

EXECUTIVE

Monday, 25 October 2021

6.00 pm

**Committee Rooms 1 and 2,
City Hall**

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

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

A G E N D A

SECTION A

Page(s)

MINUTES AND EXTRACTS

1. Confirmation of Minutes - 20 September 2021 **3 - 4**
2. Declarations of Interest

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

OUR PEOPLE AND RESOURCES

3. Localised Council Tax Support Scheme 2022/23 **5 - 26**

REDUCING INEQUALITY

4. Review of Public Spaces Protection Order Allowing for the Gating of St Peter's Passage **27 - 48**

QUALITY HOUSING

5. Green Homes Grant Local Authority Delivery Scheme (LAD) **49 - 54**
6. Exclusion of the Press and Public **55 - 56**

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

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

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

SECTION B

REDUCING INEQUALITY

7. CCTV Update

[Exempt Para(s) 7]

57 - 68

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

Apologies for Absence: None.

35. Confirmation of Minutes - 25 August 2021

RESOLVED that the minutes of the meeting held on 25 August 2021 be confirmed.

36. Declarations of Interest

No declarations of interest were received.

37. Corporate Consultation and Engagement Strategy 2021 - 2025

Purpose of Report

To propose the introduction of a revised Corporate Consultation and Engagement Strategy to replace the 2019 edition.

Decision

That the revised Consultation & Engagement Strategy be approved.

Alternative Options Considered and Rejected

None.

Reasons for the Decision

This new five-year Strategy was designed to support officers and members involved in change of either a service or a policy, to understand when and where consultation was needed

The original Consultation Strategy was created in November 2014 and agreed in June 2015. Alongside the strategy sat a more detailed document for officers aimed at providing guidance on best practice aligned to the strategy. This would also be reviewed once the strategy had been approved.

Since then, the Strategy was reviewed in 2017 to reflect the introduction of Vision 2020 and then again in 2019 when a planned three-year review was conducted.

The current review was started in March 2021 with the aim of bringing it in line with Vision 2025. It incorporated feedback from Members who engaged in a workshop process to improve consultation earlier in 2021.

The strategy contained direction on why, how, and when we should be consulting and engaging.

38. City of Lincoln Council Environmental Policy

Purpose of Report

To consider the Council's Environmental Policy and to approve the recommended amendments.

Decision

That the revised City of Lincoln Council Environmental Policy be approved.

Alternative Options Considered and Rejected

None.

Reasons for the Decision

On 6th January 2020 Executive approved the Lincoln Zero Carbon report, recommending that the Council adopt an environmental Policy by Spring 2020.

On 23rd July 2019 Full Council passed a Motion to declare a climate and environmental emergency. The Motion included a commitment from the Council to take action to deliver carbon reductions to reduce the Council's own carbon emissions.

On 24th September 2019 Full Council passed a Motion to support Lincoln to achieve plastic free community status and to eliminate, wherever possible, single use plastics from the Council's operations.

On 23 March 2020 the Leader of the Council approved the Council's Environmental Policy, and it was published on the Council's website.

To ensure the Council's Environmental Policy was communicated and implemented across the authority it was proposed to add additional requirements as detailed within the officer's report.

The purpose of an Environmental Policy was to set out our goals for protecting and improving the environment. The Policy covered all of our activities and estate, including our 'landlord' responsibilities for property and council homes.

Adopting an Environmental Policy would help to ensure that all Council employees applied the policy where it related to their role in the authority's corporate activities. In addition, the policy would enable the Council to encourage and support our partners to adopt their own policies, leading by example.

SUBJECT: LOCALISED COUNCIL TAX SUPPORT SCHEME 2022/23

DIRECTORATE: CHIEF EXECUTIVE & TOWN CLERK

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

1. Purpose of Report

- 1.1 Proposes options for Executive to consider for consultation in respect of a 2022/23 Council Tax Support scheme, and accompanying Exceptional Hardship Payments scheme.

2. Background

- 2.1 The national Council Tax Benefit system was abolished on 31st March 2013 and replaced by the Council Tax Support Scheme (CTS). (CTS is also sometimes known as 'Council Tax Reduction' – CTR). This scheme can be determined locally by the Billing Authority having had due consultation with precepting authorities, key stakeholders and residents.

- 2.2 As at the end of August 2021, there were 8,870 residents claiming CTS in Lincoln. 2,704 being pensioners who are protected under the legislation and receive CTS as prescribed by the Government (broadly similar to the level of Council Tax Benefit). It is the 6,166 working age claimants where a local scheme can be determined which can change the level of support provided. Unless a decision by the Council is made to apply scheme changes to vulnerable working-age customers, the localised CTS scheme would historically only be applied to non-vulnerable working age. Vulnerable working-age customers are those that have one of the following for CTS purposes:

- Disability Premium;
- Enhanced Disability Premium;
- Severe Disability Premium;
- Disabled Child Premium;
- In receipt of a war pension;
- Qualifies for disabled or long-term sick earnings disregard;
- Employment and Support Allowance (income-related, where the support or work-related component is received and has been recorded separately).

As at the end of August 2021, the split of the 6,166 working age CTS recipients is as follows:

- Working age – employed: 598;
- Working age – vulnerable: 3,069;
- Working age – other – i.e. not employed: 2,499.

- 2.3 The initial City of Lincoln CTS Scheme from 2013/14 effectively 'protected' working

age Council Tax payers seeking support, retaining eligible entitlement of up to 100% and not restricting other areas of entitlement calculation. However, in recent years the scheme has changed in light of increasing scheme costs and budget pressures.

2.4 The proposed CTS scheme must go through certain steps to comply with the provisions stated in the Local Government Finance Act 2012, before it can be adopted by this Council as a Billing Authority:-

- *Before making a scheme, the authority must (in the following order):-*
 - *Consult any major precepting authority which has power to issue a precept to it,*
 - *Publish a draft scheme in such manner as it thinks fit, and*
 - *Consult such other persons as it considers are likely to have an interest in the operation of the scheme.*

3. Impacts of Covid-19

3.1 Covid-19 has had an impact on the amount of CTS awarded, with significant increases in caseload and cost of the scheme.

3.2 The table below shows how Lincoln's CTS caseload has changed over the last two years.

	Working age	Pension age	Total
September 2019	5,639	2,903	8,542
December 2019	5,578	2,881	8,459
January 2020	5,601	2,865	8,466
February 2020	5,586	2,865	8,451
March 2020	5,638	2,853	8,491
April 2020	5,684	2,840	8,524
May 2020	5,972	2,835	8,807
June 2020	6,197	2,842	9,039
July 2020	6,159	2,832	8,991
August 2020	6,177	2,814	9,021
September 2020	6,225	2,806	9,031
October 2020	6,163	2,797	8,969
November 2020	6,193	2,786	8,979
December 2020	6,182	2,773	8,955
February 2021	6,227	2,754	8,981
April 2021	6,253	2,726	8,979
May 2021	6,250	2,726	8,976
June 2021	6,220	2,720	8,940
July 2021	6,191	2,718	8,909
August 2021	6,166	2,704	8,870

3.3 The level of CTS caseload is an important factor when considering the potential cost of a local CTS scheme – as effectively an increase in caseload increases the cost of the scheme, and vice versa the cost decreases when the CTS caseload reduces.

Understandably, the Covid-19 pandemic had a direct impact on the number of residents claiming Council Tax Support. This increase now seems to have plateaued somewhat, and is falling slightly. Although impossible to predict with certainty, it would appear likely that the caseload may rise again in the latter half of 2021/22 due to certain national 'protections' ending – for example, furlough scheme. Whether or not an increased CTS caseload continues into 2022/23, very much depends on the economic climate and impact on jobs and businesses from the Covid-19 pandemic.

4. City of Lincoln Council 2021/22 CTS Scheme

4.1 The current, 2021/22 scheme has the following restrictions for working age customers: -

- Capital limit £6,000;
- Minimum entitlement of £2 per week;
- Property banding capped at Band B e.g. a customer in Band C (and above) property, will only have their CTS calculated on Band B liability;
- Backdating restricted to 1 month; and
- Temporary absence from home in line with Housing Benefit regulations.

