncoming traffic, (1) once slight collision between car and bike (no injuries).

September 2019

89 Incidents.

Broadgate 49 incidents, which involved

130 people using or attempting to use drugs (smoking or injecting drugs), 23 rough sleepers moved on, Self-harm (1), abusive/aggressive behaviour (7), unconscious (2), contractors found hidden syringes (2), police called (12). Knife found embedded in metal plate taken to police. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 26 incidents, which involved

(11) rough sleepers, 18 people using or attempting to use drugs (smoking or injecting drugs), abusive/aggressive (2), (1) self-harmer, (7) youths on mopeds, (2) firing BB Gun on top level, (3) youths hanging over top level railings, (1) skateboard, (1) scooter, (1) unconscious male EMAS called, police called (3). Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 13 incidents, which involved

(7) Rough sleepers, (5) drugs, (5) skateboarders, (5) youths on bikes, police called (1), theft of bike persons arrested, (2) children messing about on 5th floor.

August 2019

50 Incidents

Broadgate 28 incidents, which involved

138 people using or attempting to use drugs (smoking or injecting drugs), 7 rough sleepers moved on, 3 threats of violence, 4 youths on bikes, police called (4), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 14 incidents, which involved,

17 people using or attempting to use drugs (smoking or injecting drugs), 9 rough sleepers moved on, 1 aggressive verbal confrontation, 10 youths on bike, 1 youth climbed over anti climb fence top level, 1 self-harmer, police called (2). Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 4 incidents, which involved

2 skateboarders, 2 scooters, 3 bikes.

July 2019

49 Incidents

Broadgate 21 incidents which involved

54 people using or attempting to take drugs, 16 rough sleepers moved on, 7 individuals intoxicated police called (3), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 16 incidents, which involved,

6 people using drugs, 11 rough sleepers moved on, 2 under the influence and aggressive, 1 ambulance called, police called (4),, 5 youths on bikes and 3 on mopeds. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 5 incidents, which involved,

2 rough sleepers moved on, 7 teenagers moved on, 4 aggressive behaviour, and 1 bike riding around car park.

June 2019

85 Incidents

Broadgate 44 incidents which involved,

192 people using or attempting to take drugs, 4 rough sleepers moved on, 2 self-harmers, Police called (5). 1 bike, 1 fight, 3 children top level. Excrement under cone, male and female having sex on level 2 stairs, unconscious male, complaint from member of public regarding drug dealing, 15 needles found on one level. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 18 incidents, which involved,

16 people using or attempting to use drugs, 4 rough sleepers moved on, 9 youths riding bikes, 2 boy racers, and 1 aggressive person. Significant signs of drug use

found and removed. Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 14 incidents, which involved,
11 people using or attempting to use drugs, signs of drug use. 2 people drinking, 4 skateboarders, 13 kids on bikes, 3 rough sleepers, One person spat at CEO, police (101) called once, 2 kids playing football on level 5.

May 2019

62 Incidents

Broadgate 33 incidents, which involved
87 people using or attempting to take drugs, 9 rough sleepers moved on, police called (6), 2 fire alarm activations (on the same day), 8 needles and large amount of drug paraphernalia found on level 14. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 13 incidents, which involved,
21 people using or attempting to take drugs, 5 rough sleepers moved on. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
6 bikes, 3 skateboards 2 rough sleepers moved on, one person under the influence police called (1). 4 teenagers one claimed a car had tried to run him down

April 2019

49 Incidents

Broadgate 24 incidents, which involved
76 people using or attempting to take drugs, 5 rough sleepers moved on, police called (5), CEO came across 4 males, ground floor friar's lane 1 with his trousers down and his hand in a tub of Vaseline. 1 self-harmer, 2 acts of vandalism, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,
11 people using or attempting to take drugs, 2 rough sleepers moved on, police called (3), 3 youths messing about top level Odeon side 3 youths climbing through safety netting on Odeon side police inform parents to pick them up. 3 youths on bikes, 2 self-harmers. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
3 rough sleepers moved on, 9 youths on bikes, 5 skateboarders. 3 youths messing about with the lifts.

