

## EXECUTIVE

**Monday, 16 September 2024**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Naomi Tweddle (Chair), Donald Nannestad (Vice-Chair), Sue Burke, Bob Bushell, Rebecca Longbottom and Joshua Wells

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

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## 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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**Present:** Councillor Naomi Twedde (*in the Chair*),  
Councillor Donald Nannestad, Councillor Sue Burke,  
Councillor Bob Bushell, Councillor Rebecca Longbottom  
and Councillor Joshua Wells

**Apologies for Absence:** None.

**18. Confirmation of Minutes - 22 July 2024**

RESOLVED that the minutes of the meeting held on 22 July 2024 be confirmed and signed by the Chair as a true record.

**19. Declarations of Interest**

No declarations of interest were received.

**20. Quarter 1 2024-25 Operational Performance Report**

Purpose of the Report

To present an outturn summary of the Council's operational performance in quarter one of 2024/25.

**Decision**

1. That the contents of the Quarter One Operational Performance Report for 2024/25 as detailed at Appendix A and B of the officer's report be noted.
2. It be confirmed that the format of the performance report continued to meet Executive requirements.

Alternative Options Considered and Rejected

None were considered.

Reasons for the Decision

Regular monitoring of the council's performance was a key component of the Local Performance Management Framework. This report covered the key strategic performance measures identified by members and Corporate Management Team (CMT) as of strategic importance.

Each targeted measure was monitored against a target boundary range.

If a performance measure outturn status was recorded as Blue (acceptable), the measure was seen as performing on track. If a performance measure outturn status was green, the measure was seen to be achieving or exceeding the aspirational target. If a performance measure outturn status was red, the measure was seen to be performing below target and should be an area of focus.

The Quarter 1 outturn report was presented in a refreshed format to help make performance reporting more user friendly. It included comparisons made against performance for the first quarter of the previous year.

The outturn report at the end of quarter 1, 2024/25 detailed performance against a total of 87 measures across the Directorates of Chief Executive's, Communities and Environment, Housing and Investment and Major Developments, of which 13 were below target; 20 were within target boundaries; and 28 had met or exceeded a higher target. A further 24 measures were volumetric, and provided context to overall service delivery and 2 were recorded as data not being available for this quarter. Commentaries on each measure were detailed within the officer's report.

Out of the 87 performance measures monitored during the quarter, 63 had targets allocated to them, of these targeted measures, 48 (76.2%) were within or exceeding the targets set.

A review of the quarterly performance process undertaken at the end of 2023/24 led to a wider range of performance information included within Appendix A, incorporating qualitative data in the form of case studies and service highlights. These were grouped into seven themes, namely the five Vision Priorities and the two inward looking portfolios 'Our People and Resources' and 'Customer Experience and Review.'

The more detailed performance data tables were now grouped together in Appendix B, including the suite of corporate measures that were previously in Appendix A. Performance data remained grouped by directorate, and a colour coding system had been introduced to make it simpler to identify which portfolio each measure related to. Appendix B also included a quarterly Communications update.

When read together, Appendices A and B aimed to enhance the range of performance information presented via the quarterly reporting process and make it easier to assess and scrutinise the performance of each priority/portfolio.

Overall, performance across the Council had improved in the last twelve months. This excluded the Directorate of Major Developments, which was reporting quarterly performance for the first time. Further detail could be found within paragraph 4 of the officer's report.

The report had been considered by the Performance Scrutiny Committee at its meeting on 15 August 2024

*(Members thanked officers for their excellent work making improvements to the overall report format).*

## **21. Parking Strategy Review**

### **Purpose of the Report**

To provide a summary of the Parking Strategy and Delivery Plan as detailed at Appendices 1 and 2 of the officer's report and request approval by Executive.

### **Decision**

That the Parking Strategy and Delivery Plan be approved by Executive.

## Alternative Options Considered and Rejected

None were considered. Not updating the Council's Parking strategy would mean that the Council did not have a strategy which reflected current and future car parking demands as well as addressing environmental matters around climate change which could have a negative impact on the City, its residents and visitors alike.

## Reasons for the Decision

The provision of adequate and efficient off-street and residents parking in the City was crucial in helping ensure Lincoln successfully continued in its role as the key urban centre for Lincolnshire and the wider area. The last Parking Strategy was produced in 2015 and the City had changed significantly since that time; a new strategy was required that met the needs of residents and businesses both now and into the future.

Officers had been working on a review of the Parking Strategy and production of a Parking Delivery Plan and these two pieces of work had now been completed. The delivery plan effectively set parking service priorities and policies to be delivered by the Council over the next 5 years. It should be noted that the strategy predominantly focused around off-street parking provision in our car parks, but also covered the City Council's role in connection with on-street residents parking too. It did not cover the majority of other on-street parking provisions/restrictions - these being within the remit of Lincolnshire County Council.

The Council operated 22 car parks which provided a total of 3,563 spaces within its boundary. The last Parking Strategy was produced in 2015 through the use of external consultants and obviously, since that time significant changes had taken place in terms of development within the City and transport and planning policy at both national and local levels. Such changes warranted the need for the production of an updated Parking Strategy which the Council could take forward with confidence.

An outline of the Parking Strategy Review Process was provided within the officer's report. The factors for change which set out the parameters for the review since 2015 included:

- Climate Change and Sustainability
- Contribution of Parking Income on Medium Term Financial Strategy
- Impact of Covid
- Technological Advancements in Parking
- Parking Pricing
- Innovation and Future Proofing
- Rationalisation of Car Park Assets

These factors helped in turn to set the overall scope of the Parking Strategy Review as detailed within the officer's report.

Much stakeholder engagement was carried out to inform the review process including workshop sessions across the City, together with public consultation and member engagement.

The Parking Strategy set out six priorities for action over the next five years:

- Priority 1: Re-Distribute Demand
- Priority 2: Maintain and Diversify Income Streams
- Priority 3: Car Park Improvements Including Preparing for Shift to Electric Vehicles
- Priority 4: Residents Parking
- Priority 5: Events, Marketing and Branding
- Priority 6: Asset Maximisation

As this was such a changing operating environment, it was proposed to review the action plan annually together with a light touch review of the overall strategy every three years.

The strategy needed to acknowledge that there was a delicate and sensitive balance in the City to provide sufficient parking to maintain and support residents and businesses in Lincoln whilst at the same time encouraging modal shift from a carbon reduction perspective. Getting this right represented the single biggest challenge over the duration of this strategy. This balance was achieved to an extent in this first plan period by continuing to encourage the move to electric vehicles to cut emissions, and then seeking over the full term of the strategy to reduce overall car volumes entering the city centre, and hence influencing other wider strategy documents such as the City Centre Masterplan Review and Lincoln Transport Strategy.

*(Members extended their thanks to officers for their excellent work on the Parking Strategy)*

## **22. City of Lincoln Homelessness Strategy**

### **Purpose of the Report**

To present the Lincoln Homelessness Strategy and supporting action plan to Executive for approval; considered by Policy Scrutiny Committee on 29 July 2024 (Appendix C referred).

### **Decision**

That the Homelessness Strategy be approved by Executive.

### **Alternative Options Considered and Rejected**

None were considered.

### **Reasons for the Decision**

The Lincoln Homelessness Strategy 2024-2029 sat within a framework of documents which aimed to improve the housing situation in the City including the Lincoln Housing Strategy 2020-2025 and the Lincolnshire Homelessness and Rough Sleeping Strategy 2022-2027.

The Lincoln Homelessness Strategy and its action plan was structured around the three themes of making homelessness 'Rare, Brief and Non-Recurring.' These themes reflected those within the National Homelessness and Rough Sleeping Strategy and also the Lincolnshire Homelessness and Rough Sleeping

Strategy which was developed and adopted by all seven Lincolnshire District Councils and Lincolnshire County Council in 2023.

The strategy included the Homelessness Review which set out the evidence base behind the strategy. The strategy and the review document met the Council's requirement as set out in the Homelessness Act 2002.

The strategy had been developed drawing on expertise from the University of Warwick. During the development process a number of staff were consulted from within the Council and from agencies who worked with households who were homeless or threatened with homelessness. Although the responsibility for producing the strategy lay with the Council it was produced in partnership with various other agencies within the City. and therefore represented the strategy for the City rather than for the Council alone.

Appendix 3 of the report outlined in full the objectives of the strategy.

## **23. Grounds Maintenance Specification (For New Contract from 01/09/2026)**

### **Purpose of the Report**

To provide an update on the specification for the Grounds Maintenance Contract prior to commencing procurement, with specific reference to comments received in the All Member workshops facilitated.

### **Decision**

1. That the content of the report be noted.
2. That the inclusion of the outputs of the All-Member workshops within the Grounds Maintenance Specification, as detailed in the report be approved.

### **Alternative Options Considered and Rejected**

None.

### **Reasons for the Decision**

The Council had two contracts for street scene services, street cleansing and grounds maintenance, and waste collection. Both contracts would end on 31 August 2026. Work had commenced on procuring new contracts which would commence on 1 September 2026. They were being realigned and packaged as two separate contracts: waste and street cleaning, and a separate grounds maintenance contract.

Grounds maintenance services included grass cutting (verges, amenity land and some Housing land, parks and open spaces), tree planting and maintenance, maintenance of hedges, shrub beds and flower beds including roundabouts, maintenance of our public parks and open spaces and key Council facilities such as cemeteries (including burials), crematorium and leisure centres, works to communal areas of allotments, weed management and play area inspections. This included works on behalf of other Council departments, and on behalf of Lincolnshire County Council Highways.

As part of the process, works currently directly contracted out by the Directorate of Housing (the Garden Assistance Scheme and Voids Clearance Service) and by Property Services (Play Area Repairs) were being brought under the umbrella of this contract.

Reviewing and updating the specification involved consultation with all members, as well as reviewing the specifications against changes in law, changes in best practice, environment awareness, 'lessons learned' together with trying to avoid significant increases in costs and maximising cost control

The changes to the waste/cleansing specification were reported to Members in Autumn 2023; and the waste/ cleansing procurement process was now underway

The grounds maintenance specification as detailed within Appendix A of the officer's report matched changes to feedback received from Members in the All Member workshops that took place in late 2022/early 2023. It summarised the material changes that would be noticeable to service users or were significant in other ways. There were many other changes that had been made in the interests of cost control, clarity, ease of navigation, and ease of operational and understanding

Policy Scrutiny Committee had considered the report on 29 July 2024 which had been a positive discussion with no changes resulting.

The Council would require its contractors to pay their staff in accordance with the Real Living Wage as a minimum.

A background of ever-increasing demand on limited budgets and unpredictable inflation, meant that strategic priorities and aspirations had to be finely balanced with managing the significant potential for increased costs.

These services contributed significantly to our remarkable place in visual and environmental terms. Well-managed green spaces, in public open spaces as well as the street scene, made a significant difference to our enjoyment and appreciation of a place. Through this contract we would ensure the appropriate, sensitive management of greenspaces, with consideration for maximising wildlife benefits where possible, and avoiding detrimental impacts.

Throughout the specification development process, officers had weighed legal requirements, Members' strategic and operational aims, customer expectations and the need for close cost control. The resulting specification ensured that the Council was fully legally compliant and would continue to provide reliable services, ensuring an appropriate degree of flexibility, whilst minimising risks of escalating costs. It was not possible to predict what prices would be submitted by bidders, especially given the current financial climate, but all efforts had been made to avoid unnecessary increases, and to ensure maximum cost control in the resulting contract.

## **24. Bus Shelter Provision in Lincoln**

### **Purpose of the Report**

To seek the transfer of bus shelters and the bus shelter contract, so as to provide a new future for bus shelter provision in Lincoln which allowed the service to develop as a key part of public transport infrastructure in the city



## **Decision**

That the City Council be instructed to invite the County Council to take ownership of the bus shelter asset, along with the Adshell contract.

### Alternative Options Considered and Rejected

For the City Council to retain the bus shelters with a new advertising contract, which was not considered to be the preferred option.

### Reasons for the Decision

The bus shelters, which had always been a part of the transport infrastructure of the City, were left with the City Council when the County Council took back responsibility for the highway functions many years ago.

The City Council had two types of bus shelter: Those that were self-maintaining (self-funded by advertising), making them 'free,' and others that incurred a cost for their upkeep.

Advertising on bus shelters has become a more competitive market, and we were advised that the next contract for advertising on the shelters was likely to generate an income over and above the provision of the 'free' shelters. It was expected that the income would be enough to cover the annual maintenance costs of those that had traditionally incurred a cost to maintain them (non-advertising), with some potential for step by step improvements subject to the actual income achieved.

Before letting the next contract, as the bus shelters were expected to be self-financing, and thereby free of liability, it had been right to consider where the responsibility for the bus shelters should sit, not least in the context of the development of a modern transport strategy.

As Lincolnshire County Council, was the transport authority responsible for subsidising the bus routes it was considered a logical proposal to transfer ownership of our shelters and the Adshell Shelters (self-funded by advertising), to the responsibility of the County Council at nil cost.

The County Council had been approached in the context of the above, and with recognition to the increasing importance of public transport, to see if they would be interested in adopting responsibility for all bus shelters. They had acknowledged the points made, and made it known that they would be prepared to consider adopting them if this was in full and at nil-cost. This report considered the options and made a clear recommendation.

*(Members commended officers on their amazing work.)*

## **25. Financial Performance-Quarterly Monitoring**

### Purpose of Report

To present the first quarter's financial performance 2024/25 (up to 30 June 2024) on the Council's revenue and capital budgets, including General Fund, Housing

Revenue Account, Housing Repairs Service and Capital Programmes, including approval sought for changes to the capital programmes.