5. Council Tax Support Scheme Options for 2022/23

5.1 In this Council's Medium Term Financial Strategy (MTFS), the budgeted cost of the 2022/23 CTS scheme is £1,339,316 (i.e. City of Lincoln Council's share 14.9%, - (with the total scheme cost £8,988,698)).

If the Council wishes to continue protecting vulnerable working age CTS recipients, then any changes to the CTS scheme will only apply to 3,097 customers or 34.92% of the caseload. Changes to the CTS scheme may be made for vulnerable working age customers too, however pension age residents are 'protected' and the 'default' government scheme effectively applies.

City of Lincoln's CTS caseload at the end of August 2021 can be broken down as follows:

Caseload breakdown	Caseload	% of total caseload
Total caseload	8,870	
Pensioner	2,704	30.48%
Working age vulnerable	3,069	34.60%
Working age non-vulnerable	3,097	34.92%

5.2 Based on the current core elements of the existing scheme, caseload increases of 0% and 5% have been modelled, along with Council Tax increases of 1.9% and 2.5%. These are summarised in **Appendix 1**, giving an indication of the potential cost and savings to City of Lincoln Council. Also included is the potential value for non-collection, based on the collection figure currently included in the MTFS (98.75%).

- 5.3 As a billing authority the Council can decide whether or not to amend core elements of its scheme each year. Officers are proposing options for consultation to change certain core elements of the scheme, these are summarised in **Appendix 1**.

There will be some technical changes that will still need to be applied to ensure that the Council's scheme complies with the Prescribed Scheme Regulations (for example, covering Universal Credit, premiums and discounts). These details are awaited from the Ministry of Housing, Communities and Local Government (MHCLG).

Technical amendments to the scheme in relation to uprating income, applicable amounts, disregards and allowances are to be collated once statutory details have been released by the Secretary of State.

- 5.4 In developing the modelling for each of the Council Tax Support Scheme options a number of assumptions have been made, as follows:

- **Uprating freeze for social security benefits**, based on current national policy;
- As the Council and major preceptors are likely to set differing levels of Council Tax increases, this creates a variety of modelling scenarios. **Council Tax increases of 1.9% and 2.5%** have therefore been assumed for modelling purposes. The final costs of the scheme will though be increased by the actual level of Council Tax increases applied. The modelling does not though take into consideration that the Council's percentage share of the overall cost of the scheme would slightly reduce if other preceptors increase their Band D by a greater percentage than the Council, this would in effect reduce the cost of the scheme to the Council.
- **No increase in caseload for 2022/23, also a 5% caseload increase**. The 0% caseload change would effectively allow for the slightly decreasing CTS caseload to continue, then potentially rise slightly as national Covid-19 'protections' end and as the economy becomes more buoyant the CTS caseload falls again. However, a company offering advice to Revenues and Benefits services has indicated there could be caseload increases of up to 5%. Of course, officers can only predict the economy and subsequent impacts on Covid-19 caseload, particularly in the current climate this cannot be an 'exact science'.
- **Collection rate of 98.75%**. The Council Tax base 2020/21 included a collection rate of 98.75%, however this was reduced to 97.75% for 2021/22 to take into account impacts on collection due to Covid-19. The MTFS assumes a return to the pre Covid-19 collection rate of 98.75% from 2022/23.

Another key factor to be considered is to ensure our software supplier, Northgate, can accommodate the changes being proposed. Normally, Northgate would need to know about any potential significant changes required to the software system by the end of September preceding the new year a CTS scheme is being proposed – i.e. by the end of September 2021, for the 2022/23 scheme.

- 5.5 The options proposed to be considered, are as follows, (all options are modelled

including the factors as set out in paragraph 5.4 (above):

- **Option 1: No change to the current scheme;**
- **Option 2: ‘All working age’ banded scheme** - * see paragraph 5.6 (below) for further information ;
- **Option 3: ‘De Minimis’ scheme** - * see paragraph 5.7 (below) for further information. (Not modelled – A ‘De Minimis’ scheme is not included in the Northgate CTS modelling tool).

Options 2 and 3 very much focus on simpler schemes for customers where many will receive less re-assessments of CTS entitlement in-year, reducing the number of complex CTS notifications they receive as well as subsequent Council Tax Bills with revised payment instalments. These options would also make a more efficient scheme for officers, reducing the cost of outgoing correspondence.

5.6 ‘All Working Age’ Banded Scheme

For 2022/23, an option being put forward is to make a fundamental change to the way CTS is calculated for all working-age customers.

Part of this proposal is due to the way Universal Credit (UC) is re-assessed on a monthly basis by Department for Work and Pensions (DWP) – this means many Council Tax payers have their UC entitlement altered each month – for example, where they have a fluctuating wage. If the UC recipient is also receiving CTS, this subsequently means that they then have a re-assessment of their CTS entitlement – meaning that it is possible to keep having a new bill sent each month, with instalments for repayment being ‘re-set’ – which can be confusing for customers, as well as administratively inefficient for officers – and preventing recovery progressing where there is non-payment of Council Tax. This is a particular issue with customers who have opted to pay by direct debit, as month after month the instalment resets and the direct debit is never taken. This moves their whole debt to the end of the year where potentially they are asked to pay more than they can afford, when they may have made every effort to pay this during the year.

Although income changes for UC customers are more likely to be more frequent, other working age CTS customers can also have numerous changes in income throughout a financial year, also causing numerous re-assessments in entitlement and multiple entitlement notifications and Council Tax bills being issued – which result in enquiries to the Revenues and Benefits Service, as well as to Customer Services.

Therefore, an option is an income-banded scheme which would apply to UC and non-UC working age customers – (otherwise effectively a ‘two-tier’ scheme would be in place, if the scheme was for UC recipients only). This would include groups currently protected as ‘vulnerable’ – which could potentially mean some customers receive a lesser award of CTS than under the current scheme. However, through effective use of the Exceptional Hardship Payments scheme (see paragraph 5.8), some of these effects may be mitigated.

For the purposes of modelling such a scheme, the following parameters have been included. However, if this option is taken forward for further consideration/

consultation – further work will be carried out on these income bands and level of non dependant deduction. To make the scheme work effectively, the ‘bands’ will need to be as reflective as possible of current caseload earnings levels – to reduce numbers that may ‘lose out’ under a banded scheme, - as well as also removing excessive changes between income bands throughout the year. The levels initially proposed are as follows – income bands shown are weekly figures:

Discount	Passported	Single Income Band £	Couples Income Band £	Family with 1 child £	Family with 2+ children
Band 1: 100%	Relevant benefit	0.00 to 120.00	0.00 to 165.00	0.00 to 220.00	0.00 to 275.00
Band 2: 85%	N/A	120.01 to 160.00	165.01 to 210.00	220.01 to 265.00	275.01 to 315.00
Band 3: 50%	N/A	160.01 to 245.00	210.01 to 285.00	265.01 to 345.00	315.01 to 385.00
Band 4: 25%	N/A	245.01 to 315.00	285.01 to 365.00	345.01 to 420.00	385.01 to 470.00

Under this scheme, it is proposed the following incomes would be disregarded (not taken into account):

- Disability Living Allowance;
- Personal Independence Payment;
- Armed Forces Independence Payment;
- Child Benefit;
- Child Maintenance;
- War Disablement Benefits.

The following fixed-rate non-dependant deductions would apply:

Non dependant deduction where non-dependant is not working. Also, a non-dependant deduction will not apply in some circumstances, such as where certain household members have disabilities, are pensioners, students, receiving war pension incomes (including Armed Forces Independence Payments) or members of the armed forces away on operations.	Deduction – Nil
Non dependant deduction where non-dependant is in work or their level of income has not been ascertained	Deduction - £4.00 per week

5.7 ‘De Minimis’ Scheme

An option, which could be applied across all working age CTS recipients, would be to effectively ‘ignore’ any change in circumstance which affects weekly CTS entitlement by less than £4.00 (either increased or decreased entitlement). This would reduce the number of CTS re-assessments being made affecting the level of entitlement, reduce the number of updated Council Tax bills being issued, reduce the need for customers to contact the Revenues and Benefits Office, or Customer

Services, to query their change to entitlement/ new Council Tax bill.

