

EXECUTIVE

Monday, 25 July 2022

6.00 pm

**Committee Rooms 1 and 2,
City Hall, Beaumont Fee,
Lincoln, LN1 1DD**

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

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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.	
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8. Exclusion of the Press and Public

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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.

These items are 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 these items in private.

SECTION B

OUR PEOPLE AND RESOURCES

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

1. Confirmation of Minutes - 11 April 2022

RESOLVED that the minutes of the meeting held on 11 April 2022 be confirmed.

2. Declarations of Interest

No declarations of interest were received.

3. Revised Tenant Involvement Strategy 2022-2025

Purpose of Report

To seek approval for the revised Tenant Involvement Strategy 2022 to 2025 which would replace the 2018 to 2021 strategy.

Decision

That the revised Tenant Involvement Strategy 2022 to 2025 be approved.

Alternative Options Considered and Rejected

As detailed within the report.

Reasons for the Decision

The existing Tenant Involvement Strategy was now out of date and a revised Tenant Involvement Strategy for 2022 to 2025, as set out at Appendix A to the report, had been developed.

The regulatory Framework for social housing and the social housing white paper required social housing landlords to have a transparent Tenant Involvement Strategy in place.

There were five objectives contained within the proposed Tenant Involvement Strategy, which included:

- Co-design services with residents;
- Facilitate community engagement;
- Communicate key messages to residents;
- Co-regulate with Lincoln Tenants' Panel; and
- Expand the ways residents can get involved.

As part of the launch of the strategy, the Lincoln Tenants Panel would carry out an initial assessment to provide a starting position against which the outcomes could be monitored.

The revised strategy would ensure that tenants continue to have a range of opportunities to get involved to shape housing services.

4. Contaminated Land Inspection Strategy

Purpose of Report

To obtain approval of the revised Contaminated Land Inspection Strategy 2022-2027.

Decision

That the revised Contaminated Land Inspection Strategy 2022-2027, as detailed at Appendix A to the report, be approved.

Alternative Options Considered and Rejected

Not have, or do not refresh, the existing Contaminated Land Inspection Strategy. However the Council was required to have such a strategy or similar document.

Reasons for the Decision

The proposed revised strategy had been written to reflect the latest Statutory Guidance and other changes to the regime.

The Council had a statutory duty under Part 2A of the Environmental Protection Act 1990 to deal with land contamination and to have an inspection strategy setting out the Council's approach.

The revised strategy reflected the Council's current operational approach to focus on managing contaminated land through the planning and building control regimes and encouraging voluntary remediation by landowners rather than proactive part 2A inspections.

5. Financial Performance - Outturn 2021/22

Purpose of Report

To present the provisional 2021/22 financial outturn position on the Council's revenue and capital budgets, including: the Council's general fund; housing revenue account (HRA); housing repairs service; and capital programmes.

To seek approval for the proposed transfer to General Fund and HRA earmarked reserves; and to consider new general fund carry forward requests.

To note the financial changes to both the General investment Programme and the Housing Investment Programme that were above the 10% budget variance limit, as delegated to the Chief Finance Officer.

Decision

(1) That the provisional 2021/22 financial outturn for the General Fund, Housing Revenue Account, Housing Repairs Service and Capital Programmes, as set out in sections 3 – 7 of the report, and in particular the reasons for any variances, be noted.

(2) That the proposed transfer to General Fund and HRA earmarked reserves, as detailed in paragraph 3.6, 3.7 and 4.6 of the report, be approved.

- (3) That the new General Fund carry forward requests, not requested at quarter 3, as detailed in paragraph 3.8 of the report, be approved.
- (4) That the financial changes to both the General Investment Programme and the Housing Investment Programme, as detailed at paragraphs 7.4 and 7.11 in the report, that are above the 10% budget variance limit delegated to the Chief Finance Officer, be noted.

Alternative Options Considered and Rejected

As detailed in the report.

Reasons for the Decision

The report covered the General Fund Revenue, Housing Revenue Account budgets and Investment Programmes for the current financial year and set out the provisional financial outturn position. Following the unprecedented impact of Covid-19 on the Council's finances in 2020/21, budgets for 2021/22 were revised as part of the Medium Term Financial Strategy (MTFS) 2021-26 based on a number of assumptions around the speed and extent of the national and local recoveries particularly in relation to income budgets. Whilst in many cases these assumptions had reflected the actual position to date and had in fact exceeded assumptions, there were still some areas where the rate of recovery was impacting adversely on the Council's finances.

In addition, the impact of Covid-19 was still being felt throughout the authority in relation to service delivery both in terms of backlogs of outstanding work but also due to the current economic operating conditions in terms of supply chain issues, escalating costs and availability of labour etc, whilst these issues were being addressed, they were likely to continue in the medium term and impact on the Council's finances. Coupled with the current economic conditions of spiralling inflation, the Council would continue to face a number of significant financial challenges in 2022/23 and must ensure that its general balances and reserves were sufficient to respond to such pressures.

Although the report had set out the financial outturn, which for the general fund and HRA had resulted in a positive position, the did not mean that the financial issues faced by the Council had been resolved. Beyond 2021/22, the Council was set to face ongoing pressures from the escalating inflation impacts, service demands arising from the cost of living crisis and the legacy of impacts of Covid-19. The Council would continue to face financial challenges in 2022/23 as it responded to these issues, as well as ensuring it delivered the ongoing reductions in the net cost base that were already assumed in the MTFS for 2022/27.

6. Strategic Risk Register - Quarterly Review

Purpose of Report

To provide a status report on the revised Strategic Risk Register as at the end of the fourth quarter 2021/22.

Decision

That the Council's strategic risks, as at the end of quarter 4 2021/22, be noted.

Alternative Options Considered and Rejected

As detailed in the report.

Reasons for the Decision

The previous update of the Strategic Risk Register had previously been reported in February 2022. Since the last update, the Strategic Risk Register had been refreshed and updated by the Corporate Management Team. The Strategic Risk Register reflected the significant change in circumstances in which the Council had been operating since Covid-19 and the different challenges and opportunities it now faced.

Risk Number 11 – Failure to put in place safe working practices and social distancing measures to protect officers and service users, had now been removed from the register as it had been at Green status for over six months. There remained twelve risks within the register, which were detailed within the report.

7. Treasury Management Stewardship and Actual Prudential Indicators Report 2021/22 (Outturn)

Purpose of Report

To consider the annual Treasury Management stewardship report, which was a requirement of the Council's reporting procedures under regulations issued under the Local Government Act 2003. The report covered the treasury management activities and the actual prudential and treasury indicators for 2021/22.

The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

Decision

- (1) That the actual prudential indicators, as contained within Appendices A and B to the report, be approved.
- (2) That the annual treasury management report for 2021/22 be approved.

Alternative Options Considered and Rejected

As detailed within the report.

Reasons for the Decision

The Chief Finance Officer had confirmed that borrowing had only been undertaken for a capital purpose and the statutory borrowing limit, the Authorised Limit, had not been breached.

At 31 March 2022, the principal value of the Council's external debt was £135.177m (£123.448m at 31 March 2021) and that of its investments was £49.85m (£33.9m at 31 March 2021).

The increase in general fund financing costs as a % of net revenue stream in 2021/22, when compared with 2020/21, was due additional MRP charges and lower rates of return and investments. The slight increase in housing revenue account financing costs had resulted from borrowing arrangements being at rates lower than those for borrowing taken previously but also higher levels of depreciation.

The financial year 2021/22 had continued the challenging environment of previous years; the effect of the Covid-19 pandemic, low investment returns and continuing counterparty risk were the main features.

8. Operational Performance Report Quarter Four 2021/22

Purpose of Report

To present an outturn summary of the Council's operational performance in quarter four of 2021/22.

Decision

That the achievements described and the issues identified in the quarter four Operational Performance Report for 2021/22 be noted.

Alternative Options Considered and Rejected

As detailed in the report.

Reasons for the Decision

The outturn summary report detailed performance against a total of 65 measures, of which 16 were below target; 17 were within target boundaries; and 14 had exceeded a higher target. A further 18 measures were volumetric, and provided context to overall service delivery. Commentaries on each measure were detailed in the report.

It was advised that some Council services could take up to 18 months to recover from the impacts of Covid-19. The Executive reflected on the Customer Services call waiting times, which was currently averaging at 321 seconds, rather than achieving the target of 300 seconds. This could be attributed to the reduction of call handlers by five, as part of the Council's cost saving measures.

9. Regulation of Investigatory Powers Act (2000) (RIPA) Update

Purpose of Report

To report the number of authorisations under Regulation of Investigatory Powers Act (RIPA) 2000.

To consider the approval of the revised Policy.

Decision

That the updated Regulation of Investigatory Powers Act 2000 Policy be approved.

Alternative Options Considered and Rejected

It was a requirement to review the policy and update it accordingly.

Reasons for the Decision

The Council had a RIPA Policy which covered implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council was responsible. The Policy included the procedures for obtaining authorisations together these explain:

- the purpose of the Act in relation to the Council's functions;
- the circumstances which it applies to;
- how to make sure that it was complied with;
- functions of the Central Register;
- process for authorisations;
- details for authorisations;
- and provides guidance of the use of Social Media in investigations as well as guidance on the use of Covert Human Intelligence Source (CHIS) and how to obtain a CHIS authorisation.

The report set out the amendments to the policy.

10. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item 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.

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

11. Strategic Risk Register Quarterly Review

Purpose of Report

As detailed in the exempt report to the Executive.

Decision

That the recommendations to the Executive, as set out in the exempt report, be approved.

Alternative Options Considered and Rejected

As detailed in the exempt report to the Executive.

Reasons for the Decision

As detailed in the exempt report to the Executive.

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SUBJECT:	ANNUAL GOVERNANCE STATEMENT 2021/22
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	ROBERT MARSHALL, BUSINESS INTELLIGENCE ANALYST, CORPORATE POLICY

1. Purpose of Report

- 1.1 To inform Executive that the Annual Governance Statement (AGS) has been completed and signed off by Leadership (**APPENDIX A**)

2. Executive Summary

Key Senior Officers have been asked to contribute to a view of how the Council is applying its Code of Corporate Governance to its activities, including necessary staff and service changes resulting from the pandemic.

Following this investigation officers have concluded that one of the two significant governance issues from 2021/22 needs to remain in the 2022/23 AGS as follows:

- 1. The Disaster Recovery Plan in place for IT arrangements

One of the 2021/22 significant issues is now deemed as mitigated to the extent that it is now no longer a significant issue and has already moved to Green status:

- 2. Vision 2025 needs to be re-profiled and communicated to a wider audience in the light of COVID-19 effects

There were no further significant issues identified.

As in previous years a small number of areas were identified as less serious, but areas that it would be wise to keep a watchful eye on progress. These in the main body of the report.

3. Process of Identifying Significant Governance Issues

- 3.1 The AGS is completed annually, with a retrospective look back at how we complied to our own Code of Corporate Governance in the previous year, in this case 2021/22, and whether any significant governance issues were identified as a result of the review.

The AGS is usually due for completion in May, but as an extension has been granted to the Statement of Accounts, the timescale is currently the end of July 2022.

- 3.2 Senior officers consisting of Chief Finance Officer (CFO), City Solicitor (CS) , Audit Manager and (Acting) Business Manager, Corporate Policy reviewed the levels of governance assurance provided for services and projects, looking at a range of considerations.
- 3.3 The AGS goes through each of the core principles for good governance, setting out a range of things that the Council has completed /achieved in 2021/22 as well as some key activities that it intends to pursue during 2022/23.

However, because of the significant impact of Covid-19 on the Council there is a separate initial section, set out in the same way, entitled 'Impact of COVID-19 and maintaining good governance'. These sections have been completed with the assistance of other officers.

3.4 **Process**

The review is conducted in five stages:

1. Audit and Policy gathered documented information from across the Council, from a mix of audits, assurances, key summaries, performance results and risk registers.
2. Corporate Policy Unit then undertook individual interviews with the CFO and the CS via a questionnaire designed from findings so far
3. A summary of these findings has produced initial draft recommendations.
4. CMT then reviewed a summary of these findings and discussed each in detail, producing final recommendations for the Audit Committee and Executive.
5. CX and the Leader signed the AGS as accurate, for inclusion in the Annual Statement of Accounts.

3.5 **Significant Issues**

For 2022/23, one of the previous year's two significant governance issues has been identified as needing to remain on the AGS issues list, although there may need to be changes to the aims and action plans to reflect the remaining needs.

There were no new issues to be added to these but there were a number of less serious issues picked up which have been defined as "Ones to watch" (section 3.6)

The significant governance issue proposed for 2021/22 is:

1. The Disaster Recovery Plan in place for IT arrangements

A new ITDR plan needs to be in place which will consider not just the 'where' the Council has recovery plans based, but also what the future expectations from our IT resources will be; how our staff will work, how our services will work, what resources are available and what implications does this have on our ability to ensure the Disaster Recovery Plans for IT can match the Business Continuity Plans for key services.

It is proposed that this issue needs to remain on the AGS significant issue list, until enough mitigating steps have been taken to reduce the risk.

In terms of the second of the previous year's significant issues;

2. Vision 2025 needs to be re-profiled and communicated to a wider audience in the light of COVID-19 effects

As this issue has already been confirmed as mitigated to the point where it now has a Green status, this issue can now be removed from the AGS.

A new quarterly monitoring report will be drawn up with the relevant owners to send to Audit Committee.

3.6 'Ones to Watch'

As in past years, the senior officer's team has identified a number of concerns raised throughout the process which may not at this point be considered serious issues but are areas that the Corporate Leadership Team may wish to take additional actions to ensure that there is improvement.

These are:

- a) **Revised governance arrangements for managing projects are being fully complied with.** There was agreement from all that the Priority Theme Groups have a key role to play in this as well as Project Sponsors, but due to meetings being on hold during 2021 (as officers responded to the impacts of the pandemic), there is a gap in compliance which seems to have grown. This is the fifth year this issue has been raised. The main governance issue is the lack of consistent use of the LPMM process. However, it was also identified that:
 - a. there is a lack of central resource capacity in the Council to ensure that projects are being managed properly and relevant processes are being followed – which could be an issue when we return to multiple projects
 - b. there are a few areas that have adopted the 'Agile' project methodology but do not fully understand the scope of 'Agile' or are not using it correctly to take advantage of its benefits and have dropped the LPMM process as a result. There is no issue with the Agile methodology – if it is seen as the way to manage the 'how' elements of a project and is used correctly. There is very little governance introduced as part of the process – which has already demonstrated issues in some strategic projects. LPMM has 4 parts: planning, preparation, the how (Agile) and closure, so the two do fit nicely together – but need to work in tandem for all but small projects.
 - c. the reintroduction of key strategic roles will improve the holistic overview of all projects and project groups. This role will minimise project and outcome overlap by ensuring a synchronised approach across the Council, minimising corporate wide inefficiencies, substandard outcome delivery and repeated implementation tasks.

The role will also ensure all stakeholder awareness, inclusion and buy-in across the entire council at all stages of a project.

The Corporate Leadership Team will take ownership of reviewing these issues and reporting on process. They will also be considered as part of quarterly Dashboard Report to Leadership.

3.7 The following documents are attached as appendices with this report:

1. Appendix A - The Final AGS, signed
2. Appendix B – Glossary of terms used in the AGS

4. Strategic Priorities

This report supports the effective running and governance relating to ALL strategic priorities as it ensures our business will be conducted in accordance with the law and proper standards, in an open, honest and accountable manner.

5. Organisational Impacts

5.1 Finance (including whole life costs where applicable) – n/a

5.2 Legal Implications including Procurement Rules – The report is aimed at ensuring our business will be conducted in accordance with the law and proper standards, in an open, honest and accountable manner.

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

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

E&D is one of the considerations within our Code of Corporate Governance, and any issues in compliance would have been highlighted as a part of the main body of this report. There are no other specific implications on E&D or Human Rights from this report.

6. Risk Implications

6.1 (i) Options Explored – n/a

6.2 (ii) Key Risks Associated with the Preferred Approach - n/a

7. Recommendation

Executive is asked to:

7.1 Review the contents of the Final Annual Governance Statement for 2021/22.

7.2 Note that monitoring progress on the significant issues identified over the coming year will be completed by Audit Committee, with issues reported by exception to Executive.

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?

Two (A, B)

List of Background Papers:

None

Lead Officer:

Robert Marshall, Business Intelligence Analyst,
Corporate Policy Unit

1 The Council's responsibility for sound governance

1.1 Scope of responsibility

City of Lincoln Council must ensure that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and used economically, efficiently and effectively. The council also has a duty under the Local Government Act 1999 to secure continuous improvement in the way in which its functions are exercised.

Governance is about how we ensure that we are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. In discharging this overall responsibility, we must put in place proper governance arrangements to manage our affairs. The council must ensure that there is a sound system of governance (incorporating the system of internal control) and based on the principles of the "Delivering Good Governance in Local Government Framework 2016"

How we are meeting these defined responsibilities is detailed in the City of Lincoln's Code of Corporate Governance, which is found on our website under your council/information policies & publications/corporate publications. www.lincoln.gov.uk

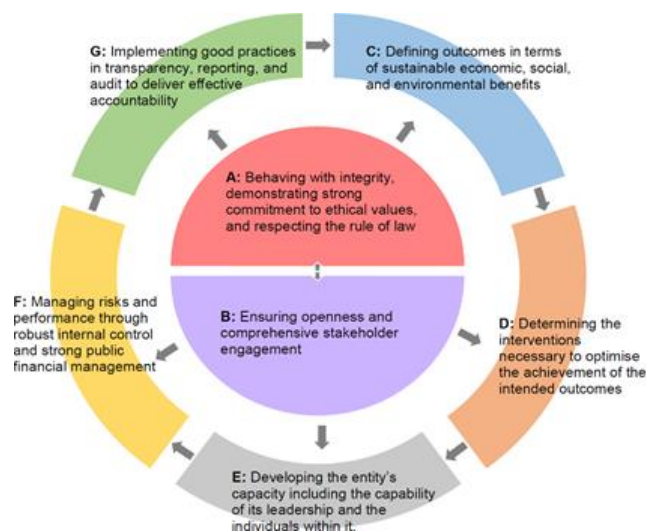
The council's Code of Corporate Governance, comprehensively reviewed in 2017, is updated annually. A further comprehensive review was completed in April 2021, considering the impact of COVID-19.

This Annual Governance Statement details how the city council has complied with its own Code of Corporate Governance over the last year and meets the statutory requirements for all relevant bodies to prepare such a statement. It also includes a new section on the impact on the council, and actions taken as a result, of the COVID-19 pandemic.

For a glossary of terms used – see Appendix B

1.2 The Code of Corporate Governance sets out the documentation, systems and processes by which the authority transparently controls its activities and defines its cultures and values. It enables us to monitor achievement of our strategic objectives and to consider whether these have led to the delivery of appropriate value for money services.

The code is based on a set of seven core principles:



1.3 Responsibility rests within a range of areas – the key ones are detailed in the table below:

KEY ELEMENTS OF COUNCIL'S GOVERNANCE FRAMEWORK Key elements of the governance framework at City of Lincoln Council are summarised below:		
<p>Council, Executive, Leader</p> <ul style="list-style-type: none"> ❖ Provide leadership; set, develop and implement policy ❖ Ensure the Vision 2025 strategies are taken forward ❖ Develop, adopt and implement the budget framework ❖ Support the city's diverse communities and neighbourhoods to thrive 	<p>Leadership and decision making</p> <ul style="list-style-type: none"> ❖ All decision meetings held in public (except those identified as 'part B') ❖ Decisions recorded on the council's public website ❖ Resources directed according to priorities as set out in Vision 2025 	<p>Risk management</p> <ul style="list-style-type: none"> ❖ Risk registers identify both operational and strategic risks ❖ Strategic risks are considered by CMT and Executive every quarter ❖ Internal audit provides independent objective assurance ❖ Council's arrangements comply with the requirements of the CIPFA Statement on the Role of the Head of Internal Audit
<p>Scrutiny and review</p> <ul style="list-style-type: none"> ❖ Scrutiny committees review council policy and can challenge decisions to hold Executive to account ❖ Audit and Performance committees review governance, costs vs budget, risk, internal control and delivery of agreed plans ❖ Ethics and Engagement Committee and/or Monitoring Officer deals with complaints about, or suspected breaches of member conduct ❖ Any two members can hold the Executive to account outside of scrutiny and review by requesting Call-In and reconsideration of an Executive decision 	<p>Corporate Management Team (CMT)</p> <ul style="list-style-type: none"> ❖ The CX is the Head of Paid Service and is responsible for all council staff and for leading an effective Corporate Management Team (CMT) ❖ CMT ensures there is clear accountability for the use of resources in achieving desired outcomes for service users and the community ❖ The Chief Finance Officer (CFO) is the council's Section 151 Officer and is responsible for safeguarding the council's financial position and securing value for money. The council's financial management arrangements comply with the governance requirements of the CIPFA Statement on the role of Chief Financial Officer in Local Government ❖ The City Solicitor is the council's Monitoring Officer and is responsible for ensuring legality, good governance and promoting high standards of conduct 	

1.4 In the following sections the AGS considers whether the Code has been applied effectively providing commentary on how the framework itself has operated over the last 12 months. The first of these sections covers how the council has maintained good governance during the COVID-19 pandemic – some of the activities mentioned are also mentioned under the core principles.

1.5 Impact of COVID-19 and maintaining good governance

As with all councils the COVID-19 pandemic caused major disruption to the day to day work of the council, including cancellation of some committee meetings, and changing priorities to protect our most vulnerable residents and local businesses. This meant there was a need to initiate business continuity procedures as well as introducing new or varied governance arrangement in some areas.

Actions taken to address the impact of the COVID-19 pandemic in 2021/22:

- Co-ordinated response to the pandemic working with Lincolnshire Local Resilience Forum
- High levels of social media relating to the pandemic to support residents in knowing what to do, (or not to do), where and when
- Review of governance arrangements following introduction of the Coronavirus Act 2020, including introduction of virtual council and other key meetings
- Restoration of statutory meetings in public when required, retention of on-line meetings as default method to minimise risks
- Development of policies and procedures to enable delivery of services, including critical services, whilst ensuring protection of staff and customers.
- Prioritisation of resources to ensure recovery and ongoing provision of key services
- Support for local businesses in applying for business rate-payers discounts and business grants payments
- Further HR interim procedures and checklists for managers introduced to support employees working from home and support their health and wellbeing
- Development of activities to support the city and high street, including leading on multi-agency partnership to support high street recovery.
- One Council – under the Organisational Development pillar we have put in place processes and revised policies as required in response to COVID-19, particularly around work styles and support for staff and members to ensure we have the governance in place to make sure these new ways of working and new activities are fit for purpose
- Implementation of ongoing support for the community and vulnerable persons through working with partner organisations
- Ensure processes in place to enable businesses in the city to access support, e.g. Environmental Health Officer utilising legal powers to manage re-opening of businesses under COVID-19
- Management of the financial impacts of COVID-19, including an MTFS review
- Performance reporting re-instated for all relevant services, with targets adjusted to reflect the new working environments where appropriate.
- Progressing of access to various central funding pots to support High Street recovery including accessing ERDF funding for the Welcome Back project
- A full mid-term review of Vision 2025, in particular considering the effect of Covid-19 on the physical and mental health of residents, and what the council could do through changing strategic priorities to support them. Development of a three year action plan for 2022/25 .
- A full review of all Business Continuity Plans to ensure that new working styles are considered as part of the new norm.
- Full roll out of Office 365 and IT equipment to all staff to enable working from home wherever and whenever necessary
- Adding a new (temporary) chapter to the Lincoln City Profile to cover data on Covid 19
- Protecting Vulnerable People (PVP) Group commissioned an audit to cover the impact from Covid on PVP/ safeguarding. (To Audit March 2022)

Proposed activity for the coming year:

- Evidenced review of the longer-term effects of Covid on the city (especially health) as coming through in the Lincoln City Profile and 2021 census data
- Delivery of phase one of the three year action plan, with confirmation of the projects to commence in phase two
- Review of Business Continuity plans alongside the new IT disaster Recovery plan which will include coverage of all risks highlighted through the pandemic experience

1.6 CORE PRINCIPLE A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Ethical values, standards and formal codes of conduct are defined in the council's constitution and form the basis for developing our policies, procedures and actions as well as for the behaviour of our members and staff. We have appropriate processes in place to ensure that members and staff are not influenced by prejudice, bias or conflicts of interest when engaging and making decisions with stakeholders, as well as effective systems to protect the staff rights. All council decisions consider legal and equality implications with support from Legal Services.

Our Audit Committee (which includes an independent member) provides assurance on the adequacy of the internal control environment, by ensuring high standards of conduct are embedded within the council's culture, monitoring governance issues raised and overseeing internal and external audit arrangements.

Activity within Principle A in 2021/22:

- Communications plan in place for Protecting Vulnerable People (PVP) (social media)
- A full annual review of the Code of Corporate Governance was conducted
- Regular portfolio holder meetings held including COVID-19 effects in the earlier months of the year
- Revised audit plan developed to meet governance needs
- Regular attendance at both CLT and Service Managers meeting by the Data Protection Officer to provide clear information on any changes of regulations, risks or procedures
- Internal Audit conducted on Risk – which achieved substantial assurance.
- Counter Fraud Strategy revised and approved July 2021
- Anti-bribery Policy revised and approved December 2021
- Homes England report on compliance audit report – green: meets standards
- Review of the Regulation of Investigatory Powers Policy
- Domestic Abuse Board for Lincolnshire established and CoLC compliant with legislative requirements
- Internal audit on Protecting Vulnerable People completed
- An External Quality Assessment of Internal Audit completed for 2021/22 with positive results

Proposed activity for the coming year:

- Annual update Code of Corporate Governance
- Undertake Assessment against HIA requirements – Sept 2023
- Assess outcome of external quality assessment of Internal Audit and develop action plan
- Update member code of conduct in accordance with government guidelines
- Review of needs to meet the proposed Subsidy Control Bill
- Review of needs to meet the Electoral Integrity Bill
- Adults safeguarding Audit (LAAF) – 2022
- Review proposals for a peer review on Children's safeguarding in 2022
- Review proposals in the Levelling UP and Regeneration Bill
- Modern Slavery Charter and Statement to be reviewed

1.7 CORE PRINCIPLE B: Ensuring openness and comprehensive stakeholder engagement

The council makes sure our partners, in the private, public and voluntary sector as well individual citizens and service users are engaged in and have full access to information relating to decisions made. We expect reports to decision makers to be open, provide all the necessary material to ensure informed decisions in the best interests of the city and communities, and to have engaged stakeholders and service users in arriving at proposals under consideration.