## **Decision**

1. That the financial performance for the period 1 April to 30 June 2024 be noted.
2. That the underlying impact of the pressures and underspends identified in paragraphs 3.3 (and Appendix B), 4.3 (and Appendix D), and 5.2 (and Appendix F) of the officer's report be noted
3. That the changes to the General Investment Programme and Housing Investment Programme approved by the Chief Finance Officer as detailed in paragraphs 7.5 and 7.12 of the officer's report be noted.
4. That the changes to the General Investment programme and the Housing Investment programme approved, or to be approved, by the Executive as detailed in paragraphs 7.3, 7.10 and 7.11 of the officer's report be approved.

## Alternative Options Considered and Rejected

None.

## Reason for Decision

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

This report covered the General Fund Revenue, Housing Revenue Account budgets and Investment Programmes for the current financial year.

Whilst there were still a number of variables which were subject to a level of uncertainty, based on the latest set of assumptions as at the end of the first quarter (up to 30 June 2024) the forecast financial position of the Council for 2024/25 was detailed at paragraph 2.2 of the officer's report, together with the detailed financial position shown in sections 3-7 and the accompanying appendices.

Updates were reported as follows:

### *General Fund Revenue Account*

For 2024/25 the Council's net General Fund revenue budget was set at £15,427,670 including a planned contribution from balances of £146,820 resulting in an estimated level of general balances at the year-end of £2,391,979 (after allowing for the 2023/24 outturn position).

The General Fund Summary was currently projecting a forecast underspend of £3,530 (Appendix A provided a forecast General Fund Summary), resulting in general balances at the year-end of £2,395,509. This position maintained balances above the prudent minimum of c.£1.5 - £2m

There were a number of forecast year-end variations in income and expenditure against the approved budget, both positive and negative; as detailed at

paragraphs 3.3- 3.6 of the report, with the main variances provided in Appendix B to the report.

In response to the key cost pressures anticipated in 2024/25; the additional staff costs arising as a result of the proposed pay award were unavoidable and would require the resetting of budgets for 2025/26 onwards within the upcoming Medium Term Financial Strategy (MTFS). However, in relation to the increasing cost of housing benefits, a range of mitigating actions were being taken, e.g. lobbying against current subsidy rules and Local Housing Allowance rates, focusing on actions to manage the supply of and demand for affordable/social housing and temporary accommodation, review of all supported accommodation claims to ensure the appropriate levels of housing benefit were awarded, supporting housing providers to attain social registered landlord status etc. These actions were not likely to reduce costs in the short term, but were part of a longer term solution.

While the forecast outturn for the General Fund was a small budget underspend, there still remained uncertainty in terms of service demands and income forecasts. As such the final outturn position for the year was still subject to further change and would continue to be carefully monitored. While mitigating actions were underway as set out above, strong budgetary control should continue to be a focus to ensure expenditure and income remained balanced within the budget, resulting in a positive contribution to reserves at outturn.

#### *Towards Financial Sustainability Programme*

The savings target included in the MTFS for 2024/25 was £125,000.

Progress against this target, based on Quarter 1 performance, showed that secured savings totalled £128,460 for the General Fund, resulting in a forecast over-achievement of £3,460 in year.

#### *Housing Revenue Account*

For 2024/25 the Council's Housing Revenue Account (HRA) net revenue budget was set with a planned contribution from balances of £101,220, resulting in an estimated level of general balances at the year-end of £1030,024, after allowing for the 2023/24 outturn position.

The HRA was currently projecting a forecast underspend of £607,544, which would result in HRA balances of £1,637,568 at the end of 2024/25. (Appendix C provided a forecast Housing Revenue Account Summary). This position maintained balances above the prudent minimum of circa £1m.

Although the forecast position was an underspend, there were a number of significant variations in income and expenditure against the approved budget as outlined at paragraph 4.3-4.5 of the officer's report, with full details of the main variances provided in Appendix D of the report.

As set throughout this report, there still remained a number of variables in the forecast assumptions, and as such the final outturn position for the year was still subject to further change. At this stage no additional mitigations, other than those currently being implemented in response to the issues faced by the Housing Repair Service (HRS) and in response to void levels were recommended. Strong

budgetary control should continue to be a focus in this financial year to ensure expenditure and income remained balanced within budget.

### *Housing Repairs Service*

For 2024/25 the Council's Housing Repairs Service net revenue budget was set at zero, reflecting its full cost recovery nature.

At quarter 1 the HRS was forecasting a deficit of £355,311 in 2024/25, which had been repatriated to the HRA as detailed within the forecast HRS summary at Appendix E, with full details of the main variances provided in Appendix F of the report, together with a summary of the key variances provided at paragraph 5.2 of the officer's report.

The main contributory factor for this deficit was the ongoing recruitment and retention challenges, which were being felt not just by the Council but across the construction industry as a whole. This inability to attract and retain staff resulted in a greater reliance on the use of sub-contractors to ensure that service demands were met. The cost of using sub-contractors was however more expensive than the HRS's own workforce, due to the ongoing impact of inflationary factors.

Additionally, the HRS was seeing increased levels of work in relation to regulatory compliance, such as damp and mould remediation and installation of fire doors, this was increasingly affecting the capacity to carry out routine works, further compounding the reliance on sub-contractors.

As the increased sub-contractor costs were not reflected in the service hourly rate and overhead recovery was not recouped on sub-contractors, this resulted in an under recovery of full costs from the HRA.

The ongoing impact of higher than anticipated material prices, coupled with a forecast increase in repairs jobs had resulted in an overspend on materials further compounding the HRS forecast position.

The forecast deficit also included the impact of the proposed national pay award, which was in excess of the assumptions included within the MTFS as outlined in both the General Fund and HRA variances.

It should be noted that due to the interconnection of the HRS and HRA, the consequential costs in the HRA had reduced, and therefore offset the repatriated deficit. Whilst this was not the case last year due to increasing costs of sub-contractors and materials, measures were taken at budget setting to reflect the anticipated impact of this. It was essential however, that the tight controls implemented to monitor premium sub-contractor spend were maintained to minimise the projected deficit and mitigate against the potential for the current net underspend in the HRA, as outlined in section 4 of the officer's report, to deteriorate

### *Earmarked Reserves*

The Council held a number of earmarked revenue reserves over both the General Fund and HRA. These reserves were sums set aside for specific purposes and to mitigate against potential future known or predicted liabilities. Key reserves included income volatility, business rates volatility, IT investment fund, asset

sinking funds for future refurbishment etc. A number of these reserves were budgeted for use over the period of the MTFS.

The details of all the earmarked reserves and their forecast balances as at 31 March 2025 were attached in Appendix G, and summarised at paragraph 6.2 of the officer's report, with further details in the MTFS 2024-2029 summary.

### *General Fund Investment Programme*

The original General Investment Programme for 2024/25 in the MTFS 2024-29 amounted to £17.5m which was increased to £23.2m following Quarter 4 approvals and year end re-profiles from 2023/24. At Quarter 1 the programme had been increased by £0.3m to £23.5m, as detailed at paragraph 7.2 of the officer's report.

Changes over the approved limit requiring approval by the Executive for the first quarter in relation to 'Re-Imagining Greyfriars' were detailed at paragraph 7.3 of the officer's report.

There were no new schemes over an approved limit in Quarter 1 requiring Executive approval.

The financial changes delegated to the Chief Finance Officer up to an approved limit, or to reprofile the budget as set out under Financial Procedure Rules for the first quarter 2024/2025 were detailed at paragraph 7.5 , with a summary of the projected outturn position provided at paragraph 7.6 of the officer's report.

The overall spend on the General Investment Programme for the first quarter of 2024/25 was £1.9m, which was 10.58% of the budget as detailed further at Appendix I of the report.

### *Housing Investment Programme*

The revised Housing Investment Programme (HIP) for 2024/25 amounted to £22.763m following the 2023/24 outturn position. At quarter 1 the programme had been decreased by £5,112m to £17.650m, as detailed within paragraph 7.9 of the officer's report.

All changes over the approved limit requiring approval by the Executive for Quarter 1, were detailed at paragraph 7.10 of the report. Schemes added to the HIP, having been approved at Executive during Quarter 1 were detailed at paragraph 7.11 of the report and financial changes given to the Chief Finance Officer under delegated authority and approved during Quarter 1 were detailed at paragraph 7.12 of the officer's report.

A summary of the projected outturn position for the Housing Investment Programme was detailed at paragraph 7.13 of the officer's report.

The overall expenditure on the Housing Investment Programme for the first quarter of 2024/25 was £2.517m, which was 14.26% of the 2024/25 revised programme. This excluded expenditure relating to Western Growth Corridor, which was currently shown on the General Investment Programme (GIP), to be apportioned at year-end (current forecast outturn £0.984m) This was detailed further at Appendix J).

A further £1.082m had been spent as at the end of July 2024; although this was still a low percentage of expenditure at this stage of the financial year, works had been constrained by the availability of contractors and materials however new contracts were in place and spend was expected to increase by the end of the financial year.

## **26. Treasury Management and Prudential Code-Quarterly Update**

### Purpose of Report

To summarise and review the Council's treasury management activity and the prudential indicators as at 30 June 2024.

CIPFA's Code of Practice for Treasury Management (2021) recommended that Councillors should be informed of Treasury Management activities quarterly (previously twice a year). This report, therefore, ensured this Council was embracing best practice for the scrutiny of capital and investment activity in accordance with the Code of Practice (CIPFA).

### **Decision**

1. That the Prudential and Treasury Indicators and the actual performance against the Treasury Management Strategy 2024/25 for the quarter ended 30 June 2024 be noted.
2. That further discussions be held with the relevant Portfolio Holder, to maintain sustainable financial investment.

### Alternative Options Considered and Rejected

None.

### Reason for Decision

The prudential system for capital expenditure was well established. One of the requirements of the Prudential Code was to ensure adequate monitoring of the capital expenditure plans, prudential indicators (PIs) and treasury management response to these plans. The report fulfilled that requirement and included a review of compliance with Treasury and Prudential Limits and the Prudential Indicators at 30 June 2024. The Treasury Management Strategy and Prudential Indicators were previously reported to and approved by Council on 27 February 2024.

This Council had adopted the CIPFA Code of Practice for Treasury Management in the Public Sector and operated its treasury management service in compliance with this Code and the above requirements. This required that the prime objective of treasury management activity was the effective management of risk, and that its borrowing activities were undertaken in a prudent, affordable and sustainable basis.

This report highlighted the changes to the key prudential indicators, to enable an overview of the current status of the capital expenditure plans. It incorporated any new or revised schemes previously reported to members. Changes required to the residual prudential indicators and other related treasury management issues were also included.

As at 30 June 2024, the average rate of interest paid during the first quarter of the year on external borrowing was 3.26%.

**27. 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 first quarter 2024/25.

Decision

That the Council's strategic risks, as at the end of quarter 1, 2024/25, be noted.

Alternative Options Considered and Rejected

As detailed in the report.

Reasons for the Decision

An update of the Strategic Risk Register developed under the risk management approach of 'risk appetite', was last presented Members in June 2024 and contained fourteen strategic risks.

Since reporting to Members in June, the Strategic Risk Register had been refreshed and updated by the Risk Owners and Corporate Management Team for the financial year 2024/25. This assessment reviewed each risk in terms of the level of assessed risk (likelihood and impact), target risk scores, control measures in place and mitigating actions required in order to; avoid, seek, modify, transfer, or retain the risks. It also considered whether each of the risks remained relevant or needed refocusing and whether there were new risks that needed to be assessed.

The outcome of this work resulted in a refreshed Strategic Risk Register for 2024/25, which reflected the changing circumstances in which the Council was operating and the different challenges and opportunities it faced. This refreshed register, contained in Part B of the agenda, would be performance monitored on a quarterly basis, reported to both Performance Scrutiny Committee and Executive. It now contained fifteen risks.

**28. Exclusion of the Press and Public**

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

**29. Strategic Risk Register Quarterly Review**

Purpose of Report

To receive the revised Strategic Risk Register as at the end of quarter 1 2024/25.

### Decision

That the Council's strategic risks, as at the end of quarter 1 2024/25, be noted.

### Alternative Options Considered and Rejected

None were considered. The Strategic Risk Register contained the key strategic risks to the delivery of the Council's medium and longer term priorities. A failure to monitor the action that was being taken to manage those risks would undermine the Council's governance arrangements.

### Reasons for the Decision

The reasons for the decision were set out at Minute 27 above.

## **30. Write Outs of Irrecoverable Non-Domestic Rates, Sundry Debtors, Council Tax and Overpayment of Housing Benefit**

### Purpose of Report

As detailed in the exempt report to the Executive.

### Decision

That the recommendation 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.



**SUBJECT: LOCALISED COUNCIL TAX SUPPORT SCHEME 2025/26**

**DIRECTORATE: CHIEF EXECUTIVE & TOWN CLERK**

**REPORT AUTHOR: MARTIN WALMSLEY, ASSISTANT DIRECTOR – SHARED REVENUES AND BENEFITS**

## 1. Purpose of Report

- 1.1 Proposes options for Executive to consider for consultation in respect of a 2025/26 Council Tax Support scheme, and accompanying Exceptional Hardship Payments scheme.

## 2. Background

- 2.1 The Council Tax Benefit system was abolished on 31 March 2013 and replaced by the Council Tax Support (CTS) Scheme. This scheme can be determined locally by the Billing Authority having had due consultation with precepting authorities, key stakeholders and residents. As at 30 June 2024, there are 8,278 residents claiming Council Tax Support in the City of Lincoln. 2,546 are pensioners who are protected under the legislation and receive Council Tax Support as prescribed by the Government (broadly similar to the level of Council Tax Benefit). It is the 5,732 working age (including those classified as 'vulnerable' for CTS purposes) claimants where a local scheme can be determined which can change the level of support provided.