March 2019

91 Incidents

Broadgate 33 incidents, which involved

79 people using or attempting to take drugs, 9 rough sleepers moved on, police called (5), 4 aggressive, 5 under the influence/intoxicated, 6 boy racers, 1 self-harmer, One man washing his feet, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 22 incidents, which involved, 12 people using or attempting to take drugs, one with a dog, 1 rough sleeper, 7 males on top level 4 jumped over to the Odeon roof, 2 males 1 female jumped over from the Odeon roof, 2 male and 2 female teenagers spitting on people from the top level, 4 teenagers running up and down the ramps, 15 cars and 1 motorbike boy racers, 7 youths on bikes, 2 skateboarders, police called 2. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 22 incidents, which involved, 12 people using or attempting to take drugs, 8 rough sleepers moved on, police called (4), 4 aggressive, 5 under the influence/intoxicated, 10 skateboards, 29 bikes including spitting at office window, abusive behaviour, riding in front of cars, riding against the flow of traffic up and down ramps, 3 child scooters, 3 male teenagers and 1 female teenager messing around level 4 parking spaces, 6 teenagers top level, signs of drug use.

February 2019

62 Incidents

Broadgate 22 incidents, which involved 48 people using or attempting to take drugs, 5 rough sleepers moved on, police called (45), 2 males caught on stairwell with trousers down, 3 males 1 female smoking drugs and eating breakfast verbally abusive, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved, 8 people using or attempting to take drugs, 12 youths on bike, 2 scooters, 7 joy riders (cars) 1 motorbike, 2 abuse to customers using car park (from drug users), 1 vulnerable adult, police called (3). 3 youths on bikes throwing objects off the top level, 2 needles found behind ticket machine number 9, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 16 incidents, which involved, 37 youths riding bikes (up and down ramps, into oncoming traffic, up and down lifts), 5 skateboarders, 3 child scooters, 1 intoxicated male, Fire alarm set off, 2 teenage males and 1 female jumping off bannister, Teenage girl sliding down bannister 4th floor fell off landed 2nd floor, police called (3).

January 2019

86 Incidents

Broadgate 30 incidents, which involved

66 people using or attempting to take drugs, 13 rough sleepers moved on, police called (5), 3 boy racers, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 30 incidents, which involved, 30 people using or attempting to take drugs, 11 rough sleepers moved on, police called (5), 6 youths accessed addaction roof via fire escape, 7 skateboarders, 2 mopeds, 1 self-harmer, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central incidents, 13 which involved, 4 people using or attempting to take drugs, 2 rough sleepers moved on, police called (4), 8 youths throwing objects at glass stairwell glass, 10 youths smoking, swearing and shouting inside stairwell, 5 youths top level messing about, pressed lift help button, 4 youths being abusive throwing ones about, 4 youths on bikes pulling wheelies, shouting abuse threats to stab, 4 bikes on ground floor, 8 bikes on top level riding from top to bottom chased traffic in car park, 3 bikes one youth nearly hit by car (20 youths on bikes total), 9 skateboarders. Signs of drug use found and removed

CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER X of 2020 (the “Order”) UNDER THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Lincoln Council Public Spaces Protection Order Number X of 2020 (Broadgate/Central/Lucy Tower Street multi-storey car park).

The City of Lincoln Council (“the Council”) under and in accordance with sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and all other enabling powers, hereby makes the following Order:

This order shall come into effect on DATE 2020 for a period of three years, subject to any future extension or variation under the relevant statutory powers.

This order applies to the area (the “restricted area”) shown edged red on the plan annexed to this order.

In this order:

An “authorised person” means a Police Constable, a Police Community Support Officer or an officer of the Council who must be able to present their authority upon request.

An “exempted use” means where an intoxicating substance is:

- a. used for a valid and demonstrable medicinal use;
- b. cigarettes (tobacco) or vaporisers; or
- c. a food stuff regulated by food health and safety legislation.

An “intoxicating substance” means substances with the capacity to stimulate or depress the central nervous system, including but not limited to alcohol, drugs and so-called ‘legal highs’.

A “permitted purpose” includes:

- a. all activities reasonably associated with the parking of a vehicle in the restricted area in accordance with the requirements of a relevant occupier; or
- b. entering or remaining in the restricted area owing to an emergency.