Activity within Principle B in 2021/22:

- Regular staff briefings on COVID-19 updates and impacts via electronic newsletter from CX
- Consultation with service users ahead of changes to service delivery (e.g. Resident's Parking proposals, Vision 2025 mid-term review, Medium Term Financial Strategy and Council Tax proposals)
- Consultation with partner organisations ahead of changes to funding arrangements (Dial a ride and Citizens Advice)
- Revised Consultation and Engagement Strategy approved September 2021
- Citizen Panel consultation regarding High Street recovery completed to inform action plan
- A new HUB communication intranet has been developed and populated with key corporate information in an easily accessible and user friendly format
- Consultation on the new Central Lincolnshire Local Plan completed
- Revision of the Lincoln Tenant's Panel constitution to make it more Strategic in nature
- Temporary solution to the lack of customer feedback (following Covid-19) has been implemented via an automated text call back system

Proposed activity for the coming year:

- Complete the review of the Consultation and Engagement staff guidance
- Consultation with service users relating to Climate Change
- Conduct a review of the Citizens Panel make up and then a large scale recruitment exercise to increase the panel size and to try and match the city's demographics more closely
- Consider further engagement with wider range of stakeholders for budget consultation
- Develop a 'Community Development Toolkit' for local Ward Councillors to provide additional help and support within their community
- Develop more permanent and usable feedback systems for services.

1.8 CORE PRINCIPLE C: Defining outcome in terms of sustainable economic, social, and environmental benefits

Vision 2025 is the council's vision for the five years to 2025 and forms the second phase of our Vision from 2017 to 2030. As with previous strategic plans, Vision 2025 was developed using a robust evidence base including information gained through consultation with local residents and businesses, and evidence from the Lincoln City Profile. The priorities in Vision 2025 remain broadly similar, but with the addition of a priority to address the challenges of climate change:

- ▶ Let's drive inclusive economic growth
- ▶ Let's reduce all kinds of inequality
- ▶ Let's deliver quality housing
- ▶ Let's enhance our remarkable place
- ▶ Let's address the challenge of climate change

Although the plan was adopted in February 2020, little progress was made during 2020/21 due to the pandemic, although a number of key large projects did continue as soon as restrictions allowed. (e.g. Boultham Park restoration; De Wint Court build). Those projects that continued were monitored through their respective MEGA Boards. Whilst 2021/22 did not see full reinstatement of the five Strategic Priority Boards, further progress towards achieving projects was made and all Portfolio Holders covered this in their annual reports..

In late 2021 a full mid-term evidence based review of the Vision 2025 was conducted with the aim of reprioritising projects to include a number of new programmes aimed at supporting Lincoln residents in regaining their physical and mental health where it had been impacted by the pandemic. This member led review was consulted with residents, businesses and the voluntary sector in January/February 2022 and approved by Council in Late February 2022

Activity within Principle C in 2021/22:

- Approval of the MTFS which is a financial representation of the council's Vision 2025
- Ongoing development for embedding sustainability over the next 3 to 5 years including the appointment of a full time Climate Change Manager.
- Mid-term review of Vision 2025 to support the recovery of the city, the health of its residents, the council economically and ensure community support approved February 2022
- One Council programme development in the IT areas, accelerated as a need to respond to Covid-19, resulting in roll out of appropriate electronic kit to all staff
- Key partner in Infrastructure Recovery Cell covering Lincolnshire, which includes housing, to ensure infrastructure is in place enabling growth plans to be implemented
- Following successful bid for £19m Town's funding – the development of a work programme and a new Town Deal Board to monitor progress
- Revised Environmental Policy approved September 2021
- Decarbonisation Strategy and Action Plan approved December 21
- Affordable Warmth Strategy approved
- A one-year Housing Business Plan approved for 2022/23
- Full update of the Lincoln City Profile conducted to provide an evidence base for decisions

Proposed activity for the coming year:

- Re-energised implementation on the place strategy for Park Ward/Sincil Bank, highlighted as an area for regeneration following delay as a result of Covid-19.
- Public communication of the next phase of the three-year Vision 2025 Delivery Plan
- A 30 year Housing Business Plan to be developed for the period 2023 – 2053
- Census data to be audited for accuracy and then included in the new City profile

1.9 CORE PRINCIPLE D: Determining the interventions necessary to optimise the achievement of the intended outcomes

The council clearly defines its priorities and plans which are aimed at delivering the outcomes it intends. Whilst service plans for 2021/22 were not completed, work has continued to ensure robust service management during the recovery stage. All projects are subject to the Lincoln Project Management Model (LPMM), through which we continuously assess the risks of not fully delivering plans and ensure that there are mitigating actions in place to support the achievement of intended outcomes.

The council's financial management arrangements ensure that there is adequate resource available to deliver plans. The council reviews progress against delivering those outcomes through its performance management framework.

Activity within Principle D in 2021/22:

- TFS programme delivered the required MTFS savings target
- Development of One Council through the four pillars – Organisational Development, Creating Value Processes, Use of Assets and Technology
- Office 365 pilot extended to a full roll out to all staff with laptops/desktops
- Technology introduced to adapt to COVID-19
- Review of team workstyles to understand and distribute appropriate technology
- Refreshed infrastructure platform
- Housing repairs online pilot progressed – to enable booking of repairs online.
- A review of My-Info has been completed resulting in a recommendation for a new system

Proposed activity for the coming year:

- Deliver a five year ICT Strategy

- Deliver a new IT Disaster Recovery Plan
- My Info replacement system to be procured in 2022/23
- Establish micro-sites for key services, e.g. Xmas Market, Building Control, Visitor services.
- Identify top 10 interactions with customers and move to online forms where possible to take pressure off contact centre.

1.10 CORE PRINCIPLE E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

The council ensures a management structure that provides leadership and creates the opportunity for staff to work effectively and efficiently to achieve the council objectives. We have a programme in place under the organisational development pillar of our One Council approach which will ensure the workforce has the necessary skills and behaviours to deliver the vision for the city and is effectively engaged to champion the council's priorities. Partnership working extends the capacity for key projects beyond the council's own resource and is embedded within the Vision 2025 objectives.

Activity within Principle E in 2021/22:

- HR policies relating to home working have been reviewed with training delivered to managers and team leaders
- Continued regular HR line management briefings
- Weekly briefings from Chief Executive continued through key pandemic stages and whilst now reduced in frequency, still cover any important changes/updates on a monthly basis
- Development of One Council pillars – Organisational Development and Create Value Processes, including rolling out Office 365 and remote working and introduction of Microsoft Teams for all staff on a planned roll out basis
- Review of space at City hall and Hamilton House to support new ways of working
- Citizens Advice service has been brought into the main building with offices on the 1st floor next to reception areas

Proposed activity for the coming year:

- Needs analysis to be completed on Leadership Development
- Ongoing review of space at City Hall and Hamilton House. This will also include community centres and other buildings
- One Council organisational Pillar to review whether any new issues arise from Covid-19 that need to be addressed either temporarily or more permanently using feedback from the annual staff survey.

1.11 CORE PRINCIPLE F: Managing risks and performance through robust internal control and strong public financial management

The council recognises the need to implement an effective performance management system that will allow us to deliver services effectively and efficiently. We understand that risk management, internal control and strong financial management are essential for us to achieve our objectives and we have put appropriate arrangements in place.

Activity within Principle F in 2021/22:

- TFS programme delivered the required MTFs savings target
- Progression of One Council activities – the Creating Value Processes programme
- The External auditor issued an unqualified opinion on the authority's final statement of accounts and Value for Money conclusion

- Strong response to the financial situation caused by covid-19 including, ensuring strong financial management to make sure that we manage public funds correctly, e.g. refreshed MTFs incorporating short and longer term financial impacts of Covid19, enhanced TFS programme and careful use of reserves and balances,
- Review of the Value for Money Statement
- Re-enforcement of the revised CIPFA Financial Management Code
- Internal Audit conducted on Risk – which achieved substantial assurance
- A review of value for money arrangements to ensure requirements of the new external audit VFM assessment are met was completed

Proposed activity for the coming year:

- Review of the Financial Procedure Rules
- Review of Contract Procedure Rules
- Implement revised reporting requirements required in the revised Prudential Code and Treasury Management Code
- Review contaminated land inspection strategy
- Reinstatement of monthly Vision Priority meetings
- Implementation of new agreed action plan to ensure compliance with the CIPFA Financial Management Code
- A key piece of work will be to review control systems to ensure they continue to be fit for purpose with the new ways of working
- A review of the Corporate Procurement Bill to accommodate the new procurement green paper, which is going through the legal/parliamentary process

1.12 CORE PRINCIPLE G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

The council recognises that effective accountability is concerned not only with reporting on actions completed but ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in an open, transparent and proportionate manner. Performance is managed under the principles of the Performance Management Framework

Activity within Principle G in 2021/22:

- A further review of the Code of Corporate Governance has been conducted in January 2022, taking it back onto its 'normal' schedule
- Data transparency requirements were met for the year
- A review of the Data transparency website page was conducted to improve visibility
- Data accessibility has been pushed to ensure public documents are properly accessible
- There was a full review of the targets in late 2021 with the aim of providing consistent and SMART targets for the 2022/23 year
- Progress made on defining "Significant Partnerships" and assurances on each of these

Proposed activity for the coming year:

- Review of Lincoln Performance Management Framework
- Further development of the performance management system
- Reinstatement of monthly Vision Priority meetings and thus the annual reports to committee

2. Review of effectiveness of the governance framework

We undertook an assessment of the council's governance framework during 2021/22 through a review of the Council's Code of Corporate Governance (policies and processes) and the review process to develop the AGS and identify any significant issues, or other areas that may require monitoring. We took account of relevant governance audits, third party assurances, combined assurance work, committee reports, risk management, performance management, projects and partnership governance, Vision 2025/One Council, financial management, interviews with senior management and statutory officers.

The Head of Internal Audit is required annually to give an opinion on the overall adequacy of and effectiveness of the Council's governance, risk and control framework and therefore the extent to which the Council can rely on it. For 2021/22 the Council was performing adequately across all areas. The audit plan was reduced in 2021/22 due to a temporary reduction in staff resources pending recruitment to the Internal Audit Manager role. However audits completed included governance, risk, financial control, ICT, Covid 19 risks, Projects as well as Combined Assurance, some of which were undertaken through the use of audit consultancy firms. Internal audit was involved in supporting Covid grants during 2021/22 and to help mitigate this there are external assurances in this area through central government, NFI data matching and external audit.

Supporting this assessment is the detailed work undertaken by Internal Audit during the course of the year as part of the Internal Audit plan and Combined Assurance work. Whilst this identified some agreed actions none were considered significant enough to highlight as potential AGS significant governance issues.

There were two areas of combined assurance assessed as red; however, these risks are being managed – these were not considered significant governance issues. There were several Amber areas; one of these areas - IT DR was a 19/20 significant issue.

As at March 2022 there were a number of high priority audit recommendations both made and outstanding. Outstanding agreed actions were in respect IT security, risk management, information governance, service-related actions. Progress towards addressing these recommendations will be monitored through existing monitoring arrangements and as part of the review of the AGS none were considered significant governance issues.

The CIPFA Financial Management Code 2019 (FM Code)

In December 2019, Chartered Institute of Public Finance and Accountancy (CIPFA) published its Financial Management code (FM Code) to provide guidance for good and sustainable financial management in local authorities. It has been produced to assist local authorities in demonstrating their financial sustainability through a set of standards of financial management.

CIPFA acknowledged the additional extraordinary burdens faced by local authorities due to Covid19 and reflected on the extent to which was appropriate to introduce a new FM Code for 2021/22. It concluded that while the first full year of compliance would remain as 2021/2022, this would be within a more flexible framework where a proportionate approach would be encouraged. In practice this is likely to mean that adherence to some parts of the Code will demonstrate a direction of travel. Full details are reported to Audit Committee on an annual basis.

CIPFA guidance issued in February 2021 stated that the Council's Annual Governance Statement should now include the overall conclusion of the assessment of the organisation's compliance with the principles of the FM Code. An assessment against the FM Code has been completed and the CFO reported the findings to Audit committee 22 March 2022.

The actions arising from this updated assessment (which incorporates those outstanding from 2020/2) are as follows:

- Continue to support professional development
- Review Financial Procedure Rules
- Review Contract Procedure Rules
- Undertake Assessment against Head of Internal Audit requirements
- Assess outcome of external quality assessment of Internal Audit and develop action plan
- Implementation of Finance Business Partnership approach
- Implement revised MRP policy, if required by DHLUC
- Implement revised reporting requirements required in the revised Prudential Code and Treasury Management Code
- Consider further engagement with wider range of stakeholders for budget consultation
- Consider if other major balance sheet items can be made more visible in quarterly reporting.

3 Level of assurance provided

We can provide a high level of assurance that the governance arrangements operating at City of Lincoln Council, in line with our Code of Corporate Governance are appropriate, fit for purpose and working well in practice.

4 Status of significant governance issues monitored from 2020/21

The council has regularly monitored its 2020/21 significant governance issues through senior management and the Audit Committee during 2021/22. Two issues were identified for monitoring:

- **The Disaster Recovery plan in place for IT arrangements:** during 2019/20 significant progress was made towards alignment with the Business Continuity plans that are in place for restoring key services in terms of IT needs. Overall, all but one action had been completed. Also the introduction of an alternative site at Hamilton House for data security has been implemented. However, COVID-19 has made such an impact to both the short and possibly long term working arrangements of the council, that it is felt that this issue should not be removed from the list of significant issues – but instead should remain with a revised focus on what the required outcome needs to be, including a review of the expectations of our IT recovery and resource needs to meet the agreed BC plan needs

THIS ISSUE WILL REMAIN – but with a revised aim and action plan

- **Vision 2025 needs to be re-profiled and communicated to a wider audience in the light of COVID-19.** A decision was taken in Q3 2021/22 that rather than prepare a one year delivery plan for the Vision 2025 – a full mid-term review would be undertaken. This would allow members to incorporate new aspects affecting the city following the pandemic – such as the mental and physical health of our residents, and consideration of business needs. A full consultation was undertaken as part of this process with residents, businesses and voluntary services contacted to understand their views on priorities. This has resulted in a new three-year plan which was approved in February 2022 by Council and is available on the council website. By the end of March 2022, priorities will have been built into Service Plans.

THIS ISSUE HAS ALREADY BEEN APPROVED AS TURNING TO GREEN STATUS DUE TO THE LEVEL OF PROGRESS – SO WILL NOT FEATURE IN THE NEW AGS SIGNIFICANT ISSUES

5 Significant governance issues identified from 2021/22

New significant issues identified from 2021/22

There were no NEW significant issues identified, but as noted above, there will be a revised focus on one of the previous year's issues. A new action/monitoring plan will be drawn up for monitoring purposes.

6 Conclusion

The council's governance arrangements are under continual review and refinement. The council will monitor improvement plans for its significant governance issues quarterly and report progress in the next annual review.

Signed



Cllr R Metcalfe, Leader:

Date: 7th July 2022



Angela Andrews, Chief Executive:

Date: 7th July 2022

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GLOSSARY OF TERMS USED

AGS	Annual Governance Statement
AD	Assistant Director
CPG	Capital Programme Group
CFO	Chief Finance Officer
CLT	Corporate Leadership Team
CMT	Corporate Management Team
CPR	Contract Procedure Rules
CS	City Solicitor
CX	Chief Executive
DCLG	Department for Communities and Local Government
DfT	Department for Transport
DR	Disaster Recovery
FPR	Financial Procedure Rules
GDPR	General Data Protection Regulation
GLLEP	Greater Lincolnshire Local Enterprise Partnership
H&S	Health & Safety
HB	Housing Benefit
HPS	High Performing Services
HR	Human Resources
ICT	Information, Communication Technology
PIMS	Performance & Management Information System
LGA	Local Government Authority
LPMM	Lincoln Project Management Model
MTFS	Medium Term Financial Strategy
PIR	Post Implementation Review
PVP	Protecting Vulnerable People (group)
RO	Responsible Officer
RSG	Revenue Support Grant
TFS	Towards Financial Sustainability
SM	Service Manager
VFM	Value for Money

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SUBJECT:	LINCOLN TENANTS' PANEL CONSTITUTION
DIRECTORATE:	HOUSING AND INVESTMENT
REPORT AUTHOR:	ANDREW MCNEIL, ASSISTANT DIRECTOR, HOUSING INVESTMENT AND STRATEGY

1. Purpose of Report

- 1.1 To seek approval from **Executive** of the revised Lincoln Tenant's Panel Constitution, following consideration by Housing Scrutiny Sub Committee.

2. Background

- 2.1 The Lincoln Tenant's Panel Constitution (LTP) sets out how the Lincoln Tenants' Panel is to operate. This is reviewed on an annual basis. The last constitutional amendments were agreed by Executive on 26 February 2018 and a copy of this Constitution is attached at Appendix 1 to this report

The proposed revised Constitution is shown at Appendix 2.

- 2.2 The current LTP Constitution requires that any proposed changes to the Constitution may only be made by a two-thirds majority of voting members attending an Annual General Meeting or an Extraordinary General Meeting called for the purpose.

The amended Constitution proposes that the requirement for an annual general meeting is removed and that a general meeting takes place every 3 years or that an extra-ordinary meeting is called in the event of any changes to the Constitution, or any other issues deemed to require a decision by LTP. Therefore, this revised Constitution if agreed will require an extra-ordinary general meeting to be arranged to formally adopt and sign the Constitution.

A wider body of tenants have had any opportunity to comment on the main changes through social media. There have been no comments from tenants .

- 2.3 Executive must approve any amendments to the Constitution.

3. Summary of the Main Proposed Changes to the LTP Constitution

- 3.1 LTP members will no longer represent specific areas or estates and will be expected to cover all council housing estates within the city. This is being changed to reflect the fact LTP will be operating with a more strategic mindset and concentrating on helping the council improve services, rather than focusing on single issues on the estates they live on.

New Constitution	Amended	Old Constitution	Current
2.2	Removes the requirement for seats be based on geographical areas	2.2	Seats are currently based on geographical areas

3.2 This will also mean that LTP members will cover all council housing areas in the city and be expected to attend events in all areas.

3.3 LTP members will no longer be elected onto the Panel but instead must pass a selection process, This will involve completing an application form and undergoing an informal interview. This will give LTP more control over who joins the Panel to ensure applicants have the basic capability and show commitment to carry out the role.

Whilst LTP currently have the provision for elections set out in their Constitution, this rarely happens.

When a vacancy arises on The Panel, all tenants are notified of this writing in the area where the vacancy occurs. All tenants in the area are given opportunity to apply to The Panel. In the event of there being two or more applications an election is held for the area seat.

Since 2016 only 3 elections have been held in areas where seats were contested.

There are currently 9 occupied seats on LTP and 9 unoccupied seats. There is one tenant waiting for a seat, but as the seat in the area he lives is occupied, this tenant cannot be given a seat. This could be considered as discriminatory and not inclusive as the panel aims to be.

New Constitution	Amended	Old Constitution	Current
2.4	Sets out a selection process for LTP members to include an application and interview scored against a set criteria Maximum numbers of set as remains at 18	2.4	There are 18 seats geographical seats that can be applied for including one for a leaseholder

3.4 LTP members seats are not time limited, members will have a review after their first six months and LTP will have the ability to ask a member to stand down immediately if they have not passed the review.

New Constitution	Amended	Old Constitution	Current
2.7	Seats are not time limited, but members are subject to a review after 6 months	2.3	Seats are limited to a 4 year term

- 3.5 To become Chair or Vice-Chair LTP members will now have to apply for this position. All candidates will be subject to a selection process, with an independent person making a decision on the candidate who is most suited to the position.

The Chair and Vice-Chair will serve a three year term, which is an extension of the current one year term.

New Constitution	Amended	Old Constitution	Current
8.4	The chair and vice chair will be selected for a 3 year term	3.1	The chair and vice chair are elected for a 12 month term
8.5	LTP members can either apply themselves or be nominated for the position(s). An independent person (or council official) will select the most appropriate candidate against a specified criteria.		

- 3.6 For LTP positions e.g., Housing Scrutiny Sub Committee and ARCH, LTP members will no longer be elected, but similar to the above, will have to go through a selection process. This will be conducted by the Chair and Vice-Chair and the Resident Involvement Team. Appointments will be made based on how well the candidate meets the role description for the positions.

New Constitution	Amended	Old Constitution	Current
6.3	LTP members can apply for the position of Housing Scrutiny Sub Committee, applicants will be judged for the suitability of the role against the role description for the position.	6.3	The positions on Housing Scrutiny Sub Committee are elected on an annual basis

LTP members will now be expected to attend 100 per cent of meetings, where as in the past the only requirement was for them not to miss three meetings in a row.

New Constitution	Amended	Old Constitution	Current
2.5	This refers to a document which is in development which sets out the role and responsibilities of LTP members which includes attendance requirements and exemptions, such as sickness, holidays. The aim is for a high level of attendance	3.9	LTP members who miss 3 or more meetings in a row are expected to give reasons and could be asked to stand down

- 3.7 The Code of Conduct has had a complete re-write and is now referred to in the constitution as **Values and Behaviour Agreement**

New Constitution	Amended	Old Constitution	Current
10	A new set of values and behaviours have been agreed and are included as appendix to the proposed constitution	9	This section about the code of conduct has been removed.

- 3.8 LTP meetings are now be held in a hybrid working system of virtual meetings and some face to face meetings. This was introduced due to Coronavirus epidemic and will be continued.

New Constitution	Amended	Old Constitution	Current
3.7	A mix of virtual meetings and face to face meetings will included	3.8	Meetings usually take place at City Hall
3.7	A minimum of 3 meetings a year are proposed	3.5	Meetings take place every 4 weeks.

- 3.9 Expenses that LTP members can claim now include IT and internet expenses which are paid with vouchers to offset the costs.

New Constitution	Amended	Old Constitution	Current
3.8	Includes IT and Internet costs	3.10	This was not included in expenses that can be claimed

3.10 It is proposed that a three yearly general meeting takes place as opposed to an Annual General Meeting with the option to call extra-ordinary meetings as and when required

New Constitution	Amended	Old Constitution	Current
6.1	Three yearly general meetings to take place as opposed to an annual general meeting with the option to call extra-ordinary meetings as and when required	6.1	States there will be an annual general meeting with the option to call extra-ordinary meetings as and when required. The requirement for an annual general meeting has been removed.

3.11

New Constitution	Amended	Old Constitution	Current
6.3	4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for 3 years. LTP will need to apply and be assessed for these positions	6.3	Annually 4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for one year

3.12 LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period.

New Constitution	Amended	Old Constitution	Current
6.4	LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. LTP members will need to apply and be assessed for this position	NA	Not included

3.13

New Constitution	Amended	Old Constitution	Current
8.4	The chair and vice-chair will serve a term of three years. They can hold these positions for a maximum of three terms	3.1	States a 12 month term for the chair and vice chair
8.7	Chair and vice-chair can attend meetings with senior council staff on behalf of the panel but must keep the panel informed of discussions.	NA	Not included

3.14 A new Values and Behaviour Agreement have been agreed with LTP to replace the existing code of conduct

LTP outlined a memorandum of understanding for consideration as part of their Constitution. Each point identified has been incorporated into the Constitution instead of becoming an appendix for ease of understanding. Some points were duplicated from the Constitution, and some were addition points

New Constitution	Amended	Old Constitution	Current
Section 11	New Officers and Councillors working together have been proposed	Section 10	Officers and Councillors section has been removed

3.15 The section on equality has been updated to take account and briefly explain the duties set out in the 'The Public Sector Equality Duty;

New Constitution	Amended	Old Constitution	Current
Section 16	New text inserted to update the Public Sector Equality Duty	Section 15	The section about discrimination has been removed

3.16 LTP are proposing to introduce a selection criteria for LTP members and no longer use a process of elections.

New Constitution	Amended	Old Constitution	Current
2.4	The proposed selection criteria is set out in this section	Section 18	The section about Election Procedures has been removed as it is proposed that LTP will need to meet a selection criteria

3.17 As LTP are no longer proposing to hold an Annual General Meeting, this section has been amended to reflect this.

New Constitution	Amended	Old Constitution	Current
17.1	It is proposed that amendments to the constitution are carried out at extra-ordinary meeting or the three yearly general meeting	17.1	This set out the requirement for an annual general meeting or extra -ordinary meeting to be held to make amendments to the constitution

3.18 The revised Constitution has been subject to scrutiny and amendments by the Council's Data Protection Officer

New Constitution	Amended	Old Constitution	Current
16.4	Updated wording	15.3	Out of date wording
Appendix 1 Confidentiality Agreement	Updated wording	Confidentiality Agreement	Out of date wording
Appendix 2 Designated Persons Panel	Updated wording	Appendix 2 Designated Persons Panel	Out of date wording
Appendix 3 Data Protection Principles	Updated wording	Appendix 3 Data Protection Principles	Out of date wording

It should be noted that some appendices included in the current signed Constitution have been removed from the revised Constitution as they are working / procedural documents.

These are:

- **Application / nomination form**
- **Expenses form**

- **Skills and knowledge matrix**

4. Strategic Priorities

4.1 Let's Deliver Quality Housing

The revised Code of Conduct will mean that LTP are fully equipped to deal with any issues that arise and will allow LTP to keep carrying out their role representing council tenants.

5. Organisational Impacts

5.1 Finance (including whole life costs where applicable)

There are no financial consequences as a result of the report.

5.2 Legal Implications including Procurement Rules

There are no direct legal implications as a result of this report.

5.3 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
-

An Equality Impact Assessment has been carried out, is attached at Appendix 3 and there were no issues of concern.

5.4 Human Resources

There are no direct implications as a result of this report.

5.5 Land, Property and Accommodation

There are no direct implications as a result of this report.

5.6 Significant Community Impact

There is no significant community impact.

5.7 Corporate Health and Safety implications

There are no health and safety implications as a result of this report.

6. Risk Implications

6.1 (i) Options Explored

None.

6.2 (ii) Key Risks Associated with the Preferred Approach

Failure to properly implement the constitution would lead LTP unable to effectively carry out their role.