- 2.2 Unless a decision by the Council is made to apply scheme changes to vulnerable working-age customers, the localised CTS scheme would historically only be applied to non-vulnerable working age. Vulnerable working-age customers are those that have one of the following for CTS purposes:

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

The current split of the 5,732 (30 June 2024) working age CTS recipients is as follows:

- Working age – vulnerable: 3,357;
- Working age (not vulnerable): 2,375.

- 2.3 The initial City of Lincoln CTS Scheme from 2013/14 effectively 'protected' working age Council Tax payers seeking support, retaining eligible entitlement of up to 100% and not restricting other areas of entitlement calculation. However, in recent years the scheme has changed in light of increasing scheme costs and budget pressures.

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

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

### 3. Changes in Caseload

- 3.1 The table below shows how Lincoln's CTS caseload has changed over the last five years.

	Working age	Pension age	Total
September 2019	5,639	2,903	8,542
December 2019	5,578	2,881	8,459
March 2020	5,638	2,853	8,491
June 2020	6,197	2,842	9,039
September 2020	6,225	2,806	9,031
December 2020	6,182	2,773	8,955
March 2021	6,227	2,747	8,974
June 2021	6,220	2,720	8,940
September 2021	6,120	2,679	8,799
December 2021	5,993	2,649	8,642
March 2022	5,898	2,645	8,543
June 2022	5,891	2,618	8,509
September 2022	5,812	2,642	8,454
December 2022	5,830	2,639	8,469
March 2023	5,841	2,608	8,449
June 2023	5,867	2,591	8,458
September 2023	5,842	2,593	8,435
December 2023	5,777	2,573	8,350
March 2024	5,721	2,560	8,281
June 2024	5,732	2,546	8,278

- 3.2 The level of CTS caseload is an important factor when considering the potential cost of a local CTS scheme – as effectively an increase in caseload increases the cost of the scheme, and vice versa the cost decreases when the CTS caseload reduces. Understandably, the Covid-19 pandemic had a direct impact on the number of residents claiming CTS. It can be seen that caseloads rose sharply in 2020 and 2021 as an outcome of the impact of Covid-19 on the economy and residents' incomes. The caseload then plateaued somewhat before falling and returning back to pre-pandemic levels. However, with the ongoing cost of living pressures on residents there is the potential that the number of claimants may begin to increase again.

#### 4. City of Lincoln Council 2024/25 CTS Scheme

4.1 The current, 2023/24 scheme has the following restrictions for working age customers:

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

4.2 The Council actively partakes in benchmarking with other local authorities, the latest exercise in relation Local Taxation provided the following information regarding City of Lincoln Council's CTS scheme 2023/24 and its impacts:

*In 2023/24, Lincoln's revenue was reduced by 14.1%, due to its local CTS scheme. Of this, 4.5% was in the form of support to pensioners and 9.6% was support for working-age families. The table below compares the share of revenue foregone with the nearest neighbour (referring to 'similar' local authorities in terms of demographics (not location)) and England averages.*

**Table - Council Tax revenue foregone due to CTS in 2023/24**

	<i>Lincoln</i>	<i>Neighbour average</i>	<i>England average</i>
<i>Support for pensioners</i>	4.5%	4.4%	3.7%
<i>Support for working-age families</i>	9.6%	7.0%	5.1%
<i>Total Council Tax Support</i>	14.1%	11.4%	8.8%

*In terms of support for working-age families, the age group for which councils have discretion over the level of support provided, for Lincoln support for working-age residents was equivalent to 9.6% of Council Tax revenue. This was higher than the nearest neighbour average of 7.0% and higher than the England average of 5.1%.*

#### 5. Council Tax Support Scheme options for 2025/26

5.1 In this Council's Medium Term Financial Strategy (MTFS), the budgeted cost of the 2025/26 CTS scheme is £1.304m (i.e. City of Lincoln Council's share 14.3%, - (with the estimated total scheme cost of c£9.369m dependent on increases in the main preceptors levels of Council Tax).

Changes to the CTS scheme may be made for both non-vulnerable and vulnerable working age customers, however pension age residents are 'protected' and the 'default' government scheme effectively applies. If the Council wishes to continue protecting vulnerable working age CTS recipients, then any changes to the CTS scheme will only apply to 2,375 customers or 28.69% of the caseload.

City of Lincoln's CTS caseload as at June 2024, can be broken down as follows:

Caseload breakdown	Caseload	% of total caseload
Total caseload	8,278	
Pensioner	2,546	30.76%
Working age vulnerable	3,357	40.55%
Working age non-vulnerable	2,375	28.69%

- 5.2 Based on the current core elements of the existing scheme, a caseload decrease of 1%, 0% change, and an increase of 5% have been modelled, along with Council Tax increases of 1.9% and 2.9%. These are summarised in **Appendix 1**, giving an indication of the potential cost and savings to City of Lincoln Council. Also included is the potential value for non-collection, based on the collection figure currently included in the MTFS of 98.75%, in light of current collection rates, this may be reviewed as part of the refresh of the MTFS.
- 5.3 As a billing authority the Council can decide whether or not to amend core elements of its scheme each year. Proposed options for consultation are included in Appendix 1 to this report.

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

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

- 5.4 In developing the modelling for each of the CTS scheme options a number of assumptions have been made, as follows:
- **5% uprating of benefits figures** - the national benefits uprating figure was 3.1% for 2022/23, and then 10.1% in 2023/24 (in line with the September 2022 inflation rate). The 2024/25 uprating figure, 6.7%, was announced at the Autumn Statement in November 2023. As the actual 2025/26 benefits upratings figure is unknown at this time, as and when this becomes clearer modelling of a potential scheme may be refined.
  - As the Council and major preceptors are likely to set differing levels of Council Tax increases, this creates a variety of modelling scenarios. **Council Tax increases of 1.9% and 2.9%** have therefore been assumed for modelling purposes. The final costs of the scheme will though be increased by the actual level of Council Tax increases applied. The modelling does not though take into consideration that the Council's percentage share of the overall cost of the scheme would slightly reduce if other preceptors increase their Band D by a greater percentage than the Council, this would in effect reduce the cost of the scheme to the Council.
  - **1% caseload reduction, no change in caseload, also a 5% caseload increase.** These caseload projections would effectively allow for the currently-slightly decreasing CTS caseload to continue, then potentially rise due to

ongoing and potentially increased cost of living pressures. Of course, officers can only predict the economy and subsequent impacts on CTS caseload, particularly in the current climate this cannot be an 'exact science'.

- **Collection rate of 98.75%.** The MTFS assumes a collection rate of 98.75% for 2024/25 (this is higher than the 2022/23 figure of 98.25%). Given ongoing cost of living challenges, the collection rate will be reviewed as part of the development of the updated MTFS.

Another key factor to be considered is to ensure our software supplier, NEC, can accommodate the changes being proposed. NEC has already indicated they would need to have known of any prospective software changes for a 2025/26 CTS scheme, by the end of June 2024. NEC has already developed a potential banded scheme as part of City of Lincoln's 2024/25 scheme options, although this was delivered too late to be considered for adopting for 2024/25 – and as at the time of writing this report, continues to be tested by officers.

5.5 The options proposed to be considered, are as follows, (all options are modelled including the factors as set out in paragraph 5.4 (above):

- **Option 1: No change to the current scheme;**
- **Option 2: Introduction of a 'banded scheme' for all working age customers** - \*see paragraph 5.6 (below) for further information.

## 5.6 Banded Scheme for all working age customers

For 2025/26, an option being put forward for consideration is to make a fundamental change to the way CTS is calculated for working age customers.

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

Therefore, an option for consideration is to adopt an income-banded local CTS scheme for all working age CTS customers (not just UC recipients). Key objectives would be to move towards a scheme that is more adaptable to UC regulations, - and to provide clarity to customers as to what their entitlement to CTS will be.

Currently, 3,914 CTS customers are in receipt of UC, - which equates to 68.28% of the working age caseload, - a further breakdown being as below:

	Pensioner	Working inc vulnerable	Single	Single, 1 dependant child	Single, 2 or more dependant children	Couple	Couple, 1 dependant child	Couple, 2 or more dependant children	Total
UC	0	0	2053	650	708	202	117	184	3,914
Non-UC	2,539	1,825	135	25	45	12	4	14	4,364

The scheme being modelled has a series of 'income bands' and a customer's entitlement to CTS is based on what band their earned income falls within. A banded scheme means that small changes in a claimant's income will not necessarily change their entitlement to CTS. Officers are continuing to model a range of factors in relation to a potential banded scheme, to refine options in advance of and during the consultation period, to present a final potential option to Executive in January 2025.

An example of how a banded scheme could look, is as below.

**N.B. These figures are for illustrative purposes only, and unlikely to be the figures utilised for a City of Lincoln banded scheme.**

BAND	SINGLE	SINGLE 1 CHILD	SINGLE 2 + CHILDREN	COUPLE	COUPLE 1 CHILD	COUPLE 2 + CHILDREN
100%	£0.00 – £350.00	£0.00 – £650.00	£0.00 – £900.00	£0.00 – £550.00	£0.00 – £850.00	£0.00 – £1000.00
80%	£350.01 – £450.00	£650.01 – £750.00	£900.01 – £1000.00	£550.01 – £650.00	£850.01 – £950.00	£1000.01 – £1100.00
60%	£450.01 – £550.00	£750.01 – £850.00	£1000.01 – £1100.00	£650.01 – £750.00	£950.01 – £1050.00	£1100.01 – £1200.00
40%	£550.01 – £650.00	£850.01 – £950.00	£1100.01 – £1200.00	£750.01 – £850.00	£1050.01 – £1150.00	£1200.01 – £1300.00
20%	£650.01 – £750.00	£950.01 – £1050.00	£1200.01 – £1300.00	£850.01 – £950.00	£1150.01 – £1250.00	£1300.01 – £1400.00
0%	£750.01 +	£1050.00 +	£1300.00 +	£950.01 +	£1250.01 +	£1400.01 +

The 'Band' column shows the percentage of CTS award – and the £ figures under each household composition column are the income bands used to assess CTS entitlement. For example, a household comprising of a couple with 1 child with a weekly Council Tax liability of £10.00 and assessed income of £875.25 would receive CTS of 80% of liability – i.e. £8.00 per week, leaving £2.00 per week to pay (via specified monthly instalments). Even if their income increased to no more than £950.00 per week they would continue to receive a 80% CTS award.

There are variables around entitlement which would result in some customers receiving an increased CTS award (or becoming entitled for the first time), and with some receiving a reduced CTS award. However, the scheme is being modelled and designed to try and keep these fluctuations as low as is possible, - but with an exceptional hardship scheme fund proposed to sit alongside a banded scheme – where appropriate, reductions in 2025/26 CTS awards could be mitigated. This work will continue, with a final proposed banded scheme to be presented to Executive in January 2025 for consideration.

- 5.7 The banded scheme being modelled as part of this report (paragraph 5.6 (above)), is likely to achieve some efficiencies, - particularly in terms of simplicity of scheme for officers and customers alike – reducing in customer enquiries and subsequent responses, reductions in Council Tax adjustment notices being issued (e.g. in cases with Universal Credit entitlement changes month-on-month). With UC managed migration announced as being progressed in the latter part of 2023/24 and during 2024/25, 2025/26 may be the time to introduce such a banded scheme. The impact of UC migration as a result of the 4<sup>th</sup> July 2024 general election, is not known at the time of writing this report.

Officers are seeking to introduce a banded scheme that is as ‘fair’ as possible and that would be broadly in line with the total cost of the current scheme, but – as stated above – with some residents receiving higher, some lower, awards - potential utilising Exceptional Hardship Payments to help mitigate detrimental impacts.

Testing within the NEC software system is intensive and detailed and is likely to take several months, with automation of Universal Credit information recently being advised as being required in order to deliver a banded scheme, -this automation is not currently in place but is being worked on by officers.

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

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

The cost of EHP awards is borne solely by City of Lincoln Council. As at the end of June 2024, a total of £1,292.99 EHP has been awarded for 2024/25. It is proposed that an EHP budget of £25,000 be in place for 2025/26. If a banded scheme is adopted, EHP could potentially help assist in mitigating the transition to cases where there is a reduced level of award.

## 5.9 **Committee and Consultation Timetable**

- 5.10 The timetable to approve any changes to the new scheme takes into account the existing calendar of meetings. Full Council of the Billing Authority needs to approve the scheme after consultation as outlined in paragraph 2.4.

- 5.11 The timetable is as follows:

- Executive: 16<sup>th</sup> September 2024, *to consider/approve options for consultation*

- Consultation starts (6 weeks): 24 September 2024, *including consultation with public, other appropriate organisations (e.g. Citizens Advice), and major precepting authorities*
- Policy Scrutiny Committee: 1 October 2024, *as part of consultation process*
- Consultation Ends: 5 November 2024
- Executive: 6 January 2025, *to refer to Council a recommendation on a proposed 2024/25 scheme*
- Council: 21 January 2025, *the Local Government Finance Act 2012 requires a full review of the scheme by the Billing Authority. City of Lincoln Council will need to approve a new scheme after consultation by 31 January 2025.*

## 6. Significant Policy Impacts

### 6.1 Strategic Priorities

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

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

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

### 6.2 Organisational Impacts

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

The actual cost of the discount scheme in 2025/26 will not be known for certain until the end of the financial year and will be dependent on the actual caseload in year as well as the levels of Council Tax set by the City Council and the major precepting authorities.