This is a relatively straightforward scheme to implement and administer, producing efficiencies for the service – allowing officers to deal with more complex cases and the increased workload in other areas of Revenues and Benefits administration.

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

The Council is required to provide financial assistance to the most vulnerable residents, who have been disproportionately affected by the changes made in 2021 to the Council Tax Support Scheme. Since April 2013, the Council has agreed to introduce an EHP scheme each year, in order to provide a safety net for customers, in receipt of Council Tax Support who were experiencing difficulty paying their Council Tax. Exceptional Hardship falls within Section 13A(1) of the Local Government Finance Act 1992 and forms part of the Council Tax Support Scheme.

The current EHP budget is £20,000 and the cost of EHP awards is borne solely by City of Lincoln. As at 31st August 2021, a total of £9,070 EHP has been awarded for 2021/22. It should be noted though there is an additional government-funded Council Tax Hardship Scheme available in 2020/21 and 2021/22, which has also been utilised to assist those receiving Council Tax Support (and others who may require this kind of financial assistance) – officers are unaware of any plans for this latter hardship fund to be available in 2022/23. It is therefore proposed that the EHP budget be increased from £20,000 to £25,000 for 2022/23.

The EHP scheme could be vital if any of the options proposed in paragraphs 5.6 and 5.7 are implemented – as this could potentially be used in appropriate circumstances to make payments to CTS recipients with reduced awards under the scheme and suffering exceptional hardship as a result.

5.9 **Timetable**

- 5.10 The timetable to approve any changes to the new scheme takes into account the existing calendar of meetings. Full Council of the Billing Authority needs to approve the scheme after consultation as outlined in paragraph 2.3.

- 5.11 The timetable is as follows:

- Executive: 25th October 2021, *to consider/approve options for consultation*
- Consultation starts (6 weeks): 27th October 2021, *including consultation with public, other appropriate organisations (e.g. Citizens Advice), and major precepting authorities*
- Policy Scrutiny Committee: 23rd November 2021, *as part of consultation process*
- Consultation Ends: 8th December 2021
- Executive: 4th January 2022, *to refer to Council a recommendation on a*

proposed 2022/23 scheme

- Council: 18th January 2022, *the Local Government Finance Act 2012 requires a full review of the scheme by the Billing Authority. City of Lincoln Council will need to approve a new scheme after consultation by 31st January 2022.*

6. Significant Policy Impacts

6.1 Strategic Priorities

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

Let's reduce all kinds of inequality - The Authority will be obliged to comply with its general equality duty under the Equality Act 2010. The scheme is being amended in line with statutory requirements and uprating the financial allowances. Early modelling shows the number of customers affected and pay how much (total and average per week). Once a decision has been made regarding the options of modelling, an equality impact assessment will be undertaken.

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

6.2 Organisational Impacts

Finance (including whole life costs where applicable)

The actual cost of the discount scheme in 2022/23 will not be known for certain until the end of the financial year and will be dependent on the actual caseload in year as well as the levels of Council Tax set by the City Council and the major precepting authorities.

An indicative range of costs for 2022/23 based on various scenarios and the options set out in section 5 of this report are set out in **Appendix 1**.

It should be noted that modelling financially for the proposed banded scheme and De Minimis scheme comes with a real 'disclaimer' that the modelling can only be based on information available at that time within the CTS caseload – and due to

the nature of these schemes it is almost impossible to predict with any certainty which new claims and changes will affect the levels of CTS being awarded in 2022/23 – therefore, the cost of the scheme is unpredictable.

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

It is proposed the Exceptional Hardship Payments fund of £20,000 for 2021/22, be increased to £25,000 for 2022/23 – the cost of this fund is wholly borne by City of Lincoln Council as Billing Authority.

6.3 Legal implications inc Procurement Rules

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

The regulations for the City of Lincoln Council scheme proposed to be adopted are to be collated and made available for Council in January 2022.

6.4 Equality, Diversity and Human Rights

The Authority will be obliged to comply with its general equality duty under the Equality Act 2010 – an Equality Impact Assessment is included at **Appendix 2** to this report.

6.5 Staffing

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

7. Risk Implications

7.1 The Council, along with the other preceptors, bears the risk of the cost of the Council Tax Support scheme should caseload increase causing the cost to increase more than predicted.

7.2 Any revisions to the scheme must be approved by 31st January 2022 before the financial year begins.

7.3 The scheme cannot be changed mid-year and therefore it is vital an appropriate scheme is in place.

8. Recommendations

8.1 Executive is asked to:

- 1) Consider and comment on Council Tax Support scheme 2022/23 potential options for public consultation and scrutiny, as set out in Section 5;
- 2) Discuss, review and determine if an increased (by £5,000) Exceptional Hardship Payments scheme fund of £25,000 for 2022/23 to top up Council Tax Support awards in appropriate cases, will be subject to public consultation and scrutiny. This amount is funded through the Collection Fund.

Key Decision Yes

Do the Exempt Information Categories Apply No

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

Does the report contain Appendices? Yes

If Yes, how many Appendices? 2

Appendix 1 – Council Tax Modelling 2022/23
Appendix 2 – Equality Impact Assessment

List of Background Papers: None

Lead Officer: Martin Walmsley – Telephone 01522 873597

Appendix 1: 25th October 2021 – Executive - City of Lincoln Council – Council Tax Support 2022/23 scheme

Option 1: No change to the current scheme	Estimated Total Spend (all preceptors)	City of Lincoln Spend – 14.90%	Difference to MTFS (£1,339,316) – (saving) / cost	Amount expected to be collected using collection figure of 98.75%
<ul style="list-style-type: none"> • 0% caseload change • 1.9% Council Tax increase 	£8,705,500	£1,297,120	(£42,197)	(£41,670)
<ul style="list-style-type: none"> • 0% caseload change • 2.5% Council Tax increase 	£8,760,650	£1,305,337	(£33,980)	(£33,555)
<ul style="list-style-type: none"> • 5% caseload increase • 1.9% Council Tax increase 	£9,138,611	£1,361,653	£22,337	£22,058
<ul style="list-style-type: none"> • 5% caseload increase • 2.5% Council Tax increase 	£9,196,325	£1,370,252	£30,936	£30,549

Appendix 1: 25th October 2021 – Executive - City of Lincoln Council – Council Tax Support 2022/23 scheme

Option 2: 'All Working Age' Banded Scheme	Estimated Total Spend (all preceptors)	City of Lincoln Spend – 14.90%	Difference to MTFS (£1,339,316) – (saving) / cost	Amount expected to be collected using collection figure of 98.75%
<ul style="list-style-type: none"> • 0% caseload change • 1.9% Council Tax increase 	£7,519,109	£1,120,347	(£218,969)	(£216,232)
<ul style="list-style-type: none"> • 0% caseload change • 2.5% Council Tax increase 	£7,562,759	£1,126,851	(£212,465)	(£209,809)
<ul style="list-style-type: none"> • 5% caseload increase • 1.9% Council Tax increase 	£7,893,085	£1,176,070	(£163,246)	(£161,205)
<ul style="list-style-type: none"> • 5% caseload increase • 2.5% Council Tax increase 	£7,938,905	£1,182,897	(£156,419)	(£154,073)

Appendix 1: 25th October 2021 – Executive - City of Lincoln Council – Council Tax Support 2022/23 scheme

Option 3: 'De Minimis' Scheme	Estimated Total Spend (all preceptors)	City of Lincoln Spend – 14.90%	Difference to MTFS (£1,339,316) – (saving) / cost	Amount expected to be collected using collection figure of 98.75%
<ul style="list-style-type: none"> • 0% caseload change • 1.9% Council Tax increase 	<p><i>A 'De Minimis' scheme is not included in the Northgate CTS modelling tool. An initial Northgate report has been looked at for the year 2021/22 so far – the report shows there has been 257 changes which have reduced CTS entitlement by up to £4.00 per week, and 223 changes which have increased CTS entitlement by up to £4.00 per week.</i></p> <p><i>However, more work is required to establish the effect of multiple changes on CTS claims that might include higher changes in entitlement.</i></p>			
<ul style="list-style-type: none"> • 0% caseload change • 2.5% Council Tax increase 				
<ul style="list-style-type: none"> • 5% caseload increase • 1.9% Council Tax increase 				
<ul style="list-style-type: none"> • 5% caseload increase • 2.5% Council Tax increase 				