A “relevant occupier” means an owner or occupier of the restricted area or an employee of the relevant occupier with duties relevant to the restricted area.

1. No person in the restricted area shall engage in any of the following activities (each activity being a “prohibited activity”):
 - a. ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;

- b. any activity likely to cause harassment, alarm or distress to any other person;
 - c. congregating in a group of two or more persons so as to cause an obstruction or give reasonable grounds for annoyance to any person;
 - d. loitering without a permitted purpose; or
 - e. anti-social behaviour, including but not limited to public urination or defecation, or any other unacceptable or offensive behaviour.
2. Any person reasonably suspected of engaging in a prohibited activity and given a direction to leave the restricted area by a relevant occupier shall do so as soon as reasonably possible.
3. Any person within the restricted area who breaches the prohibition at 1(a) shall surrender any intoxicating substances in their possession to an authorised person.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

APPEALS AGAINST THIS ORDER

In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

GIVEN under the **COMMON SEAL** of
the City of Lincoln Council
On [] 2020]

THE COMMON SEAL of the }
CITY OF LINCOLN COUNCIL }
Was hereunto affixed }

In the presence of: _____ }

APPENDIX E - MSCP incidents Jan 2020 – July 2020 compared with 2019

January 2020

43 incidents.

Broadgate. 17 incidents which involved

16 people using or attempting to take drugs, 3 rough sleepers moved on, 3 children climbing fence of top level. 2 self-harmers, police called (3). 1 injury MOP slipped on ice. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 17 incidents which involved

29 people using or attempting to take drugs, 4 rough sleepers moved on, 3 skateboarders, Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia. 1 youth on roof abusive, police called (1)

Central car park. 9 incidents which involved

4 people using or attempting to take drugs, 7 Youths on bikes, 1 skateboarder, 2 groups of girls causing trouble and refusing to leave, one group of boys kicking a football on ground floor and refusing to leave. Police called (3).

January 2019

73 Incidents

Broadgate 30 incidents, which involved

66 people using or attempting to take drugs, 13 rough sleepers moved on, police called (5), 3 boy racers, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 30 incidents, which involved,

30 people using or attempting to take drugs, 11 rough sleepers moved on, police called (5), 6 youths accessed addiction roof via fire escape, 7 skateboarders, 2 mopeds, 1 self-harmer, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 13 incidents, which involved,

4 people using or attempting to take drugs, 2 rough sleepers moved on, police called (4), 8 youths throwing objects at glass stairwell glass, 10 youths smoking, swearing and shouting inside stairwell, 5 youths top level messing about, pressed lift help button, 4 youths being abusive throwing ones about, 4 youths on bikes pulling wheelies, shouting abuse threats to stab, 4 bikes on ground floor, 8 bikes on top level riding from top to bottom chased traffic in car park, 3 bikes one youth nearly hit by car (20 youths on bikes total), 9 skateboarders. Signs of drug use found and removed

February 2020

33 incidents – up to 22nd February

Central 8 incidents, Broadgate 18, Lucy tower 7.

February 2019

52 Incidents

Broadgate 22 incidents, which involved

48 people using or attempting to take drugs, 5 rough sleepers moved on, police called (45), 2 males caught on stairwell with trousers down, 3 males 1 female smoking drugs and eating breakfast verbally abusive, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,

8 people using or attempting to take drugs, 12 youths on bike, 2 scooters, 7 joy riders (cars) 1 motorbike, 2 abuse to customers using car park (from drug users), 1 vulnerable adult, police called (3). 3 youths on bikes throwing objects off the top level, 2 needles found behind ticket machine number 9, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 16 incidents, which involved,

37 youths riding bikes (up and down ramps, into oncoming traffic, up and down lifts), 5 skateboarders, 3 child scooters, 1 intoxicated male, Fire alarm set off, 2 teenage males and 1 female jumping off bannister, Teenage girl sliding down bannister 4th floor fell off landed 2nd floor, police called (3).