7. Recommendation

7.1 That Executive approves the Revised Lincoln Tenants' Panel Constitution taking into consideration comments provided by Housing Scrutiny Sub Committee.

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? 3

List of Background Papers: None

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The Lincoln Tenants' Panel Constitution

Document Control

Organisation	City of Lincoln Council
Title	Lincoln Tenants' Panel Constitution
Date	21 March 2018
Approvals	Executive 26 February 2018 LTP AGM 21 March 2018
Version	V.6.0
Protective Marking	Not Protectively Marked

Amendment history

V. 2.01	Proposed amendments for Executive to consider by Director of Housing & Legal Services	11 November 2013
V. 2.02	Suggestions received from LTP to be considered by the Executive	25 November 2013
V. 3.0	Version approved by Executive	25 November 2013
V. 3.01	Proposed draft amendments including the Terms of Reference for the Designated Tenant Panel and Data Protection Principles	19 February 2014
V.4.0	Proposed amendments to rolling programme of elections and other minor changes.	25 March 2015

V.5.0	Clarification that the code of conduct can apply outside of meetings, clause for vice-chair to take over as chair until the next election, minor technical changes.	23 March 2016
V.6.0	Changes to the code of conduct and appeals procedure. Creation of a Next Gen seat on the panel, specific offence for breach of LTP comms protocol and other minor changes.	21 March 2018

1.0 Aims of the Lincoln Tenants' Panel

Primary responsibility for delivering the City of Lincoln Council's social housing objectives and responsibilities lies with the Council's Executive who govern local authority housing services. The Lincoln Tenants' Panel has been established by the City Council as an elected group to represent tenants across the city. In accordance with the principles of co-regulation set out in the Regulatory Framework for Social Housing in England, it aims to bring together tenants to act as a consultative panel to the City of Lincoln Council in the discharge of its housing landlord functions as a Registered Provider of Social Housing as follows:

- 1.1 LTP represents the interests of all council tenants and leaseholders in meetings with officers and members of the Council.
- 1.2 LTP acts as the lead consultative panel for the Council on matters relating to the Council's housing landlord functions and the management and maintenance of council housing to ensure that, through LTP, tenants are given a wide range of opportunities to:
 - Influence and be involved in the formulation of the Council's housing management policies and the housing business plan
 - Influence and be involved in the making of decisions about how housing related services are delivered, including the setting of service standards
 - Influence and be involved in the scrutiny of the performance of housing management services and the making of recommendations to the Council about how performance might be improved.
- 1.3 LTP will be consulted on an annual basis on the Housing Business Plan and associated housing capital and revenue budgets (the Housing Investment Programme and Housing Revenue Account) including proposed changes to such budgets and new initiatives.
- 1.4 LTP will be consulted on the Council's Tenant Involvement Strategy and on the formulation of any local service standards (or "local offers") to supplement the national housing standards set out in the Regulatory Framework.
- 1.5 LTP will monitor and scrutinise the service delivery and performance of the Council's housing landlord service in delivering services against the national housing standards and any agreed "local offers" and will make any recommendations for improvements to service delivery that it considers appropriate to the Council's Executive Committee or Director of Housing & Community Services at it considers appropriate.
- 1.6 LTP, have elected from amongst its members a Designated Tenants Panel to act as a "Designated Person" for the purposes of the Housing Ombudsman complaints scheme. Please see attached this Panel's Terms of Reference at Appendix 2.
- 1.7 LTP will receive copies of minutes and notes of all meetings of working groups and Tenant Forums for information and may consider any matters and recommendations referred to it from such groups.

1.8 LTP meetings will be open to other tenants and the public generally and all agendas and reports and papers submitted to LTP for consideration will be made available to the public on request and via the Council's website unless the matter under consideration contains personal or commercially sensitive information considered to be "exempt information" as defined by the Local Government Act 1972.

2.0 Membership of LTP

2.1 Membership of the panel is open to all council tenants and leaseholders of the City of Lincoln Council who meet the eligibility criteria set out below.

2.2 LTP will comprise of tenant & leaseholder representatives as follows:

- 17 members representing the various areas/estates in the city as follows:
 - Birchwood, Moorland, Ermine East, Ermine West and St Giles: **two members each**;
 - Bracebridge/Manse, Hartsholme, Stamp End, Tower, Newport/Burton Road, City Centre and West End: **one member each**;
- **One member** from each of the working groups;
- **One leaseholder**
- **One Next Gen Group** member (Younger Persons' Panel).

2.3 Members are elected for a maximum of four years but can stand for re-election to the panel at the end of this period. The four-year term will commence from the last AGM.

2.4 In the event of one of the 18 seats for estate or leaseholder representative becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current elected representative the procedure for filling the resulting vacancy shall be as follows:

- The vacancy will be advertised to tenants through communication channels and on the Council's website and nominations will be invited from persons who meet the eligibility criteria set out in paragraph 2.5. Such nominations must be supported by at least 2 other tenants/leaseholders and or a recognised tenants and residents association.
- Where more than one nomination is received the Resident Involvement Team will organise a postal ballot of tenants in the estate/area for the vacant seat concerned (or a postal ballot of leaseholders if the vacancy is for a leaseholder representative).
- Where only one nomination is received the tenant/leaseholder concerned will be declared as elected to LTP unopposed, providing they meet the eligibility criteria set out in paragraph 2.5.

In the event of one of the LTP representatives on the working group seats becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current working group representative the procedure for filling the resulting vacancy shall be as follows:

- The working group will be asked to nominate and elect a replacement representative to serve on LTP from amongst its members at its next scheduled meeting.

2.5 To be eligible to sit on the LTP, the following criteria must be met. Candidates must:

- be a secure tenant of the City of Lincoln Council (so your name must be on the tenancy as tenant or joint tenant) or a City Of Lincoln Council leaseholder.
- be over 18 years of age
- not be in breach of our conditions of tenancy for which Notice of Seeking Possession or court action is outstanding. If a member of LTP is served with such a notice or court action while serving on the LTP, they will no longer be entitled to sit on the LTP until the breach is put right in full, including costs
- not be employed by the City Of Lincoln Council.
- not be an Elected Member of the City Of Lincoln Council. Anyone standing for election in the City or County Council elections is not allowed to be involved in the LTP from the date the list of candidates is publicly announced until the election is over. This condition applies to LTP members and elected Members seeking re-election. The only exception to this rule will be that the Portfolio Holder for Housing may attend at the invitation of the LTP Chair.

2.7 Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity.

2.8 Members should abide by the LTP equality and diversity statement of intent.

2.9 If any dispute remains unresolved between either members of the panel or between officers and elected members of the council and members of the panel an external independent mediator will be appointed. The cost of this will be split between the Tenant Participation Budget and a council budget.

3.0 How the LTP operates

- 3.1 LTP will elect its own Chair and Vice-Chair from its tenant and leasehold members when a vacancy occurs. The Chair and Vice-Chair will hold these positions for a term of 12 months before having to stand for re-election. Positions for Housing Sub and Scrutiny Committee will be elected following the Annual General Meeting.
- 3.2 The Resident Involvement Team will prepare the agendas for meetings and take minutes, they will also send LTP members the agenda and any further information needed a minimum of five working days before the next LTP meeting. The Resident Involvement Team will also provide any other reasonable secretarial and administrative support. Information will be made available in other formats if requested.
- 3.3 It is the responsibility of LTP members to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.
- 3.4 The LTP minutes will be sent to all appropriate officers for information and action and will be provided to the Housing Scrutiny Sub-Committee.
- 3.5 The LTP will meet at a minimum of four week intervals in line with the schedule of meetings of the Executive of the Council. Council officers who have prepared reports for Executive Committee on behalf of Housing Services should ensure that they are submitted to LTP in advance of the Executive Committee for consultation/comment by LTP. The final report to Executive Committee should state whether LTP members have been consulted, and record their views and comments to enable Executive Committee to take such comments into account in arriving at its decision.
- 3.6 The LTP will be consulted on matters agreed in the HRA Business Plan and Housing Revenue Account.
- 3.7 Special meetings of the LTP may be arranged to discuss specific issues.
- 3.8 Meetings of the LTP usually take place at City Hall, as this is a central location and has disabled access. However, from time to time this may vary.
- 3.9 A tenant representative who does not attend three consecutive LTP meetings will be asked to explain the reasons for their absence and, if no satisfactory explanation is provided, may be asked to stand down by a majority decision of the Panel. If the individual attends the meeting to give an explanation, he or she will be asked to leave the room whilst the issue is discussed by Panel members and that person will be invited to re-attend the meeting to hear the decision of the Panel.
- 3.10 Appropriate travel and childcare expenses are paid to tenant and leaseholder members attending LTP and committee meetings and training sessions. Claim forms are available.
- 3.11 Remote voting on decisions is not allowed, except for urgent decisions on expenditure under £300 and these must be carried out using the delegated budget authority.

4.0 Training protocol

- 4.1 When becoming a member of LTP tenants will be offered a training plan and all new members will be required to undertake induction training.
- 4.2 The abilities and skills required of LTP members are summarised in Appendix 1. Membership of LTP will enable tenant and leaseholder representatives to develop these skills and the Resident Involvement Team will develop an individual training programme for each LTP member on an annual basis to assist tenant representatives to acquire these skills where necessary. The individual training programme will be agreed with each individual tenant representative and the overall tenant development programme and training budget will be reported to LTP on an annual basis.
- 4.3 LTP members will be informed at the beginning of each financial year what financial resources are available for training purposes.
- 4.4 LTP will be kept informed of what external training events are available to them. Decisions on which events to access will be based on the resources available and whether the event meets their training needs.
- 4.5 All LTP members will have equal access to training opportunities and no tenant representative will be excluded from accessing training unless they are in breach of the Code of Conduct requirements in section 9.2
- 4.6 In order to make maximum use of resources, attendees at training events will be encouraged to use the most cost effective methods of transport available, including car sharing where appropriate.
- 4.7 LTP members will be required to feedback to the next LTP meeting on any training that they have attended. This is also a requirement under the code of conduct see section 9.
- 4.8 LTP members who are scheduled to attend any events should provide as much notice as possible if they are not able to attend.

5.0 Quorum

- 5.1 LTP meetings are only in quorum if 50% or more of occupied seats of the membership is in attendance.

6.0 Annual General Meeting

- 6.1 LTP will hold an Annual General Meeting no later than the 31 March of each year. The panel will agree a work plan for the following year. Not less than 21 days' notice will be given for this meeting. In addition elections for representation for Housing Scrutiny Sub-Committee will follow the AGM.
- 6.2 Members must be present at the AGM to be eligible to vote, proxy votes will not be accepted.

6.3 From its membership the LTP elects 4 members, which should include the Chair and Vice Chair, to sit on the Housing Scrutiny Sub-Committee in an advisory role and as agreed by the Council's Executive.

6.4 In the event of an LTP member being unable to attend Housing Scrutiny Sub-Committee a nominated substitute may attend in their place.

7.0 **LTP Meetings**

7.1 The Resident Involvement Team will prepare agendas for LTP meetings. The agenda will be based on the LTP work programme.

7.2 LTP members and officers should notify the Resident Involvement Team of specific agenda items 6 working days before the meeting.

7.3 Any Other Business should be relevant to the aims of LTP.

7.4 LTP agendas, reports and minutes which are in the public domain will be published the City Council's website. Agendas, reports and minutes which contain "exempt information" will be made available to members of LTP

7.5 Agenda items and reports that contain "exempt information" will be printed on green paper, and the Chair will put a resolution to the meeting to exclude the press and public prior to consideration of that item.

8.0 **Roles and Responsibilities of Chair and Vice Chair**

8.1 **Chair/Vice Chair**

8.1.1 The Chair should welcome members and others to the meeting.

8.1.2 The Chair will provide a brief report to LTP, bringing LTP up-to-date with LTP news, meetings and events since the previous meeting.

8.1.3 The Chair should ensure everyone has a fair opportunity to speak in debates at meetings and avoid getting into argument as their main task is to chair the meeting

8.1.4 Speakers should go through the Chair and keep to the subject being discussed.

8.1.5 If things are getting heated, a five-minute time out adjournment can be called for at the discretion of the Chair or Council officers.

8.1.6 The Vice Chair will deputise for the Chair when necessary. Members present can elect an acting chair in the absence of the Chair and Vice Chair.

8.1.7 The vice-chair will automatically assume the position of chair until the next elections, in the event that the chair steps down.

8.1.8 LTP members must have been on the panel for a continuous period of 12 months before being eligible to stand for Chair or Vice-Chair.

9.0 Code of Conduct

9.1 The Agenda

- 9.1.1 LTP members and officers will be able to add items no later than 6 working days before the meeting.
- 9.1.2 A quarterly budget summary will be provided by the Resident Involvement Team. The accounts should be signed off by the Chair or Vice-chair.

9.2 Behaviour of LTP Members

- 9.2.1 LTP members will observe and stick to the agenda and its timings (guided by the Chair). They should follow the guidance of the Chair in the conduct of the meeting.
- 9.2.2 The physical layout of meetings should benefit all members.
- 9.2.3 LTP members should follow the agenda and not introduce items during the meeting. Meetings should start at the stated time.
- 9.2.4 Late arrivals should enter the meeting quietly and not disrupt the meeting with apologies until an appropriate moment in time is available.
- 9.2.5 LTP members should not use offensive or discriminatory language or remarks.
- 9.2.6 If people want to speak during the meeting they should first indicate to the Chair by the show of hands.
- 9.2.7 Everyone should speak one at a time, avoiding cross talking, and allow others to finish what they are saying.
- 9.2.8 LTP members should be courteous to each other both in meetings and outside of them and work together to seek the best possible solution to problems being discussed.
- 9.2.9 LTP members should bear in mind the rights of individual residents and the duties of staff when proposing solutions to problems.
- 9.2.10 Mobile telephones should be switched off or put on to silent mode during meetings. Emergency calls should be taken outside the meeting.
- 9.2.11 Wherever possible jargon should be avoided and if used a full explanation should be given.
- 9.2.12 LTP members are acting on behalf of all tenants and leaseholders, so no personal issues should be raised during meetings. Any personal issues should be dealt with via the normal procedures and not during meetings.
- 9.2.13 Identity badges should be worn when on LTP business.

- 9.2.14 LTP members should not disclose to another person any information, which is marked as confidential or verbally stated to be confidential at a meeting. All LTP members will be required to sign and abide by the attached Confidentiality Agreement.
- 9.2.15 LTP members should not approach the press as a LTP representative, the Chair and Vice-Chair are the only members who may approach the press as LTP representatives. If the Chair or Vice Chair are concerned as to whether to respond to the press or not they ought to contact the Communication Office at City Hall or the Resident Involvement Team for advice before proceeding.
- 9.2.16 Any correspondence sent on behalf of LTP should be shared with all LTP members.
- 9.2.17 LTP members who make referrals will ensure these are related to housing or the neighbourhood they represent, and that wherever possible, they have been reported via the normal channels before being referred (e.g. reporting repairs to Customer Services).
- 9.2.18 When representing LTP at other meetings, members should also observe the rules laid down by the constitution.
- 9.2.19 LTP members should follow the LTP communications protocol when contacting the council about LTP matters. LTP members who don't follow the protocol could be subject to disciplinary action.
- 9.2.20 All LTP members will be asked to sign to say they abide by the LTP constitution when joining the panel.
- 9.2.21 If a problem arises with other LTP members, the member shall notify the Chair or Vice-Chair in writing.
- 9.2.22 Any enquiries about the service to be reported to the Resident Involvement Team, the Chair, or Vice-Chair to take the appropriate action.
- 9.2.23 All apologies for meetings/training/conferences should go through the Chair or Vice-Chair.
- 9.2.24 Members attending training/meetings will feedback a report to LTP, which could be a verbal report.
- 9.2.25 LTP members must not bring the Panel or the Council into disrepute, which could include discussing LTP business outside meetings and in public.
- 9.9.26 If an LTP member does not abide by the above code of conduct, they will be given a verbal warning by the Chair. If they do not abide by the code of conduct again they will be given a written warning by the Chair. If this happens a third time, then a report will be prepared by the Chair and will be presented to a subsequent formal meeting. The individual may be suspended or dismissed from the panel by the LTP members at the formal meeting subject to a majority vote to that effect. The chair can take advice from officers where needed.

If the LTP member commits a serious breach of the code of conduct, they can be dismissed without first receiving a verbal or written warning. Serious breaches will be defined as an action that amounts to gross misconduct under the City of Lincoln Council's disciplinary policy. Relevant officers should be consulted about what classes as gross misconduct.

The chair and vice-chair will decide when a breach has occurred and if it warrants a warning or is serious enough to result in suspension with immediate effect pending the decision by the panel. The Portfolio Holder and the City Solicitor (or suitable deputies) should be consulted before a decision is made. A record of this consultation and any recommendations should be kept. A report will be prepared by the Chair, with support of the Resident Involvement Manager, and the individual LTP member should then be notified of the suspension and issued with the report as to action to be considered at the next formal meeting.

Any verbal or written warnings issued will be kept on file for a period of 12 months from issue. After this period the verbal or written warnings will be removed and the record erased.

If the Chair or Vice-Chair do not abide by the code of conduct the Director of Housing (or suitable deputy) will lead proceedings.

- 9.9.27 Any LTP member who is deemed not to have complied with the Code of Conduct will have the right to appeal and will be treated in an open and fair manner. Any appeals must be submitted within seven calendar days, this period will start from the date the LTP member receives formal notification they have breached the code of conduct.

The appeal will be sent to a relevant and independent outside body who will review the decision made by LTP and will provide conclusions relating whether to:

- Uphold the decision made by LTP
- Recommend an alternative course of action (e.g. reduce the punishment)
- Overturn the decision made by LTP

The advice provided by the outside body will be taken into consideration by LTP, there will be no further scope for either LTP or the LTP member who made the appeal to ask for further reviews or appeals. Any charge made by the outside body will be met from the LTP budget.

The procedure for administering any appeals received will be as follows:

- LTP member must make a written appeal to the outside body (detailed in the formal LTP decision letter)
- This should be submitted to the single point of contact (SPOC) as per the LTP communications protocol
- The SPOC will then submit the following documents to the outside body:
 - Copy of the appeal submitted
 - Evidence provided by LTP to show the code of conduct has been breached
 - Documents to show how LTP reached their decision that the code of conduct had been broken.
- The outside body will consider all documents and report back with their

advice to the council

- The Director of Housing and Regeneration (or suitable deputy) will then prepare a report in consultation with Legal Services and Human Resources (if appropriate) and will detail the outcome of the appeal
- The Report will then be submitted to LTP
- LTP member who has appealed to be notified of the outcome.

10.0 **Officers and Councillors**

10.1 If an officer or councillor wishes to speak at a LTP meeting they will need to make a request to the Chair and/or the Resident Involvement Team, indicating what they wish to discuss and how long they wish to speak so it can be planned into the agenda.

10.2 Meetings of LTP, once called to order by the Chair at the appointed time, will be conducted in public in the presence of elected members, officers and any other tenants, members of the public or media that may be present unless the item(s) under discussion contain "exempt information" in which case the public and media may be requested to leave. LTP members will be provided with facilities to meet in private for up to 1 hour prior to the published scheduled meetings of LTP for the purposes of formulating and agreeing the line of questioning and detailed scrutiny questions to be put to officers and elected members in the formal LTP meeting. Similarly any request supported by the majority of LTP members and made through the Chair for facility to meet in private at another time of their choosing for the purposes of formulating and agreeing the line of questioning and detailed questions to be put to officers and members in the formal LTP meeting will be agreed.

10.3 Officers and councillors will respect all the ground rules of the meetings.

10.4 Officers and councillors will respect that LTP members are volunteers and are not a political organisation. Individual or political lobbying will not be allowed in LTP meetings.

10.5 When officers receive requests for information and referrals from LTP they will acknowledge these if they cannot give a reply within 10 days and give some indication of timings for a full reply and/or action in accordance with an agreed Communication Protocol.

10.6 Officers and Councillors are not able to vote.

10.7 LTP members can request officers and councillors to leave the room during the meeting.

11.0 **Minutes**

11.1 Draft minutes will be agreed firstly with any speakers who were at the meeting, followed by the Chair

11.2 Minutes will be sent out to LTP members no later than 5 working days before the next meeting and will be submitted to the next meeting of LTP for approval.

12.0 Decision Making

12.1 Decisions will be voted on by a show of hands or by secret ballot if requested by a LTP member and a majority of LTP members in attendance at the meeting are in favour of a secret ballot. In order for a decision to be passed it will require a majority vote of the LTP members at the meeting.

12.2 The Chair will have the second and casting vote.

13.0 Confidentiality

13.1 The LTP may deal with “exempt information” including personal and commercially sensitive information, so discretion and care must be exercised during and after meetings. Any information about the personal circumstances of anyone must be treated in confidence and not be disclosed to anyone not on the panel. LTP members should refrain from mentioning specific individual cases that may cause embarrassment or identification of an individual.

13.2 LTP members will also be asked to sign a confidentiality agreement when they join.

13.3 Each LTP member shall not disclose any confidential information belonging to the council or any third party which it shall have obtained as a consequence of carrying out duties under this constitution unless the expressed written permission has been obtained by the third party or the council.

13.4 Each LTP member shall ensure they comply with the Data Protection Act 1998. Attached at Appendix 3 are the Data Protection Principles showing the framework of requirements under the Act.

14.0 Personal interest

14.1 Members on the panel must not expect favourable treatment by housing staff or the panel itself, nor should they be treated any less favourably; for example in the completion of a repair or the allocation of a property.

14.2 Members must use the normal procedures for reporting repairs and other enquiries relating to their own tenancy or on behalf of other tenancies.

14.3 Members must notify the panel if they have any personal interest, financial or otherwise, in any matters it considers. Individual members may need to abstain from discussions and decisions on a particular item.

15.0 Discrimination

15.1 No member may be excluded or discriminated against for any reason by any other panel member.

15.2 Discriminatory language must not be used in meetings.

15.3 All those who attend meetings have the right to be treated with dignity and

respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion, or any other matter which causes people to be treated with injustice.

16.0 Election procedures

- 16.1 LTP members will be elected for a period of 4 years in accordance with the arrangements set out in paragraph 2.4 of the constitution.
- 16.2 Tenants eligible to stand for election to LTP must be nominated and seconded by at least two other tenants / leaseholders.
- 16.3 Invitations for the available LTP seats will be extended to all tenants living within the area covered by the vacant seat(s).
- 16.4 One seat on LTP will be reserved for a leaseholder representative and a member of Next Gen.
- 16.5 Members of the Resident Involvement Team will facilitate this process and provide all necessary support for LTP members.
- 16.6 The Resident Involvement Team will ensure that there is an impartial observer to oversee the election process at the LTP Annual General Meeting.
- 16.7 Elections for LTP members and LTP committee positions are conducted on a majority basis and in the event of a tie the successful candidate will be selected by the drawing of lots by a council officer who is not part of the resident involvement team.

17.0 Amendments to the Constitution

- 17.1 Changes to the constitution may be made only by a two-thirds majority of the voting members attending an Annual General Meeting or an Extraordinary General Meeting called for this purpose. Any amendments proposed by the LTP are to be referred to the Executive for consideration and approval.
- 17.2 Notice of the Annual General Meeting and any Extraordinary General Meeting and the purpose for which it was called shall be given to all members of the Panel not less than 21 days before the meeting.
- 17.3 The chair and vice-chair have authority to sign an amended constitution on behalf of the rest of the LTP members.

18.0 Dissolution of LTP

- 18.1 LTP may only be dissolved at an Annual General Meeting or an Extraordinary General Meeting called for this purpose. The dissolution of LTP will require a two-thirds majority voting at this meeting.
- 18.2 In the event of the dissolution of LTP any outstanding funds will be returned to the City Of Lincoln Council. Any assets (financial or otherwise) acquired independently

of the Council will be disposed of in accordance with the aims of LTP by donating these to an organisation with similar objectives.

19.0 Resignations

- 19.1 All resignations should be made in writing to the Resident Involvement Team. Where a LTP member verbally indicates they wish to resign this should be confirmed in writing within two working days.
- 19.2 If confirmation of the resignation is not received in writing within 7 working days the Resident Involvement Team will contact the person who has verbally resigned to seek clarification.
- 19.3 LTP members can withdraw their resignation in writing within seven calendar days of submission.
- 19.4 If a written resignation is not received within 21 calendar days of the LTP member verbally stating they wish to resign the resignation will be automatically confirmed.

20.0 Signatories to the Constitution

On behalf of the Lincoln Tenants' Panel


.....

Chair of the Lincoln Tenants' Panel

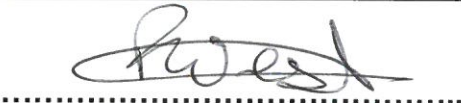
Date 21-3-18


.....

Vice-chair of the Lincoln Tenants' Panel

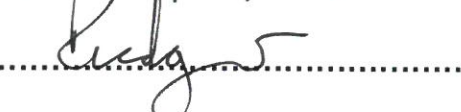
Date 21-3-18

On behalf of the City of Lincoln Council


.....

Portfolio Holder for Housing

Date 21/3/18


.....

Strategic Director of Housing & Regeneration

Date 21-3-18

Lincoln Tenants' Panel Nomination/Application form

YOUR NOMINATION

IMPORTANT Nomination Forms must be completed and returned to the Housing Department. Your form will not be valid unless the information given is correct.

Your name (in full):

Address:

.....

Daytime telephone number:

Name & address of nominees. (Your nomination must be supported by at least 2 City of Lincoln tenants/leaseholders or a recognised tenants & residents association)

.....

.....

PLEASE TICK WHERE APPROPRIATE:

- 1. I am a City of Lincoln tenant **OR** leaseholder
- 2. I am over 18 years of age
- 3. I have held a tenancy with the City Council for at least 1 year
- 4. I am not employed by the City Council or by a prospective housing management contractor

I certify that the above information is correct and that I consent to my nomination.

Signature

Date

Please send your completed nomination form to the:

Resident Involvement Team
Tenancy Services
City Hall
Beaumont Fee
Lincoln
LN1 1DE

Lincoln Tenants' Panel (LTP) Confidentiality Agreement

From time to time, members of LTP may deal with difficult and sensitive issues. Discretion and care must be exercised during and after meetings. Information about the individual circumstances of anyone, including LTP members, must be treated in confidence and not be discussed outside of the meeting. Individual cases will not be discussed.