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Equality with Human Rights Analysis Toolkit



SECTION A

Name of policy / project / service	Council Tax Support Scheme 2022/23
Background and aims of policy / project / service at outset	<p>The Council must review and reapprove its Council Tax Support scheme each year as part of its budget setting process, and make any necessary changes for 1st April 2022.</p> <p>It is recognised that the combined effects of the wider welfare reform package on the residents of the District requires a robust and detailed Equality Impact Assessment (EIA).</p> <p>This EIA makes reference to data derived from the current Council Tax Support caseload.</p> <p>Following publication of the draft scheme, formal consultation will commence on 27th October 2021, utilising a combination of means, e.g. press releases, social media and letters issued to those in receipt of Council Tax Support directing the public to the on-line consultation documents, as well as potentially interested organisations such as Citizens Advice, and other Council Tax major precepting authorities.</p> <p>The level of changes to the current scheme are not yet known but the individuals / groups impacted by the selection of changes is.</p> <p>Each of these has been considered in relation to how the changes might differently and / or adversely affect people with protected characteristics.</p> <p>The EIA assesses our approach to consultation on the proposed scheme and will be added to during and following the results of this consultation. The consultation will be monitored with information used to develop the draft scheme.</p>
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality	Martin Walmsley, Head of Shared Revenues and Benefits

19

analysis	
Key people involved <i>i.e. decision-makers, staff implementing it</i>	<ul style="list-style-type: none"> • Decision Makers – City of Lincoln Members, and Executive • Staff implementing any changes

20

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	Y	Y		Pensioners are a protected group for the purposes of Council Tax support Scheme so	Yes	Action dependant on outcome of consultation and Executive

21			<p>will not be financially affected, therefore the reduction in benefit will be borne by the remainder of those in receipt of Council Tax Support (working age).</p> <p>There could be a risk people of working age who will bear all the financial impact of the changes, may resent the fact that pensioners are exempt. Working age claimants with younger children under 5 are more likely to be unemployed or work part-time hours (and are mostly female), therefore childcare costs could be a barrier to employment. However, the current Council Tax Support scheme takes childcare costs up to a certain level into account, also Universal Credit takes account of childcare costs in the assessment of entitlement.</p> <p>Due to the current economic climate, it is more difficult for younger people to access employment providing further financial difficulties. Council Tax Support will only be available to those young people who are liable to pay Council Tax and this only applies to householders over 18 years of age. If the young person is living in their parent or other householder's home they will not be liable to pay Council Tax so will not be affected by the Council Tax Support scheme unless they are a non-dependent in the householder's home.</p>		<p>recommendation on 4th January 2022</p> <p>With effect from 1st April 2022</p>
	Disability including carers	Y		The Department for Work and Pensions states that disabled people are less likely to	Yes

<p>(see Glossary)</p> <p>22</p>				<p>be in employment, therefore the proposals do not impact on this group to the extent that they are regarded as a vulnerable group – or certain incomes would be disregards under the ‘All working age banded scheme’.</p> <p>To qualify as ‘disabled’ the person must</p> <ul style="list-style-type: none"> • Qualify for a disability, enhanced disability or severe disability premium for the claimant or partner, or • Qualify for disability or enhanced disability premium for a dependent, or • Qualify for a disability earnings disregard, or • Receive a disability related council tax reduction. • Be in receipt of Employment and Support Allowance (Work Related or Support Group component). 		<p>recommendation on 4th January 2022</p> <p>With effect from 1st April 2022</p>
<p>Gender re-assignment</p>			<p>Y</p>	<p>This does not have any effect on the decisions made under this policy.</p>	<p>N/A</p>	
<p>Pregnancy and maternity</p>			<p>Y</p>	<p>This does not have any effect on the decisions made under this policy.</p>	<p>N/A</p>	
<p>Race</p>			<p>Y</p>	<p>Persons from abroad are excluded from provision by statute but race or ethnicity itself does not have any effect on the application of the scheme.</p> <p>Scheme rules do not take into account race or ethnicity.</p>	<p>N/A</p>	

				<p>Council Tax Support is proposed to be considered to potentially affect all working age customers.</p> <p>It is proposed within one of the options to introduce temporary absence from home rules in line with Housing Benefit and Universal Credit.</p>		
Religion or belief			Y	There is no evidence at this stage of an impact in relation to religion or belief	N/A	
Sex			Y	This does not have any effect on the decisions made under this policy.	N/A	
Sexual orientation			Y	This does not have any effect on the decisions made under this policy.	N/A	
Marriage/civil partnership			Y	This does not have any effect on the decisions made under this policy.	N/A	
Human Rights (see page 8)			Y	This does not have any effect on the decisions made under this policy.	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?
	N	

SECTION C

Decision Point - Outcome of Assessment so far:

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

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

Conclusion of Equality Analysis (describe objective justification for continuing)	<p>Council Tax has to be paid by all those liable to pay it but some people will have limited means to do this because of their low income or they have higher living costs due to illnesses, disabilities or family or personal circumstances.</p> <p>Council Tax is required to raise month to fund Council Services but a certain amount of money is directed to those who cannot afford to pay the Council Tax to reduce the financial burden on those households because they need it or because society considers that financial support is beneficial to help certain categories of people in certain situations.</p> <p>The aim of the proposed changes is to consider a reduction in scheme expenditure in light of further reductions to local government finance, as well as efficiencies in Council Tax Support and Council Tax processes.</p>
--	--

When and how will you review and measure the impact after implementation?	<p>The policy and Council Tax Support is the responsibility of City of Lincoln Council. It is approved by Executive and then Full Council. It will be administered by the Council's Shared Revenues and Benefits Service.</p> <p>The Council continually analyses its Council Tax Support caseload and produce figures showing the main groups of working age claimants getting Council Tax Support now and likely to be affected by changes to the current scheme. Extracts of the data will allow monitoring of the main types of people affected by the policy can take place as required.</p>
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Appendix 2 – 25th October 2021 - Executive – Council Tax Support Scheme 2022/23 Equality Impact Assessment

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Checked and approved by responsible officer(s) (Sign and Print Name)	Martin Walmsley	Date	24 th September 2021
Checked and approved by Assistant Director (Sign and Print Name)		Date	

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SUBJECT:	RENEWAL OF PUBLIC SPACES PROTECTION ORDER ALLOWING FOR THE GATING OF ST PETERS PASSAGE
DIRECTORATE:	COMMUNITIES & ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Executive Committee members on the process and consideration given to date, to review an existing Public Space Protection Order allowing for the gating of St Peters Passage in the City Centre area of Lincoln.
- 1.2 To seek approval from the Executive Committee on proposals regarding the review of the existing Public Space Protection Order (PSPO), which prevents access to this passageway.

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. These new powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 2.2 The PSPO's are more 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 In April 2018 the Executive approved the implementation of a PSPO permitting the access of St Peters Passage to be restricted by way of gating either end of the passage. A map of the passageway is shown in appendix A.
- 2.4 A PSPO has a maximum duration of 3 years. It is therefore advisable to review the order after 3 years to determine whether it should be subject to extension or variation. As part of the review, we have sought the views of both the public and relevant partner agencies by way of a public and partner consultation, this consultation has also been published on social media for greater reach. This consultation period opened on Monday 2nd August 2021 and closed on Monday 20th September 2021.

2.5 The purpose of the review is to consider the following points;

1. Do you/your agency have any information in support of the PSPO?
2. Do you/your agency have any concerns or objections to the PSPO?
3. If St Peters Passage was re-opened would you use it to walk through?
4. Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

2.6 The City of Lincoln, much like other towns and cities nationally, saw an increase in on street ASB particularly associated with substance misuse. Prior to the gating of St Peters Passage some of these issues had manifested in the city centre particularly with St Peters passage being used for crime and ASB including the passage being used as a toilet. The gating of St Peters Passage has removed the public health risk of this and the associated crime and ASB.

3. Background

3.1 Following increased complaints of drug use, drug paraphernalia, urination, defecation and criminal activity occurring in St Peters passage in 2018 a PSPO was approved to gate the passageway restricting access for the public.