An indicative range of costs for 2025/26 based on various scenarios and the options set out in section 5 of this report are set out in Appendix 1.

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

It is proposed an Exceptional Hardship Fund of £25,000 be made available during 2025/26. The cost of this fund is wholly borne by City of Lincoln Council as Billing Authority.

### **6.3 Legal implications inc Procurement Rules**

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

The regulations for the City of Lincoln Council scheme proposed to be adopted are to be collated and made available for Council in January 2025.

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

The Authority will be obliged to comply with its general equality duty under the Equality Act 2010 – an Equality Impact Assessment will be undertaken before this report is referred to Executive.

### **6.5 Staffing**

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

## **7. Risk Implications**

- 7.1 The Council, along with the other preceptors, bears the risk of the cost of the Council Tax Support scheme should caseload increase causing the cost to increase more than predicted.
- 7.2 Any revisions to the scheme must be approved by 31<sup>st</sup> January 2025, before the new financial year begins.
- 7.3 The scheme cannot be changed mid-year and therefore it is vital an appropriate scheme is in place.
- 7.4 NEC does not deliver a banded scheme module that is able to be fully tested and accurately meets requirements.

## 8. Recommendations

### 8.1 Executive is asked to:

- (i) Consider and comment on options for a 2025/26 Council Tax Support scheme.
- (ii) Confirm which options will move forward for public consultation and scrutiny:
  - a. 'No change' scheme, and/or
  - b. Banded scheme for all working age customers.
- (iii) Consider and comment on provision of an Exceptional Hardship Fund of £25,000 for 2025/26.

<b>Key Decision</b>	Yes
<b>Do the Exempt Information Categories Apply</b>	No
<b>Call In and Urgency:</b> Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply?	No
<b>Does the report contain Appendices?</b>	Yes
<b>If Yes, how many Appendices?</b>	1
	Appendix 1 – Council Tax Modelling 2025/26
<b>List of Background Papers:</b>	None
<b>Lead Officer:</b>	Martin Walmsley, Assistant Director – Shared Revenues and Benefits Email: <a href="mailto:martin.walmsley@lincoln.gov.uk">martin.walmsley@lincoln.gov.uk</a>

## Appendix 1: 16 September 2024 – Executive - City of Lincoln Council – Council Tax Support 2025/26 Scheme

***\*N.B.\* In this Appendix, several figures are ‘£TBC’ at this stage. Scheme modelling is continuing and these figures will be provided as soon as available.***

<b>Option 1: No change to the current scheme</b>	<b>Estimated Total Spend (all preceptors)</b>	<b>City of Lincoln Spend – 14.5%</b>	<b>Difference to MTFS (£1,303,800) – (saving) / cost</b>	<b>Amount expected to be collected using collection figure of 98.75%</b>
<ul style="list-style-type: none"> <li>• 1% caseload decrease</li> <li>• 1.9% Council Tax increase</li> </ul>	£9,124,040	£1,322,986	£19,186	£18,946
<ul style="list-style-type: none"> <li>• 1% caseload decrease</li> <li>• 2.9% Council Tax increase</li> </ul>	£9,221,046	£1,337,052	£33,252	£32,836
<ul style="list-style-type: none"> <li>• 0% caseload change</li> <li>• 1.9% Council Tax increase</li> </ul>	£9,216,971	£1,336,461	£32,661	£32,253
<ul style="list-style-type: none"> <li>• 0% caseload change</li> <li>• 2.9% Council Tax increase</li> </ul>	£9,314,952	£1,350,668	£46,868	£46,282
<ul style="list-style-type: none"> <li>• 5% caseload increase</li> <li>• 1.9% Council Tax increase</li> </ul>	£9,678,438	£1,403,374	£99,574	£98,329
<ul style="list-style-type: none"> <li>• 5% caseload increase</li> <li>• 2.9% Council Tax increase</li> </ul>	£9,781,268	£1,418,284	£114,484	£113,053

## Appendix 1: 16 September 2024 – Executive - City of Lincoln Council – Council Tax Support 2025/26 Scheme

<b>Option 2: Income Banded Scheme</b>	<b>Estimated Total Spend (all preceptors)</b>	<b>City of Lincoln Spend – 14.5%</b>	<b>Difference to MTFS (£1,303,800) – (saving) / cost</b>	<b>Amount expected to be collected using collection figure of 98.75%</b>
<ul style="list-style-type: none"> <li>• 1% caseload decrease</li> <li>• 1.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC
<ul style="list-style-type: none"> <li>• 1% caseload decrease</li> <li>• 2.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC
<ul style="list-style-type: none"> <li>• 0% caseload change</li> <li>• 1.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC
<ul style="list-style-type: none"> <li>• 0% caseload change</li> <li>• 2.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC
<ul style="list-style-type: none"> <li>• 5% caseload increase</li> <li>• 1.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC
<ul style="list-style-type: none"> <li>• 5% caseload increase</li> <li>• 2.9% Council Tax increase</li> </ul>	£TBC	£TBC	£TBC	£TBC

Further information re Option 2:

The Income Banded Scheme would result in some Council Taxpayers receiving a higher level of CTS than under the current scheme, and some customers would receive a reduction in CTS. Based on the modelling that has taken place:

## Appendix 1: 16 September 2024 – Executive - City of Lincoln Council – Council Tax Support 2025/26 Scheme

- Biggest **increase** for a resident: **£tbc per week**
- Biggest **decrease** for a resident: **£tbc per week**
- Tbc have an increased award, tbc no change, tbc have a reduced award.

Appendix 1: 16 September 2024 – Executive - City of Lincoln Council – Council Tax Support 2025/26 Scheme

Difference in weekly entitlement range: From (£) (- decrease, + increase)	Difference in weekly entitlement range: To (£)(- decrease, + increase)	Number of customers

**EXECUTIVE**

**16 SEPTEMBER 2024**

<b>SUBJECT:</b>	<b>A POLICY FOR THE MAINTENCE OF CITY COUNCIL OWNED TREES</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>STEVE BIRD, ASSISTANT DIRECTOR, COMMUNITIES AND STREET SCENE</b>

**1. Purpose of Report**

- 1.1 To propose a policy for the maintenance of Council owned trees.

**2. Executive Summary**

- 2.1 The trees in the city are considered to be a major asset. Expanding knowledge about trees in recent years has highlighted their value to the wider environment in terms of biodiversity, but especially to the wider beneficial health contributions they can make for people living in an urban setting.
- 2.2 However, managing trees in close proximity to development and high rates of footfall can be problematic in ways that are not encountered in a more natural setting, and not everyone is as accommodating as those who recognise and accept the compromises often required.
- 2.3 It is therefore right that the Council takes steps now to put in place a clear and transparent policy on how it will care for its tree assets, so as to make sure that resources are properly attributed, that everyone understands the standards that are to be applied, and that ultimately the tree asset is suitably maintained.

**3. Background**

- 3.1 Lincoln is very fortunate in that many of the city's street scenes and open spaces include trees. It is hard to imagine a cityscape without the valuable contribution they make.
- 3.2 However, an urban setting is not a natural environment for a tree, and not only do trees find growing in cities challenging, but because trees get bigger each year, they can develop in ways that impact people/buildings, meaning that, especially when larger, their presence is not always welcomed by all.
- 3.3 For this reason growing trees in a city usually means compromises at some level, for both residents who are affected, and the trees themselves. Managing these compromises is undertaken by the City Council's arboricultural officers, who handle hundreds of complaints/enquiries each year.
- 3.4 As each complaint/enquiry is different they usually have to use their knowledge of trees to map a route to an outcome that is acceptable to a resident, whilst not

adversely impacting the health of the tree. In some circumstances, where a request is excessive, and there is no basis for the extent of work being asked for, the officer may have to refuse a request in part or completely. The potential for conflict is therefore constant and relatively high.

- 3.5 The development of this policy is intended to both aid the public in being able to provide them with clear statements on the Council's corporate position on tree care, but also to assist officers when making judgements.

#### **4. The Policy**

- 4.1 The trees in the city have many owners. Private property, businesses, and both tiers of local authorities all have tree assets that are all vital to contributing to the tree canopy we enjoy. This policy relates only to trees growing on land owned by the City Council, or for which it has responsibility (such as parks, gardens, amenity grass areas, and common land).

- 4.2 The premise for the policy is intentionally simple.

To have in place a system that cares for City Council owned trees, so as to:

- prioritise public safety.
- protect property and infrastructure appropriately.
- ensure that all trees are looked after appropriately, having reference to their species, age, condition, and setting.

- 4.3 It makes clear the value of trees, the intention to work to recognised industry standards as a default, to abide by legally required practices, to replant where there are tree losses, the need to educate people that they are an organic asset that has a life cycle, and to promote the importance of trees in the city.

- 4.4 The draft policy document is attached as appendix A.

- 4.5 This document was the subject of consultation at Policy Scrutiny Committee on 29 July 2024, where the report was warmly welcomed, and two valid suggestions were made. Firstly it was requested if information could be provided at the site of a tree removal, to better inform people as to the reason for the removal. Secondly it was asked if the digital mapping and surveying of trees might be made available for public access.

- 4.6 The first point will be discussed with the contractor now, and we are hoping that a simple notice can be displayed at the site. We will aim to do this within 6 months. The second point is more complex, and will be discussed with the company that provide our arboricultural software to see if this has been requested before, and if it is possible. If it is viable, it will be discussed with our IT section to make sure that every issue, including cybersecurity, is assessed.

#### **5 Strategic Priorities**

##### **5.1 Let's drive inclusive economic growth**

An important part of the Council's agenda for growth is the recognition that it needs to create an environment that ensures that Lincoln is recognised as a great place to live, work or visit. The use of trees can make a location more attractive and



desirable, and is often seen, albeit subconsciously, as an indicator of the prosperity of an area.

## 5.2 **Let's enhance our remarkable place**

Lincoln's green spaces, including its tree cover, are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit this city.

## 5.3 **Let's address the challenge of climate change**

The trees in Lincoln's parks and open spaces are often referred to as its lungs. This policy is intended to support the long term care of the city's trees, underpinning and contributing to biodiversity improvements.

# 6. **Organisational Impacts**

## 6.1 **Finance**

There are no new direct financial implications arising from this report as the city council has previously increased its budget for the inspection, care and maintenance of trees within its responsibility.

However, long term, as more trees are planted, there is a need to recognise that caring for these trees will ultimately have financial implications

## 6.2 **Legal Implications including Procurement Rules**

As trees are assets in the public domain the Council has a legal duty to maintain them, in so far as is reasonably practicable, in a safe condition. This policy supports that requirement.

## 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

There is nothing in this report that negatively impacts this duty.

An EIA is attached as appendix B.

## 6.4 **Land, Property and Accommodation**

See legal implications.

## 6.5 **Significant Community Impact &/or Environmental Impact**

This policy is intended to aid the long term health of Lincoln's tree stocks, and thereby contribute to the provision of a healthy environment.

## **6.6 Corporate Health and Safety implications**

See legal implications.

## **6.7 Risk Implications**

It might not always be possible to accommodate the wishes of residents without compromising the health of one or more trees. Accordingly there is always the risk of conflict in contentious situations.

This policy is clear on the priority that the council gives to care of the tree stock, but that public safety, and the protection of dwellings from damage, are overriding factors.

### **6.7.1 Options explored**

- a) Adopt the proposed policy
- b) Do not adopt the proposed policy

### **6.7.2 Key risks associated with the preferred approach**

The preferred approach is to adopt the proposed policy.

All policies are developed after consideration and deliberation, however they will rarely be able to cover all possible eventualities, to least in an area of work such as this were every tree and its situation is different. This means that there is always going to be the potential for disagreement/adverse comment if the council does not concede to the wishes of every request.

## **7. Recommendation**

7.1 That Executive adopt this as policy.

**Is this a key decision?**

Yes

**Do the exempt information categories apply?**

No

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

No

**How many appendices does the report contain?**

3

Draft Policy

EIA

Minute Extract Policy Scrutiny Committee

**List of Background Papers:**

None

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**A policy for the care of**  
**City Council owned trees**  
**in public open spaces.**



"One touch of nature makes the whole world kin."

— William Shakespeare

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## 1. Forward

By Cllr Bob Bushell. Portfolio Holder -Remarkable Place.

*“Lincoln is a beautiful city, and I consider it a privilege to both call it home, and to have opportunity to shape its future through my position on the Council. Whilst Lincoln might be founded on, and shaped by a rich history, what the city will look and feel like over the coming decades is just as important, if not more so.*

*One thing we can be sure of is that trees will be an increasingly important asset of the city. Whilst we can re-wild and bring greater areas of greenery into our city relatively quickly with careful design, there is no short-cut to growing a tree. It takes time, care, and patience if future generations are to truly reap the benefits. Equally, those trees planted many years ago, which we now enjoy, have to be managed with care and sensitivity, ever mindful of the tricky balance that has to be struck with all the competing pressures that a vibrant city brings.*

*Bringing people closer to nature has many benefits, and whilst it can be a particular challenge in a city, the payback is most certainly worth the effort. That is why I am delighted to be bringing forward this policy now, the first of its kind for Lincoln. It is a significant step forwards in formally recognising trees as an asset to be managed, identifying how we should care for them, the priority we will give to them, and thereby making sure we leave a positive legacy for future generations”.*

## **2. Policy Summary**

This policy applies to City Council owned trees growing in public open spaces, including housing owned areas (excluding tenants' gardens).

### **The Council will take decisions based on:**

#### Safety.

- Prioritising public safety.
- Mitigating damage to dwellings
- Giving due consideration to property and infrastructure damage other than dwellings.