As a member of the Lincoln Tenants' Panel of City Of Lincoln Council, I agree that I will not, without the written consent of City Of Lincoln Council, disclose to any other person or organisation, a copy of any document, or any information contained in such a document, that I have received during my work for the Lincoln Tenants' Panel. I shall use such information only for the purposes of fulfilling my responsibility as a member of Lincoln Tenants' Panel.

I will not use any information gained during my work for Lincoln Tenants' Panel for individual, personal or financial gain.

I understand that any breach of this rule will result in exclusion from LTP.

Signed

Name -----

Address -----

Estate/Area represented -----

Working group represented -----

Accepted By (Officer) -----

LINCOLN TENANTS' PANEL

Expenses Claim

Name and Address:.....
.....
.....

Date	Receipt Number	Purpose of Claim (if travelling expense, please include method of transport)	Total Mileage or Fare	Amount Claimed (£)
			Total	

I Certify that the above is a true record

Signature

Date

You must attach receipts for all claims. Please return this to the Resident Involvement Team, Directorate of Housing and Community Services, City Hall, Beaumont Fee, Lincoln LN1 1DE.

Appendix 1

Lincoln Tenants' Panel's Training Protocol Skills & Knowledge Matrix

	Abilities and skills	What does this include?	Essential or desirable
1.	To be able to work as a team member.	<ul style="list-style-type: none"> Develop and maintain constructive working relationships with all colleagues, including other tenant representatives, officers and elected members 	Essential
2.	To be able to plan and review activities, and assess options.	<ul style="list-style-type: none"> Critically assess information. Agree work objectives. Plan activities. Contribute to decision making. Monitor and review progress. 	Essential
3.	To be able to be an effective committee member.	<ul style="list-style-type: none"> Time and commitment to attend meetings. Commitment to read papers in advance and evaluate information provided with ability to provide constructive challenge and comment. Make effective contributions to the decision process. Able to articulate views clearly. 	Essential
4.	Understanding of and commitment to supporting equality and diversity	<ul style="list-style-type: none"> Understand and embrace the principles equality and diversity Support for maintaining and developing a diverse panel that adequately reflects the needs of the community. 	Essential
5.	To be able to contribute effectively to consultation processes.	<ul style="list-style-type: none"> Identify people and groups who need to be consulted. Identify appropriate methods of consultation. Ensure consultation is organised effectively. Evaluate and review outcomes. 	Essential

		<ul style="list-style-type: none"> • Suggest improvements. 	
6.	Willingness to take up relevant training and development opportunities.	<ul style="list-style-type: none"> • Identify own training needs. • Attend training when required. 	Essential
7.	To be able to present information clearly	<ul style="list-style-type: none"> • Organising and presenting written information. • Presenting verbal information clearly. 	Desirable
8.	To be able to understand the framework of resident involvement structure	<ul style="list-style-type: none"> • Operate within the standing orders and the constitution. • Raise matters in an appropriate manner, in line with the code of conduct. 	Essential
9.	To be able to contribute to marketing and communication strategies aligned with the corporate plan.	<ul style="list-style-type: none"> • Identify marketing opportunities and take part in marketing activities. 	Desirable
10	Financial awareness	Evaluate and review basic financial information.	Desirable
11	Ability to influence and monitor housing services.	<ul style="list-style-type: none"> • Interpret performance data. • Review performance and suggest additional improvements. 	Desirable
12	To be able to establish and maintain working relationships with other organisations.	<ul style="list-style-type: none"> • Ability to build effective community relations. • Develop working relationships with officers and elected members • Working collaboratively with partner agencies, local authorities and other housing associations. • Ability and willingness to engage in public relations opportunities. 	Desirable

Appendix 2



DESIGNATED TENANT PANEL

TERMS OF REFERENCE FOR THE LINCOLN TENANTS' PANEL ACTING AS A 'DESIGNATED PERSON' FOR THE PURPOSE OF LANDLORD SERVICES COMPLAINTS

Statement of Intent

The purpose of the Lincoln Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants of the City of Lincoln Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible.

1 Aims, objectives and intended outcomes

1.1 The Panel's aims and objectives are:

- to use local knowledge and relationships to work with tenants¹ and the Landlord to find local solutions to complaints and problems raised by tenants
- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible

¹ These terms of reference refers throughout to tenants as a collective term that applies to all persons who receive services from the Landlord, including tenants, leaseholders, shared homeowners and other services. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by the Landlord.

- to be part of a local democratic framework providing support to tenants

1.2 The intended outcomes of the work of the Panel include the following:

- tenants complaints, problems and issues will be resolved more effectively, quickly and locally, wherever possible without the need to involve the Housing Ombudsman Service (the Ombudsman), to the satisfaction of tenants and the Landlord
- greater local knowledge of tenant concerns and issues will help tenants to participate in improving services
- positive and empowering relationships will be developed between tenants and the Landlord that will help to raise the ability of tenants to shape their housing service
- positive relationships will develop between the Panel and other designated persons.

1.3 To achieve these aims, objectives and outcomes, the Panel will work in partnership with the Landlord. The Panel will also seek constructive relationships with local Councillors and MPs.

2 Remit and powers

2.1 The Panel has been recognised by the Landlord to act as a Designated Tenant Panel for purposes of referring complaints to the Ombudsman. The Panel's recognition was discussed and agreed with the Landlord's tenants. The Panel is listed on the Ombudsman's Register of Tenant Panels.

2.2 The Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances:

- the Panel considers that a complaint cannot be resolved locally and the Panel considers that there is merit in referring the complaint to the Ombudsman
- the complaint falls within the Ombudsman's remit
- the Landlord's complaints procedure has been exhausted
- the complainant wishes the complaint to be referred to the Ombudsman

- 2.3 The Panel will make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with by the Landlord.
- 2.4 The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure. This links with paragraph 6 below.
- 2.5 The Panel will be publicised and accessible to all tenants of the Landlord. The Panel will respond to all enquiries from tenants with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated authority

- 3.1 For avoidance of doubt, the Panel will have no delegated authority and no decision-making powers in relation to the Landlord. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision making matters to the level within the Landlord where delegated authority rests.
- 3.2 Staff members will be responsible for Landlord liaison with the Panel and for referring specific complaints matters as appropriate. They will also ensure that strategic matters raised by the Panel are referred appropriately within the Landlord.

4 Membership and remit of the Panel

- 4.1 The Panel are bound by their Constitution which outlines all roles and responsibilities.

5 Data Protection

- 5.1 The Panel are required under the Data Protection Act 1998 to follow the principles set out below:-
 - a) Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless certain circumstances apply

- b) Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- c) Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- d) Personal data shall be accurate and, where necessary, kept up to date.
- e) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- f) Personal data shall be processed in accordance with the rights of data subjects under this Act.
- g) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- h) Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

5.2 Personal data includes the names, addresses, dates of birth, family or medical history of individuals.

5.3 An individual will be required to sign an authority that they authorise the Landlord to release personal information them to the Designated Person.

5.4 City of Lincoln officers can further give advice regarding this.

6 Conflict of Interest

6.1 If the individual bringing the complaint to the Panel is known to a member of the Panel, that member should abstain from discussions and decisions on that particular item. An individual is known to a member if they have a personal association with them which a reasonable person would deem to prejudice the fair resolution or outcome of the complaint. This would include any involvement in an individual's formal complaints procedure.

6.2 Alternatively if the member has any financial interest in the individual or their business, then they should abstain from taking part in the discussions and decisions on that item

6.3 Members must notify the lead member of the Designated Tenant Panel as soon as possible if they have any personal interest, financial or otherwise in any matter considered.

Appendix 3



DATA PROTECTION ACT

PRINCIPLES

1. **Personal data shall be processed fairly and lawfully** and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

2. **Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**
3. **Personal data shall be adequate, relevant and not excessive** in relation to the purpose or purposes for which they are processed.
4. **Personal data shall be accurate and, where necessary, kept up to date.**
5. **Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**
6. **Personal data shall be processed in accordance with the rights of data subjects under this Act.**
7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

(Further information is available from Legal Services or <http://www.ico.org.uk/>)

The Lincoln Tenants' Panel Constitution

1.0	Aims of the Lincoln Tenants' Panel (LTP)
1.1	Primary responsibility for delivering the City of Lincoln Council's social housing objectives and responsibilities lies with the Council's Executive who govern local authority housing services. The Lincoln Tenants' Panel has been established by the City Council as an elected group to represent tenants across the city. In accordance with the principles of co-regulation set out in the Regulatory Framework for Social Housing in England, it aims to bring together tenants to act as a consultative panel to the City of Lincoln Council in the discharge of its housing landlord functions as a Registered Provider of Social Housing as follows:
1.2	LTP represents the interests of all council tenants and leaseholders in meetings with officers and members of the Council.
1.3	<p>LTP acts as the lead consultative panel for the Council on matters relating to the Council's housing landlord functions and the management and maintenance of council housing to ensure that, through LTP, tenants are given a wide range of opportunities to:</p> <ul style="list-style-type: none"> • Influence and be involved in the formulation of the Council's housing management policies and the housing business plan • Influence and be involved in the making of decisions about how housing related services are delivered, including the setting of service standards • Influence and be involved in the scrutiny of the performance of housing management services and the making of recommendations to the Council about how performance might be improved.
1.4	<p>LTP will be consulted on the Housing Business Plan and associated housing capital and revenue budgets (the Housing Investment Programme and Housing Revenue Account) including proposed changes to such budgets and new initiatives.</p> <p>LTP and the council will work in partnership to improve services for tenants and fulfil their role as set out in this constitution</p>
1.5	LTP will be consulted on the Council's Tenant Involvement Strategy and on the formulation of any local service standards (or "local offers") to supplement the national housing standards set out in the Regulatory Framework.
1.6	LTP will monitor and scrutinise the service delivery and performance of the Council's housing landlord service in delivering services against the national housing standards and any agreed "local offers" and will make any recommendations for improvements to service delivery that it considers appropriate to Housing Scrutiny Sub Committee or Director of Housing & Investment at it considers appropriate.
1.7	LTP will agree a work programme that focuses on a number of key areas with the

	<p>Director of Housing and Investment or relevant Assistant Directors. The council will provide a reasonable level of support to allow LTP to complete the work programme. In line with the agreed work programme COLC will involve LTP in changes to policies and services and keep LTP updated of progress made.</p> <p>The council can refuse to support items not on the agreed work programme, where it is judged this would have an impact on staff resource and time.</p>
1.8	<p>LTP will put forward all recommendations for service changes to the DHI and the relevant assistant director for a decision. These recommendations should follow work being carried out from the agreed LTP work programme. A full response from the Assistant Director will be given to LTP, this will state if recommendations have been accepted or otherwise, where they haven't been accepted a reason will be given.</p>
1.9	<p>LTP will provide constructive feedback to the council, that can be used to help improve services. LTP will only raise concerns where there is sufficient evidence and a systematic failing can be shown.</p> <p>LTPs remit can also cover other council functions that affect residents at a community level, e.g., refuse collection, parks and green space. Any work under this remit must be agreed by the council and not affect LTP's primary responsibilities to deliver its main role around HRA issues.</p>
1.10	<p>LTP select from amongst its members a Designated Tenants Panel to act as a "Designated Person" for the purposes of the Housing Ombudsman complaints scheme. This Panel's Terms of Reference were agreed by the Council's Executive Committee on and are shown in Appendix 3.</p>
1.11	<p>LTP will receive copies of minutes and notes of all meetings of working groups and Tenant Forums for information and may consider any matters and recommendations referred to it from such groups.</p>
1.12	<p>LTP meetings will be open to other tenants and the public generally and all agendas and reports and papers submitted to LTP for consideration will be made available to the public on request and via the Council's website unless the matter under consideration contains personal or commercially sensitive information considered to be "exempt information" as defined by the Local Government Act 1972.</p> <p>LTP will not deal with individual residents' enquires but can ask residents to send enquires to LTP@lincoln.gov.uk</p>
1.13	<p>The Council will Support LTP activities by providing resources to allow the panel to operate, send officers to meetings and providing information for all agreed projects that are listed on the agreed work plan. However, the council can refuse to provide information if there is a legal basis for doing so, this will be where the information would be considered 'Part B' under the council's committee system</p>
1.14	<p>The council will support the LTP in provision meetings in line with the agreed LTP work programme, with a degree of reasonable flexibility to deal with any emerging</p>

	issues throughout the year. LTP can submit an updated work programme
1.15	Involve LTP at a strategic level in developing the HRA business plan, this should be in line with spirit of the new and existing legislation and guidance.
1.16	In line with the agreed work programme COCL will involve LTP up to date on planned significant service and policy changes
1.17	The Council will allow LTP to meet with senior housing staff and members (Director of Housing, Assistant Directors and Housing Portfolio Holder) to discuss LTP matters and any concerns LTP might have with the housing service.
1.18	The council will set out full timescales of when LTP's recommendations for service changes will be implemented
2.0	Membership of LTP
2.1	<p>There are 18 seats on LTP</p> <p>Membership of the panel is open to all council tenants and leaseholders of the City of Lincoln Council who meet the eligibility criteria set out below.</p> <p>To be eligible to sit on the LTP, the following criteria must be met. Candidates must:</p> <ul style="list-style-type: none"> • be a secure tenant of the City of Lincoln Council (so your name must be on the tenancy as tenant or joint tenant) or a City Of Lincoln Council leaseholder. • be over 18 years of age • not be in breach of our conditions of tenancy for which Notice of Seeking Possession or court action is outstanding. If a member of LTP is served with such a notice or court action while serving on the LTP, they will no longer be entitled to sit on the LTP until the breach is put right in full, including costs • not be employed by the City Of Lincoln Council. • not be an Elected Member of the City Of Lincoln Council. Anyone standing for election in the City or County Council elections is not allowed to be a member of the LTP from the date the list of candidates is publicly announced until the election is over. This condition applies to LTP members and elected Members seeking re-election. Please note that members, in particular the Portfolio Holder for Housing, may attend at the invitation of the LTP Chair.
2.2	Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity.
2.3	If any dispute remains unresolved between either members of the panel or between officers and elected members of the council and members of the panel an external independent mediator will be appointed. The cost of this will be split between the Tenant Involvement Budget and a council budget.
2.4	LTP members must pass a selection process to join the panel. This will consist of

	<p>completing an application form and attending an informal interview. Potential members must either demonstrate the potential to meet the skills and experience criteria or demonstrate their ability and willingness to gain these skills. This will be assessed through their application form and the informal interview. At the interview responses will be scored against the skills criteria.</p> <p>The maximum number of seats available is 18.</p>
2.5	The LTP member role description is a separate document to the constitution which is available on request from the resident involvement team.
2.6	The application and selection process will be co-ordinated by the resident involvement team.
2.7	<p>Successful candidates will be offered a position on LTP. This position is not time limited, however new LTP members will have their positions reviewed after the first six months. This will be carried out by the resident involvement team in conjunction with the Chair/Vice-Chair. New LTP members must meet their agreed attendance requirements, show a basic capability for the role and not be subject to any verbal warnings. Where an LTP member fails to meet this criterion, they can be asked to stand down immediately.</p> <p>Procedures and guidance for the review will be set out for transparency to new members .</p>
3.0	How the LTP operates
3.1	The Resident Involvement Team will prepare the agendas for meetings and take minutes, they will also send LTP members the agenda and any further information needed a minimum of five working days before the next LTP meeting. The Resident Involvement Team will also provide any other reasonable secretarial and administrative support. Information will be made available in other formats if requested.
3.2	It is the responsibility of LTP members to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.
3.3	The LTP minutes will be sent to all appropriate officers for information and action and will be provided to the Housing Scrutiny Sub-Committee.
3.4	Council officers who have prepared reports for Executive Committee on behalf of Housing Services should ensure that they are submitted to LTP in advance of the Executive Committee for consultation/comment by LTP. The final report to Executive Committee should state whether LTP members have been consulted and record their views and comments to enable Executive Committee to take such comments into account in arriving at its decision.
3.5	The LTP will be consulted on matters which are included in the HRA Business Plan and Housing Revenue Account.
3.6	Special meetings of the LTP may be arranged to discuss specific issues.

3.7	The majority of LTP meetings will be held virtually but there will be face to face meetings. There must be a minimum of three evening meetings a year.
3.8	Appropriate travel, internet, IT/computer and childcare expenses are paid to tenant and leaseholder members attending LTP and committee meetings and training sessions. Claim forms are available on request from the resident involvement team.
3.9	Remote voting on decisions is not allowed, except for urgent decisions on expenditure under £300 and these must be carried out using the budget available to LTP.
4.0	Training protocol
4.1	When becoming a member of LTP tenants will be offered a training plan and all new members will be required to undertake induction training.
4.2	Membership of LTP will enable tenant and leaseholder representatives to develop these skills and the Resident Involvement Team will develop an individual training programme for each LTP member on an annual basis to assist tenant representatives to acquire these skills where necessary. The individual training programme will be agreed with each individual tenant representative and the overall tenant development programme and training budget will be reported to LTP on an annual basis.
4.3	LTP members will be informed at the beginning of each financial year what financial resources are available for training purposes.
4.4	LTP will be kept informed of what external training events are available to them. Decisions on which events to access will be based on the resources available and whether the event meets their training needs.
4.5	All LTP members will have equal access to training opportunities and no tenant representative will be excluded from accessing training unless they are in breach of the Code of Conduct requirements
4.6	In order to make maximum use of resources, attendees at training events will be encouraged to use the most cost-effective methods of transport available, including car sharing where appropriate.
4.7	LTP members will be required to feedback to the next LTP meeting on any training that they have attended.
4.8	LTP members who are scheduled to attend any events should provide as much notice as possible if they are not able to attend.
5.0	Quorum
5.1	LTP meetings are only in quorum if 50% or more of occupied seats of the membership is in attendance.

6.0	Three Yearly General Meeting and Extra-ordinary Meetings
6.1	LTP will hold a General Meeting every three years and Extra-ordinary meetings as required. Not less than 21 days notice will be given for the above meetings.
6.2	Members must be present at the general meeting to be eligible to vote, proxy votes will not be accepted.
6.3	LTP has four seats on the council's Housing Scrutiny Sub Committee and one LTP member as a substitute. When a position is available, LTP members can apply for the position of Housing Scrutiny Sub Committee, applicants will be considered for the suitability of the role against the role description for the position. This will be undertaken by the resident involvement team and the chair and vice-chair. The role description for this is available through the Resident Involvement Team. Changes to the role description must be agreed by the Resident Involvement Manager or suitable representative. Positions will be held for a term of three years, after that point they can reapply for a further three years, following the application process.
6.4	LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. When a position is available, LTP members can apply for the position, applicants will be judged for the suitability of the role against the role description for the position. This will be undertaken by the Resident Involvement Team and the chair and vice-chair. The role description is available through the Resident Involvement Team. Changes to the role description must be agreed by with the Resident Involvement Manager or suitable representative. Positions will be held for a term of three years,
7.0	LTP Meetings
7.1	The Resident Involvement Team will prepare agendas for LTP meetings. The agenda will be based on the LTP work programme.
7.2	LTP members and officers should notify the Resident Involvement Team of specific agenda items 6 working days before the meeting.
7.3	Any Other Business should be relevant to the aims of LTP.
7.4	LTP agendas, reports and minutes which are in the public domain will be published the City Council's website. Agendas, reports and minutes which contain "exempt information" will be made available to members of LTP
7.5	Agenda items and reports that contain "exempt information" will be printed on green paper, and the Chair will put a resolution to the meeting to exclude the press and public prior to consideration of that item.

8.0	Roles and Responsibilities of Chair and Vice Chair
8.1	<p><u>The Chair</u></p> <ul style="list-style-type: none"> • should welcome members and others to the meeting. • will provide a brief report to LTP, bringing LTP up-to-date with LTP news, meetings and events since the previous meeting. • should ensure everyone has a fair opportunity to speak in debates at meetings and avoid getting into argument as their main task is to chair the meeting • Speakers should go through the Chair and keep to the subject being discussed. • If things are getting heated, a five-minute time out adjournment can be called for at the discretion of the Chair or Council officers.
8.2	<p><u>The Vice Chair</u></p> <ul style="list-style-type: none"> • will deputise for the Chair when necessary. Member's present can elect an acting chair in the absence of the Chair and Vice Chair. • will automatically assume the position of chair until the appointment of the new chair as required
8.3	LTP members must have been on the panel for a continuous period of 12 months before being eligible to stand for Chair or Vice-Chair.
8.4	The chair and vice-chair will serve a term of three years. They can hold these positions for a maximum of three terms
8.5	Where there is a vacancy for a chair or vice-chair position, LTP members can either apply themselves or be nominated for the position(s). A list of candidates will be submitted to an independent person, who will conduct interviews against the agreed Chair and Vice-chair role description, with support from the resident involvement team. The independent person will select the most appropriate candidate against this criteria. Where it is not possible to appoint an outside independent person, then a senior officer from the City of Lincoln Council will carry this out.
8.6	The chair and the vice-chair can be asked to stand down from these roles if they demonstrate a significant lack of capability for the roles.
8.7	<p>Chair and vice-chair can attend meetings with senior council staff on behalf of the panel but must keep the panel informed of discussions.</p> <p>Chair and vice-chair can attend meetings with senior council staff on behalf of the panel but must keep the panel informed of discussions.</p> <p>The chair and Vice Chair can be asked to stand down if they show lack of capacity to carry out their roles and responsibilities.</p>
8.9	Further information about the role descriptions for chair and vice chair are available through the resident involvement team

9.0	The Agenda
9.1	LTP members and officers will be able to add items no later than 6 working days before the meeting.
9.2	A quarterly budget summary will be provided by the Resident Involvement Team. The accounts should be signed off by the Chair or Vice-chair.
10	Values and behaviour agreement
10.1	LTP members are required to abide by the agreed values and behaviour agreement. These are set out In Appendix 4>
10.2	The chair and the vice-chair should keep order at meetings. During a meeting where a LTP member does not abide by the agreement, the chair or vice-chair should remind of the terms of the agreement.
10.3	Where an alleged breach of the Values and Behaviour agreement has taken place, then an investigation will take place. This will be undertaken by the LTP members on the Designated Tenants' Panel. A minimum of two members (not involved with alleged breach) must be available for a case to be investigated. If the designated tenants panel is unable to form, then an independent third person will be appointed to act in this role. The designated tenants' panel will decide if a breach has occurred and what sanction to apply.
10.4	The sanctions that can be applied are: <ul style="list-style-type: none"> • Informal warning • Verbal warning • Written warning • Final warning • Dismissal.
10.5	<p>Informal and verbal warnings should be issued for minor or first occasions of a breach. Written and final warnings should be issued for repeat or more serious breaches. Dismissal should only take place where the breach amounts to gross misconduct, under the council's disciplinary policy. Before a sanction is applied the designated tenants panel must consult the resident involvement team. Where a final written warning or dismissal will be applied. The director of housing and investment or suitable deputy and the council's legal team should be consulted.</p> <p>If the alleged breach of the 'Values and Behaviour Agreement is deemed possible gross misconduct, then the LTP members should be suspended whilst the investigation takes place.</p> <p>The LTP member has the right to appeal the decision. In this case an independent third party will be appointed. All appeals should be submitted to the resident involvement team within seven calendar days of receiving notification of a breach being proved.</p>

11.0	Officers and councillors working together
11.1	If an officer or councillor wishes to speak at a LTP meeting they will need to make a request to the Chair and/or the Resident Involvement Team, indicating what they wish to discuss and how long they wish to speak so it can be planned into the agenda.
11.2	<p>Meetings of LTP, once called to order by the Chair at the appointed time, will be conducted in public in the presence of elected members, officers and any other tenants, members of the public or media that may be present unless the item(s) under discussion contain "exempt information. In which case the public and media may be requested to leave.</p> <p>LTP members will be provided with facilities to meet in private for up to 1 hour prior to the published scheduled meetings of LTP for the purposes of formulating and agreeing the line of questioning and detailed scrutiny questions to be put to officers and elected members in the formal LTP meeting.</p> <p>Similarly, any request supported by the majority of LTP members and made through the Chair to meet in private at another time of their choosing for the purposes of formulating and agreeing the line of questioning and detailed questions to be put to officers and members in the formal LTP, meeting will be agreed.</p>
11.3	Officers and councillors will respect all the ground rules of the meetings.
11.4	Officers and councillors will respect that LTP members are volunteers and are not a political organisation. Individual or political lobbying will not be allowed in LTP meetings.
11.5	When officers receive requests for information and referrals from LTP they will acknowledge these if they cannot give a reply within 10 days and give some indication of timings for a full reply and/or action
11.6	Officers and Councillors are not able to vote.
11.7	LTP members can request officers and councillors to leave the room during the me
11.8	The Council will answer enquires from LTP within 10 working days ro explain why they are unable to do and agree a timescale for a response.
11.9	Allow LTP to meet with senior housing staff and members (Director of Housing, Assistant Directors and Housing Portfolio Holder) to discuss LTP matters and any concerns LTP might have with the housing service. Any meetings must be arranged by prior agreement.
12.0	Minutes
12.1	Draft minutes will be agreed firstly with any speakers who were at the meeting, followed by the Chair

12.2	Minutes will be sent out to LTP members no later than 5 working days before the next meeting and will be submitted to the next meeting of LTP for approval.
13.0	Decision Making
13.1	Decisions will be voted on by a show of hands or by secret ballot if requested by a LTP member and a majority of LTP members in attendance at the meeting are in favour of a secret ballot. For a decision to be passed it will require a majority vote of the LTP members at the meeting.
13.2	The Chair will have the second and casting vote.
14.0	Confidentiality
14.1	The LTP may deal with “exempt information” including personal and commercially sensitive information, so discretion and care must be exercised during and after meetings. Any information about the personal circumstances of anyone must be treated in confidence and not be disclosed to anyone not on the panel. LTP members should refrain from mentioning specific individual cases that may cause embarrassment or identification of an individual.
14.2	LTP members will also be asked to sign a confidentiality agreement when they join. This is shown in Appendix 1.
14.3	Each LTP member shall not disclose any confidential information belonging to the council or any third party which it shall have obtained as a consequence of carrying out duties under this constitution unless the expressed written permission has been obtained by the third party or the council.
14.4	Each LTP member shall ensure they comply with the Data Protection Act 2018, UK GDPR and any other legislation or common law principles in relation to data protection and confidentiality. Attached at Appendix 2 are the Data Protection Principles showing the framework of requirements under the legislation.
15.0	Personal interest
15.1	Members on the panel must not expect favourable treatment by housing staff or the panel itself, nor should they be treated any less favourably; for example in the completion of a repair or the allocation of a property.
15.2	Members must use the normal procedures for reporting repairs and other enquiries relating to their own tenancy or on behalf of other tenancies.
15.3	Members must notify the panel if they have any personal interest, financial or otherwise, in any matters it considers. Individual members may need to abstain from discussions and decisions on a particular item.
16.0	Equality, Diversity and Human Rights Statement
16.1	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.