3.2 At the time of the decision the passageway was in an unsanitary condition and posed a health and safety risk to both the Public, Street Cleaning Employees and Partner Agencies that access the Passage.

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 (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 to prevent or reduce the detrimental impact. The order can be made 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 Current PSPO

- 5.1 The current PSPO Permits for the gating of St Peters Passage as shown in APPENDIX A. A copy of the PSPO is attached as APPENDIX B. The passage has been gated since July 2019.
- 5.2 Planning permission is in place for the gates that are currently on St Peters Passage.
- 5.3 The management of the passage and the gates, i.e., if a key is lost, is provided by Lincoln BIG.

6. The Consultation

- 6.1 On Monday 2nd August 2021 a public and partner consultation was launched. The consultation lasted 28 days and closed at 5pm on Monday 30th August 2021, however due to a low response level the consultation was reopened from Friday 3rd September closing on Monday 20th September.

As part of the consultation partners were approached directly seeking their views and any evidence, they may hold in relation the proposed PSPO. Specifically, we asked the public and partners the following:

1. Do you/your agency have any information in support of the PSPO?
2. Do you/your agency have any concerns or objections to the PSPO?
3. If St Peters Passage was re-opened would you use it to walk through?
4. Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

- 6.2 We have directly approached all members of the Lincoln Anti-Social Behaviour Risk Assessment Conference (ASBRAC) and the Safer Lincolnshire Partnership as well as approaching the following partners;

- Lincolnshire Police
- Lincolnshire County Council Highways Team
- Lincolnshire County Council We Are With You Commissioners
- Lincoln BIG

- YMCA
- Framework,
- We Are With You
- NHS Neighbourhood team
- ARC

In addition to this we have also advised all ward councillors of the consultation and City of Lincoln Council Communications team have put out information of the public consultation on Social Media Platforms.

6.3 In response to the consultation, we have received a total of 9 responses. Of the 9 responses all were in favour of continuing with the gating of St Peters Passage. 3 commented that the PSPO had improved the area, 4 explicitly stated they would not use St Peters passage if it was reopened although none of the responses answered yes to this question. 1 response raised the potential for ASB to be displaced elsewhere and the highways department of LCC asked what the longer-term plan was for St Peters Passage. A copy of the comments received is provided in APPENDIX C.

6.4 In response to the two additional comments received.

Regarding displacement of ASB this has not been observed by the council or the Police. There has been some defecation and urination reported in St Peter in the arches however from the CCTV imaged this has not been from the same cohort that once used St Peters Passage and instead has been associated more so with the evening economy. Additionally, the city centre continues to have a number of multiagency initiatives to support those with drug addiction or who sleep rough and so agencies are now much better placed to address ASB and the root causes.

Lincolnshire County Council Highways have confirmed they are happy for the passage, which is a public right of way, to remain gated. However, they have asked what the longer-term proposal is to manage the passage. We are aware that there in 2020 planning permission granted to demolish the House of Fraser building which abuts the passage. The Planning Team have advised me that there are still some conditions which need discharging and so we are unsure when that development may go ahead. It is hoped that any future development of that site may address St Peters Passage.

7. The Proposal

7.1 To continue the PSPO in its current form for a further period of 3 years. A draft order is shown in APPENDIX D.

7.2 To continue to work collaboratively with partners to actively manage and design out ASB across the city centre.

8. Strategic Priorities

8.1 Let's drive inclusive economic growth

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

8.2 **Let's reduce all kinds of inequality**

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

8.3 **Let's enhance our remarkable place**

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

9. **Organisational Impacts**

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

It is unlikely there are any financial cost for the council. Manage of the gates is undertaken by Lincoln BIG who have agreed they are willing to continue with that arrangement.

9.2 **Legal Implications including Procurement Rules**

There are no implications for legal or procurement.

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

Consideration has been given to equality, diversity and Human rights, this decision does not materially impact these and serves to improve the quality of life for our community.

9.4 **Human Resources**

There are no implications on human recourses.

9.5 **Land, Property and Accommodation**

The continuation of the PSPO would remove a public right of way, consultation has been done with Lincolnshire County Council Highways, who are satisfied in principle with the proposal.

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

9.6 **Significant Community Impact**

Whilst the PSPO does close a public right of way the diverted route is not any further and would be considered a safer route.

9.7 **Corporate Health and Safety implications**

The gating of St Peters Passage improves Health and Safety for the public, our employees and partner agencies.

10. **Risk Implications**

10.1 **(i) Options Explored**

a. Continue with the gating of St Peters Passage this has minimal risk associated with it. There has been no evidence of displacement and feedback through the consultation has suggested the gating of the passage has improved the local area.

b. Remove the gates and reopen St Peters Passage; from the consultation we believe this will lead to ASB becoming prevalent in that area and the feedback from Lincoln BIG was that when the passage gates were opened for a couple of days following the locks being damaged that ASB started again immediately.

10.2 **(ii) Key risks associated with the preferred approach**

The preferred approach is to continue with the gating of St Peters Passage. From the previous 3 years no key risks have been identified.

11. **Recommendation**

11.1 That the Executive consider fully the comments from Policy Scrutiny Committee.

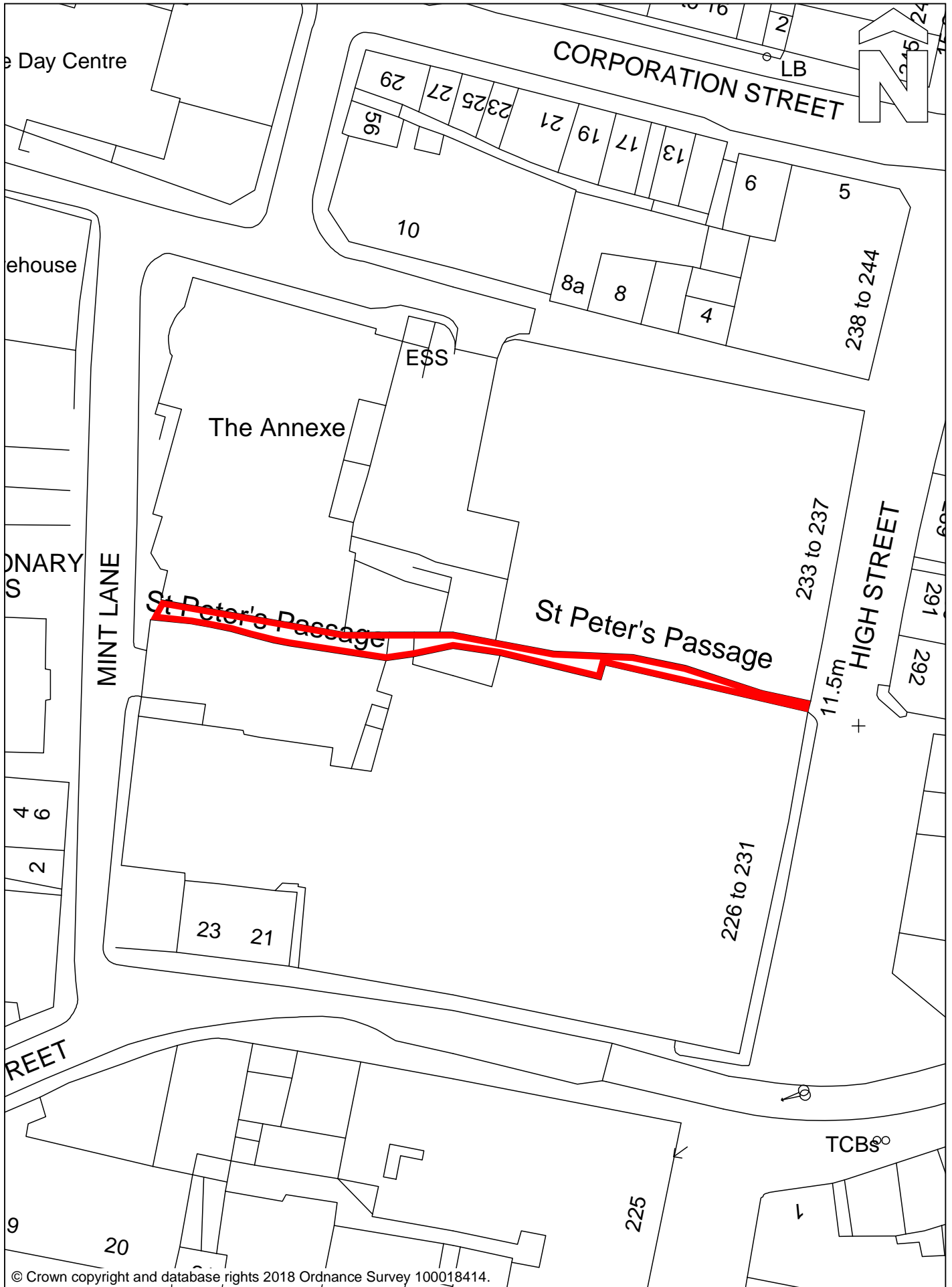
11.2 If satisfied with the proposal approve the PSPO to be renewed for a further period of 3 years.