#### Tree welfare.

- Ensuring that all trees are looked after appropriately, having reference to their species, age, condition, and setting.
- Using British Standards/ European Standards as the baseline/default for all works.
- Ensuring all statutory duties for reporting felling or obtaining licences for felling will be met.
- Undertaking the minimum amount of works to a tree deemed necessary.
- Maintaining a rolling programme of proactive inspections.
- Recording all actions on a central recording system
- Planting no less than the number of trees we have to fell / remove in any given year
- Planting appropriate species, with priority given to native species where possible.

#### Customer service.

- Providing a response to every complaint/enquiry
- Assessing the focus of a complaint holistically, taking into consideration all possible influencing factors.

- Escalating all especially sensitive tree related issues for senior officer consideration.
- Promote the positive benefits of trees.

### **3. Mission:**

To have in place a system that cares for City Council owned trees that:

- prioritises public safety.
- reduces the risks of damage to dwellings
- takes into consideration damage to property and infrastructure other than dwellings
- ensures that there is no reduction in the number of trees it owns
- ensures that all trees are looked after appropriately, having reference to their species, age, condition, and setting.

### **4.Scope.**

Caring for trees is a serious issue, and requires technical skills, experience and understanding. This is true anywhere, but never more so than in an urban setting where the needs of people can be in conflict with the needs of trees. This policy document outlines scenarios whereby conflicts can arise between trees and people and seeks to set clear parameters that strike a sensible balance to ensure that both can co-exist in the city, and the people and wildlife can benefit accordingly.

At its heart is the protection of the tree stock, but it has due regard to the activities of people and the impact of the built environment, and sets out the approach that the Council will take to balance both the interests of the trees and of those living with Council owned trees in their community.

This document makes transparent the Council's policy for the care of its existing tree stock, and its approach to new tree planting, so as to achieve its mission statement.

It relates to City Council owned trees in public open spaces only, but makes reference, for practical reasons, to work that the City Council's arboricultural staff do on behalf of third parties.

This document does not cover trees in people's gardens, and is not intended to be an authoritative work on trees or their value in an urban landscape. Although it covers our minimum tree planting requirements (see section 11), it is not intended to be a spatial planting strategy.

## **5. General background.**

Trees are an essential part of any good urban landscape, bringing many benefits to its residents. However, as living things they have a life cycle, and will both grow and eventually decay and die. In a public setting, and especially in an urban environment, this natural order of progression can lead to problems and conflicts.

As living things each tree is truly individual and will grow in a way that is different to any other tree, even those of the same species, planted at the same time, and grown in the same locality. Aside from genetic variability, a tree will respond to its individual environment, both above and below ground, with each day of its existence shaping its future, even from the earliest days in the nursery.

Acknowledging this means there is a need for a tree care system that is tailored to individual specific needs/circumstances, using staff who understand this, and that promote a level of understanding and appreciation of this amongst city residents.

Lincoln is a unique place, and this is recognised within the Council's Strategic Vision for the city's future, under the aim "Let's enhance our remarkable place". What makes Lincoln special is a combination of its history and its setting, and both are relevant to its green space and arboricultural assets.

Whilst Lincoln's older history may be what draws in tourism to the city now, it is its more recent history that has affected much of the structure and form of the city's layout. A period of exponential growth based on heavy industry shaped large area of housing that are still with us, with tight streets and densely packed developments.

The early stages of the industrial revolution brought significant numbers of people in from the rural areas that make up much of Lincolnshire, as mechanisation hit the agricultural communities. The city found it had an abundance of cheap labour available, as opportunities for employment changed and great numbers found work in the expanding factories. Housing was developed quickly to meet the need, but was basic at best, and initially little consideration was given to the welfare of the workforce who lived there.

It was not until the later stages of the 19th century, as public health legislation began to recognise the importance of access to green space for the workforce, that things began to change slowly. The development of parks and gardens, such as the opening of the Arboretum in 1872, was perhaps a turning point locally.

Dense inner city housing (that is still with us today) leaves little space for essential services, let alone trees, and where trees can be grown, they are not long coming into conflict with their surroundings.

Areas of the city that were a little more affluent, such as Monks Road and West Parade, had a little more space, but often the streets were no wider and so the problems for trees are little different to the more tightly packed inner city streets.

Compounding this is the issue of our modern-day living requirements. Small streets and densely packed housing areas were not designed to accommodate high numbers of cars, multiple public utility providers or even wheeled bins for waste. All of these



factors lead to conflicting pressures on available space, with trees frequently being seen as the last priority by some.

Later housing provision gradually became more enlightened in both layout and design, and we can see this evident as the city expanded. By the time areas like the Ermine estates were being developed, larger areas of open space were provided, and service provision was better planned for, this included more space for such as parking. Even in these areas there remained pressures for space however, as families with no car, or one car, gave way to two or three car families being the norm. The pressures are therefore different, but they remain none the less. Trees may grow more healthily in more open aspects where roots have greater access to water, air and nutrients, but if they are not managed they will still affect cables, block light to windows, and affect TV/satellite reception.

Lincoln's rich history has thus set the structural framework for the city's infrastructure, but it has never really taken account of the need for trees to be embedded within its landscape.

Although access to quality open space was eventually noted as being beneficial for all by the Victorians, and where possible parks were provided for the masses who had little access to transport, with the advent of greater access to public transport and travel after the turn of the last century many public open spaces became neglected. Lincoln was, after all, surrounded by 'countryside' it was said, so had less need for open space than many developing cities. Access to space was only ever considered to be a 'stone's throw away', and the concept of bringing the countryside into the streets remained unimagined.

Today we have come to recognise that whilst having an agricultural landscape surrounding the city is a great asset for walkers/runners etc, it does not provide the wider benefits that actually living within a biodiverse landscape offers.

We understand now, better than we have at any point in the past, the enhancements that this brings to all our lives, both directly and indirectly. However, that does not, and cannot, remove all the problems of competition for space in an urban setting, but it is hoped that through the environmental policies of the council and local businesses, as well as the practices of the population themselves, locally, nationally, and globally, these will ease over time as trees come to play a greater role in our lives.

## **6. The benefits of trees.**

Trees can affect people's lives in many ways, directly, and as we have increasingly come to recognise, indirectly. Only relatively recently has it started to be understood that simply being in a green environment with plants and wildlife around us, has huge benefits for our well-being.

The following is simply a very brief overview reminder of the benefits to the city and its residents, in the context of the above:

Environmental resilience/benefits

- Pollution interception (trees can remove a number of pollutants from the atmosphere, including nitrogen dioxide and particulates).
- Carbon sequestration (Trees absorb carbon dioxide and release oxygen during photosynthesis. The carbon absorbed by trees is stored in its tissues).
- Reduced heating/cooling costs (Careful tree planting can reduce the amount of fuel used to heat and cool buildings. Trees provide shelter and reduce wind speed, thus reducing heat loss from buildings during winter. They provide shade in the summer and evaporation of water from the leaves has a cooling effect on the surrounding air. This can significantly reduce the need for air conditioning during hot weather).
- Helps reduce Flooding (Trees have a number of hydrological effects. These include reducing erosion and improving water quality by intercepting pollution. They also reduce ground water run-off, which helps reduce flooding).

#### Social benefits

- Noise reduction. Trees and other vegetation can play an important role in reducing noise.
- Stress. A green environment provides positive mental health benefits as it is quite simply a more relaxing place to be.
- Community development. Trees encourage people out of their homes to enjoy leisure pursuits within public open space. Once outside, people are more likely to interact more with others and build stronger social relationships. An additional benefit is the positive effect that contact with nature can have, especially on children).
- Feel good factor- Studies have shown that office workers who can see nature from their desks take 23% less time off sick than those who cannot see any nature. Office workers who can see nature from their windows report greater job satisfaction. Sick people with views of trees have been found to recover faster than those who cannot see any natural features.
- Crime reduction. Research has found that appropriate well maintained vegetation cover can lead to reduced crime rates. Areas with higher vegetation cover

were found to have lower rates of crime and Anti-social behaviour, considered to associated with higher use/footfall.

#### Wildlife benefits

- Trees provide an important wildlife habitat. They provide nesting sites for birds and support a wide range of insects that are an important food source for wildlife. Trees that produce berries are a direct source of food for many bird species.

#### Road safety

- Trees can help improve road safety in a number of ways:

Tree lined streets make it feel like the street is narrower and encourage slower driving.

Street trees provide a buffer between pedestrians and road vehicles

#### Economic benefits

Consumer behaviour- Studies have shown that people associate trees as representing a better living environment, and with more affluent areas.

Inward investment- Both visitors and businesses have been found to favour areas with high tree cover which increases inward investment to an area. The increase in retail prices that can be asked for in well landscaped areas can be assumed to attract businesses to an area.

Property values are higher in areas with tree cover.

As an important footnote, and for balanced completeness, it should be remembered that there are some places where trees are not welcome. There are many types of habitat, and some require an absence of trees, such as heathland, for the types and range of wildlife they support. Therefore, whilst trees can have an enormously beneficial effect, there are places where tree planting can do damage, even to a natural ecosystem, by changing the ecology of a place.

## **7.Standards**

The Council recognises its duties under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. It aims to take a risk-based approach to the management of its tree stock, with a programme of inspections and the prioritisation of any identified works.

The Council will always seek to meet British Standards (BS) or European Standards (EN) where these exist. Any deviation from BS/EN standards will only be undertaken after careful consideration, and where appropriate, after consultation amongst peers.

The Council will aspire to be aware of industry best practice and make reference to, and use of, any recognised industry guidance where BS/EN standards are not provided.

Where there is statute, such as for the reporting of trees to be felled, or the requirement for a felling licence, these requirements will be met in full.

The Environment Act 21 required an amendment to section 96 of the Highways Act 1980. This placed a duty on a local highway authority to consult the public on the removal of any highway tree (subject to a number of exemption clauses). As the highway trees are all in the ownership of the County Council, this does not technically apply to City Council owned trees. However the City Council, through this policy, commits to the same principles, and will always report the felling of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively reported if circumstances dictate e.g. removal of a tree for health and safety reasons.

Exceptions to consulting via the Planning Report system will be applied as per the legislation. There are several reasons for exclusion including: -

- Trees with a trunk of less than 8cm diameter at 1.3m height.
- Trees where Planning Permission has already been granted for its removal.

## **8. Tree Protection Order/Tree Conservation Area:**

Tree Protection Orders (TPO's) are administered by the City Council's Planning section. They are made to protect trees that bring significant amenity benefit to the local area.

All types of tree, but not hedges, bushes or shrubs can be protected, and a TPO can protect anything from a single tree to a number of trees within a defined area. Any species can be protected, but no species is automatically protected by a TPO.

A TPO is a written order that makes it a criminal offence to cut down, prune, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the planning authority's permission.

Trees not protected by a TPO may be in a tree Conservation Area. In such cases the Planning section must be given written notice by a tree's owner of any proposed work, at least six weeks before the work starts. This is called a 'section 211 notice' and it gives the Council an opportunity to consider protecting the tree with a TPO.

This does not apply if the tree is less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

## **9. Prioritising work**

The Council's approach to prioritising work is a simple one, in that first and foremost it will prioritise safety. It will therefore have in place a suitable and sufficient safe system of work to ensure (in so far as it is reasonably practicable) the health safety and welfare of staff, contractors, and the public. This will include consideration of requests for work in relation to access issues, especially in relation to those with mobility issues, where diversion due to obstruction may bring about a pattern of behaviour that could create an unintended risk (see exception in section 11).

Beyond safety the Council will next prioritise risks to dwellings and other property. Where the damage or risks are obvious and direct the Council will take action to mitigate those risks (e.g. a branch hitting a roof or gutters). Where alleged damage or suspected risk is concealed, or in the opinion of the arboricultural officer unclear in any way, then the complainant will be required to provide expert opinion in support of their claim.

In making decisions and undertaking work in response to issues affecting health and safety or risk of damage to property the Council will always be mindful of the value of trees in the city, and have reference to their species, condition and setting, and so will always seek to mitigate impact by or on the trees in so far as it is reasonably able. It will not always remove a tree just because a risk to a structure may be posed.

The next section sets out the Council's general approach and explains the processes used to underpin our mission statement in connection with Council owned trees.

## **10. Inspections and Ordering work.**

Work comes into the arboricultural service by several routes, but is invariably connected with either the deterioration of a subject tree, or concerns about such, the natural processes connected with a tree growing, or the impact a tree is having on an activity of some nature.

The deterioration of a tree can happen quickly, through such as an incident or interaction with a tree (for example a vehicle may hit one or environmental factors such as especially high winds may reveal a fault) or may happen slowly, as a part of a tree's natural life cycle.

Equally a tree may gradually develop into being a nuisance to someone (e.g. by restricting the quality of light entering a property or roots entering a damaged drain) or it may be drawn quickly into conflict (e.g. a development encroaching within the vicinity of a tree/s).

The Council's policy on tree care needs to take both scenarios into consideration, which it identifies here as 'reactive' and 'proactive' work accordingly.

Reactive work is that which arises from a report of a problem. This can be a report to the council from anyone, external or internal, and it will usually simply refer a location of a tree and an outline of the problem. It may be extreme (e.g. a tree has fallen) or the enquiry may be less clear and simply relate to a feeling someone has about the sound a tree is making as it moves in the wind. Reactive work also covers the response to a wide range of issues such as low branches, sap being dropped on vehicles, 'too many' leaves falling on gardens/drives/cars, or concerns that a tree might be affecting TV reception.

In all of these cases enquiries/requests will be passed to a suitably experienced and/or qualified person for initial assessment. Where the member of staff is at all uncertain of their ability/suitability to make an initial assessment they will defer to line management.