	<p>It requires that public bodies have due regard to the need to:</p> <ul style="list-style-type: none"> Eliminate discrimination Advance equality of opportunity Foster good relations between different people when carrying out their activities
16.2	No member may be excluded or discriminated against for any reason by any other panel member.
16.5	Discriminatory language must not be used in meetings.
16.4	All those who attend meetings have the right to be treated with dignity and respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion, or any other matter which causes people to be treated with injustice.
17.0	Amendments to the Constitution
17.1	Changes to the constitution may be made only by a two-thirds majority of the voting members attending the General Meeting or an Extraordinary General Meeting called for this purpose. Any amendments proposed by the LTP are to be referred to the Executive for consideration and approval.
17.2	The chair and vice-chair have authority to sign an amended constitution on behalf of the rest of the LTP members.
18.0	Dissolution of LTP
18.1	LTP may only be dissolved at a General Meeting or an Extraordinary General Meeting called for this purpose. The dissolution of LTP will require a two-thirds majority voting at this meeting.
18.2	In the event of the dissolution of LTP any outstanding funds will be returned to the City Of Lincoln Council. Any assets (financial or otherwise) acquired independently of the Council will be disposed of in accordance with the aims of LTP by donating these to an organisation with similar objectives.
19.0	Resignations
19.1	All resignations should be made in writing to the Resident Involvement Team. Where a LTP member verbally indicates they wish to resign this should be confirmed in writing within two calendar days.
19.2	If confirmation of the resignation is not received in writing within 7 calendar days the Resident Involvement Team will contact the person who has verbally resigned to seek clarification.
19.3	LTP members can withdraw their resignation in writing within seven calendar days of submission.

19.4	If a written resignation is not received within 21 calendar days of the LTP member verbally stating they wish to resign the resignation will be automatically confirmed.
20	<u>Signatories to the Constitution</u>
	<p><u>On behalf of the Lincoln Tenants' Panel</u></p> <p>.....</p> <p>Chair of the Lincoln Tenants' Panel</p> <p>Date.....</p> <p>.....</p> <p>Vice-chair of the Lincoln Tenants' Panel</p> <p>Date.....</p>

On behalf of the City of Lincoln Council

.....

Portfolio Holder for Housing

Date.....

.....

Director of Housing & Regeneration

Date.....

Appendix 1

Lincoln Tenants' Panel (LTP) Confidentiality Agreement

From time to time, members of LTP may deal with difficult and sensitive issues. Discretion and care must be exercised during and after meetings. Information about the individual circumstances of anyone, including LTP members, must be treated in confidence and not be discussed outside of the meeting. Individual cases will not be discussed.

As a member of the Lincoln Tenants' Panel of City of Lincoln Council, I agree that I will not, without the written consent of City of Lincoln Council, disclose to any other person or organisation, a copy of any document, or any information verbally or otherwise, that I have received during my work for the Lincoln Tenants' Panel. I shall use such information only for the purposes of fulfilling my responsibility as a member of Lincoln Tenants' Panel.

I will not use any information gained during my work for Lincoln Tenants' Panel for individual, personal or financial gain.

I understand that any breach of this rule will result in exclusion from LTP and any breach of data protection laws may result in criminal prosecution or fines.

Signed

Name

Address

.....

Estate/Area represented

Working group represented

Accepted By (Officer)

Appendix 2



Data Protection Principles

The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out in Article 5(1) of UK GDPR that require that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

Further information is available from the Data Protection Officer, Legal Services and www.ico.org.uk

The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out in Article 5(1) of UK GDPR that require that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
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Article 5(2) adds that:

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Further information is available from the Data Protection Officer, Legal Services and www.ico.org.uk

Appendix 3



DESIGNATED TENANT PANEL

TERMS OF REFERENCE FOR THE LINCOLN TENANTS' PANEL ACTING AS A 'DESIGNATED PERSON' FOR THE PURPOSE OF LANDLORD SERVICES COMPLAINTS

Statement of Intent

The purpose of the Lincoln Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants of the City of Lincoln Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible.

1 Aims, objectives and intended outcomes

1.1 The Panel's aims and objectives are:

- to use local knowledge and relationships to work with tenants¹ and the Landlord to find local solutions to complaints and problems raised by tenants
- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible

¹ These terms of reference refers throughout to tenants as a collective term that applies to all persons who receive services from the Landlord, including tenants, leaseholders, shared homeowners and other services. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by the Landlord.

- to be part of a local democratic framework providing support to tenants

1.2 The intended outcomes of the work of the Panel include the following:

- tenants complaints, problems and issues will be resolved more effectively, quickly and locally, wherever possible without the need to involve the Housing Ombudsman Service (the Ombudsman), to the satisfaction of tenants and the Landlord
- greater local knowledge of tenant concerns and issues will help tenants to participate in improving services
- positive and empowering relationships will be developed between tenants and the Landlord that will help to raise the ability of tenants to shape their housing service
- positive relationships will develop between the Panel and other designated persons.

1.3 To achieve these aims, objectives and outcomes, the Panel will work in partnership with the Landlord. The Panel will also seek constructive relationships with local Councillors and MPs.

2 Remit and powers

2.1 The Panel has been recognised by the Landlord to act as a Designated Tenant Panel for purposes of referring complaints to the Ombudsman. The Panel's recognition was discussed and agreed with the Landlord's tenants. The Panel is listed on the Ombudsman's Register of Tenant Panels.

2.2 The Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances:

- the Panel considers that a complaint cannot be resolved locally and the Panel considers that there is merit in referring the complaint to the Ombudsman
- the complaint falls within the Ombudsman's remit
- the Landlord's complaints procedure has been exhausted
- the complainant wishes the complaint to be referred to the Ombudsman

- 2.3 The Panel will make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with by the Landlord.
- 2.4 The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure. This links with paragraph 6 below.
- 2.5 The Panel will be publicised and accessible to all tenants of the Landlord. The Panel will respond to all enquiries from tenants with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated authority

- 3.1 For avoidance of doubt, the Panel will have no delegated authority and no decision-making powers in relation to the Landlord. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision making matters to the level within the Landlord where delegated authority rests.
- 3.2 Staff members will be responsible for Landlord liaison with the Panel and for referring specific complaints matters as appropriate. They will also ensure that strategic matters raised by the Panel are referred appropriately within the Landlord.

4 Membership and remit of the Panel

- 4.1 The Panel are bound by their Constitution which outlines all roles and responsibilities.

5 Data Protection

- 5.1 The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out below:-

Article 5(1) of UK GDPR requires that personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');

- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy').
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

- 5.2 Personal data includes the names, addresses, dates of birth, family or medical history of individuals. Personal data means any information related to an identified or identifiable person (the data subject). This includes an individual who can be identified directly or indirectly.
- 5.3 UK GDPR has expanded the definition of personal data to reflect changes in technology and includes online identifiers such as an IP address and location data where they directly or indirectly identify individuals. Data which has been pseudonymised (key coded with reference to additional data) can also fall within the definition of personal data depending on how difficult it is to attribute the pseudonym to a particular individual.

- 5.4 There are special categories of personal data also referred to as sensitive data which require extra protection. These categories are personal data revealing and concerning:
- racial or ethnic origin (for example CCTV images of individuals attending a place of worship or arrangements to allow a staff member to pray);
 - political opinions (not made public by the data subject);
 - religious or philosophical beliefs (for example veganism or atheist);
 - trade union membership;
 - genetic or biometric data (for example fingerprints, DNA, eye and voice/face recognition);
 - mental or physical health (for example sickness records, occupational health reports);
 - sex life;
 - sexual orientation (including transgender and gender reassignment).
- 5.5 An individual will be required to sign an authority that they authorise the Landlord to release personal information them to the Designated Person.
- 5.6 City of Lincoln officers can further give advice regarding this.

6 Conflict of Interest

- 6.1 If the individual bringing the complaint to the Panel is known to a member of the Panel, that member should abstain from discussions and decisions on that particular item. An individual is known to a member if they have a personal association with them which a reasonable person would deem to prejudice the fair resolution or outcome of the complaint. This would include any involvement in an individual's formal complaints procedure.
- 6.2 Alternatively if the member has any financial interest in the individual or their business, then they should abstain from taking part in the discussions and decisions on that item
- 6.3 Members must notify the lead member of the Designated Tenant Panel as soon as possible if they have any personal interest, financial or otherwise in any matter considered.

Appendix 4

Values and Behaviours Agreement

LTP members are required to abide by the agreed values and behaviour agreement. These are set out In Appendix 4>

We give full commitment to LTP

- Agree to attend all required meetings
- Give apologies if we cannot attend a meeting
- Understand that we can be asked to leave the panel if we don't maintain satisfactory attendance without good reason
- Agree to fully deliver the role of an LTP member
- Will attend all required training sessions.

Behaviour:-We will

- Be polite, courteous and to each other at all times, including outside of meetings
- Politely disagree with each other's views
- Not discriminate against other LTP members for any reason
- Not to speak to council staff about LTP business without first discussing with the rest of the panel first
- Understand that time at meetings is limited and that others might also want a say
- Switch off our mobiles during meetings
- Wear identity badges when carrying LTP duties and business

If we have a complaint about another LTP members, we should politely point this out at the time or report it to the chair or vice-chair.

Attitude-We

- Work as a team to ask questions at meetings and it's not about individuals asking questions
Understand that this means I might not get chance to ask 'my question' but as long as the question gets asked, that is what matters
- Give regular updates about projects we are working on and other LTP members should not interfere with the project
- Give ideas and proposals a fair hearing
- Accept that not all ideas and proposals can be agreed to

Selflessness-We are there for the tenants

- We are here to work with the council to ensure tenants receive a good service and will challenge the council constructively where required.
- We make decisions and vote objectively to benefit all tenants
- We will act impartially and represent all tenants

Integrity-We will uphold the reputation of the panel by

- Being politely towards council staff, elected members and other residents at all times
- Providing critical but constructive feedback to staff
- Not being overly critical of an officer's service if they are present and should consider whether LTP can speak to them privately first
- Not discussing panel business outside of meetings (including the media without the consent of the Chair and Vice Chair). The Chair and Vice Chair are required to consult the Council's Communication Team or Resident Involvement Team about any media engagement
- Not using our position to gain any favourable service and should go through customer services for service requests. This includes requests for friends or family
- Not raising personal; matters at a meeting, apart from where this is to be used as an example of poor or good service
- By not discussing other LTP members with anyone else and speak negatively about them.

9. Lincoln Tenant's Panel Review of Constitution

Andrew McNeil, Assistant Director, Housing and Investment:

- a. presented a report containing proposed amendments to Lincoln Tenants' Panel (LTP) Constitution prior to Executive approval being sought taking into account this committee's views, to make these changes
- b. advised that the purpose of the LTP Constitution set out how the Lincoln Tenants' Panel was to operate, reviewed on an annual basis: the last constitutional amendments were agreed by Executive on 26 February 2018 a copy of which could be found at Appendix 1 to this report with the proposed revised Constitution detailed at Appendix 2
- c. highlighted that current LTP Constitution required that any proposed changes to the Constitution may only be made by a two-thirds majority of voting members attending an Annual General Meeting or an Extraordinary General Meeting called for that purpose.
- d. reported that the amended Constitution proposed that the requirement for an annual general meeting be removed and replaced by a general meeting held every 3 years or that an extra-ordinary meeting be called in the event of any changes to the Constitution, or any other issues deemed to require a decision by LTP
- e. clarified that this revised Constitution if agreed would require an extra-ordinary general meeting to be arranged to formally adopt and sign the Constitution
- f. summarised the main proposed changes to the LTP Constitution as detailed at paragraph 3 of the officer's report
- g. requested feedback from members of Housing Scrutiny Sub-Committee for referral to Executive for consideration.

Members discussed the content of the report in further detail.

Mick Barber, Chair of Lincoln Tenant's Panel thanked all officers involved including the Legal Team for their guidance and support in the preparation of this document.

RESOLVED that subject to minor amendments as detailed above, the LTP Constitution be referred to Executive for final approval.

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SUBJECT:	UPDATED INTERNAL DOMESTIC ABUSE POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCECSA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Executive on the revised Internal Domestic Abuse Policy.
- 1.2 To seek approval for the implementation of the policy.

2. Executive Summary

- 2.1 The City of Lincoln Council have a legal and moral obligation to ensure that the workplace is safe and in relation to supporting victims of Domestic Abuse. It is therefore necessary to have a clear policy setting out the Council's response and responsibilities in relation Domestic Abuse which impacts our workforce whether as victims or perpetrators.
- 2.2 Attached to this report is a revised and updated version of the Council's Internal Domestic Abuse Policy.

3. Background

- 3.1 Domestic Abuse has risen on the national agenda over the last decade with new and widened definitions being introduced as well as specific Act's to tackle Domestic Abuse and set a framework for the support that victims can expect.
- 3.2 The City of Lincoln Council is committed to tacking Domestic Abuse and is an active statutory partner in the Domestic Abuse Board in Lincolnshire.
- 3.3 The City of Lincoln Council has an external safeguarding policy which sets out how we identify and support victims who may be among our customers. This function has been discharged by the Council's Public Protection and Anti-Social Behaviour (PPASB) service.
- 3.4 The Council's Internal Domestic Abuse Policy was last revised and updated in 2014 and so following changes in legislation and more detailed definitions being produced a policy refresh was required.

4. The Revised Internal Domestic Abuse Policy

- 4.1 The revised policy can be found attached as Appendix A.

- 4.2 A detailed definition has been provided in Section 2 of the policy to reflect the current legal definition and the complex nature of domestic abuse.
- 4.3 The sections involving domestic abuse in the workplace have been reworded and updated for ease of reading to ensure they are robust and fit for purpose.
- 4.4 Section 7: safety at work has been added to provide guidance on what the Council may do to support and keep safe victims of Domestic Abuse whilst they are in the workplace.
- 4.5 Section 9: recording of concerns has been added to set out how concerns will be recorded confidentially.
- 4.6 Section 11: raising awareness in the workplace has been added. This section sets out how the council will raise awareness of this policy and the support available for those experiencing Domestic Abuse.
- 4.7 Section 12: legislation has been added to the policy to set out the relevant legislation that related to domestic abuse and our obligations to protect our employees.

5. Strategic Priorities

5.1 Let's reduce all kinds of inequality

Domestic Abuse nuisance can disproportionately affect those most vulnerable within our communities including those within our workforce. This policy ensures the Council's response is relevant and effective.

5.2 Let's enhance our remarkable place

By ensuring that the Council is a safe and supportive workplace can help to ensure that our employees feel safe and are supported with personal issues. This allows the Council to lead by example and helps to enhance our remarkable place.

6. Organisational Impacts

6.1 Finance (Including Whole Life Costs where Applicable)

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

6.2 Legal Implications Including Procurement Rules

The legal implications of this policy are ensuring that the Council fulfils its statutory obligations in relation to both employment law and the Domestic Abuse Act.

6.3 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

This policy seeks to ensure that both equality and diversity are considered at the point of disclosure of Domestic Abuse being made. The policy serves to ensure that no-one is unfairly impacted and that the support available can be accessed by all.

6.4 Human Resources

There are HR implications related to this policy. As a victim of Domestic abuse this will not affect employment rights and support will be offered.

As a perpetrator of Domestic Abuse this policy may be read in conjunction with other policies such as the Code of Conduct Policy or Disciplinary Policy where appropriate.

6.5 Land, Property and Accommodation⁷

There are no land, property or accommodation implications.

6.6 Significant Community Impact &/or Environmental Impact

There are no significant community or environmental implications.

6.7 Corporate Health and Safety Implications

Domestic abuse may have a negative psychological impact on those who experience it as well as those who are disclosed to. Support for these individuals will be provided or signposted as appropriate.

7. Risk Implications

7.1 (i) Options Explored

No further options explored.

7.2 (ii) Key Risks Associated with the Preferred Approach

This policy seeks to reduce risks associated with noise nuisance.

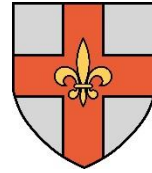
8. Recommendation

8.1 That Executive consider the policy

8.2 That Executive approve implementation of the policy.

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?	Two
List of Background Papers:	None

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CITY OF
Lincoln
COUNCIL

Appendix A

Domestic Abuse Policy

Updated April 2022

Document Control

Organisation	City of Lincoln council
Title	Domestic Abuse Policy
Author	Francesca Bell
Filename	DA Policy 2022
Owner	Francesca Bell
Subject	Domestic Abuse
Classification	
Review date	

Revision History

Revision Date	Author	Previous Version	Description of Revision

Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
Executive		
CMT		
SIRO		

1. Purpose of this document

This Policy is to ensure that assistance is made available to any employee who is a victim of domestic abuse, or affected by nature of association via familial or co-worker connection.

The Policy outlines the support in place for staff and others, affected by Domestic Abuse issues, provides guidance for the management of such issues and details of support agencies.

The Council is committed to heightening awareness of domestic abuse and providing guidance for employees and management to address the occurrence of domestic abuse and its effects on the workplace.

The Council strives to create a working environment that promotes the view that violence and abuse against people is unacceptable. Any incident of violence or abuse that takes place on council premises must be reported.

A duty of care:

All employers have a duty of care and health and safety laws ensure workers have the right to work in a safe environment where risks to health and well-being are considered and dealt with efficiently.

There are four main areas of health and safety law relevant to violence at work:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996.

The Council will not tolerate domestic abuse and is committed to responding sensitively and effectively to staff that require help and support and intends to make assistance available to employees affected by domestic abuse. This assistance may include:-

- Confidential and sensitive routes for accessing support in the workplace.
- Resource and referral information.
- Special considerations at the workplace for employee safety.
- Work schedule adjustments.
- Leave necessary to obtain medical, counselling or legal assistance and residential relocation.
- Offering temporary or permanent alteration to workplace, work times and patterns, helping to reduce the risk at work and on their journeys to and from work.
- Inform reception staff, switchboard or team members not to divulge information about colleagues, especially personal details such as addresses, telephone numbers or shift patterns
- Blocking e-mails / intercepting phone calls
- Carrying out a workplace risk assessment for both the individual and other employees
- Develop a mutually agreed plan which takes account of workplace safety.
- Respond appropriately to those who feel they are involved in contributing to difficulties in their intimate relationships.

In responding to domestic abuse, the Council will maintain appropriate confidentiality and respect for the rights of the employee involved. The Council will cooperate with any legal action taken by third parties against those perpetrating domestic abuse.

These guidelines apply to all employees equally, including those employed on fixed term contracts. Employees Seconded and other contractors will be expected to adhere to the standards required in this guidance. Issues relating to these individuals will be referred to the appropriate employer, where appropriate.

2. What is Domestic Abuse

The UK government's definition of Domestic Abuse is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, emotional.'

Domestic Abuse can take different forms, including:

physical abuse
sexual abuse
financial abuse
coercive control and gaslighting / emotional abuse
digital / online abuse
'honour-based' violence
forced marriage
female genital mutilation (FGM).

Characteristics of Domestic Abuse

Physical Abuse

Physical abuse does not always leave marks or cause permanent damage:

- Scratching, biting, grabbing or spitting.
- Shoving and pushing.
- Slapping and punching.
- Throwing objects to hurt or intimidate you.
- Destroying possessions or treasured objects.
- Hurting or threatening to hurt your children and/or pets.
- Poisoning and forced drug taking

- Disrupting your sleeping patterns to make you feel exhausted.
- Burning.
- Strangling.
- Attacking or threatening to attack with a weapon.
- Any threats or actual attempts to kill you.

Emotional/Psychological Abuse

Emotional/psychological abuse is a behaviour your partner uses to control you or damage your emotional well-being. It can be verbal or non-verbal:

- Name-calling, mocking, intimidation and making humiliating remarks or gestures.
- Yelling in your face or standing in a menacing way.
- Manipulating your children.
- Telling you what to do or where you can and cannot go.
- Placing little value on what you say.
- Interrupting, changing topics, not listening or responding, and twisting your words.
- Putting you down in front of other people.
- Saying negative things about your friends and family.
- Preventing or making it difficult for you to see friends or relatives

- Cheating or being overly jealous.
- Shifting responsibility for abusive behaviour by blaming others or saying you caused it.
- Monitoring your phone calls, texts, car and computer use.

Economic/Financial Abuse

Economic/financial abuse happens when the abuser makes a victim entirely financially dependent on the abuser, with no power or say in the relationship:

- Forbidding the victim to work or attend school.
- Sabotaging employment opportunities by giving the victim a black eye or other visible injury prior to an important meeting.
- Jeopardizing employment by stalking or harassing the victim at the workplace.
- Denying access to a vehicle or damaging the vehicle so that the victim cannot get to work.
- Sabotaging educational opportunities by destroying class assignments.
- Withholding money or giving an allowance.
- Denying access to bank accounts.
- Hiding family assets.
- Running up debt in the victim's name.

Stalking and Harassment

Stalking and harassment can happen between strangers or in relationships, where the abusive partner or ex demands your time even after you make it clear you do not want contact:

- Making unwanted visits or sending you unwanted messages (voicemails, text messages, emails, etc.).
- Following you, including installing GPS tracking software on your car or cell phone without your knowledge or consent.
- Checking up on you constantly.
- Embarrassing you in public.
- Making you prove where you are
- Refusing to leave when asked.

Sexual Abuse:

- Sexual abuse does occur in committed relationships and marriages
- It may include revenge porn

3. Equality statement

The Council acknowledges that Domestic Abuse can occur in all areas of society. It is recognised, however, that some employees may face additional barriers and issues in seeking help because of their ethnic background, religion, age, sexual orientation, disability or gender which might make them feel particularly vulnerable when talking about their situation. Any employee training on the subject of Domestic Abuse will incorporate an appreciation of these issues and how to effectively manage them.

4. Confidentiality

The Council respects an employee's right to confidentiality and recognizes that employees experiencing domestic abuse normally have the right to confidentiality. However, in circumstances of child protection, the protection of vulnerable adults from abuse or criminal activity, information may need to be shared with other appropriate agencies. Reference should be made to the Safeguarding Policy and advice sought from the safeguarding lead.

4.1. Disclosures

Disclosures relating to domestic abuse should be treated confidentially unless:

- There are concerns about safeguarding children.
- There are concerns about safeguarding adults at risk.
- There is a direct threat to the health or safety of other employees.
- The employee agrees to sharing information as part of the support plan.

4.2. Anti-discrimination

The Council will not discriminate against anyone who has been subjected to domestic abuse, in terms of his or her existing employment or career development.

A record of the advice and support given in the workplace is confidentially recorded within the councils confidential recording system.

5. Domestic Abuse in the workplace

5.1. Victims

Employees who make it known to the Council that they are experiencing Domestic Abuse will be treated in a sympathetic and supportive manner. They will not be judged by other employees and will be supported to help themselves out of their abusive circumstances where they wish to leave, having due regard for their personal safety and that of their children, where applicable.

Employees can seek advice and support from their line manager, the Domestic Abuse or Safeguarding Lead or Human Resources. Trade Union representatives can provide advice and guidance on policy and employment related issues. Specific and specialist support will be provided through the Domestic Abuse and Safeguarding Lead.

Information on places of safety and Domestic Abuse can also be sought directly from the Housing Solutions Team who can also complete DASH assessments.

Employees who recognise or suspect that a colleague is living in an abusive situation at home should speak in confidence to their line manager or Human Resources, who will in turn seek advice from the Domestic Abuse or Safeguarding Lead and similarly, should colleagues report to the Domestic Abuse or Safeguarding Lead, advice will be sought from HR regarding any employment implications.

Employees should recognise that they are not counsellors and should be wary of promising more than they can deliver in terms of support. They should also consider their own wellbeing, as they may be putting themselves in danger if the abuser becomes aware of their support. Whilst confidentiality is key to supporting those who experience Domestic Abuse it may be necessary to ensure the safety of the victim to share information with partner agencies. Consent should always be sought however it be necessary to share information without consent where there are safeguarding concerns. Any such referrals will be discussed with the victim prior to being made.

5.2. Perpetrators

Where a manager is aware, (upon the offending being formally acknowledged by a court of law) that an employee is perpetrating Domestic Abuse, the matter should be discussed urgently with Human Resources.

The initial focus of any work conducted with perpetrators of Domestic Abuse will focus on additional support. Any such conduct may make certain job duties inappropriate and justify consideration for redeployment, and/or disciplinary action which could lead to dismissal. This applies particularly to those individuals who work with the public, with children or with vulnerable adults.

An individual cautioned or convicted of a criminal offence may be subject to the organisation's code of conduct policy and procedure. The Council also reserves the right to consider the use of this policy should an employee's activities outside of work (whether or not it leads to a criminal conviction) which may have an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue in his/her current role(s). In these circumstances the possibility of redeployment into an alternative role may be considered.

It may also be necessary to notify the Local Authority Designated Officer (LADO) The LADO is the person who should be notified when it has been alleged that a professional or volunteer who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates she or he may pose a risk of harm to children
- behaved or may have behaved in a way that indicated they may not be suitable to work with children

Information on how and when to report to the LADO can be sought from the Designated Safeguarding Lead.

The Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation's code of conduct for disciplinary purposes.

Where appropriate, action may need to be taken to minimise the potential for perpetrators to use their position or work resources to find out details or the whereabouts of their partners. This may include a change of duties or withdrawing access to certain computer programmes.

The alleged perpetrator will be:

- treated fairly and honestly
- helped to understand the concerns expressed and processes involved
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- advised to contact their union or professional organisation.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, email or fax machines then they will be seen as having committed a disciplinary offence.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a disciplinary offence and action will be taken.