Is this a key decision?	Yes/No
Do the exempt information categories apply?	No
Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?	No
How many appendices does the report contain?	5
List of Background Papers:	None

Lead Officer: Francesca Bell – Public Protection, ASB & Licensing
Service Manager
Telephone (01522) 873204
Email address: Francesca.Bell@Lincoln.gov.uk

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APPENDIX A



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St Peter's Passage PSPO

Scale: 1:600 at A4

Version 1: 24-Jul-2018



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CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2018 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Lincoln Council Public Spaces Protection Order Number 2 of 2018

The City of Lincoln Council (“the Council”) in exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on 14th November 2018 (subject to the necessary planning permission) the order made on 14th November 2018 Cited as ‘Order Number 2 of 2018’ and shall have an effect for 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
2. This Order relates to that part of the City of Lincoln as shown edged red on the attached plan (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

REQUIREMENT OF THE ORDER:

The area shown on the Exclusion Zone map known as St Peters Passage, Lincoln is to be gated at both the High Street and Mint Lane Entrance in such a way as to prevent public access.

APPEALS:

1. 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.

APPENDIX:

A map showing The Exclusion Zone edged in red.

GIVEN under the Common Seal of
The City of Lincoln Council

On the

.....*20th*.....day of.....*December*.....2018

THE COMMON SEAL of the]

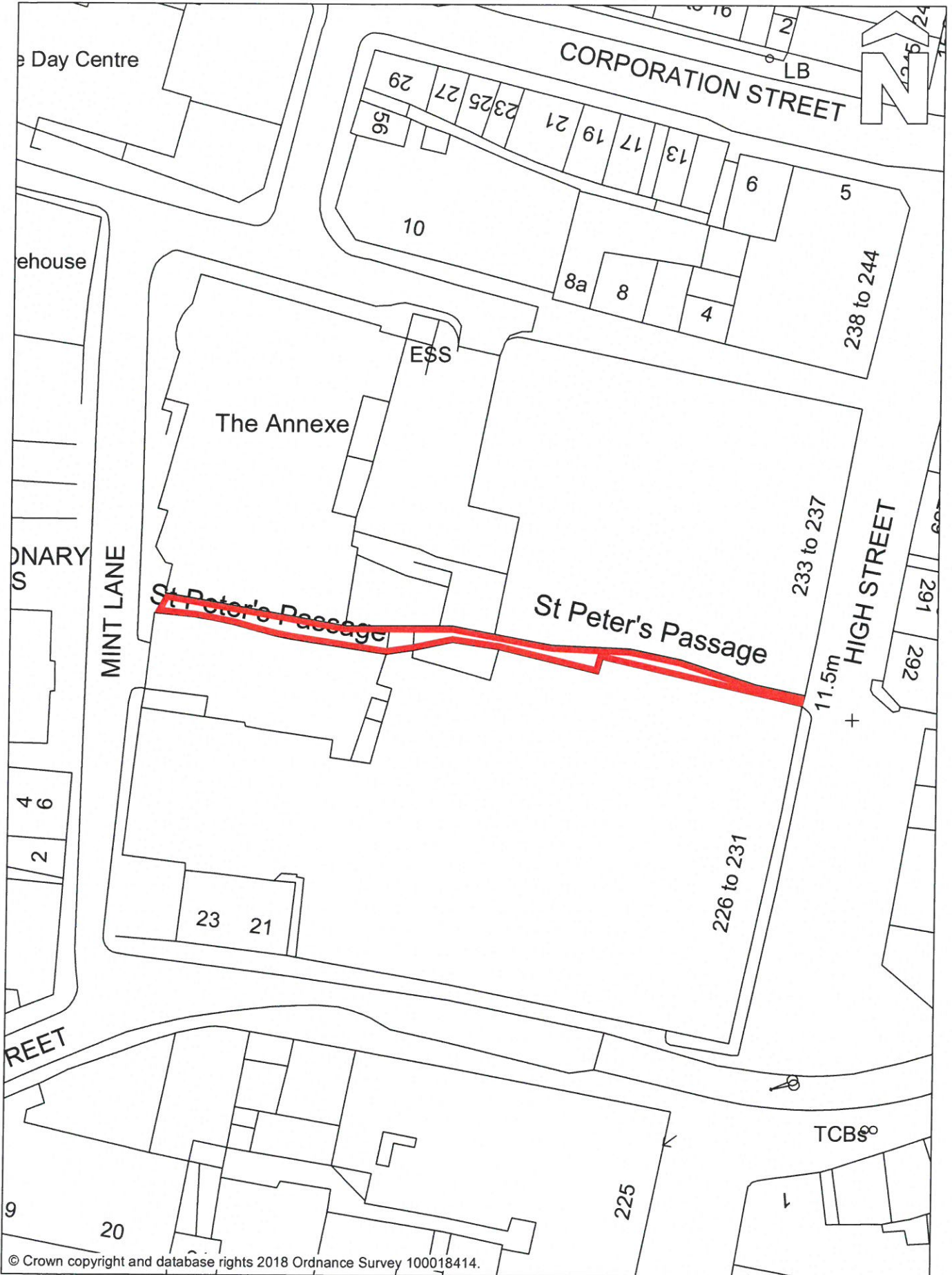
City of Lincoln Council]

Was hereunto affixed]

In the presence of:]



APPENDIX A



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St Peter's Passage PSPO

Scale: 1:600 at A4

Version 1: 24-Jul-2018



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PSPO/SPP/2021 - Gating of St Peters Passage

Responses received to the partner and public consultation, public and business responses have been anonymised

LPFT

Lincolnshire Partnership have no information or concerns for the PSPO and believe that the gating the passage is a positive action. We would support that it remains gated.

Lincoln BIG

In March of this year, it was brought to my attention that access had been gained by individuals to St Peters Passage. On inspection by myself and City Centre Wardens, it was apparent that access had been gained and that attempts had been made to remove the hinges for the gate. Lincoln BIG instructed Lincoln Metal Craft to replace the lock for the passageway. When inspecting the area there were obvious signs of this area being used for Anti Social behaviour. There were discarded needles, litter and other drug paraphernalia left on the floor.

When the lock was replaced the City Centre Wardens undertook a deep clean of the area and removed rubbish weeds, faeces and 9 discarded needles.

Lincoln BIG would support the continuation of the PSPO and do not believe that the gating has had a negative impact on the area, if anything it has improved this area as it has removed the anti social behaviour, as shown by the amount of ASB occurring in the short time the area was accessed.

I have attached photos as evidence to support these statements.



Longhurst Group

In response to the PSPO review, please find my response below.

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

We have no information in support of the PSPO as there are no Longhurst Group properties within the immediate vicinity

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

Longhurst Group has no concerns or objections to the PSPO

3.If St Peters Passage was re-opened would you use it to walk through?

No, due to the information provided of the alleged drug use and it being used as a public toilet.

4.Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

I cannot comment on this question as I am not aware of any displacement of anti-social activity following the gating of St Peters Passage.

Framework

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

None

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

None

3.If St Peters Passage was re-opened would you use it to walk through?