The officer receiving the enquiry/request will, using judgement based on the information received, schedule a site visit for inspection. They may undertake this themselves or pass the work to another suitable member of staff who will have ability to understand and address the issue. For example, a small newly planted tree having a broken stake may be attended by a junior member of staff; a low branch near a footpath may be attended by a suitably experienced member of grounds maintenance staff with limited arboricultural knowledge; a large tree making a noise in a wind in a public area will always require a qualified arborist. In exceptional circumstances, such as a tree fallen on a highway, the officer may issue an Emergency Work Order immediately so as to expedite the clearance. This will be followed by a site visit.

A site visit/ inspection will seek to :

- a) Address the specific concern raised
- b) Look for any other issues associated with the tree that might not have been obvious to the complainant.

As each visit/inspection is very different, it is not possible to describe here how each possible issue will be addressed. However, in general terms the officer will always:

- a) Assess the focus of complaint holistically, taking into consideration all possible influencing factors.
- b) Undertake the minimum amount of works deemed necessary.  
This will range from finding no justification for work, through to a complete removal based on facts. It must be noted here that many complaints are based on what complainants would like, rather than a factual need due to safety or property damage. Many are simply intolerance. (e.g. cut off branches for more light transmission, remove a tree due to sap affecting vehicles etc). In such cases the officer will have discretion. (Reference section 8).
- c) Communicate to the complainant the reason for the decision taken.

All work to be undertaken will be entered on to the appropriate system for both recording the action taken and ordering the work. This may be one system or two. At the time of drafting this policy it has been one system, but use of two bespoke interacting systems is being trialled. Ultimately it is the intent that reactive work will be recorded on the same files as the proactive work, so records of all work undertaken to a tree is held in one place.

As and when work is ordered it will be placed on the work ordering system, and be passed electronically to the appointed contractor. It will contain clarity on the work required, and crucially the deadline by which it is required.

The list of work being processed will be reviewed at intervals of no less than two weeks, and at that meeting the work completed will be discussed and signed-off, and the work outstanding will be reviewed. Of highest importance will be the adherence to timetable for work to make sure health and safety obligations are being met. Should there be any delays to any scheduled work, for any reason, these will be rescheduled appropriately, with the reasons for the delays recorded.

Should a contractor not be able to meet reasonable deadlines, or show a pattern of consistent delays, these will be elevated by use of the contract performance framework, and senior staff notified.

Proactive work is the council's programme of routine inspections to check a tree's health, aside from any problems being identified in advance. They are inspections that take place based on prioritisation of risks.

This starts with identification of general areas that might pose a higher level of risk, such as an old cemetery that has a lot of over-mature trees, through areas with average risk, perhaps a mixed population of trees, through to lower risk, as might be found in a new estate with very young trees. Proximity to levels of footfall will also have a bearing on risk estimation.

It is recognised that each of these risk typologies may have anomalies within them, for example a TPO protected ancient tree within a new development. Anomalous trees are picked up in two ways. Initially an Arboricultural officer may flag them to the inspection programme based on experience, or they will note them as a part of their routine rounds associated with reactive work, and bring them into survey accordingly. This can be because the specific tree has been a cause for concern, or is close to a tree that has been a cause for concern, bringing it to their attention.

Once surveyed, all trees will be prescribed a follow-up routine inspection date.

All inspections and arising work requests will be logged in the agreed corporate inspection system. Works ordering required as a result of a proactive inspection will be exactly as for reactive work, as described above.

Appendix A is a flow chart to show the process used.

Where a tree has to be removed a short tree stump may be left in the pavement or verge as a temporary measure to mark the position of a replanting site. Tree stumps will be removed later as part of preparation for tree planting.

## **11. Reasons for refusal to do works**

The Council recognises that growing trees in urban areas sometimes requires compromise. This means that trees cannot always be managed purely from the perspective of the trees' health, and that sometimes some work is required to facilitate a compromise that means that trees can be retained, with their impact on the people in that area mitigated. However, this approach has to have limits, and it is not reasonable to expect that human needs will always take priority over the needs of the trees if a healthy tree population is to be retained and nurtured. For this reason it is felt necessary to set out some parameters within the policy where works will not automatically be undertaken. The arboricultural officer will have discretion, mindful of the impact on a given tree.

Work to trees will normally be refused if it is requested for the following reasons:

- Interference with satellite dish or television reception.
- A resident's perception that the tree is too large.
- Obstruction of view or light.
- Affect on moisture levels in a garden (including effects of shade)
- Seasonal nuisance (Leaf fall, fruit litter, potentially poisonous parts of a plant, allergies to pollen, nuisance caused by insects or birds including their excretions).
- Suckers or germinating seedling spread.
- A pest infestation.
- A resident's perception that the tree will cause damage in the future.
- To replace a healthy mature tree to create space for the planting of new trees.
- Where it is a part of a neighbour dispute.
- Where a claim of obstruction to access is considered spurious.

## **12. Tree planting**

When it becomes necessary to remove a tree, the council has a clear policy of replacement, on a one-for-one basis. This is a minimum, to ensure our tree numbers are not depleted, but when taken alongside voluntary additional planting undertaken each year, whilst it varies in numbers, year on year, the City Council will never remove more trees than it plants in any given year.

When planting a tree we will always review the environment into which it is going, and give consideration to why it was removed. As a very general guide we will start from



the position of replacing 'like for like', but where a tree species has clearly been unsuitable for its position, perhaps hastening its demise, then a more suitable alternative species will be considered.

Whilst we will try to give priority to native tree species, there may be cases when that is not appropriate, for example in an arboretum or ornamental garden setting, where the intent is for a specific effect. It might also be that a widespread disease is prevailing, forcing discrimination against a species, as has been the case with Elm.

Equally, the size of tree to be planted will vary. Whilst street trees will usually be at BS specification for a 'standard', we will flex what is required to meet the requirements of the work. For example, a new development scheme with a need for immediate impact, may need larger trees (larger than most street tree plantings of 2m approx. height) such as 'heavy', or 'extra heavy standards', whereas a mass tree planting scheme may be more suited to the use of much smaller 'whips', '1u+1' stock (small young plants of 30 to 60 cm typically) or similar.

If a new tree is being planted to replace a tree that has been lost, we will try to replant on the same site, unless there are good grounds not to do this. In such cases we will try to find a location nearby, but if this proves to be impossible, then we will find an alternative location in the city. The Arboricultural officer will have discretion.

The desire will be to retain a long term tree canopy similar to that prior to the loss of a tree, but where that is not possible, we will not sacrifice the objective of replanting, even if that has to be elsewhere in the city.

In all cases, while it is clearly necessary for the arboricultural staff to be given discretion, we will always have recourse to best practice. This is true of all works undertaken, including the supply and planting of trees, where British Standards will be applied wherever possible.

After planting we will specify regular adequate watering to ensure, as far as is reasonably practicable, the trees' survival. All newly planted trees will be checked after the first year, and any young tree that does not survive will be replaced in the next available planting season.

### **13. Resources, Roles and Responsibilities.**

The Council's arboricultural expertise falls within the Community Services unit of the Directorate of Communities and Environment.

The unit manages, amongst a range of other functions, the care of the city council's public open spaces. This consists of many types of open space including common land, formal and informal parks, a local nature reserve, a SSI (Site of Special Scientific Interest), and an abundance of verges and 'spaces between the places'. These sites are managed operationally under contract, and it is from that contract that physical works are procured.

Work is priced individually according to what is required, from a pre-set scheme of rates. Resources deployed by the contractor can fluctuate accordingly.

<b>Job Title</b>	<b>Responsibility</b>	<b>Escalation path.</b>
Director	Responsible for corporate H&S policy	Matters that cannot be addressed are escalated to CMT/CX.
Assistant Director	Responsible for H&S policy for trees being compatible with corporate policy.  Budget overview.  Planning in relation to particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Director.
Community Services Manager- operations	Responsible for making sure the policy is actioned and operating .  Budget management/ review/ reporting.  Elevation of particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Assistant Director.
Team Leader- Open Spaces	Responsible for making sure the systems are operating effectively and undertaking the review meetings with contractors.  Procuring surveying work.  Payments, budget spend and monitoring.  Elevation of particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Community Services Manager.
Arboricultural Officers	Responsible for the reactive work, some surveys, identifying works, ordering works, and prioritising works.  Supporting review meetings.	Issues to be escalated to Team Leader.

	Assessing the quality of works.  Identification of particularly sensitive issues: historic trees, landmark trees, large scale removals.	
Community Services officers	Specific site visits and work ordering .	Issues to be escalated to Arboricultural officer.
Contractor.	Provision of adequate resources of appropriate quality to undertake the work as directed, be that surveying or physical works.	

All staff are required to have either suitable experience for the nature of the work they are asked to do, or where technical understanding is required, a suitable arboricultural qualification.

All staff are encouraged and supported to defer in cases where they believe they may not have the necessary expertise. In exceptional circumstances, external independent consultants may be used.

In cases where a level of heightened risk can be foreseen, such as an impending period of high wind, the Council will ensure in advance that 'Out of Office hours' call - out team are aware of the necessary contact numbers for senior staff and arboricultural contractors, and the contractor will have ensured staff cover proportionate to the identified risk.

A Business Continuity Plan is in place which covers the problem of ensuring supporting staff are available and able to work effectively in exceptional circumstances, such as the loss of City Hall as a base, fuel shortages and serious power cuts.

#### **14. Tree ownership.**

This policy relates primarily to trees in city council ownership growing in public open spaces, including housing communal areas. It covers those under the purview of the Directorate of Communities and Environment (DCE), as well as those owned by other directorates where they have asked for tree care to be included within work undertaken for them by DCE.

In a limited number of cases the arboricultural unit does work for third parties. The City Council has a Service Level Agreement (SLA) with the County Council for reactive works only to its highway trees. This may be physical work or advice. Where work is

required under the SLA it is covered by the terms of the SLA, with any resultant reactive work undertaken in accordance with the guidance and processes outlined above. No proactive inspections are undertaken for third parties or under the county SLA. LCC carry out their own proactive inspection/works programme. Costs incurred are recharged in accordance with the terms of the SLA.

Where the Council leases land to third parties, the responsibility for the trees passes to the leasee.

The Council has no legal duty for privately owned trees, outside of a health and safety duty to report to the owner issues which it identifies might be a cause for concern or pose a risk. Where such issues are brought to the attention of a private individual we will try to offer 'no prejudice' advice if reasonable and practical to do so in the public interest.

Whilst the obligation to act on advice proffered is that of the tree's owner, in extreme cases, should a private individual not have the ability to act, for whatever reason, the council will take a pragmatic stance, and put the safety of the public first. By agreement, if this requires the council to do work and recharge the owner, it will do so. In very extreme cases, should a member of the public refuse to sanction such works to their own tree/s, where a qualified arborist feels there is a significant threat to wider public safety arising from the negligence of the owners, the Council will still act, gather details, and seek to recover costs later.

Some trees in the city have a level of protection placed upon them under the official planning process. These fall into two main categories: Conservation Area status (CA), and Tree Preservation Order status (TPO). The former offers a level of protection for a given area, and dictates what the owner of a tree may or may not do. The TPO can cover a single tree or a group, and requires a formal process of permission to be granted in advance for any works (see section 7).

There is a third category less often seen, that can apply in some specific instances. This is where a covenant to protect a tree, or trees, is included with conditions placed on certain developments by the planning department.

All forms of protection are enforced by the council's planning enforcement officers, and are subject to the prevailing penalties.

All requests/enquiries relating to work to trees covered by CAs/TPOs will be subject to written qualified officer assessment.

## **15.Communications.**

Whilst generally speaking people may have a greater understanding of the value of trees in our world than ever before, when they create in impact in how individuals would like to live their lives, tolerance of them can be low.

Trees will always impact people's lives in some way, simply by needing to share the same space, and when they do, be it leaves in gutters, sap on cars, or 'too much' shade in kitchens, people quickly tend to forget all the good they bring.

Intolerance of the impact of a tree usually leads to a complaint, that gives rise to a site visit and assessment. The affected individual may well write to complain and seek support from third parties.

Alternatively, when a tree has to be pruned or be taken down for safety reasons, the complaints that this can generate, and what may be the levels of inaccurate details surrounding these decisions, can be highly stressful.

Arboricultural Officers, who have entered this career because of a love of trees, often find themselves having to defend decisions to residents who have decided, perhaps without any detailed knowledge of the specific facts, that the Council has behaved unfairly.

On the premise that conflicts, no matter how they arise, are stressful for all concerned and wasteful of time/resources, it is a key aspect of this policy that communication be considered in all that is done.

No communications campaign will ever resolve these issues entirely, but it is believed that a good, clear, sustained approach may help people think twice about the validity of their complaint or their tolerance to an issue.

Equally, by being transparent in as many aspects of tree care as it can be, the Council and its staff will be able to educate people and persuade them that although always operating with health and safety in mind, it is fully conversant and appreciative of the impacts of its decisions. No decisions are taken lightly.

For this reason the Council will promote it's work as a part of an ongoing initiative to promote open spaces, and their value in the city, and will always seek to make clear reasoning behind any arboricultural work.

The Council's communications team will therefore include reference to trees in their work, and within their strategic approach, with support from arboricultural staff as required.

The Council will seek to remind people that trees are:

- valuable to us within an urban setting and why we should be tolerant of them when they impact us
- living things that grow and die naturally
- individuals, and need tailored care
- an asset that has to be managed to ensure the safety of the public and protect property (which sometimes means taking difficult decisions)

As and when opportunities permit we will also give advice if requested, on issues such as what tree might be suitable for a specific setting, how to care for trees, and legal responsibilities.