4.3 If the victim/survivor and the perpetrator work in the same organisation

In cases where both the victim/survivor and the perpetrator of Domestic Abuse work in the organisation, the Council will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim/survivor and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim/survivor. This may include a change of duties for one or both employees or withdrawing the perpetrator's access to certain computer programmes or offices.

However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

Any individual who is violent to or abusive of, their partner and who is concerned by this behaviour should seek support and help from an appropriate source

6. Support to Staff who are Victims of Domestic Abuse

The Council intends to make support available to employees affected by Domestic Abuse.

The Council can offer support through; our managers, human resources, Domestic Abuse Lead and occupational health. Support can include;

- Understanding the complex issues affecting those experiencing domestic abuse
- Undertake a DASH risk assessment and referral to MARAC for staff disclosing domestic abuse, this will be undertaken by a trained professional within the safeguarding team.
- Signposting to relevant domestic abuse services.
- Assist with safety planning.
- Supporting individuals to seek counselling
- Maintaining confidentiality (subject to the requirements of safeguarding children and adults)
- Responding in a sensitive and non-judgmental manner
- Discussing the specific steps that can be taken to help this person stay safe in the workplace
- Ensuring the employee is aware of the options available to them
- Encouraging the employee to seek the advice of other relevant agencies

7. Safety at work

The Council undertakes to promote the safety of its employees. The Council will actively provide support to employees to minimize the risk to their safety while at work, if they make it known to the Council that they are experiencing domestic abuse.

Risk assessments and bespoke arrangements may be put in place in view of identified risk associated with lone working, entering and leaving working environments during hours of darkness and/or in isolated locations.

Where a third party has set out legal requirements to protect those affected by Domestic Abuse, the Council will support these.

The Council will work closely with the Police and the individual affected by domestic abuse to implement a system of protection and support. The Council will give appropriate time to report breaches of legal requirements if they occur.

The Domestic Abuse Lead will be available to support this process in conjunction with the Safeguarding Lead and HR.

8. Roles and responsibilities

8.1. Managers and Team Leaders

Managers should appreciate how difficult it may be for an employee to discuss his/her personal circumstances and should always offer support in a non-judgemental fashion. They should also remember that, very often, signs of abuse will not be visible and that an individual may leave their abusive environment only to return again sometime in the future.

Where a line manager has significant suspicions (this may include the employee presenting with frequent injuries, or the staff member disclosing something concerning to the manager or colleagues) that an employee is experiencing domestic violence/abuse, they should contact Human Resources or the Domestic Abuse lead for advice or support. The council encourages professional curiosity however it is recognised that suspicions may arise which are not felt significant enough in order to enquire, in these cases advice can be sought from Human Resources or the Domestic Abuse lead. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing.

Managers may consider implementing reasonable measures which would protect the safety of employees who are experiencing Domestic Abuse. Victims of Domestic Abuse will be believed upon making allegations and investigations will be launched alongside partner agencies. The Council will seek to implement any beneficial measures to support the employee whilst at work, for example they may benefit from a temporary change of hours or place of work. In some circumstances it may be appropriate to relocate or redeploy an employee as a supportive measure. The Domestic Abuse Lead will work with external agencies regarding any support needs outside of work.

Managers should offer ongoing support to employees who are experiencing Domestic Abuse including time off, for example, for counselling, visits to a solicitor or support agencies, for re-housing or re-organising childcare.

Employees who are experiencing Domestic Abuse may demonstrate poor punctuality, attendance, work performance and productivity. Managers should be aware that these factors may be symptoms of Domestic Abuse, and employee's individual circumstances will be discussed prior to instigating any disciplinary procedures.

Managers who wish to support an employee who is experiencing Domestic Abuse should contact Human Resources or the Domestic Abuse lead.

8.2. HR

First and foremost, the code of conduct and the councils policies make clear that all forms of abuse – including domestic abuse – are strictly prohibited.

These policies provide HR the power to take into account matters outside the workplace, stressing that Domestic Abuse may result in:

- disciplinary action, including dismissal
- notification to the police
- notification to any regulators or professional associations where relevant, and
- in some cases, injunctions preventing entry into the organisation.

However, not all cases may result in disciplinary sanctions.

In some situations, a Domestic Abuse perpetrator may voluntarily seek help from HR, who can provide support without this meaning that HR are condoning the abuse.

Perpetrators may benefit from professional help if they have a genuine wish to change their behaviour, and there are external organisations who specialise in supporting these individuals.

In such circumstances, HR can consider a package of support – including access to specialist services or time off for counselling – after conducting a clear risk assessment of the situation and taking advice if needed from specialist services.

There may be circumstances in which disciplinary action for misconduct outside of the workplace is appropriate, most notably when the employee's actions risk bringing the council into disrepute.

HR may also be able to support victims with referrals to Occupational Health or signposting for support and may be able to assist managers and co-workers with identifying support needs and ensuring that our policies are understood and adhered to.

8.3. Trade unions

The Council acknowledges the supportive role played by trade union representatives and furthermore recognises that Employees may wish to approach their representative in order to seek advice or support on a range of issues.

Where a trade union representative is approached regarding domestic abuse, they should contact Human Resources or the Domestic Abuse lead for confidential advice. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing.

The trade union representative will be supported by the Safeguarding Lead and Domestic Abuse Lead to;

- Undertake risk assessments
- Make referrals
- Provide Support and advice to both the victim and the trade Union Representative.

8.4. Employees

the Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, the council will ensure that the person with concerns is made aware of the existence of this policy.

All employees are required to undertake the basic training on Domestic Abuse at the commencement of their employment. Employees identified as Tier one employees will be required to undertake additional training which will be provided as part of their safeguarding pathway.

It is possible that employees through their contact with the public may have Domestic Abuse disclosed to them. They should follow the process set out in the safeguarding policy for how to deal with this. The council also acknowledges that employees may be confided in by their colleagues or friends and family about Domestic Abuse. Where this occurs confidential advice can be sought from the Domestic Abuse or safeguarding lead or HR where support will be provided.

9. The recordings of concerns

All records concerning domestic abuse should be kept strictly confidential. No local records should be kept of absences relating to domestic abuse and there should be no adverse impact on the employment records of victims of Domestic Abuse.

10. Staff training

The Council are committed to training all staff across the authority on how to spot the signs of Domestic Abuse, and how to report it. The Council will also identify and training a higher tier of staff who are more likely to come across and be required to case manage complex issues which may also involve Domestic Abuse. The higher tier personnel are members of the Public Protection and Anti-Social Behaviour service, Housing Solutions and Tenancy Services, the training will be provided through the safeguarding training pathway and other training made available by specialist services.

The council also has a number of Multi-Agency Risk Assessment Conference (MARAC) representatives. These are the Designated Safeguarding Lead and the members of the Housing Solutions Team.

11. Raising awareness in the workplace

The Council will raise awareness of domestic abuse through the following measures:

- Publishing, maintaining and posting in locations of high visibility a list of resources for survivors and perpetrators of domestic abuse.
- Publicising and distributing information on the council's policy and guidelines
- Participating in local and national initiatives and calendar events.
- Staff to be made aware of the policy at induction and mandatory training.

12. Legislation

- Health & Safety Act 1974
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010

- Domestic Violence, Crime and Victims Act 2004
- Employment Rights Act 1996
- Serious Crime Act 2015 (Section 17 Coercive or Controlling Behaviour)

13. Useful resources

- [Domestic Abuse – Local support for domestic abuse victims - Lincolnshire County Council](#)
- Edan lincs provide support to victims in lincolnshire [Home - EDAN Lincs Domestic Abuse Service](#)
- Make a Change is a service for perpetrators of DA to address their behaviour [Lincolnshire — Make a Change](#)
- PALADIN supporting victims of stalking [Layout 1 \(paladinservice.co.uk\)](#)
- women can call [The Freephone National Domestic Abuse Helpline, run by Refuge](#) on [0808 2000 247](#) for free at any time, day or night. The staff will offer confidential, non-judgemental information and support
- talk to a doctor, health visitor or midwife
- men can call Men's Advice Line on [0808 8010 327](#) (Monday to Friday 9am to 8pm), or visit the webchat at [Men's Advice Line](#) (Wednesday to Friday 10am to 11am and 3pm to 4pm) for non-judgemental information and support
- men can also call [ManKind](#) on [0182 3334 244](#) (Monday to Friday, 10am to 4pm)
- If you identify as LGBT+ you can call [Galop](#) on [0800 999 5428](#) for emotional and practical support
- anyone can call [Karma Nirvana](#) on [0800 5999 247](#) (Monday to Friday 9am to 5pm) for forced marriage and honour crimes. You can also call [020 7008 0151](#) to speak to the GOV.UK [Forced Marriage Unit](#)
- in an emergency, call 999

You can also email for support. It is important that you specify when and if it is safe to respond and to which email address:

- women can email helpline@womensaid.org.uk. Staff will respond to your email within 5 working days
- men can email info@mensadviceline.org.uk
- LGBT+ people can email help@galop.org.uk

[The Survivor's Handbook](#) from the charity Women's Aid is free and provides information for women on a wide range of issues, such as housing, money, helping your children, and your legal rights.

If you are worried that you are abusive, you can contact the free [Respect helpline](#) on [0808 802 4040](#).

5. Updated Internal Domestic Abuse Policy

Francesca Bell, PPASB and Licensing Service Manager:

- a. presented the revised Internal Domestic Abuse Policy for consideration prior to referral to Executive
- b. advised that the City of Lincoln Council had a legal and moral obligation to ensure that the workplace was safe in relation to supporting victims of Domestic Abuse
- c. explained that the Councils Internal Domestic Abuse Policy was last revised and updated in 2014 and so following changes in legislation and more detailed definitions produced a policy refresh was required
- d. referred to the revised policy at appendix A of the report and highlighted the following changes:
 - i. A detailed definition had been provided in section 2 of the policy to reflect the current legal definition and the complex nature of domestic abuse.
 - ii. The sections involving domestic abuse in the workplace had been reworded and updated for ease of reading to ensure they were robust and fit for purpose.
 - iii. Section 7: safety at work had been added to provide guidance on what the council may do to support and keep safe victims of Domestic Abuse whilst they were in the workplace.
 - iv. Section 9: recording of concerns had been added to set out how concerns would be recorded confidentially.
 - v. Section 11: raising awareness in the workplace had been added. This section set out how the council would raise awareness of this policy and the support available for those experiencing Domestic Abuse.
 - vi. Section 12: legislation had been added to the policy to set out the relevant legislation that related to domestic abuse and the Councils obligations to protect employees.
- e. invited members questions and comments:

Question: Commented that it was good to see that this issue was taken very seriously by the Council and asked if the policy would be updated more regularly in future.

Response: The Policy would be reviewed on a regular cycle and any major changes would be updated as and when required.

Question: Asked if the policy had been shared with outside agencies for consultation.

Response: The procedure for internal policies had been followed, the policy had been consulted on internally but not externally.

Question: Referred to paragraph 5.1 of the policy regarding the sharing of information with partner agencies and asked if the reasons why data may shared could be made clearer in the policy.

Response: The policy could be updated to give reasons for the data sharing.

Question: Referred to the definition of domestic abuse as detailed at paragraph 2 of the policy and asked if when the policy was publicised to staff that it be made clear that it was not just for inter-partner abuse but also included family members.

Response: Confirmed that it would be made clear to staff.

Question: Asked if training had also been provided to members of staff who visited people's homes to spot domestic abuse.

Response: All staff had received a basic level of training, depending on the job role, more in depth training was provided.

Question: Referred to paragraph 5.2 of the policy in relation to disciplinary offences and asked if action would be taken in both incidences.

Response: Action would be taken in both incidences; the policy would be updated to reflect this. Any disciplinary action would be overseen by Human Resources.

RESOLVED that that the updated Internal Domestic Abuse Policy be supported subject to the changes above and referred to Executive for approval.

SUBJECT:	UPDATED NOISE POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCECSA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

1.1 To brief members of Executive on the revised noise nuisance policy and to seek its approval to be implemented.

2. Executive Summary

2.1 The City of Lincoln Council have a statutory function in relation to the investigation of 'statutory nuisance' as defined in the Environmental Protection Act 1990. The Council frequently receives enquiries relating to noise, and thus having a clear policy in relation to assessing statutory nuisance is vital.

2.2 Attached to this report is a revised and updated version of the Council's Noise Policy.

3. Background

3.1 In 1990 the Environmental Protection Act (EPA 1990) came into force, and included within it was a specific reference to noise amounting to a statutory nuisance. This Act provided local authorities with additional and specific powers to tackle noise nuisance.

3.2 The City of Lincoln Council have long since held a function in relation to dealing with statutory nuisance which arises from excessive noise. This function has been discharged by the Council's Public Protection and Anti-Social Behaviour (PPASB) service.

3.3 The Council's Noise Policy was last revised and updated in 2016 following the introduction of the Anti-Social Behaviour Crime and Policing Act 2014 which specifically complements statutory nuisance and noise investigation legislation.

3.4 This review has been done as a required update and does not include any specific or significant changes to legislation, case law or approach.

4. The Revised Noise Policy

- 4.1 The revised policy can be found attached as Appendix A. There have been some minor adjustments made to the policy, as can be seen in the attached documents.
- 4.2 It has been updated to reflect changes in the Council's priorities.
- 4.3 It has removed obsolete guidance which has been revoked in relation to alarms sounding and provides further guidance in relation to the silencing of internal and external alarms.
- 4.4 Finally, it includes minimal amendments in relation to changes in Data Protection legislation.

5. Strategic Priorities

5.1 Let's drive inclusive economic growth

Noise nuisance can relate to commercial activities, and it is important that the Council are aware of and support business through effective and considerate regulation

5.2 Let's reduce all kinds of inequality

Much like anti-social behaviour, noise nuisance can disproportionately affect those most vulnerable within our communities. This policy ensures the Council's response is relevant and effective.

5.3 Let's deliver quality housing

This policy relates to all tenures of property including our own council stock and so ensure that the housing we provide is safe and offers a good quality of life.

5.4 Let's enhance our remarkable place

Ensuring that residents feel safe and are free from anti-social behaviour and crime helps to enhance our remarkable place.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

6.2 Legal Implications including Procurement Rules

This policy enables the Council to fulfil its statutory obligations in taking reasonably practicable steps to investigate complaints of nuisance within its boundary. This may result in legal proceedings, and this has an impact on both the PPASB and legal teams' resources.

6.3 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

This policy seeks to ensure that both equality and diversity are considered at the point of a service request being made and throughout the enforcement process. The policy serves to ensure that no-one is unfairly impacted and that the service can be accessed by all.

The equality, diversity and human rights impacts have been reviewed and it is not thought necessary to complete an Equality Impact Assessment as each time the policy is implemented, any such impact is considered.

6.4 Human Resources

There are no HR implications of this policy.

6.5 Land, Property and Accommodation⁷

There are no land, property or accommodation implications.

6.6 Significant Community Impact &/or Environmental Impact

There are no significant community or environmental implications.

6.7 Corporate Health and Safety Implications

Employees investigating noise may be lone workers and may face confrontational situations. These risks are identified and managed via both written and dynamic risk assessments. Training, elimination and reduction of risk and Personal Protective Equipment are all provided to manage the risks posed.

7. Risk Implications

7.1 (i) Options Explored

No further options explored.

7.2 (ii) Key Risks Associated with the Preferred Approach

This policy seeks to reduce risks associated with noise nuisance.

8. Recommendation

8.1 That Executive considers the policy.

8.2 That Executive approve the implementation of the policy.

Is this a key decision? No

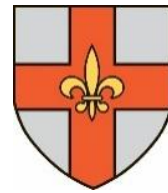
Do the exempt information categories apply? No

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

How many appendices does the report contain? Two

List of Background Papers: None

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Noise Nuisance Policy

CITY OF LINCOLN COUNCIL

NOISE POLICY

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1. Vision

To provide an effective, trusted, fair, and consistent service which is accessible for all residents of Lincoln.

2. Policy summary

Service commitments	
Our response	
Making a complaint	We will assess the level of risk to each victim
Recording of complaint	We will record all complaints consistently and securely
Investigation of complaints	We will investigate reports of noise nuisance without bias and clearly communicate actions and/or intentions to victims/witnesses
Tools and powers	We will use our powers proportionately and incrementally with a focus on long term resolutions to noise nuisance
Going to court	We will support victims and witnesses through the process
Closing cases	We will close cases if no further contact has been made by the complainant. Where the case has progressed beyond initial letters we will consult with the complainant prior to closure.

Seeking your views	We will seek views from all who engage the service in order to improve the service
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3. Introduction

- 3.1 Noise nuisance has been complained of and dealt with throughout the 20th century. Originally dealt with through common law and on the periphery of other legislation in the 1980's the government began to legislate more rigorously against noise in statute law. In 1990 the Environmental Protection Act (EPA 1990) received royal ascent, and included within it was specific reference to noise amounting to a statutory nuisance. Whilst other Acts give reference to noise nuisance such as; the Noise Act 1996 and the Control of Pollution Act 1974 (COPA 1974), to date the EPA 1990 is still the most appropriate legislation for the majority of noise complaints.
- 3.2 In addition to the above, specialist areas such as noise from construction sites, Code of Practice for Ice Cream Chimes and Code of Practice for Concerts are contained within the COPA 1974. Some codes of practice are issued by the Chartered Institute of Environmental Health (CIEH) and should be given consideration. Other British Standards deal with noise in respect of the planning process and acceptable noise levels to be achieved in terms of sound insulation inside buildings. The World Health Organisation also issues guidance on noise levels particularly with reference to sleep disturbance criteria. All these aspects are considered as a part of this policy, and throughout investigatory processes.
- 3.3 Under the EPA 1990 statutory noise nuisance is described as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The Council must consider a number of factors during investigations such as; the level of noise; the type of noise; the duration of the noise; the frequency of events and the times that events occur.
- 3.4 The legislation, and the Councils' Policy, is intended to protect victims of unreasonable noise but should not be used to place unreasonable restrictions on reasonable people.
- 3.5 In 2014 the Anti-Social Behaviour, Crime and Policing Act received royal ascent. This carries tools and powers that can also be used to tackle noise nuisance and these will be considered in appropriate cases however, where a nuisance is established, appropriate action should and will be taken under the EPA 1990.
- 3.6 The City of Lincoln Council (hereafter referred to as we/us/our) and its partners recognise the impact of noise nuisance on victims, and that the most effective resolution is to effectively deal with and stop the behaviour. This policy also recognises that each victim is different and that noise nuisance can affect people in different ways and to differing extents, particularly where the victim may be vulnerable or feel as though they are targeted for a particular reason.

4. Aims

4.1 By way of implementation of this policy, and subsequent service delivery, we aim to provide an environment where those living within the city of Lincoln do not suffer noise nuisance, and show confidence in our multi-agency response.

4.2 The aims of this Policy and subsequent service delivery are to;

- respond to complaints promptly (against established targets, to be reported to elected members)
- determine the most appropriate approach based on evidence
- provide effective enforcement
- support and reassure victims
- resolve noise nuisance where possible
- provide a consistent response to noise nuisance

The council's vision 2025 priorities are as follows;

- Let's drive economic growth
- Let's reduce inequality
- Let's enhance our remarkable place
- Let's address the challenge of climate change
- Let's deliver quality housing

5. Scope of this policy

This policy applies to all people living within the City of Lincoln Council's boundaries. Every reasonable effort should be made to ensure that all persons have equal access to the service.

6. Policy statement

6.1 This policy is designed to inform members of the public what they can expect from us in terms of its handling and response to issues of noise nuisance.

6.2 This policy also makes clear the type of behaviour that can be effectively tackled as noise nuisance.

6.3 Whilst we recognise our differing roles, both as a landlord and a local authority, this policy sets out clearly the standards of service that all can expect in response to reports of noise nuisance. Where additional provision is made for council tenants, due to their relationship with us as their landlord, this will be clearly stated.

- 6.4 We also acknowledge our role as a part of a wider partnership with responsibility for tackling noise nuisance alongside key partners, including the Police, Social landlords, University of Lincoln and others. Where appropriate we will support and work with key partners to deliver projects designed to reduce the impact of noise nuisance on our residents.
- 6.5 Issues relating to; safeguarding; domestic abuse; mental health; lack of community cohesion; violence and extremist views can often be present in relation to noise nuisance, and therefore services are acutely aware of, and actively involved in, partnership working to tackle these issues.

7. Publicity

- 7.1 This document will be published, on our website. Residents of Lincoln will be informed of the existence of this policy through local media along with our own publications such as 'Your Lincoln' or 'Home' magazine. Alternative formats will be made available on request, from the Public Protection and Anti-Social Behaviour Team, City Hall, Beaumont Fee, Lincoln, LN1 1DD, 01522 873378 or email: ppasb@lincoln.gov.uk
- 7.2 We will take an active approach to publicising action taken in response to noise nuisance, where this presents no risk to individuals involved and is deemed of benefit to the wider community.

8. Service structure

- 8.1 Our response to noise nuisance is managed through both the Directorate of Communities and Environment (DCE) and the Directorate of Housing and Investment (DHI). The DCE is responsible for the corporate public protection and anti-social behaviour service (which holds general responsibility for the authority's response to noise nuisance). Whilst the DHI is responsible for housing services, which is responsible for the management of council housing tenancies and stock.
- 8.2 We have a statutory responsibility to work with others to tackle crime and disorder in our local area, along with a range of tools and powers available to the Council to deal directly with noise nuisance issues. We have a wide remit in relation to this which not only involves directly responding to complaints from members of the public, but also a responsibility to inspect our district for nuisance from time to time.

8.3 We also have a clear role in our capacity as a landlord. There are currently around 7,800 properties in the city owned and managed by us in our capacity as a social landlord. Our relationship with tenants is covered by a tenancy agreement, which contains conditions relating to individuals' behaviour, both within and in the immediate vicinity of their property; and is an additional tool which can be applied to the most serious cases of noise nuisance. This policy ensures a risk-based approach to dealing with noise nuisance.

9. What is Noise nuisance?

9.1 Noise nuisance is defined as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The noise must arise on one person's property and affect another person's property. Therefore, the legislation does not allow for the complainant and perpetrator to be of the same household. The noise must usually be of a repetitive nature however, in some circumstances where the noise is so severe, a one-off event may constitute a statutory noise nuisance. Noise must normally be evidenced and assessed by a trained and authorised officer, in order for the council to take action.

9.2 In understanding and interpreting the definitions of noise nuisance, we must be realistic and proportionate in the action we take, and the scope of complaints we deal with. Community or individual tolerance is recognised as a contributor to complaints and the expectation for local authorities and partners to respond to behaviours that may not fit with individual lifestyles, or community expectations, can be significant. Our officers need to have the confidence to challenge perceptions that certain behaviour constitutes noise nuisance where they feel complaints may be unreasonable. However, this must be done sensitively and in consultation with the victim (complainant).

9.3 Noise nuisance may include, but is not exclusive to:

- loud music
- loud T.V
- shouting
- singing
- banging
- barking dogs
- crowing cockerels
- other animal noise
- the use of musical instruments
- low frequency noise
- DIY/Construction noise done at unreasonable times
- industrial noise
- noise from licensed premises
- noise from machinery
- car or house alarms sounding

Noise nuisance is not:

- children playing at reasonable times
- babies or small children crying
- noise from pedestrians passing by
- isolated gatherings or single noise incidents
- temporary works or DIY home improvements when carried out within reasonable times
- everyday reasonable living noise
- noise from moving traffic
- noise from RAF/MOD aircraft
- road or rail works carried out as urgent repairs or as part of a wider scheme where reasonable steps to use best available techniques are being observed.
- poor sound insulation between properties rather than unreasonable behaviour by a neighbour

9.4 We will make individual assessments of each case, and the above should be taken as a guide only.

10. Our response to noise nuisance and recording of reports

10.1 We are committed to providing all people living within the City of Lincoln with a high standard of service as follows.

10.2 What people reporting noise nuisance can expect of us

Subject to consideration of 9.3 above, everyone making a complaint of noise nuisance can expect us to:

- take the matter seriously;
- explain what we can do and what we cannot do;
- deal with the matter in accordance with this policy statement and its associated operational procedures.

10.3 What we expect of people reporting noise nuisance to us

If someone reports noise nuisance to us and we believe that it is within the scope of noise we are able to investigate, we require the co-operation of complainants. This involves providing, as best they can, evidence of the noise nuisance and details of how it effects them over a period of time, on the understanding that, without evidence, it will be very difficult to secure a successful outcome to their complaint.

10.4 Making a report of noise nuisance

Complaints of noise nuisance may be reported to us in a variety of ways, including:

- in writing by letter or email;

- in person at any of the council's offices;
- by telephone during the day;
- in person to front line staff such as Customer Services Assistant and housing officers;
- to caretakers and other site-based staff.
- on-line at www.lincoln.gov.uk

10.5 All persons making a report of noise nuisance will be subject to an initial risk assessment. This assessment is completed for the following reasons:

- to understand the regularity of noise nuisance;
- to understand the individual's circumstances and the impact this may have (would they be considered as vulnerable?);
- to understand if the case may link to a hate crime;
- to enable us to react correctly, according to the type and severity of the incident being reported.

10.6 Where individuals are identified as carrying a high level of risk, a full risk assessment will be completed which will make a more detailed assessment of the above factors. This assessment will produce a score that will guide the officer in charge in relation to their handling of the case. High risk victims must be referred immediately to our Anti-Social Behaviour Risk Assessment Conference (ASBRAC), a partnership group dealing with the most serious cases of ASB across Lincoln.

10.7 All reports across the authority will be logged on a single system (Authority Public Protection or 'APP', or the preferred/updated system in use at that time) to ensure that officers are aware of full histories relating to particular complaints. Every complaint made to us will carry a unique reference number, which will be quoted on all correspondence, along with having a stated single officer in charge throughout the duration of the case. This person will be made known to the complainant and they will be given the contact details of the lead officer.

10.8 Where persons are assessed as 'high risk', along with automatic referral to the ASBRAC, the case must also be placed on ECIN's (or the preferred/updated system in use at that time). This system is accessed by relevant partners who have a role to play in tackling anti-social behaviour and it ensures that those responding to complaints have access to information they may require. Records will be held and disposed of in accordance with our retention and disposal policy.