No I would not

4.Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

No

Local Business 1

Prior the gates being installed on St Peters Passage we had a series of very unpleasant events;

- The passageway being used 24 hours a day as a toilet, with faeces all around the passage and also the constant smell of urine which you could smell inside the store (there is a fire exit leading to the passage)
- The passageway housing homeless people who were sleeping rough.
- Needles from drug users that were scattered from front to back and being kicked into the High Street.
- Violence and abuse to my team and the general public daily.
- Complaints from my customers and the general public.
- Shop theft from both my store and nearby retailers where the alleyway was being used as a Thorofare/ getaway, which was a daily occurrence.
- Constant call outs during the nights where my team had to attend the store as the alarms had been activated from the activities in and around the passage area.
- The feedback from tourist visiting the City was it was an issue and would have a detrimental effect on return visits to Lincoln and the surrounding areas of Lincolnshire.

A few months ago the locks on the gates were vandalised and the above had started again albeit for the few days until the lock was replaced.

Although some of the above elements are nationwide, the gating has stopped a lot of the problems occurring.

I believe if the gates were re-opened this would have a detriment to my business, an increase in drug use, homelessness and the passage being used as a permanent toilet.

We are just seeing and increased tourist trade which we cannot afford to lose not only for my business but for the whole City.

We strongly believe that St Peters Passage should remain gated.

If you require any further information on the above points raised please don't hesitate to get in touch.

Local Business 2

I understand that you will soon be conducting a review of the PSPO placed on St Peters Passageway. In answer to the following questions laid out in the partner consultancy letter please see below.

1. Does your agency have any information in support of the PSPO?
Our business has two fire exits leads out onto St Peters passageway. Before the gates were in place St peters passageway was a hot bed of anti-social behaviour. Our fire exits were constantly used as a public toilet and a space for vagrants to fornicate and take drugs. Most days I or a team member had to pick up human faeces and used drug needles from the passageway and our fire exits. The smell of urine washed into our building and we would have to on mostly a daily basis have to sanitise and clean the area external to our fire exits.
1. Does your agency have any concerns or objections to the PSPO?
Absolutely not. Please keep the gates in place.
1. If St Peters Passage was re-opened would you use it to walk through?
No, and no one ever did! The only thing St Peters passage was used for is to conduct anti-social behaviour.
1. Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

I don't believe so. But it has had a positive impact on the businesses that share the passageway.

**Paula Burton
CoLC**

1. My agency does have information in support of the PSPO which is why the action and this consultation is taking place.
2. My agency is completing a consultation process so may be advised of objections but I don't believe that we have any as an agency.
3. I would not use St Peters Passage to walk through if re-opened.
4. I believe that gating the passage may have had a negative impact on other areas as the people frequenting the passage previously and using it for inappropriate reasons will have found alternative places. However, I don't believe that this is a reason to open the passage as the behaviour should be disrupted to ensure the public's safety and enjoyment of the city.

Lincolnshire County Council

On behalf of Lincolnshire County Council, and in its capacity as highway authority for the route in question (part of Lincoln – Public Footpath No. 21), I can confirm that the authority has no objection for an extension to the intial closure of the route through the Public Space Protection Order process.

The County Council would like to see this route be reopened in the future however does understand that at this present moment in time the anti-social and criminal behaviour experienced prior to the intial PSPO are likely to return. I would be grateful if you would be able to outline what the City of Lincoln's long term plan for the public right of way may be

Councillor Vaughan

Please keep it Gated

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CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2A of 2021 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Lincoln Council Public Spaces Protection Order Number 2A of 2021

The City of Lincoln Council (“the Council”) in exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on 8th November 2021. The order made on 8th November 2021 Cited as ‘Order Number 2A of 2021’ and updates under the provision of Section 61 of the Act the order made on 14th November 2018 Cited as ‘Order Number 2 of 2018’ and shall have an effect for 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
2. This Order relates to that part of the City of Lincoln as shown edged red on the attached plan (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating substances and defecation within the area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

REQUIREMENT OF THE ORDER:

The area shown on the Exclusion Zone map known as St Peters Passage, Lincoln is to be gated at both the High Street and Mint Lane Entrance in such a way as to prevent public access.

APPEALS:

1. 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.

APPENDIX:

A map showing The Exclusion Zone edged in red.

GIVEN under the Common Seal of

The City of Lincoln Council

On the

.....day of.....2021

THE COMMON SEAL of the }
City of Lincoln Council }
Was hereunto affixed }

In the presence of: }

15. **Renewal of Public Spaces Protection Order allowing for the Gating of St Peters Passage**

Francesca Bell, Public Protection, Antisocial Behaviour and Licensing Service Manager

- a. presented a proposal regarding the review of an existing Public Space Protection Order (PSPO) which prevented access to the St Peters Passage in the City Centre area of Lincoln.
- b. advised that the proposal was in consultation with the public and relevant partners prior to consideration by Executive.
- c. gave the background to the report and advised that the implementation of the PSPO permitting access to St Peters Passage by way gating either end of the passage was agreed at Executive in April 2018.
- d. explained the legal conditions of the PSPO as detailed in paragraph 4 of the report.
- e. referred to paragraph 6 of the report and detailed the consultation that had taken place with both the public and partner agencies and gave an overview of the 9 responses received.
- f. referred to the draft order at Appendix D of the report and proposed that the PSPO be continued in its current form for a further 3 years.
- g. advised that Officers would continue to work collaboratively with partners to actively manage ASB across the city centre.
- h. invited committee's questions and comments.

Question: Asked if there had been any displacement to St Peters at Arches Passage.

Response: There had not been any evidence of displacement. The St Peters Passage was used by on street cohorts, whereas the passage at St Peters at Arches was mostly linked to the night time economy. Officers were working with the Police to address this.

Question: Referred to the consultation response relating to the broken locks on the gates and commented that the issues had recommenced straight away once access was available to the passage and had stopped when the locks had been repaired. This suggested that this was evidence to show that there was still a need for the passage to be gated.

Response: Officers agreed that the evidence suggested that the passageway should continue to be gated.

Question: Asked if the gating of the passage affected the fire escapes to businesses nearby.

Response: Consultation had taken place with both the Fire and Rescue Service and local businesses. Officers would double check that there were no active fire escapes in the passage.

Question: Asked if the passage would revert back to public access once the PSPO ended.

Response: The passage would become public access once the PSPO ended, unless the redevelopment of the area took place in the mean time, which would resolve the issue.

RESOLVED that the proposal to continue the PSPO permitting the gating of St Peters Passage for a further period of 3 years be supported and referred to Executive for consideration.

SUBJECT: GREEN HOMES GRANT LOCAL AUTHORITY DELIVERY SCHEME (LAD)

DIRECTORATE: MAJOR DEVELOPMENTS

REPORT AUTHOR: KATE BELL, CLIMATE CHANGE MANAGER

1. Purpose of Report

- 1.1 To update Executive and seek comments on the Local Authority Delivery element of the Green Homes Grant scheme phase 1 (LAD 1).
- 1.2 To request approval, subject to a successful application, for delegated authority for the City Solicitor and Chief Finance Officer to accept the offer of funding, sign the Memorandum Understanding, proceed with implementation of the LAD2 scheme and to include the project in the General Investment Programme.

2. Background

- 2.1 On the 26th June 2021 Executive gave approval for the City of Lincoln Council to accept £479,600 capital funding to retrofit up to 40 energy inefficient homes in Lincoln where households have been identified to be living in fuel poverty.
- 2.2 Since July 2021 the Council have been working with E.ON to agree a contract to deliver the LAD 2 scheme, due to be completed by March 2022.
- 2.3 YES Energy Solutions (YES) have been appointed by the Midlands Energy Hub to provide customer journey support to households and Local Authorities to deliver the LAD 1 scheme.

3. LAD 1 Update on Progress

- 3.1 As of the 8th October 2021 the Council have a contract in place with E.ON to deliver LAD 1 and the scheme is due to be launched during October.
- 3.2 In preparation for the launch of the scheme the Council have been working with E.ON and YES Energy Solutions to identify suitable households. 565 letters have been sent out to home owners and YES have been dealing with customer enquiries on behalf of the Council as well as carry out household qualification checks and arrange for Energy Performance Certificates to be completed when required.
- 3.3 The Council have also informed the Landlords Forum of the forthcoming LAD 1 scheme and have directed landlord enquiries to YES to undertake qualification checks with tenants.