March 2020

30 Incidents.

Broadgate. 14 incidents which involved

19 people using or attempting to take drugs, 2 rough sleepers moved on, 6 males having a party drinking/drugs/loud music), police called (2). Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 10 incidents which involved

1 rough sleeper moved on, 3 mopeds, 4 people using or attempting to use drugs, 3 youths on top level, 3 people playing football, signs of drug use found and removed, police called (1). 1 self-harmer.

Central car park. 6 incidents which involved

2 rough sleepers moved on, 8 people using or attempting to take drugs, 5 boy racers, 4 Youths on bikes, signs of drug usage.

March 2019

77 Incidents

Broadgate 33 incidents, which involved

79 people using or attempting to take drugs, 9 rough sleepers moved on, police called (5), 4 aggressive, 5 under the influence/intoxicated, 6 boy racers, 1 self-harmer, One man washing his feet, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 22 incidents, which involved,

12 people using or attempting to take drugs, one with a dog, 1 rough sleeper, 7 males on top level 4 jumped over to the Odeon roof, 2 males 1 female jumped over from the Odeon roof, 2 male and 2 female teenagers spitting on people from the top level, 4 teenagers running up and down the ramps, 15 cars and 1 motorbike boy racers, 7 youths on bikes, 2 skateboarders, police called 2. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 22 incidents, which involved, 12 people using or attempting to take drugs, 8 rough sleepers moved on, police called (4), 4 aggressive, 5 under the influence/intoxicated, 10 skateboards, 29 bikes including spitting at office window, abusive behaviour, riding in front of cars, riding against the flow of traffic up and down ramps, 3 child scooters, 3 male teenagers and 1 female teenager messing around level 4 parking spaces, 6 teenagers top level, signs of drug use.

April 2020

37 Incidents.

Broadgate. 10 incidents which involved

7 people using or attempting to take drugs, 3 rough sleepers moved on, Police called 1. Signs of drug use found and removed majority involved cleaning up excrement.

Lucy Tower. 21 incidents which involved

8 rough sleepers moved on (Majority one known individual), 14 people using or attempting to use drugs (majority one known individual), family of five (two adults and three children) riding bikes around the levels, 2 youths on bikes. Signs of drug use found and removed (human excrement on handrails and ground and second level), police called 1. 1 self-harmer.

Central car park. 6 incidents which involved

2 people using or attempting to take drugs, 6 Youths on bikes, 7 skateboarders. One fox on level 4.

April 2019

45 Incidents

Broadgate 24 incidents, which involved

76 people using or attempting to take drugs, 5 rough sleepers moved on, police called (5), CEO came across 4 males, ground floor friar's lane 1 with his trousers down and his hand in a tub of Vaseline. 1 self-harmer, 2 acts of vandalism, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,

11 people using or attempting to take drugs, 2 rough sleepers moved on, police called (3), 3 youths messing about top level Odeon side 3 youths climbing through safety netting on Odeon side police inform parents to pick them up. 3 youths on bikes, 2 self-harmers. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
3 rough sleepers moved on, 9 youths on bikes, 5 skateboarders. 3 youths messing
about with the lifts.

May 2020

35 Incidents.

Broadgate. 2 incidents which involved
Signs of vagrancy. Signs of drug use.

Lucy Tower. 25 incidents which involved
7 rough sleepers moved on (Majority one known individual), 15 people using or
attempting to use drugs (majority one known individual), 11 youths on bikes, 3
skateboarders. Signs of drug use found and removed, cleaning up urine and
excrement. Police called 1.

Central car park. 8 Incidents which involved
3 rough sleepers, 3 Youths on bikes, 5 skateboarders. Clearing up excrement, 1
injury.

May 2019

53 Incidents

Broadgate 33 incidents, which involved
87 people using or attempting to take drugs, 9 rough sleepers moved on, police
called (6), 2 fire alarm activations (on the same day), 8 needles and large amount of
drug paraphernalia found on level 14. Significant signs of drug use found and
removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 13 incidents, which involved,
21 people using or attempting to take drugs, 5 rough sleepers moved on. Signs of
drug use found and removed Clearing up urine, excrement, blood, vomit and drug
paraphernalia.