## **16. Previous Policies**

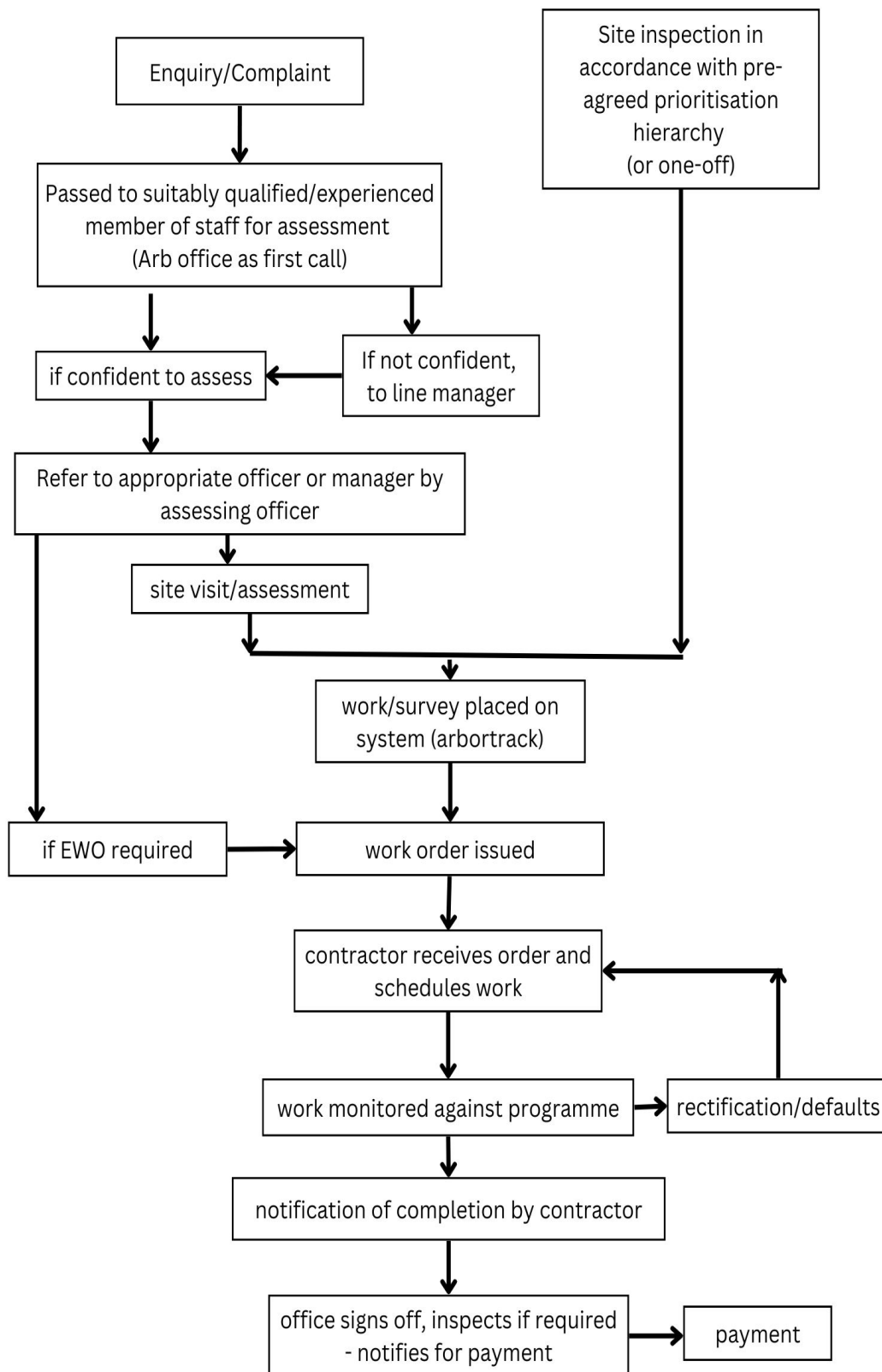
The Council has previously adopted a policy which includes for reference to trees: The Open Space and Tree Management Policy.

This new policy document replaces that older document with regards to all aspects relating to trees. In all other respects the old document remains valid for wider open space issues.

-----ENDS-----



## Tree Inspection Flow Chart



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## Equality with Human Rights Analysis Toolkit



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

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

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

Corporate Policy Team - Email: [policy@lincoln.gov.uk](mailto:policy@lincoln.gov.uk)

Legal Services – Email: [louise.simpson@lincoln.gov.uk](mailto:louise.simpson@lincoln.gov.uk)

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

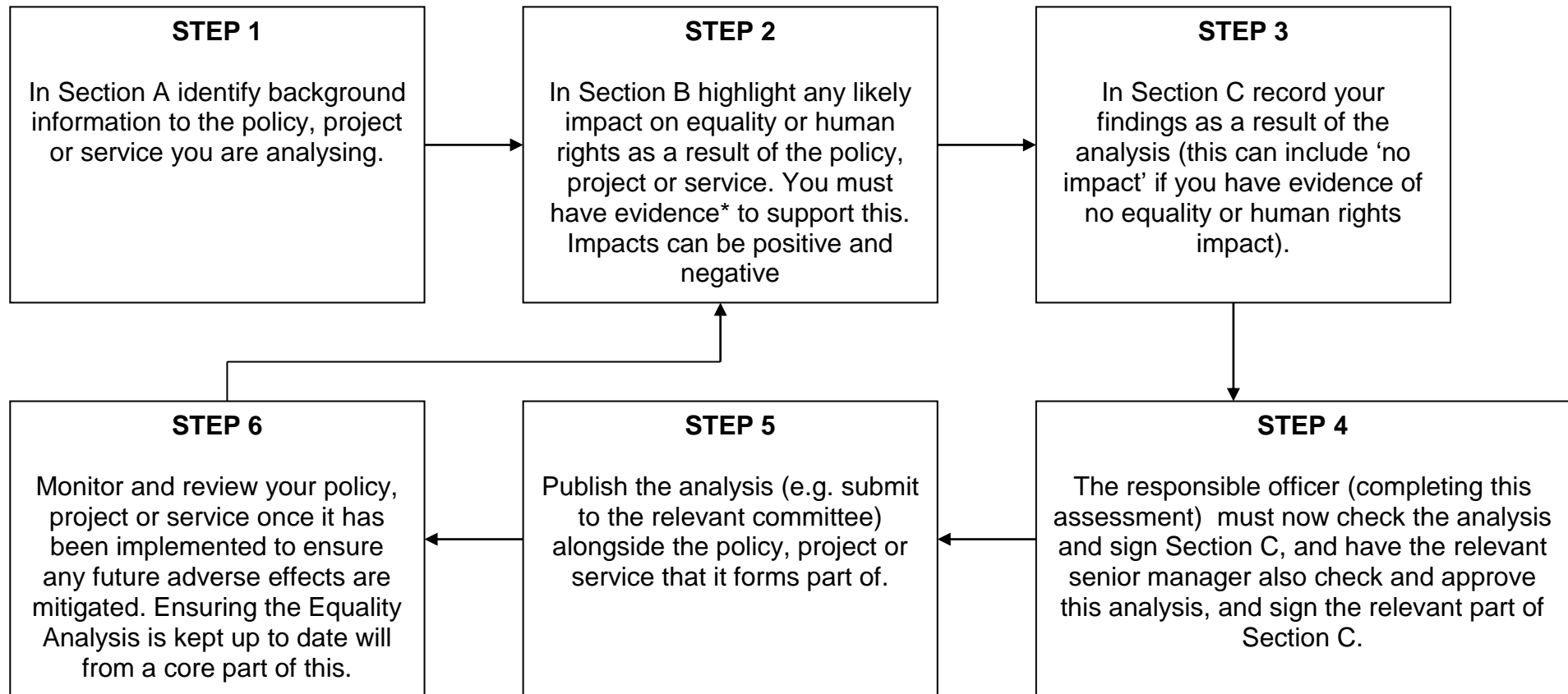
57

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

### Useful questions to consider when completing this toolkit

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

## STEP BY STEP GUIDE TO EQUALITY ANALYSIS



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

## SECTION A

Name of policy / project / service	A policy for the care of City Council owned trees in public open spaces
Background and aims of policy / project / service at outset	To provide a Council Policy that sets out clearly how it will maintain trees on publicly accessible land within its ownership.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Steve Bird AD CSS
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Portfolio Holder, Director, Policy Scrutiny Committee, Executive.

## SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	X			<p>The policy focuses on the care of trees that are in city council public spaces.</p> <p>There are no changes proposed in terms of how people may contact the council or make an enquiry/ complaint about trees in these locations.</p> <p>The policy aims to provide clarity for all who request this service from the council, and explains why the council will or will not act in response to an enquiry/complaint. It aims to clarify, for those who request this service, how we will respond in relation to requests to undertake works to trees.</p> <p>In respect of the 'age' protected characteristic, the policy sets out how the council shall respond to enquiries/complaints related to maintaining access for older people, of which some may have conditions that affect their mobility.</p> <p>As a policy that will care for trees, it seeks to sustain and improve the environment in the city for all in the long term.</p>	NA	NA
Disability	X			<p>Whilst recognising the benefits of trees on both mental and physical health, the policy sets out how the council shall respond to enquiries/complaints related to maintaining access for people with</p>	NA	NA

				conditions that affect their mobility.		
Gender re-assignment			x	No anticipated impacts on this protected characteristic	NA	NA
Pregnancy and maternity			x	No anticipated impacts on this protected characteristic	NA	NA
Race			x	No anticipated impacts on this protected characteristic	NA	NA
Religion or belief			x	No anticipated impacts on this protected characteristic	NA	NA
Sex			x	No anticipated impacts on this protected characteristic	NA	NA
Sexual orientation			x	No anticipated impacts on this protected characteristic	NA	NA
Marriage / civil partnership			x	No anticipated impacts on this protected characteristic	NA	NA
Human Rights (see page 8)			x	No anticipated impacts	NA	NA

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

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
No gaps in information at this time	NA	If approved, the policy will be monitored throughout implementation and adjusted if necessary.

## SECTION C

### Decision Point - Outcome of Assessment so far:

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

Tick here

- **No equality or human right Impact** (your analysis shows there is no impact) - sign assessment below
- **No major change required** (your analysis shows no potential for discrimination, harassment)- sign assessment below

[ ]

[ X ]

- **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below [ ]
- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made [ ]
- **Put Policy on hold** (seek advice from the E&D officer as adverse effects cant be justified or mitigated) -STOP progress [ ]

Conclusion of Equality Analysis (describe objective justification for continuing)	As the policy cares for trees, it aids peoples understanding of what the council will/will not do, and why. As a policy that looks after trees, it should make sure the trees are maintained in a healthy state in the long term, and thus benefit the wider environment for all.
--	---

When and how will you review and measure the impact after implementation?*	The policy will be reviewed after 5 years, or sooner if a need is demonstrated.
--	---

63 Checked and approved by responsible officer(s) (Sign and Print Name)	Reviewed by Michelle Hoyles, Business Manager Corporate Policy and Transformation	Date	17/06/2024
Checked and approved by Assistant Director (Sign and Print Name)	Steve Bird	Date	17/6/24

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

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

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

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

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

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

- *Physical impairment* is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.
- *Mental impairment* is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

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

**Discrimination.** Discrimination has been defined as 'the unequal treatment of individuals or groups based onless because of a protected characteristic – see protected characteristic

9

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

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

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

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

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

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.
2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Human Rights**

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

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

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

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

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

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

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5. **A Policy for the Maintenance of City Council Owned Trees in Public Open Spaces**

Steve Bird, Assistant Director Communities and Street Scene:

- a. presented a policy for the maintenance of Council owned trees in public open spaces for comments prior to consideration by Executive
- b. explained that the proposed policy related only to trees growing on land owned by the City Council, or for which it had responsibility such as parks, gardens, amenity grass areas and common land
- c. outlined the aim of the policy which was to have in place a system that cared for City Council owned trees so as to:
  - prioritise public safety
  - protect property appropriately
  - ensure that all trees were looked after appropriately, having reference to their species, age, condition and setting
- d. explained that the policy made clear the value of trees, the intention to work to recognised industry standard as default, to abide by legally required practices, to replant where there were tree losses, the need to educate people that they were an organic asset that had a life cycle and to promote the importance of trees in the City
- e. invited members questions and comments:

**Question:** Councillors were often contacted by residents asking why trees had been removed. Could a note setting out the reasons for removal of the tree be displayed on the stump for information?

**Response:** This suggestion would be considered by Officers.

**Question:** How did the Council ensure that proper care was provided to maintain new trees that had been planted?

**Response:** Every new tree that was planted had a watering package attached to it to advise the contractor how the tree should be looked after. The number of trees planted and the number of trees that had survived was tracked each year. If a tree died the contractor was required to plant a new tree to replace it.

**Question:** Was there a map or chart available that explained how many trees there were across the City and where they were located?

**Response:** The Council did have a database that mapped and provided information on the trees in the City. The database was still being updated but would eventually contain information on all of the trees in the City.

**Question:** Would the database be shared with the public?

**Response:** At the moment the database was only available to Officers. Consideration would be given as to whether it was possible to make the information available to the public.

**Question:** How was biodiversity being addressed?

**Response:** The Council planted as many trees as possible each year. Consideration was given to the resilience of the tree species that were planted to plan for the future.

**Question:** Was there a strategy in place to grow new saplings in areas that were densely populated?

**Response:** There were areas within the City that were not designed with trees in mind. The Council did plant as many trees as possible in as many areas as possible. Biodiversity net gain was now a mandatory requirement for new developments to provide a 10% improvement on green areas.