- 3.4 Currently YES are in the process of assessing 9 properties to ensure they meet the qualification criteria and to date have made 4 referrals to E.ON to arrange for property surveys and confirm energy efficiency measures and the cost of works.
- 3.5 Direct marketing to appropriate households is ongoing and the Council and E.ON will continue to identify suitable properties to ensure to the best of our ability that all LAD 1 funding has been allocated by the March 2022 deadline.

4. LAD Phase 2

- 4.1 In August 2021 the Council were invited by BEIS to submit a funding application for the Sustainable Warmth Fund (LAD 2) for funding to extend the scheme until March 2023. The Council submitting an expression of interest for £2.8 million funding to enable retrofit works to be undertaken on a further 300 homes.
- 4.2 The Council expect to hear if the delivery profile for LAD 2 has been successful by mid October and will be required to sign and return a Memorandum of Understanding within 3 weeks of receipt.
- 4.3 Of the total £3,432,262 LAD funding approved for the City of Lincoln, £514,622 will be spent on capitalisation costs (to cover administration, employee, ancillary costs) and £2,917,640 will be allocated for energy efficiency measures. £60,000 from the capitalisation costs has been allocated to fund one full time equivalent post for 15 months, commencing in January 2022 until March 2023.
- 4.4 The Council's delivery profile specifies that we will target 300 homes to be upgraded from a D,E,F or G SAP rating to a minimum of a C, with an anticipated total of 409 energy efficient/ low carbon measures.
- 4.5 The following key points are set out in the City of Lincoln Delivery Profile:-

4.5.1 How Will we Target Eligible Households?

- We will adopt an area based approach in 10 LSOAs that have been defined as the 10% most deprived in the UK and make up 16 014 households in Lincoln.
- For the remaining LSOAs our delivery partner will undertake eligibility checks to ensure their household income is below £30k pa.

4.5.2 How Will Households be Identified?

- E.ON have access to a satellite data analytics toll ThermCERT which combines multiple datasets of vulnerability.
- EPC Register Data to identify D,E,F,G SAP rated properties.
- Council Tax data
- Social Housing Asset Management Data
- Experian Mosaic Data providing household profiling.

4.5.3 Customer Journey Support

- Our appointed delivery partner will deal with customers through their call centre and provide ongoing customer journey support from the initial enquiry through to installation of energy efficiency measures.

4.5.4 What Upgrades will be Installed

- 60 External Wall Insulation
- 15 Air Source Heat Pumps
- 70 Underfloor Insulation
- 134 Loft Insulation
- 130 Solar PV

4.5.5 To maximise cost and carbon savings we will expect our delivery partner to also provide added value by funding separate measures, where eligible, utilising ECO funding (not blended with LAD funding).

5. Social Housing Decarbonisation Fund

5.1 In September 2021 BEIS launched the Social Housing Decarbonisation Fund round 1 to support social housing providers to retrofit homes and raise the energy efficiency standard of their housing stock.

5.2 Funding is available to retrofit homes that are rated EPC C or below and will cover 2/3 of the cost of works and associated ancillary costs. The Council will be required to fund the remaining 1/3 contribution towards costs for energy efficiency measures.

5.3 Eligible energy efficiency measures include, but is not limited to, energy efficiency measures (such as wall, loft, and underfloor insulation) and low carbon heating technologies – but excluding heating systems which are solely fuelled by fossil fuels.

5.4 Funding is available to upgrade properties with an existing SAP rating of D,E,F or G to a minimum of a B rating. BEIS will be prioritising funding in this first round to social landlords with a high proportion of energy inefficient homes.

5.5 The City of Lincoln Council Housing Stock consists of the following SAP rated homes:-

SAP	No of properties	% stock
A	0	0%
B	31	<1%
C	5591	72%
D	2142	27%
E	9	<1%
F	2	<1%

5.6 Due to the limited time available to submit a funding bid the Council have decided not to apply to this fund in 2021. However BEIS have advised that this fund will be

open for applications on an annual basis. To ensure that the Council are ready for future funding rounds it is proposed that officers identify a delivery partner to assist with preparing a funding application to deliver a retrofit scheme for council housing stock in 2023/24.

6. Corporate Priorities

- 6.1 **Let's Address the Challenges of Climate Change**
The LAD scheme will help towards reducing the green house gas emissions from the domestic sector in Lincoln and contribute towards Lincoln's net zero carbon target by 2030.
- 6.2 **Let's Deliver Quality Housing**
The LAD scheme will help to improve the quality of homes and reduce fuel poverty in Lincoln.

7 Organisational Impacts

7.1 Finance

- 7.1.1 The Terms and Conditions set out in the grant allocation specify that £3,432,262 will be provided as a capital grant, of which £414,622 can be capitalised to cover administrative and ancillary costs incurred in support of the scheme.
- 7.1.2 A contract with our delivery partner will clearly set out payment to cover capitalisation costs (admin, employee, ancillary costs) and £2,917,640 will be allocated for energy efficiency measures.
- 7.1.3 Payments will be made to the appointed delivery partner on completion of capital works and subject to CoLC drawdown of the grant from BEIS.
- 7.1.4 Of the £414,622 administration and ancillary costs, £60,000 will be retained by the Council to recruit to a 15mth fixed term contract posts. The specific grade/costs for which have not yet been established. Dependent on the postholder there may be redundancy costs to be resourced, subject to the final grant conditions these may be payable from the administration and ancillary costs, otherwise alternative cash limited budgets will need to be identified should the situation occur.
- 7.1.5 Subject to confirmation of the final grant award, and profile of rollout, the scheme will be included in the General Investment Programme for 2021/22 and 2022/23

7.2 Risks

- 7.2.1 There is a minor risk of clawback should the funding not be allocated within the timescale of the grant programme, however this is low due to grant being payable to the % of installations achieved per quarter. Payments to the installer by the council will only be made on completion of works, so there will not be a risk that the council will not recover costs.
- 7.2.2 There is a more general risk that the Council do not comply with all of the grant conditions and risk that the Midlands Energy Hub will withholding funding or clawback. There is also the risk of overspend on the scheme, which the council

would be liable for. To avoid these risks the Council need to ensure the project delivery is reviewed and monitored closely. The Council are required to submit monthly progress report to MEH to avoid risk of over or under spend.

7.3 Legal Implications including Procurement Rules

- 7.3.1 All procurement activity will be undertaken taking account of the Council's Contract Procedure Rules (CPRs) and ultimately Public Contract Regulations 2015 (PCRs), which is embedded into UK Law. All frameworks which the Council are using and may consider using are PCR compliant
- 7.3.2 The Council will need to ensure that the LAD scheme is compliant with UK subsidy rules and will be required to have arrangements in place with our delivery partner to ensure that the sums paid with respect to the works / services being undertaken by them will represent market value, and our delivery partner will not be subject to excessive remuneration which might allow them to be defined as a recipient of unlawful subsidy including commitments to:
- provide a solution which provides value for money at a market rate for the works and services being undertaken;
 - agree a process with the Council, allowing scrutiny of the costs;
 - following scrutiny, should it be required, ensure a claw-back provision is enabled, allowing the Council to recover any resources paid out.
- 7.3.3 Other organisations that could be recipients of grant subsidy particularly Landlords and Housing Associations under this scheme will be asked to give appropriate declarations that they fall within a de minimis qualification, i.e. that the benefit being received from subsidy is less than £350,000 over a rolling 3 year period. In addition to this we are satisfied that any subsidy meets the terms of the principals set out in the UK-EU TCA. If support were to be given to private Landlords, the Council would request that they are likewise required to self-declare their "de minimis" exemption.
- 7.3.4 CoLC will keep a record of any subsidy and ensure this is published on the Government's transparency database once this is available.

7.4 Human Resources

- 7.4.1 There would be an implication on Human Resources due to the creation of a new post to deliver this scheme.

8. Recommendation

Executive are asked to consider and comment on the LAD 2 proposed delivery profile and subject to funding approval, give delegated authority for the City Solicitor and Chief Finance Officer to accept the offer of funding, sign the Memorandum Understanding and proceed with implementation of the LAD2 scheme.

Executive are asked, subject to the above, to give delegated authority to the Chief Finance Officer to include the final scheme cost in the General Investment Programme, to be fully funded by external grant.

SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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