Central 7 incidents, which involved,
6 bikes, 3 skateboards 2 rough sleepers moved on, one person under the influence
police called (1). 4 teenagers one claimed a car had tried to run him down

June 2020

3 incidents

July 2020 - up to 15th July

33 Incidents.

Broadgate. 4 incidents which involved

2 Signs of vagrancy. Signs of drug use.

Lucy Tower. 10 incidents which involved

1 rough sleeper moved on, 2 people using or attempting to use drugs, 2 youths on bikes, 7 youths causing antisocial behaviour (people throwing shopping trolley, 1 self-harmer. 2 cases of vandalism. Signs of drug use found and removed, cleaning up urine and excrement.

Central car park. 19 Incidents which involved

Rough sleeper moved on, 1 person attempting to use drugs, 1 intoxicated male, 34 youths on bikes (largest group of 10 who were abusive), 34 youth ASB (one incident reported throwing manholes). 1 self-harmer, Police 101 (2).

July 2019

42 Incidents

Broadgate 21 incidents which involved

54 people using or attempting to take drugs, 16 rough sleepers moved on, 7 individuals intoxicated police called (3), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 16 incidents, which involved,

6 people using drugs, 11 rough sleepers moved on, 2 under the influence and aggressive, 1 ambulance called, police called (4),, 5 youths on bikes and 3 on mopeds. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 5 incidents, which involved,

2 rough sleepers moved on, 7 teenagers moved on, 4 aggressive behaviour, and 1 bike riding around car park.

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Equality with Human Rights Analysis Toolkit



The Equality Act 2010 and Human Rights Act 1998 require us to consider the impact of our policies and practices in respect of equality and human rights.

We should consider potential impact before any decisions are made or policies or practices are implemented. This analysis toolkit provides the template to ensure you consider all aspects and have a written record that you have done this.

If you need any guidance or assistance completing your Equality and Human Rights Analysis contact:

Heather Grover, Principal Policy Officer on (87)3326; email: heather.grover@lincoln.gov.uk . Alternatively contact Legal Services on (87)3840

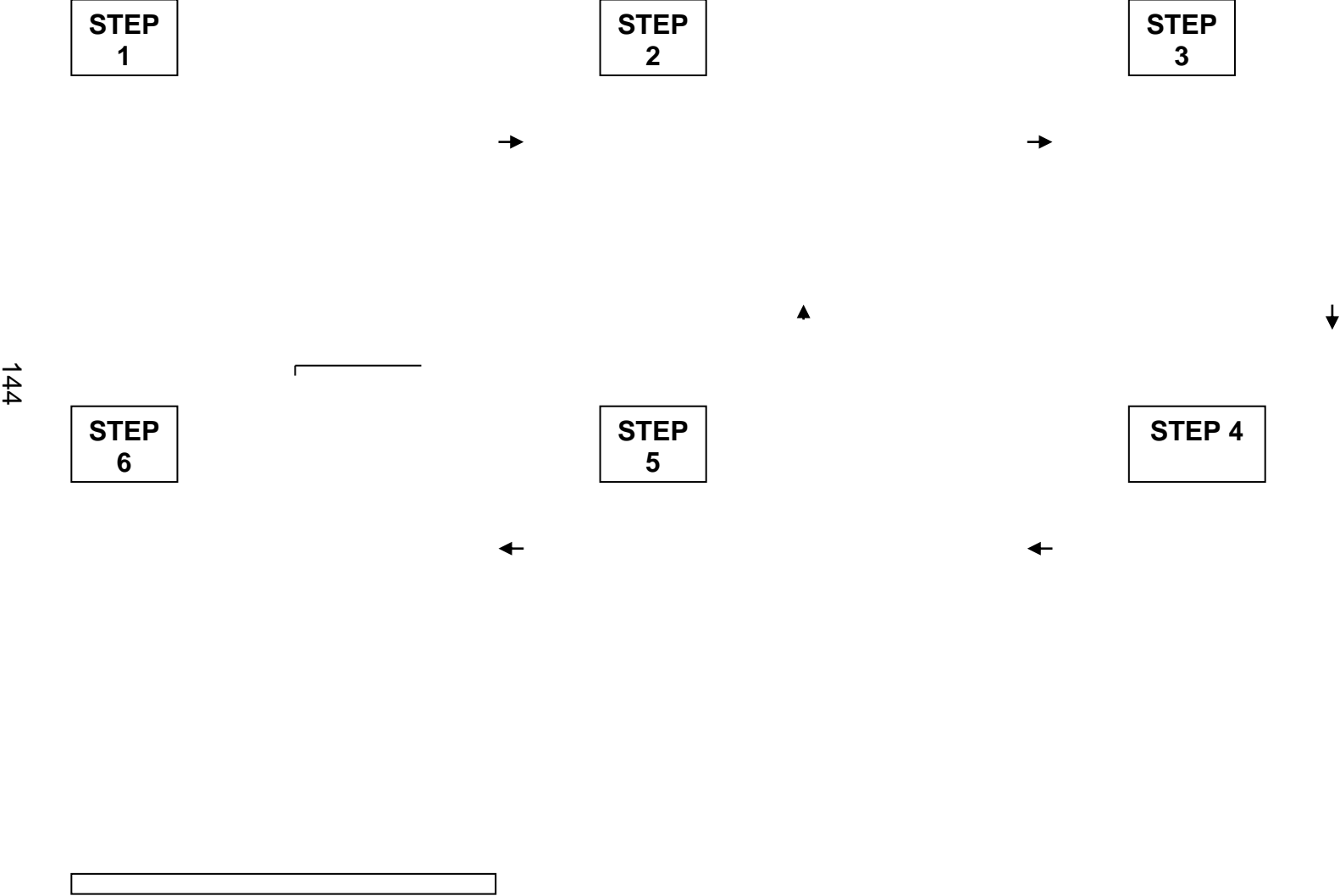
A diagram of the process you should follow is on page 2, and glossary and guidance to help you complete the toolkit can be found on pages 6-9.