11 Investigation of reports

11.1 We will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint. Investigatory techniques may include

- diary sheets (to be completed by the complainant);

- assessment of police/partner incidents/information;
- visiting all parties;
- interviewing witnesses/complainants/perpetrators;
- conducting 'letter drops' for corroborating information;
- patrols;
- covert/overt monitoring;

11.2 Things we generally cannot do include

- acting without any evidence;
- immediately evicting people from their homes (except for cases of the utmost severity, where closure orders may be used)
- move victims of noise nuisance (unless clear risk is identified)
- install CCTV on-street or in homes (only in cases of the utmost severity and where we have the power to do so under relevant legislation)

11.3 Where action cannot be taken the complainant will be informed and given advice regarding any further options available to them.

11.4 The complainants will be kept up to date throughout the course of the investigation and will be consulted prior to action being taken.

11.5 If an alleged perpetrator makes counter-allegations against the original complainant, a separate case will be opened and investigated accordingly.

11.6 Where the subject of the complaint is a council tenant the housing officer will investigate in the first instance. The housing officer may at a later date ask for the complaint to be investigated by the PPASB Team in order that further evidence can be obtained. Any subsequent action will be taken in consultation with the housing officer so that where appropriate action can be taken against the tenancy in order to ensure the best outcomes for the victim, along with a coordinated approach.

11.7 On receiving a complaint we will, where appropriate, and with the details and consent of the complainant, write to the complainant detailing our response and requiring a diary to be completed. We will also write to the person who is the subject of the complaint, or representing the organisation that is the subject of the complaint, outlining the nature of the complaint and advising of what action the council may take, should we establish a statutory noise nuisance in line with this policy. It is made clear to complainants at the outset of making a complaint that if they do not complete and return the diary sheet that it is unlikely that any further action will be taken, and that the case may be closed without prior notice. Should they not contact us again about the same issue no action will be taken without the evidence base completed. This is made clear in the initial letter. The subject of the complaint is advised in the initial letter that investigation of the complaint may involve monitoring of the noise either by council officials and/or the use of monitoring equipment, this is in line with this policy and relevant legislation.

11.8 Anonymous complaints

We are generally unable to accept complaints of an anonymous nature due to the requirement to obtain evidence from the complainant in order to legally demonstrate a nuisance. The council will not take action based on anonymous complaints.

11.9 Return of diary sheets

Where a completed diary sheet is returned, the investigating officer will assess the diary and advise the complainant of the next steps. This may include;

- Monitoring being undertaken
- Further diaries being requested
- Visits to the complainant or subject
- Reviewing other agencies information
- Closure of the case

In all circumstances, the complainant will be advised of the next steps.

11.10 Monitoring

Where monitoring is necessary this will be offered and arranged in a timely manner. During periods of high demand there may be a wait for equipment; complainants will be advised of this and the likely implementation date. Monitoring equipment will generally only be offered a maximum of twice. If the monitoring equipment does not provide suitable evidence for us to progress the case the complainant will be advised of this and the case may be closed unless the situation materially changes. We have to balance our duties, the needs of victims and an individual's right to privacy. This fulfils the Council's statutory duty to investigate under the relevant legal provision, ensures our resources are appropriately utilised and provides protection for an individual's privacy and freedoms.

11.11 Service of notices

Where the evidence collected through monitoring is deemed by the council to constitute a statutory noise nuisance the council shall serve a noise abatement notice. Where a nuisance is not established, but we have evidence to suggest an individual's quality of life is being affected, we may consider use of other appropriate powers. The notice shall be served in accordance with the relevant legislation.

11.12 Appeal of notices

Appeals must be made directly to the magistrates' court. Details of how to appeal a legal notice will be contained within the notice.

11.13 Breach of notice

Where we receive complaints that a legal notice is not being complied with, we will take steps to investigate the complaints. This may include but is not exclusive to;

- asking the complainant to keep diaries,
- sending warning letters to the subject,

- undertaking monitoring,
- interviewing the subject,
- involving landlords,
- reviewing other agencies information,

Where the council is satisfied that a legal notice is not being complied with the council may,

- apply to the courts to seize equipment
- complete works in default
- prosecute the responsible persons
- offer formal cautions
- seek to utilise additional powers such as Injunctions or Closures

12. Noise falling outside of the standard procedure

12.1 Complaints made about the following issues may be subject to alternative measures and/or processes;

12.2 Alarms currently sounding – see appendix 1

12.3 Licensed premises – Shall be dealt with in line with the policy with the addition of the initial letter containing licencing obligations and warning of the various penalties that they may face in relation to their premises licence.

Noise is currently an area for statutory consultation on all licence applications, variations and Temporary Event Notices. These consultations will be undertaken in line with our ‘Statement of Licensing Policy’.

12.4 Permitted processes – The permitting authority will be consulted and where appropriate a joint approach will be taken.

12.5 Noise arising outside of the City of Lincoln Council Boundary – Where the noise is affecting our residents we will investigate the noise and will consult with and update the subject’s local authority accordingly.

12.6 Primary Authority – Where a complaint is received about a business with a primary authority covering noise we will advise and provide information as requested by the primary authority.

12.7 Planning – Where a noise is being caused by an action or activity restricted by means of planning conditions the Planning Enforcement officer will be notified and the most effective tools and powers used.

Noise is an area of consultation for planning applications. Considerations, recommendations and final decisions will be made in line with the National Planning Policy Framework (NPPF) and the Local Plan regarding noise from proposed development.

13. Tools and powers

- 13.1 The legislation governing statutory nuisance from noise is found in part III of the Environmental Protection Act 1990. This is the piece of legislation used in the vast majority of noise cases.
- 13.2 Section 79 of the Act includes "noise emitted from premises so as to be prejudicial to health or a nuisance" in the list of matters which constitute statutory nuisances.
- 13.3 The Council is under a duty to inspect its area from time to time to detect statutory nuisances and, when a complaint has been made, to take such steps as are reasonably practicable to investigate the complaint.
- 13.4 Where a Local Authority is satisfied that a nuisance exists, or is likely to occur or recur, it must then serve an Abatement Notice requiring the abatement, or prohibiting the occurrence or recurrence, of the nuisance.
- 13.5 Section 82 gives a complainant the right to go directly to a Magistrates' Court if s/he feels he is being aggrieved by a statutory nuisance whether or not he has previously complained to the Local Authority.
- 13.6 Various other pieces of noise legislation are available (e.g. Control of Pollution Act 1974, Noise Act 1999) to deal with specific noise issues.
- 13.7 Anti-Social Behaviour, Crime and Policing Act 2014 deals with some noise issues through the provision of a Community Protection Notice (CPN). It also gives additional powers to close properties in circumstances where severe and repeated noise nuisance or disorder is occurring, has occurred and/or is likely to reoccur
- 13.8 The action taken may include but is not exclusive to the following;
- Warnings;
 - Statutory notices;
 - Community protection notices;
 - Criminal behaviour orders;
 - Closure orders;
 - Mediation;
 - Injunctions;
 - Victim advocacy services;
 - Acceptable Behaviour Contracts;
 - Neighbour Agreements;

For council tenants (dependent upon the severity) the following options are also available:

- Application to the county court for an outright possession order, leading to eviction;
- Application to the county court for a suspended possession order;
- Application to the county court for a demotion of the tenancy to an introductory one;
- Introductory tenancy extension.

14. Going to court

Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include

- victim support;
- evidence via video link;
- evidence from behind screens;
- submission of hearsay evidence (not possible in all cases);
- target-hardening (panic alarms etc).

15. Support for victims and witnesses

Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

16. Support for perpetrators

While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer or direct to, support for those who have protected characteristics and otherwise vulnerable perpetrators of noise nuisance. As part of our noise nuisance process we will act upon any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;

- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

17. Closing cases

- 17.1 Where a complainant has not returned a completed diary sheet then complaints will be closed without further contact with the complainant, this will be made clear upon initial receipt of the complaint as this is a necessary part of the investigative process.
- 17.2 Where a completed diary has been returned cases will only be closed following contact with the complainant, unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement; however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied they can use the Council's complaints procedure.
- 17.3 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the noise nuisance.

18. Seeking complainants'/victims' views

Following closure of a complaint of noise nuisance, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

19. Oversight

- 19.1 Operational oversight of individual cases of noise nuisance will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.

- 19.2 Corporate oversight of noise nuisance will be discharged by the Assistant Director for the service area. The Public Protection and ASB Manager will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. Either the Assistant Director or PPASB Manager will also represent the council in respect of local, regional or national noise nuisance matters, depending who is available
- 19.3 Leadership and strategic oversight will be provided by the Director and Assistant Director for the service area.

20. Information sharing

- 20.1 Generally, the information-sharing activities conducted in response to community safety issues, such as noise nuisance, will be delivered in line with the requirements laid out within the Lincolnshire Community Safety Partnership Information Sharing Agreement, to which the council is a signatory.
- 20.2 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. In cases of noise nuisance, the risk that people may suspect they know the source of complaints will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 20.3 Our privacy statement sets out how we use your information and can be found at www.lincoln.gov.uk/privacy-notice/privacy-notice-services

21. Legal framework

This document has been drafted in compliance with the following Acts:

- Environmental Protection Act
- Human Rights Act 1988
- Data Protection Act 2018
- Equality Act 2010
- Housing Act 1985 (as amended)
- Housing Act 1996
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014
- Police Reform Act 2002
- Licensing Act 2003
- UK general Data Protection Regulations

22. Relevant policies/published documents

Policies/published documents which may be relevant to the application of this document are:

- Code of Practice on Environmental Noise Control at Concerts
- Code of Practice on Noise from Ice Cream Van Chimes etc, in England 1982
- Guidance on the Control of Clay Target Shooting
- Code of Practice on Noise from Organised Off-road Motor Cycle Sport 1994
- British Standard 4142: 2014 'Methods for rating and assessing industrial and commercial sound'
- British Standard 8233: 1999 'sound insulation and noise reduction for buildings'
- City of Lincoln Licensing Policy
- ASB, Crime and Policing Act statutory guidance;
- The Lincolnshire community trigger process;
- City of Lincoln anti-social behaviour strategy;
- City of Lincoln Council domestic abuse policy;
- City of Lincoln safeguarding policy
- Lincolnshire SLP ISA;
- Lincolnshire ASBRAC ISA;

23. Monitoring/Review

23.1 Noise nuisance services are the responsibility of the Portfolio Holder for Reducing Inequality.

23.2 Monitoring of our services is provided by democratically elected members through a robust scrutiny process.

23.3 This policy will be reviewed biennially in conjunction with the relevant portfolio holders.

24. Policy tracker

Policy tracker				
Author/s	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Public Protection and ASB Manager	Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	

Appendix 1: AUDIBLE INTRUDER ALARMS

Following receipt of a complaint:

Following a complaint that an intruder alarm is sounding and has been sounding at regular intervals or is currently sounding the following procedure will be used:

Checks will be made to locate and contact the owner or key holder. These checks may involve the following;

- Searches of our own complaints system,
- Searches on our council tax system,
- Searches of public address systems,
- Searches on land registry
- Checks with local police
- Checks with neighbours

Where the person responsible can be located, attempts should be made to contact them and get them to silence the alarm.

Where the person responsible cannot be located or cannot be contacted following reasonable attempts being made and the investigating officer is satisfied that the alarm is causing a statutory nuisance a noise abatement notice should be served in line with the requirements set out by the Environmental Protection Act 1990 (EPA 1990). The notice should specify a period of one hour for compliance; the "time notice served" field must therefore be completed.

A nuisance is likely to be where either:

- The alarm has been sounding for more than 20 minutes, or
- The alarm appears to be malfunctioning in some other way such that it keeps going off unnecessarily in a short period.

Following service of the Abatement notice:

Should the alarm continue to sound or malfunction following the time period specified on the notice. The investigating officer will consider whether it is appropriate to silence the alarm by means of completing works in default.

Where it is deemed necessary to silence an external alarm, arrangements should be made to meet the alarm company contractor outside the premises. The Police should be notified of the intended action and where appropriate attend while the alarm is silenced. The contractor should then disconnect the alarm causing the minimum of damage to the alarm system.

Should the alarm causing a nuisance be situated within the property an application must be made to the Magistrates court for a warrant to enter the premises under Part 111 of the Environmental Protection Act 1990. This warrant, if granted will allow essential persons to enter the premises. The use of force may be required in order to gain access and take action to abate the nuisance, most likely the removal of door locks by a locksmith. The property must then be secured following successfully abating the nuisance, and suitable arrangements made to ensure that the property's owner/responsible party is instructed how entry may be gained.

After disconnecting the external alarm, an internal alarm may still sound although this is unlikely to cause the same degree of nuisance as the external alarm.

Subsequent arrangements should be made to pay the contractor and to charge the occupier with the cost of the work.

4. Updated Noise Policy

Francesca Bell, PPASB and Licensing Service Manager:

- a. presented the revised Noise Nuisance Policy for consideration prior to referral to Executive
- b. advised that the Council has a statutory function in relation to the investigation of 'statutory nuisance' as defined in the Environmental Act 1990
- c. explained that the Council's Noise Policy was last revised and updated in 2016 following the introduction of the Anti-Social Behaviour Crime and Policing Act 2014 which specifically complemented statutory nuisance and noise investigation legislation
- d. referred to the revised policy at appendix A of the report and highlighted the following changes:
 - i. The policy had been updated to reflect the changes in the Councils Strategic Priorities
 - ii. Obsolete guidance which had been revoked had been removed in relation to alarms sounding and provided further guidance in relation to the silencing of internal and external alarms
 - iii. Included minimal amendments in relation to changes in Data Protection legislation
- e. invited members questions and comments:

Question: Referred to paragraph 9.3 of the report and asked what was considered reasonable times for DIY/ construction.

Response: Reasonable times was usually considered as Monday to Friday from 8am to 6pm. Saturday from 8am to 1pm. Sunday and public and bank holidays (only for emergencies).

Question: Further asked what was considered an un-reasonable time for children playing.

Response: Children playing at 10/11pm at night could be considered as unreasonable, however there may be other reasons for this and noise nuisance may not be the best way of dealing with this situation.

RESOLVED that the revised Noise Policy be supported and referred to Executive for approval.

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SUBJECT:	UPDATED ANIMAL POLICY (INCLUDING WELFARE STATEMENT)
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Executive members on the revised Animal Policy.
- 1.2 To seek approval of Executive for the policy to be implemented.

2. Executive Summary

- 2.1 The Council has many and varied roles and functions that relate either directly or indirectly to animals.
- 2.2 This policy had a major review in 2017 which brought together a number of our functions into one collective policy. The policy in 2017 was drafted by experts, consulted on with specialists, third sector and industry bodies.
- 2.3 The policy has received a refresh as it has now been in place for over 4 years. There have not been and significant changes with the exception of a change to the licensing of activities involving animals which affects Pet shops, Dog and Cat Boarding, Home boarding of Dogs and Dog Day Care, horse riding establishments and performing animals.
- 2.4 The Animals Policy is attached as Appendix A.
- 2.5 Policy Scrutiny Committee have offered comments on the policy and their comments and recommendations implemented.

3. Background

- 3.1 In 2017 the Council overhauled its animal policy and created a robust single policy that also encompassed our previous animal welfare charter.
- 3.2 The policy focuses on upholding the welfare of animals and ensuring that the high standards the Council has a long-held tradition of upholding in relation to the welfare of animals in its local area, both through our service delivery and our policy position.
- 3.3 The purpose of this is to embed the relevance of the welfare statement, provide consistency across our services and present a cohesive position externally.

4. The Revised Animal Policy

- 4.1 The revised policy can be found attached as appendix A. There have been some minor adjustments made to the policy.
- 4.2 The policy has been updated to reflect changes in the Council's strategic priorities.
- 4.3 Section 12 which details the licensing regime for animal activities has been updated to reflect the change in legislation which occurred in October 2018. The policy previously referred only to pet shops.
- 4.4 Finally, it includes minimal amendments in relation to changes in Data Protection legislation.

5. Policy Areas

- 5.1 The policy also deals with several individual areas where we have direct responsibilities, which includes;
 - Dogs
 - Animal Nuisance
 - Horses
 - Dangerous Wild Animals, Breeding and Boarding Establishments
 - Licensing of Activities involving Animals

6. Policy Scrutiny Committee Comments

- 6.1 4.1 of the policy: Agreed that the word "unnecessary" be removed and the policy would read "Reduce suffering to animals"
- 6.2 7.4.1 of the Policy: Asked if the full title of the legislation should be included rather than "Lucy's Law" Agreed that a hyper-link could be included in the Policy for the website which would link to the legislation.
- 6.3 7.8.1 and 7.8.3 of the policy: Made reference to contacting the Council and asked if the contact details could be included in the Policy. Contact details have been added.
- 6.4 7.8.7 of the policy: In relation to snares and traps and asked for clarification on what were considered pests, this has been clarified in the policy.
- 6.5 Policy Scrutiny Committee asked if trophy hunting could be included in the Policy. A position statement about the Council being opposed to trophy hunting has been included in the policy.
- 6.6 The amended Animal Policy has been circulated to members of the Policy Scrutiny Committee prior to referral to Executive.

7. Strategic Priorities

7.1 Let's drive inclusive economic growth

Part of our functions in relation to Animals involves regulation of industry. It is critical that the way we deliver regulation leaves space for business to grow and innovate whilst ensuring high welfare standards are maintained.

7.2 Let's reduce all kinds of inequality

Animal nuisance, stray or dangerous dogs can often have an impact in some of the most deprived areas of our City. Welfare can be linked to inequality and financial difficulties which can in turn lead to the maltreatment, trade or abandonment of dogs or other animals. This policy ensures the best possible response to tackle these issues.

7.3 Let's deliver quality housing

This policy relates to all tenures of property including our own council stock and so ensuring that the housing we provide is safe and offers a good quality of life free from animal nuisance.

7.4 Let's enhance our remarkable place

By ensuring that high standards of animal welfare are embedded across our work both in residential and commercial settings will help to enhance our remarkable place.

8. Organisational Impacts

8.1 Finance (including whole life costs where applicable)

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

8.2 Legal Implications including Procurement Rules

The legal implications of this policy are ensuring that the Council fulfils its statutory obligations in taking reasonably practicable steps to investigate complaints of nuisance within its boundary. This may result in cases being progressed to court, this has an impact on both the PPASB and legal teams' resources.

8.3 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

This policy seeks to ensure that both equality and diversity are considered at the point of a service request being made and throughout the enforcement process. The policy serves to ensure that no-one is unfairly impacted and that the service can be accessed by all.

8.4 Human Resources

There are no HR implications of this policy.

8.5 Land, Property and Accommodation⁷

There are no land, property or accommodation implications.

8.6 Significant Community Impact &/or Environmental Impact

There are no significant community or environmental implications.

8.7 Corporate Health and Safety Implications

Employees investigating animal nuisance or welfare standards may be lone workers and may face confrontational situations. These risks are identified and managed via both written and dynamic risk assessments. Training, elimination and reduction of risk and PPE are all provided to manage the risks posed.

9. Risk Implications

9.1 (i) Options Explored

No further options explored.

9.2 (ii) Key Risks Associated with the Preferred Approach

This policy seeks to reduce risks associated with noise nuisance.

10. Recommendation

10.1 That Executive consider the policy and agree to implement.

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? Two

List of Background Papers: None

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CITY OF LINCOLN COUNCIL

ANIMAL POLICIES

INCLUDING;

WELFARE STATEMENT

DOGS

ANIMAL NUISANCE

HORSES

PET SHOPS

DANGEROUS WILD ANIMALS,

BREEDING AND BOARDING

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1. Vision

To protect and promote the welfare of animals and wildlife within the City of Lincoln, providing a trusted and effective service, which is accessible to all.

2. Policy summary

Service commitments	
Our response	
Animal Welfare	A clear commitment to support the protection of pets, animals and wildlife.
Dogs	To oversee, with partners, the city’s pet population and protect the public wherever possible
Animal Nuisance	To ensure that where the manner in which animals are kept affects a person’s health, or causes a nuisance, appropriate action is taken
Horses	To protect and promote the welfare of horses within the city
Wildlife	To protect and promote wildlife, along with encouraging community engagement and tolerance
Pet Shops	To provide safe and well managed pet shops with a high regard to the welfare of animals
Dangerous Wild Animals	To work with our licensing function to ensure the risk to the animals and the public is well managed

3. Introduction

- 3.1 Animals are intrinsically linked to human life, either as wildlife, pets, working animals, food and agriculture or business. They are a part of the fabric of our world and play a significant part in many people's lives.
- 3.2 The City of Lincoln Council (further referred to as we/us) have a number of roles in relation to animals and this policy lays out those duties and our response.
- 3.3. We also, through this policy, seek to make a strong statement about our views on the need to protect animals and wildlife within the city, and beyond.

4. Aims

- 4.1 Through development and adoption of this policy we aim to achieve the following;
- Reduce suffering to animals
 - Protect the public from animals that may cause a danger
 - Protect the public from health impacts and/or nuisance caused by animals
- 4.2 A new set of strategic priorities for the council are emerging and the above aims are totally compatible with the overarching principles of these priorities; a future where people feel safe and welcome in their communities, everyone has the support they need to get a decent job and an affordable home, and where Lincoln is renowned for enterprise, heritage and educational excellence. The Council's strategic aims are:
- Let's drive economic growth
 - Let's reduce inequality
 - Let's deliver quality housing
 - Let's enhance our remarkable place
 - Let's address the challenge of climate change

5. Scope of this policy

- 5.1 This policy applies to all people and animals living, visiting and working within the City of Lincoln Council's boundaries.

6. Policy statement

- 6.1 This policy is designed to inform members of the public what they can expect from us in terms of our varied role in relation to animals.
- 6.2 We recognise our varying roles, as a licensing authority, investigative and prosecuting body, and custodian of sites. This policy sets out clearly the standards of service that all can expect during the conduct of these roles.
- 6.4 We also acknowledge our role as community leaders and seek to utilise this role to promote the need for further enhancements in animal welfare and the management of the animal population.
- 6.5 We seek to actively support, and work in partnership with a large range of community, charitable, and specialist organisations that work tirelessly to protect and promote the welfare of animals and we urge readers of this policy to similarly offer their support.

7. Welfare Statement

7.1 This statement has been developed with consideration to the strong community feeling expressed to the council about animal welfare. We aim, through this policy, to support the elimination of cruelty to animals, either by way of statutory control or, where we have no direct involvement, through working in partnership with other agencies.

7.2 This statement has been prepared in consultation with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and other relevant bodies. We sincerely request that readers of this statement support the aims of the society and other animal welfare organisations.

7.3 Domestic Animals

We would urge individuals and families not to underestimate the impact of taking a decision to have pets in their home. Any pets require time and care in order to ensure they remain happy, healthy, and able to exhibit normal behaviours. Our role in relation to domestic animals brings us in to close contact with many pets and their owners within the City. Through this work we will aim to support and reinforce welfare standards for domestic pets. Where owners fall below these standards, advice and guidance will be given and, in extreme circumstances, we will seek to take direct action ourselves or involve relevant partners, especially where any legal sanctions may be necessary.

Where we have a role in relation to licensing of establishments such as riding schools, boarding kennels or breeders, we will seek to apply conditions that promote and reinforce the welfare of animals.

7.4 Pet Shops

We will ensure that all pet shops in the city that sell pet animals are regularly inspected and conditions within the premises meet the requirements of the guidance issued by Defra under the Animal Welfare (Activities Involving Animals)(England) Regulations 2018 which requires minimum standards of accommodation and treatment. We will encourage pet shops to try to obtain a 5 star rating, providing the highest standard of welfare conditions for the animals in their care.

We discourage the sale of pets during the month of December as we believe many pets are given as presents during this period. We also discourage the sale of rabbits during Easter. We would support any voluntary action taken by pet shops in this regard and at the least would like to see an increased level of checks and information being provided.

7.4.1. Puppies

We support government advice on the purchase of puppies. Changes to legislation means that “Lucy’s Law” has been introduced, requiring that anyone wanting to buy a puppy must now buy direct from a breeder.

‘Lucy’s Law’ is an amendment to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 brought about by The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019, which makes unlawful the sales of puppies and kittens (under six months in both cases) by third party sellers/anyone other than the breeder. The full legislation can be found here <https://www.legislation.gov.uk/ukxi/2018/486/contents>

Buyers must ensure they see the puppy in a home environment and interacting with its mother. The sale of puppies under 6 months old, in pet shops is no longer permitted, as

it does not allow for this interaction to be witnessed. There are currently no pet shops within the City authorised to sell puppies as a part of their inventories. Any attempts to allow puppies to be added to pet shop inventories within Lincoln will be refused.

Whilst we recognise and promote the need for high welfare standards in partnership with our pet shops, we often have little knowledge of private breeders. We strongly support the introduction of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which allows more effective controls for private breeders and clarity over the licensable threshold with in-scope criteria including the breeding of 3 or more litters in a year (unless it can be shown that none of the puppies have been sold) and anyone breeding and advertising puppies for sale.

7.4.2 Control of Dogs and Cats

There are a number of charitable organisations working to protect the local population of cats and dogs and we will seek to work with and support such organisations wherever possible, and would encourage readers of this statement to do likewise. We recognise the importance of the Animal Warden role of the local authority and will continue to support and oversee, in partnership, this population to control issues relating to straying, aggression, nuisance and welfare. We continue to support the introduction of a microchipping scheme for dogs in order to help us and our partners effectively deliver our role, protect the public and animals. This requires owners to be registered on a national database. We will continue to target those owners who act in an irresponsible manner through education and enforcement.

There is an abundance of kittens either privately bred or available for rehoming from local charities, one of which has up to 400 cats available at any one time. We are opposed to the sale of kittens on a commercial scale and will therefore resist efforts to add cats or kittens to pet shop inventories during renewal and may refuse to grant new licenses. There are currently no establishments licensed for the sale of kittens. We do however believe that rescue centres and other relevant charities, where the sale of large number of animals may take place, should be required to hold a license so that standards can be monitored.

7.4.2 Non-Human Primates

Government guidance, the “Code of Practice for the Welfare of Privately Kept Non-Human Primates”, states that *“Primates should not be considered as pets in the accepted sense of the word: they are not species that can be treated as part of the family in the way that a cat or dog might be. They are wild undomesticated animals that cannot be house-trained or fully tamed.”*

Companion animals, such as cats and dogs, have been domesticated (selectively bred, over generations, for varying qualities and behavioural traits), to varying degrees, over thousands of years. Primates are wild animals that have not been subjected to this process.