143 Even after your policy, project or service has been implemented; it is recommended that analysis is undertaken every three years, and that this analysis is updated at any significant points in between. The purpose of any update is that the actual effects will only be known after the implementation of your policy, project or service. Additionally, area demographics could change, leading to different needs, alternative provision can become available, or new options to reduce an adverse effect could become apparent.

Useful questions to consider when completing this toolkit

1. What is the current situation?
2. What are the drivers for change?
3. What difference will the proposal make?
4. What are the assumptions about the benefits?
5. How are you testing your assumptions about the benefits?
6. What are the assumptions about any adverse impacts?
7. How are you testing your assumptions about adverse impacts?
8. Who are the stakeholders and how will they be affected?
9. How are you assessing the risks and minimising the adverse impacts?
10. What changes will the Council need to make as a result of introducing this policy / project / service / change?
11. How will you undertake evaluation once the changes have been implemented?

STEP BY STEP GUIDE TO EQUALITY ANALYSIS



SECTION A

Name of policy / project / service	TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MUTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK.
Background and aims of policy / project / service at outset	To reduce incidents of ASB within our multi-storey car parks
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Francesca Bell – Public Protection, ASB and Licensing Service Manager
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Director communities and environment, Policy scrutiny committee, Intervention Team, PPASB team and Police

SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	x			May make vulnerable carparks customers feel safer	N/A	
Disability including carers (see Glossary)	x			May make vulnerable carparks customers feel safer	N/A	
Gender re-assignment			X		N/A	
Pregnancy and maternity	x			May make expectant mothers feel safer	N/A	
Race			x		N/A	
Religion or belief			X		N/A	
Sex			X	It should be noted that offenders are more likely to be male. However action will only be taken where anti-social behaviour has been clearly demonstrated irrespective of gender and therefore it is highly unlikely indirect discrimination would occur and action will apply to an individual rather than a group	N/A	
Sexual orientation			X		N/A	
Marriage/civil partnership			X		N/A	
Human Rights (see page 8)			x	The council's enforcement policy will be followed	N/A	

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

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

SECTION C

Decision Point - Outcome of Assessment so far:

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


Tick here

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

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Conclusion of Equality Analysis (describe objective justification for continuing)	This does not disproportionately affect any protected group
--	---

When and how will you review and measure the impact after implementation?*	The PSPO will be reviewed at least every 3 years
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Checked and approved by responsible officer(s) (Sign and Print Name)		Date	
Checked and approved by Assistant Director (Sign and Print Name)	 Simon Colburn	Date	4/8/20

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

City of Lincoln Council Equality and Human Rights Analysis Toolkit: Glossary of Terms

Adult at Risk - an adult at risk is a person aged 18 years or over who is or may be in need of community care services by reason of mental health, age or illness, and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation.

Adverse Impact. Identified where the Council's operations has a less favourable effect on one or more groups covered by the Equality Act 2010 than it has on other groups (or a section of a group)

Carer - see also disability by association. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life, because of their age, long-term illness, disability, mental health problems, substance misuse

Disability by association. Non disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, colleague or relative. This applies to carers who have a caring responsibility to a disabled person.

Differential Impact. Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative.

Disability. It is defined under the Equality Act 2010 as 'having a physical or mental impairment which has a substantial and adverse long term effect on a person's ability to carry out normal day to day activities'.

Physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

Mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

Diversity. Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.

Discrimination. Discrimination has been defined as 'the unequal treatment of individuals or groups based on less because of a protected characteristic – see protected characteristic. This includes discrimination by association, perception, direct and indirect discrimination.

Example of discrimination: An employer does not offer a training opportunity to an older member of staff because they assume that they would not be interested, and the opportunity is given to a younger worker

Equality. The right of different groups of people to have a similar social position and receive the same treatment:

Equality Analysis. This is a detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different Protected Characteristics

Equality Objectives. There are specific strategic objectives in the area of equalities and should set out what services are seeking to achieve in each area of service in terms of Equality.

Equality of Opportunity. Equality of opportunity or equality opportunities may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities:

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.

2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

Evidence. Information or data that shows proof of the impact or non impact - evidence may include consultations, documented discussions, complaints, surveys, usage data, and customer and employee feedback.

Foster good relations. This is explicitly linked to tackling prejudice and promoting understanding.

General Equality Duty. The public sector equality duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Gender reassignment. The process of changing or transitioning from one gender to another – for example male to trans-female or female.

Harassment. This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Human Rights – Human rights are the basic rights and freedoms that belong to every person in the world - **see below**

Marriage and Civil Partnership. Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Single people are not protected. Discrimination on grounds of marriage or civil partnership is prohibited under the Act. The prohibition applies only in relation to employment and not the provision of goods and services.

Pregnancy and Maternity. Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected Characteristics. These are the grounds upon which discrimination is unlawful. The characteristics are:

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|-----------------------|--|----------------------------------|
| • Age | • Race | • Marriage and civil partnership |
| • Disability | • Religion and belief (including lack of belief) | • Pregnancy and maternity |
| • Gender reassignment | • Sex/gender | • Sexual orientation |

Public functions. These are any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority services.

Race. This refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief. Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Section 11 of the Children Act. This duty is a duty under the Children Act 2004 that requires all agencies with responsibilities towards children to discharge their functions with regard to the need to safeguard and promote the welfare of children. They must also ensure that any body providing services on their behalf must do the same. The purpose of this duty is that agencies give appropriate priority to safeguarding children and share concerns at an early stage to encourage preventative action.

Sex. It refers to whether a person is a man or a woman (of any age).

Sexual Orientation. A person's sexual attraction is towards their own sex; the opposite sex; or to both sexes: *Lesbian, Gay or Bisexual*

Victimisation. Victimisation takes place where one person treats another less favourably because he or she has exercised their legal rights in line with the Equality Act 2010 or helped someone else to do so.

Vulnerable Adult. A Vulnerable Adult is defined as someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'

Human Rights

Human rights are the basic rights and freedoms that belong to every person in the world. They help you to flourish and fulfill your potential through:

- being safe and protected from harm
- being treated fairly and with dignity
- living the life you choose
- taking an active part in your community and wider society.

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The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these these rights and freedoms
- Right to peaceful enjoyment of your property

- Right to education
- Right to participate in free elections

Many every day decisions taken in the workplace have no human rights implications. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you make decisions more confidently, and ensure that your decisions are sound and fair.

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