Non-human primates are socially complex, intelligent and long-lived animals. The majority of species live in social groups which range in complexity. Non-human primates have the capacity to suffer pain and distress, with some species able to think and reflect. With this in mind it should be recognised that the capacity for suffering is especially significant as the potential for harm is heightened.

In order to provide adequate care for such species, significant space, knowledge, training, socialisation and time is required. We are opposed to these types of animals being kept,

or sold, as pets within the City and would support a nationwide ban. We will resist efforts for these animals to be added to pet shop inventories within the City as their basic needs cannot be met within the environments available. We will refuse to grant licenses or renewals where these animals are within the inventory.

The Animal Welfare (Kept Animals) Bill is currently in the process of going through parliament. When introduced, it will require that in order to keep a Non-Human Primate that the keeper is licensed.

7.5 Importation of Domestic Animals and Wildlife crime

We believe that the importation of domestic animals for sale in this country can only be supported where an assurance can be given that they are captive bred or sustainably farmed, and transported, humanely. Wildlife crime can have a devastating impact on endangered species as well as causing unnecessary suffering to the animals involved. We would support stronger penalties for those who are convicted of bringing animals into this country either without adhering to quarantine regulations or by inhumane methods of transportation.

7.6 Animals as Prizes

As stated above, the decision to have a pet should be given due consideration, along with ensuring that the best quality of pet in terms of health and behaviour is acquired. It is because of this that we are opposed to the giving of any animals as prizes. We will not let (rent out) or allow council land to be used in connection with the giving of animals, including fish.

7.7 Performing Animals

We recognise that there is a strength of public feeling about performing wild and domesticated animals within a circus environment, this concern is shared by respected charities such as the RSPCA. The term wild animals is used to describe any vertebra not normally domesticated within the United Kingdom. We continue to support a national ban on the use of wild animals in circuses and will not allow Council land to be let or used in association with performing animals.

We do also recognise that there is a difference in respect of domestically owned but showed or competing animals and we would not seek to prevent this type of activity. Nor would we seek to prevent the showing of birds of prey or other similar events.

Working animals play a key role in our communities in a range of roles. This policy does not seek to prevent this work.

We would furthermore support a ban on the use of non-domesticated performing animals in advertisements.

7.8 Wildlife

- 7.8.1 The Council is committed to protecting wildlife and their natural habitats within the City. Reports can be made to us (contact details can be found in section 25) about injured wildlife or intentional damage to habitats within the City. We encourage the public to play an active role in this and in caring for injured wildlife in the short-term and seeking help, as we know they already do.

7.8.2 There are a number of areas where nature thrives within the City, as well as within with designated Local Nature Reserve and area of Special Scientific Interest. We will respond to any concerns raised within these areas, in line with this overarching policy, and with additional consideration for the needs of the local area. Our commitment to protecting and enhancing the environment is enshrined within the City of Lincoln Local Plan, which states the aim to; *“safeguard and enhance both the natural environment and the historic built environment, so that the physical, social and economic well-being of future generations (and people living in other parts of the world) is not threatened.”*

7.8.3 Bees are not considered pests and we promote the need to maintain an urban environment that they can live within. Bees have significant importance to the environment, will rarely cause a nuisance, and will only sting when threatened. Anyone concerned about the location of a beehive, or its impact on safety, should contact local bee keeping organisations in the first instance, or can contact us (contact details can be found in section 25) for advice where it is considered that either the bees or public health is at risk.

7.8.4 The council will work with partners responsible for waterways to ensure effective protection for wildlife on Lincoln's waterways, and will support the investigation of any offences through the supply of intelligence or information to relevant statutory agencies

7.8.5 Blood sports are widely opposed by the public and we are opposed to the hunting of animals for pleasure. We will not allow Council land to be used for, or in connection with, this purpose. We do accept that there is a legitimate need, and at times a statutory duty, to control pests and vermin. Where this is necessary this must be done having consideration to the target pest, having considered the risks and potential wider impacts on wildlife, and use only the most humane methods. It should never be treated as sport.

7.8.7 Snares and Traps

We are opposed to the production, supply and use of snare or traps. It is known that these cause suffering to animals, and as such are not considered to be humane.

The exception is for cases of pest control such as rats/mice or insects such as cockroaches, where traps may be the best available method. The use of glue/sticky traps is indiscriminate and cruel and we are opposed to the use of this method

7.8.7 Conflict between wild animals and people

Certain wild animals may at times be seen as a nuisance, or impact an economic activity. In these circumstances we will seek to identify solutions that deliver non-lethal options to reduce or remove the problem. Where this fails, some animals may need to be controlled by lethal methods, such as the use of poisons. However, this must always be done in a manner that is legal and conforms with CRRU¹ standards so that it is used effectively and only affects the target species. We are opposed to the use of poisons on anything other than small-scale use, including commercial sites, where there is any potential risk to wildlife. Where any such use is necessary, it is expected that the method adopted ensures the least amount of suffering possible.

7.9 Animal Furs and Hunting Trophies

We are opposed to the sale and use of animal fur and are also opposed to the imports, sale or use of any other such items obtained through or by Trophy Hunting and would

¹ <http://www.thinkwildlife.org/crru-code/>

support a nationwide ban, along with calling on the media to refuse to advertise any such goods. We will work to support animal welfare groups opposed to this trade and will seek to work, as opportunity permits, with local retailers to ensure these goods are not offered for sale. We will not allow Council land to be let or used in relation to the sale of furs or items obtained through trophy hunting. We are of course strongly opposed to anything other than peaceful protest.

7.10 Animal Research and Testing

The Animals (Scientific Procedures) Act was introduced in 1986 and amended in 2013, and we would support even further reform to ensure animals are protected from needless suffering. We are opposed to the use of animals to test cosmetics and household products, and we require all Council owned and funded institutions to ensure that all such products they purchase carry 'Leaping Bunny' certification in the acquisition of new products, where such products are available and fulfil the operational requirement. The Council will not prevent the use of any established products. We encourage all designated animal research, testing and breeding establishments within Lincoln to sign up to the Concordat on Openness on Animal Research and to be open and transparent about the harms, limitations and benefits of animal experiments, while demonstrably ensuring that animal experiments are replaced or avoided wherever possible, numbers and suffering are reduced and welfare improved for as long as their animal use continues. We would also wish to see such facilities include independent members on their ethics committees and set up institutional policies not to conduct procedures that cause severe suffering for any purpose.

7.11 Factory Farming

We are opposed to 'factory farming' (where production methods ignore or pay scant regard to the health and welfare of the animals), in all forms and support more sustainable and compassionate methods of farming animals. We would support the following minimum measures being introduced: restriction of mutilation (other than to prevent greater suffering), a ban on the practice of beak trimming (including use of lasers), ban the export of live food animals.

7.12 Slaughtering

As above, we support a ban on the transportation of live animals for slaughtering however, in the absence of this we believe slaughtering should take place as near to where the animals are reared as possible, in order to reduce stress and ensuring that the animal is properly stunned first. We would furthermore support the introduction of mandatory CCTV within slaughterhouses.

7.13 Education

We strongly advocate the need for school education to include information about wildlife and the environment we live in. We call on all local educational providers to begin, or continue to include in the curriculum, animal welfare and wildlife conservation. We will ensure that those working in the industry, where we have a licensing function, are suitably trained.

8. Dogs

8.1 Introduction

Dogs are a popular pet for many homes, with the PDSA estimating the population in the United Kingdom in 2020 at 10.1 million. The Council have a number of statutory roles and additional powers available in order to help manage this population. This policy area will cover the following aspects;

- Stray Dogs
- Lost Dogs
- Microchipping
- Dangerous Dogs
- Dog Fouling

8.2 Stray Dogs

The Council have a statutory responsibility for the collection of stray dogs, under the Environmental Protection Act 1990. Specifically, we are required to appoint an officer to oversee this element of the act. Upon the capture of a stray dog the Council will;

- Seize the dog

8.2.1 This will be done by experienced officers who will risk assess each individual incident. Additional equipment such as poles, bite protection suits or additional officer support will be made available, where appropriate, for potentially dangerous dogs. In extreme circumstances, Police assistance may be required. Every effort will be made to ensure the welfare of the animal however, public safety will be of primary concern.

- Make efforts to identify the owner (scan for a microchip, check for tags)

8.2.2 Officers will make every effort to contact the owners of dogs we find. We will scan for microchips and check collars and tags.

- Reunite with owners where possible, on the first occasion

8.2.3 We recognise the importance of returning pets to their families as soon as possible and will aim to do this as quickly as possible. It is important however to recognise that there is a cost to the collection of stray dogs, and for repeat offences, or occasions where the dog has to be kennelled, the council will charge these costs to the owner, along with a statutory fee.

- House, within the Council's designated kennels, where not reunited for the seven days required by law

8.2.4 The cost per day is recorded and revised annually within the Council's fees and charges. The Council will provide emergency medical care, at its discretion, but reserves the legal right to humanely destroy a dog in order to minimise suffering, where necessary and in consultation with a veterinary surgeon. Dogs in our possession will be kept in line with the Governments "Code of Practice for the Welfare of Dogs", this includes when they are kept under the terms of any contract we hold with a third party, who will be regularly inspected by officers of the Council.

- If not collected within seven days, we will pass ownership for rehoming to local partner organisations

8.2.5 The Council are legally required to retain dogs for seven days. Where dogs are not collected within this time period, or the required fees are not paid, we reserve the right to sell, give away or humanely destroy the dog. Where dogs are given or sold, this will be to an organisation, or individual, we believe will care appropriately for the dog. Generally, we will release the dog to a partner organisation to arrange for re-homing. Destruction is a last resort and will generally only happen where the dog is assessed as dangerous, or unwell. We will never give or sell a dog for the purposes of vivisection (animal experimentation).

- In certain circumstances, allow appropriate individuals (where they have found the dog) to care for them for a minimum period, and thereafter if no owner comes forward

8.2.6 The law surrounding strays allows for finders of stray dogs, where they are assessed as appropriate, to keep the dog, subject to providing their information to the local authority and to keeping the dog for a minimum period of 28 days. Within the period of 28 days, the owner may come forward to the Council, who will reunite them with their dog. After the 28 day period, ownership will transfer to the finder of the dog.

8.3 Lost Dogs

We will record all reports of lost dogs and any reports could help us to quickly reunite stray dogs with their owners.

8.4 Microchipping

The Microchipping of Dogs regulations were introduced in 2015, which made it a legal requirement to microchip your dog. Where we come across dogs, as a part of our daily duties, we will check that they are compliant with these regulations. Where dogs and their owners are found to be outside of these regulations, we will serve a legal notice requiring the dog be microchipped. Failure to comply with this notice is an offence and the Council may prosecute the offence and/or seize the animal to insert a microchip, which would be chargeable to the owner.

8.5 Dangerous Dogs

The Council are empowered, under a range of different Acts, to deal with aggressive, dangerous and out-of-control dogs. Where we receive any such reports, officers will undertake to investigate any offences, in partnership with relevant bodies, such as the Police. It is generally expected that the Police would investigate any criminal offence which leads to injury of a person, whilst we will investigate offences relating to injuries against other animals, or less serious offences. Often these offences can be important indicators of dogs that may need controlling before more serious incidents occur. We will seek to support any investigation undertaken by our partners and will use our own powers where appropriate, these could include control orders, legal notices or other forms of legal action.

8.6 Dog Fouling

Public land within the City of Lincoln is designated under the Dogs (Fouling of Land) Act 1996 and where offences are evidenced, a Fixed Penalty Notice will be issued, in line with the Council Fixed Penalty Enforcement Policy, for a first offence.

9. Animal Nuisance

- 9.1 The Council have a statutory duty to investigate offences relating to statutory nuisance, under the Environmental Protection Act 1990. This Act considers various elements relating to animals which may be *'prejudicial to health, or a nuisance'*. These offences can often relate to animals, either due to the noise or waste they can create, or the pests that they can attract. In these instances, and following informal attempts to abate the nuisance, an abatement notice may be used. In all circumstances below, the welfare of the animal, along with the impacts on the community, will be of paramount concern to officers.
- 9.2 With regards to fouling waste in gardens, officers will make assessments based on each individual case and will consider the following issues, so as to consider the existence of a nuisance, under the relevant legislation and supplementary guidance;
- the size and number of animal fouling waste deposits
 - the proximity of neighbouring properties and gardens
 - the size of the gardens
 - the time of year and impact of the smell, attraction of flies, frequency of use of garden areas etc
- (This is not an exhaustive or restrictive list of considerations)*
- 9.3 Noise issues in relation to animals will be handled in line with the Council's Noise Nuisance Policy, though additional consideration will be given to the welfare of the animals and we will make efforts to ensure its needs are being met. Conditions in notices may also require work specific to animals, such as training, making safe a garden or attendance of animal behavioural therapists. These will be at the cost of the owner.
- 9.4 Where animals are kept in a manner that is likely to be prejudicial to health, or a nuisance, or associated with their likelihood to attract pests or spread disease, the Council will seek to take immediate action. In these cases the Council may seek to issue notices requiring veterinary care, isolation, or removal of animals from particular premises. In more extreme cases the Council may seek a warrant in order to carry out relevant works. Where there is non-compliance, this would be chargeable to the owners, under the terms of the notice.
- 9.5 It is generally expected that those with pets have the facility to care appropriately for them and prevent a negative impact upon their neighbours and the community. Officers will seek to offer support and advice where appropriate, before considering enforcement action. However, where a statutory nuisance is identified, an abatement notice must be served if we are not confident the issue can be rectified.
- 9.6 On occasion animal issues in relation to fouling waste may not constitute a statutory nuisance, but may be evidenced to have had an impact on the quality of life of people within the local area. In these circumstances, the Council will consider action under the ASB, Crime and Policing Act 2014, where a Community Protection Notice may be served. These would contain conditions designed to eradicate or reduce the negative impact.
- 9.7 We will take a robust approach to prosecuting offences committed under the terms of an abatement notice, or any other offence committed under relevant Acts.

10. Horses (Includes an ass, mule or hinny)

10.1 Common Land

Lincoln City is perhaps unique in its abundance of 'Common Land'. This land is available for the use of the residents of the City and one such use is for the grazing of horses.

The licensing of horses on the common is subject to the provisions of the Council's Licensing Policy. Where horses are grazing on the common, we will investigate any concerns raised in relation to the welfare of the animals and seek to work with partners, such as the RSPCA, or local charities, to improve conditions where necessary.

Where horses are found on Common land without license, the Council will arrange for removal.

10.2 Unlawfully Tethered or Grazing Horses

The Control of Horses Act 2015 introduced controls on horses found to be unlawfully grazing on land. Subject to the relevant conditions within the Act, the Council can seize horses which we do not believe have the relevant permission from the landowner. We will take this action in response to complaints from landowners or where a risk to the public is identified. However, costs or responsibility may be passed to the landowner at our discretion.

The Highways Act 1980 also makes it an offence for a horse to be found grazing or laying on or by the side of a highway. In such circumstances the police have powers to remove to the owner or pound, and we will work to support partners in this process. Where we have the power to re-house any horses, this will only be done through third sector charitable organisations.

10.3 Riding Establishments

Part of our duties involve the licensing of riding establishments. This will be done in line with our Licensing Policy, which will ensure a good standard of welfare.

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11. Dangerous Wild Animals (DWA's)

- 11.1 The Dangerous Wild Animals Act 1976 defines which animals are considered as dangerous and/or wild. This Act requires the licensing of individuals in order to own (within a domestic setting) a dangerous or wild animal(s).
- 11.2 Individuals have the right to appeal the decisions relating to DWAs to the magistrate court.

12. Activities Involving Animals Licensing

12.1 Introduction

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 has given clarification on what should be considered as “in-scope” or “out of scope” with regards to all Animal related business, be that a shop or a private residence and covers the internet sales of animals.

Guidance is available from Defra with regards to dog boarding kennels, home boarding, dog day care, selling animals as pets, riding establishments, catteries, breeding of dogs and the keeping or training of animals for exhibition and this guidance must be followed to the minimum welfare standards in order for a license to be issued. If the minimum standards are not met, the application for the license will be refused.

Any licenses issued within the City will be done so in line with our Licensing Policy and with regard to the welfare statement within this policy. Licenses may be revoked or suspended if standards are not being met. This may be appealed to a First Tier Tribunal.

12.2 How to Apply

New applications for an Animal Activities Licence should be made by contacting the Public Protection and Anti-Social Team either by phone or online at www.lincoln.gov.uk/licences/request-licence-application-form. A fee is chargeable, which will be set as a part of the Council's annual fees and charges and will be available on the website.

Applicants for an Animal Activities Licence, the designated manager and staff employed by the business will be required to demonstrate that they are competent to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent pain, suffering, injuries, disease or abnormal behaviour. Animals must be handled and cared for by staff who possess the appropriate ability, knowledge and professional competence. This can be demonstrated by holding an OFQUAL regulated Level 2 qualification that is appropriate to the species kept, by having undertaken relevant industry recognised training or an in-store training programme or based on experience.

Persons who may not apply for a licence are listed in Schedule 8 of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

12.3 Refusal of Licences

We reserve the right to refuse to grant licences to individuals we do not believe to be fit and proper, should we be aware of any previous relevant offences, or who refuse to comply with the principles of this over-arching policy, including the welfare statement.

Individuals have the right to appeal this decision to the magistrate's court.

12.4 Licence Conditions

The Council will issue licences containing conditions that are designed to promote the welfare of animals, and promote responsible pet ownership. Conditions will be developed in line with the guidance issued by Defra, encouraging businesses to strive to reach the highest possible standards of care.

Conditions will relate to the following areas;

- Licence Display
 - Records
 - Use, Number and Type of Animal
 - Staffing
 - Suitable Environment
 - Suitable Diet
 - Monitoring of Behaviour and Training of Animals
 - Animal Handling and Interactions
 - Protection from Pain, Suffering, Injury and Disease
 - Emergencies (including fire and escape of animals)
 - Specific Conditions relating to the Licence that has been applied for.
-
- Dangerous Wild Animals (as designated under the Dangerous Wild Animals Act 1976 and amended in 2010)
-
- Zoo Licensing Act 1981 (as amended)

12.5 Inspections

Each business will receive an inspection (without notification) from an Inspector authorised by the City of Lincoln Council. Reptile stockists will also be inspected by a specialist zoologist veterinary surgeon who is able to offer advice on the various species stocked.

An Inspector may conduct additional inspections throughout the year either as a part of regular duties, or in response to any complaints from members of the public. Any obstruction or delays intentionally caused to an Inspector will be prosecuted under the relevant Act.

12.6 Licence Period

Licences will be granted by following the risk scoring matrix and Animal Activities star rating system in the guidance for Local Authorities issued by Defra .

12.7 Complaints

Upon receipt of a complaint in relation to a business, an inspector will visit and assess the situation, consulting, if necessary, with a veterinary surgeon. Where persons are found not to comply with the terms of their licence, we may use the powers provided under the

Regulations to suspend or revoke a licence. If the Inspector is of the opinion that there is a failure to ensure the welfare of an animal, then an improvement notice may be served on the person failing to comply. If the improvement plan is not followed and a shop continues to fall below the standards set within their licence, we will seek to use our legal powers to remove the licence and prosecute any offences.

Pets should not be sold to anyone under the age of 16 and we may take action to enforce any breaches of this provision.

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13. Publicity

- 13.1 We are committed to promoting positive messages about pets, animals, and wildlife, and will work closely with partner organisations or local community groups who wish to play an active role in this area.
- 13.2 Where positive action is taken by the Council in relation to any of the issues covered by this policy we will seek, where appropriate, to publish these interventions in order to further educate the public and deter offenders.

14. Service structure

- 14.1 The Directorate of Communities and Environment holds responsibility for all animal related matters including civil and criminal investigations, along with the licensing of all animal related establishments.
- 14.2 The Public Protection and Anti-Social Behaviour service will be responsible for criminal and civil investigations into any of the areas covered by this policy, with the exception of some licensing functions and landlord responsibilities relating to wildlife.
- 14.3 The Licensing team will be responsible for issuing and managing licenses in respect of dangerous wild animal licences.

15. Going to court

- 15.1 Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants or witnesses. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include
- victim support;
 - evidence via video link;
 - evidence from behind screens;
 - submission of hearsay evidence (not possible in all cases);
 - target-hardening (panic alarms etc).

16. Support for victims and witnesses

- 16.1 Some cases dealt with under this policy may be generated by public complaints and may involve single or multiple victims and witnesses.
- 16.2 Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

17. Support for perpetrators

- 17.2 While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or

condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer, or direct to, support for those who have protected characteristics or are otherwise identified as vulnerable perpetrators. As part of our internal processes we will carry out assessments to identify any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;
- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

18. Closing cases

- 18.1 Cases will only be closed following contact with the complainant unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement, however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer, to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter, if an individual remains unsatisfied they can use the Council's complaints procedure.
- 18.2 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence to support their allegations.

19. Seeking complainants'/victims' views

- 19.1 Following closure of a complaint relating to animals, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

20. Oversight

- 20.1 Operational oversight of individual cases will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.
- 20.2 Corporate oversight of these services will be discharged by the Public Protection and ASB Manager who will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. This officer will also represent the council in respect of local, regional or national animal related matters.

- 20.3 Strategic oversight of licensing functions will be discharged by the Assistant Director for Health and Environment
- 20.4 Leadership, along with overarching responsibility, will be provided by the Strategic Director for Communities and Environment.

21. Information sharing

- 21.1 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. There may be cases, for example when individuals complain about their neighbours, which carry a risk that people may suspect they know the source of complaints, this will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 21.2 Our privacy statement sets out how we use your information and can be found at www.lincoln.gov.uk/privacy-notices/privacy-notices-services

22. Legal framework

- 22.1 This document has been drafted in compliance with/with consideration of the following Acts:
- Human Rights Act 1988
 - Data Protection Act 2018
 - UK General Data Protection Regulations
 - Equality Act 2010
 - Environmental Protection Act 1990
 - Animal Welfare Act 2006
 - Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - Lincoln City Council Act 1985
 - Dangerous Dogs Act 1991
 - Dangerous Wild Animals Act 1976
 - ASB Crime and Policing Act 2014

23. Relevant policies/published documents

- 23.1 Policies/published documents which may be relevant to the application of this document are:
- Guidance issued by Defra for the Licensing of Animal Activities
 - Code of Practice for the Welfare of Dogs
 - Code of Practice for the Welfare of Cats
 - Code of Practice for the Welfare of Horses
 - Model Conditions for Pet Vending Licensing
 - Circus Animals Regulation Guidance
 - Code of Practice for the Welfare of Privately kept Non-Human Primates
 - ASB, Crime and Policing Act statutory guidance
 - City of Lincoln ASB Policy

- City of Lincoln Fixed Penalty Enforcement Policy
- City of Lincoln Safeguarding Policy
- Lincolnshire CSP ISA

24. Monitoring/Review

24.1 This policy will be reviewed biennially.

25. How to contact City of Lincoln Council:

Email: customer.services@lincoln.gov.uk

Call: 01522 881 188

write to: City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD

contact us online at: <https://www.lincoln.gov.uk/contact-1/get-touch/2>

26. Policy tracker

Policy tracker				
Author	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Francesca Bell Public Protection and ASB Manager	Simon Walters Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	

3. **Updated Animal Policy (inc Welfare Statement)**

Francesca Bell, PPASB & Licensing Manager:

- a. presented the revised Animal Policy for consideration prior to referral to Executive
- b. gave an overview of the council's roles and functions that related either directly or indirectly to animals
- c. explained that the policy had undergone a major review in 2017 which had brought together a number of Council functions into one collective policy
- d. referred to the revised policy at appendix 1 of the report and highlighted the following changes:
 - i. The policy had been updated to reflect the changes in the Councils Strategic Priorities
 - ii. Section 12 which detailed the licensing regime for animal activities had been updated to reflect the change in legislation which occurred in October 2018. The policy previously referred only to pet shops.
 - iii. Included minimal amendments in relation to changes in Data Protection legislation
- e. explained that the use of glue/sticky traps was currently under review, although the practice was still legal at the moment, this was likely to change, this would be reflected in the policy if/when the law changed. Currently the policy stated that the Council were opposed to the use of this method.
- f. invited members questions and comments:

Question: Referred to paragraph 10.1 of the report in relation to horses on the common and asked if concerns on how the public treated horses as well as the owners would be investigated.

Response: The Council worked closely with the Commons Horse Association and any concerns regarding the treatment of horses would be investigated. Individual evidence would be required for any enforcement action to take place.

Question: Asked if it would be better to include the banning of sticky traps in the policy now rather than waiting for legislation.

Response: There had been no reports that the use of sticky traps was taking place in the city. Although the Council was opposed to the use of sticky traps

there was currently no enforcement action that could take place to prohibit the use of them.

Question: Asked why the policy had been updated now and when the next update would take place.

Response: The policy was on a 4 year cycle of being updated, if any major changes occurred, the policy would be updated as and when required.

Question: Referred to paragraph 4.1 of the policy and suggested that the word 'unnecessary' be removed.

Response: Agreed that the word "unnecessary" be removed and the policy would read "Reduce suffering to animals"

Question: Referred to paragraph 7.4.1 of the Policy and asked if the full title of the legislation should be included rather than "Lucy's Law"

Response: Suggested that a hyper-link could be included in the Policy for the website which would link to the legislation.

Question: Referred to paragraphs 7.8.1 and 7.8.3 of the policy which made reference to contacting the Council and asked if the contact details could be included in the Policy.

Response: Suggested that a hyper link be included to link to the contact form.

Question: Commented that not everyone was digitally engaged and asked if contact details could be included in the policy.

Response: Suggested that contact details could be added to the end of the policy.

Question: Referred to paragraph 7.8.7 of the policy in relation to snares and traps which stated that "The exception is for cases of pest control" and asked what was considered a pest.

Response: Insects or rodents were considered pests, this would be clarified in the policy.

Question: Asked if trophy hunting could be included in the Policy.

Response: A position statement about the Council being opposed to trophy hunting could be included in the policy.

The Chair further suggested a clause be included in the policy to state that should there be any changes in legislation then the policy would be updated.

Francesca Bell, PPASB & Licensing Manager confirmed that the policy would be updated to reflect the changes that had been suggested during the discussion of the item.

RESOLVED that the amended Animal Policy be circulated to members of the Policy Scrutiny Committee prior to referral to Executive.

SUBJECT:	EXCLUSION OF THE PRESS AND 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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