**Question:** Councillors were often contacted by residents requesting to remove trees. How should Councillors respond in these instances?

**Response:** The resident should contact the Arboricultural Officer who would consider each case on its own merit.

RESOLVED that the policy for the maintenance of Council owned tree in public open spaces be supported.

**SUBJECT: A POLICY AND STRATEGY FOR FINANCIAL CONTRIBUTIONS TO SUPPORT PARKS AND OPEN SPACES**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: STEVE BIRD, ASSISTANT DIRECTOR, COMMUNITIES AND STREET SCENE**

## **1. Purpose of Report**

- 1.1 To propose both a policy and a separate supporting strategy that sets a framework for requesting, receiving and accepting financial support from a wide variety of sources that can be dedicated to protect, enhance, and promote the City Council owned parks and open spaces (excluding the Commons which are subject to an Act of Parliament).

## **2. Executive Summary**

- 2.1 The parks and open spaces of Lincoln have a vital part to play in supporting many of the Council's future ambitions for the city.
- 2.2 To realise that potential, and so maximise the benefits open spaces can provide always requires more funding. In the current economic climate allocating greater City Council resources to further increase spending on open spaces is very challenging.
- 2.3 However, there are a wide range of potential income streams for parks and open spaces such as grants, sponsorship, advertising income, and bequests. It is therefore essential that the Council does not overlook opportunities to generate funds that can be dedicated to support the city's parks and open spaces, but it is also recognised that it is important to consider any such opportunities carefully so as not to inadvertently or unintentionally impact park/open space users negatively.
- 2.4 The attached documents are a proposed policy and supporting strategy that are intended to provide a framework for staff/volunteers/ residents/ third parties, under which an opportunity is provided to contribute financial support for a site.
- 2.5 For absolute clarity, it is not the intent of this policy to seek to redefine any casual activities such as dog walking, jogging, running, playing football (or any such similar casual use), as events or activities that might fall subject to a direct charge. This policy relates to many opportunities for income, and specifically aims to do this without deterring fair and legitimate use.

### **3. Background**

- 3.1 For many years the Council has direct funded the maintenance of its parks and open spaces, and only supplemented this to date with what has been very minimal supporting income from events/activities.
- 3.2 Significant capital investment has been made at times when it has been possible or required, and when this has been the case, every effort has been made to enhance this by working innovatively with appropriate partners and securing match funding through granting bodies such as the National Lottery. Notable successes have been the Arboretum, and Boutham Park with development of a master plan for Hartsholme Country Park's improvement remaining a corporate ambition over the next few years.
- 3.3 The profile of parks and open spaces has never been higher than it is now. The demands placed on these important sites continues to escalate, and with it the Council's aspirations for the important roles these spaces will play in the future of the city. With this the opportunities they provide to enhance the lives of residents becomes strategically more important. It is therefore vital that opportunity to contribute to the future of the city is not stifled by missing opportunities to attract investment.
- 3.4 The Council's financial position does not currently permit funding beyond maintaining them to a good standard, and so many aspects of desirable enhancement may go unrealised, at least for the foreseeable future, unless opportunities for new funding are explored.
- 3.5 There are a wide variety of routes that can constitute income, from grants to sponsorship, advertising income and bequests. Mindful of the complexities that surround the various income options that exist and arise for both the Council and supporting groups, this policy seeks to provide both a clear policy, and where that cannot be specified without risk of unintended consequences, broader guidance.
- 3.6 It is vital to be clear that through the development of this policy it is not the intention to pursue income indiscriminately, but simply to ensure that no income opportunities are overlooked, and that any income opportunities that are pursued are applied fairly and with full consideration to the site, the context, and the Council's aims and ambitions for the city and its residents and visitors.
- 3.7 It is also vital to understand that as this is the council's first policy for such a diverse area of work, it is anticipated that it will require regular review, at least initially. It is intended that, subject to its early adoption, review will be aligned with the annual Portfolio Holder report.

### **4. The Policy**

- 4.1 The policy acknowledges the complexity of trying to set rigid rules where each site is different, each income opportunity is different, and the context of each case may vary considerably. For this reason, the policy is careful to set clear policy where that is possible, but where it is not, it establishes guidance and a suitable decision-making route with accountability.

- 4.2 As owners of the sites the Council recognises its responsibility is ensuring all income opportunities that might be considered are done fairly for users, and so includes within its scope reference to the key partners of Park Advisory Groups.
- 4.3 It is the intent of the policy that it provides opportunities to generate income in support of parks and open spaces, that it enthruses stakeholders to generate income for parks initiatives, and that it does not deter use.
- 4.4 Whilst such a flexible policy requires use of delegation, it is recognised that this must not take decisions beyond any scrutiny. Any Chief Officer decisions will therefore be subject to appeal to the Portfolio Holder.

## **5. Policy Scrutiny Committee**

- 5.1 The draft policy was presented to Policy Scrutiny Committee on 3 October 2023, where it was debated. Key issues were:
  - a) That the policy should not deter legitimate open space users.
  - b) That greater detail on what it meant in practice would be helpful.
  - c) Recognition that it was difficult to cover every eventuality if the policy was to be comprehensive, so required some delegation.

These points were noted, leading to the referral to the Executive with a draft strategy document to make clear what the options could look like in practice.

## **6. Strategic Priorities**

### **6.1 Let's drive inclusive economic growth**

An important part of the Council's agenda for growth is the recognition that it needs to create an environment that ensures that Lincoln is recognised as a great place to live, work or visit. The quality of green spaces can make a location more or less attractive simply by their apparent condition, often mirroring the prosperity of an area. This proposal provides an opportunity to significantly improve the income that parks can create, and thus provides an opportunity for future investment.

### **6.2 Let's reduce all kinds of inequality**

The provision of public parks emerged in the Victorian era as a concept to provide the working classes with spaces that offered opportunity to improve their physical and mental wellbeing. It quickly became recognised that everyone in a community enjoyed and benefited from well run and maintained parks and open spaces.

In today's world they still provide the same benefits, as well as a number of others that are relevant to the modern age, such as community cohesion and providing sanctuary for precious urban wildlife.

This proposal does nothing to prevent or deter the use of parks as free access resources. It does however provide an opportunity to enhance the visitor experience and additionally adds the potential for income generation which promotes opportunities for investment.

### 6.3 **Let's enhance our remarkable place**

Lincoln's parks and open spaces are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit this city. The Council has expressed a clear aim to build on the success of its current events/activities programmes by making them more sustainable long term and providing opportunities for inwards investment. This report underpins that and, if supported, provides the foundations from which to build an enhanced events programme in the future.

### 6.4 **Let's address the challenge of climate change**

The city's parks and open spaces are often referred to as its lungs. This initiative aims to support the use and promotion of these sites, and to seek investment for the improvement and protection.

## 7. **Organisational Impacts**

### 7.1 **Finance**

It is the aim of the policy and supporting strategy to provide opportunities to request, receive and accept new funds to support, protect, and enhance parks and open spaces, so any income generated will be ring-fenced for re-investment in parks and open spaces.

It is not possible to forecast with any accuracy the income that might be achieved as this will be subject to a wide range of criteria. Income is already being achieved in some very small ways via events/activity charges, and by Park Advisory Group (PAG) activities, which act as a beacon to the potential of what might be achieved. Smaller activities may result in a few hundred pounds, whereas a franchise in a park for a new facility might generate several thousands of pounds. It is the premise of this policy that any income generated will aid the improvement of open spaces.

Ultimately this policy has led to the strategy, which has reviewed existing and new income opportunities. The extent to which the Council accepts or rejects these new opportunities will define the potential for income.

It is the intent that sums of income generated will be held for PAGs in specific clear budget lines within the Council's financial processes, to ensure probity, but the sums will be prioritised for spending by the PAG meetings. There will be routine reporting of income and expenditure in line with respective PAG wishes, reported to PAG meetings.

### 7.2 **Legal Implications including Procurement Rules**

Lincoln's parks and some of its open spaces have bylaws which prohibit certain uses. On common land the governing Act prevents business enterprises from being run (others than those expressly permitted) which is why it is not covered by this policy or strategy.

The Council retains the right to control markets, and to seek licensing accordingly. A market is legally defined as 'a concourse of 5 or more buyers and sellers. This



can be either stalls, tables or car boots and is applicable to both indoor and outdoor markets. Under market licensing any fees applied for use of the park would not obviate the requirement to apply for a market license and (if granted) pay the required fee (this may be free for charities).

The consumption of alcohol is not expressly forbidden by the bylaws, but there are legal restrictions on the sale of alcohol (See Section E of the policy).

### **7.3 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

There is nothing in this report that negatively impacts this duty.

It should also be noted that the Council is alert to the risks that not all groups or indeed charitable causes align with the aims of the Council. The policy therefore includes for options to exclude or deny requests from such organisations that might risk operating contra to the aims of the Council. Not least with regards to equality, diversity and human rights issues. An Equality Impact Assessment is attached.

### **7.4 Land, Property and Accommodation**

Issues relating to leases are referenced in the Policy so as to be clear that such issues will be addressed outside of this policy by Property Services directly.

### **7.5 Significant Community Impact &/or Environmental Impact**

The Policy has been discussed with the Chairs of the Park Advisory Groups,

It is hoped that the policy will generate income in support of an enhanced and more sustainable event/activity programme, that will in turn bring communities together.

There are no negative environmental impacts.

### **7.6 Corporate Health and Safety Implications**

Events on Council land, or run by Council staff need to be carefully governed to ensure health and safety requirements are met.

The Council has run events for many years now, and has policies in place to meet these requirements. Equally, by formalising the requirements for events run by third parties it ensures that the necessary health and safety requirements are in place.

The procedures are regularly reviewed, and overseen by health and safety professionals.

## **8. Risk Implications**

### **8.1 (i) Options Explored**

a) All uses, including for any events/activities - free. In the current economic climate this not a sustainable approach and it would do nothing to promote investment in the parks and open spaces.

b) All uses, including events/activities charged. This would not be practical to administer, and would in deter use and be counter-productive to Council aims to encourage residents and visitors to use our parks.

c) Development of a flexible policy. An attempt to set clear policy but provide flexibility so as to support the Council's aims and ambitions without deterring appropriate use.

### **(ii) Key Risks Associated with the Preferred Approach**

Development of a flexible policy and guiding strategy.

Given the complexity of the issue, there will always be opportunities/approaches that are outside of the scope of the policy which will require careful thought.

Where people face a change there will always be challenges. By being transparent in the approach, and its purpose, it is hoped that most of these will be mitigated.

The policy does provide for an appeal process.

## **9. Recommendations**

9.1 That Executive approve the policy.

9.2 That Executive agree the strategy.

<b>Is this a key decision?</b>	Yes
<b>Do the exempt information categories apply?</b>	No
<b>Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?</b>	No
<b>How many appendices does the report contain?</b>	4 Policy Proposal Strategy Proposal EIA Minute Extract 3 Oct 2023
<b>List of Background Papers:</b>	None
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COUNCIL

## Appendix 1

# A policy for the development of financial income generation options in support of parks and open spaces.

### Document control

Organisation	City of Lincoln Council
Title	A policy for financial income generation in support of parks and open spaces
Author - name and title	Mr Steven Bird Assistant Director Communities and Street Scene
Owner - name and title	As above.
Date	Drafted Sept 23
Approvals	Review PSC Oct 23. Executive TBA
Filename	
Version	V1.4
Next review date	

### Document Amendment history

Revision	Originator of change	Date of change	Change description
V1.1	DCE	19/6/23	Review of draft
V1.2	Owner	31/8/23	Internal review of draft
V1.3	Owner	9/10/23	Post PSC feedback
V1.4	Owner	28/12/23	Revision based on feedback from CMT/Leadership
V1.5	Owner	16/2/24	Revision based on feedback from CMT.

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## **Background**

The parks and open spaces of Lincoln are beautiful places. Operating as both environmental havens and 'leisure centres without roofs', they either underpin or directly contribute to fulfilling many of the main objectives of the Council.

The Council's funding for open spaces maintains the sites at a good or where possible, Green Flag standard, but due to the almost limitless opportunities that parks and open spaces present, it will never be able to finance every desirable idea or aspiration.

As such it is vital that ways are found to fund them so that they are not only well maintained, and remain free for casual use by residents and visitors, but that investment is identified and maximised so as to ensure ways are found to get nearer to releasing their full potential.

It is a principle of the policy that charges will be considered wherever an event/activity denies access/use of an area by the wider public, and that the income generated will be returned for investment in the park/open space.

## **Purpose of the policy**

To identify and consider the wide range of ways in which income may be received in support of parks and open spaces, and to establish a clear policy under which it might be requested or accepted to ensure its use in protecting and enhancing provision for future generations. To be clear, this policy is about re-investing any monies received, from a range of sources, back into our parks and open spaces.

Supporting notes:

Although the council has run events and activities in parks for some years, it has never had a fully developed income generation policy that set a framework for staff and important stakeholders to work within.

This document seeks to identify the main potential income streams, and to provide guidance as to how these might be developed, so as to have transparency and consistency in such a diverse and variable area.

**It is not the intent of this policy to deter or exclude any residents or visitors to our parks and open spaces, but to actually encourage more use by way of generating income for investment in the facilities to improve them over time.**

This policy directs how any money received is used to further the aims of good open space management, and in the long term interests of the city's open spaces.

## **Scope**

### Areas:

All City Council owned parks and open spaces. (NB The Commons are in the custodianship of the City Council but not 'owned' by the Council in that sense, so are outside of the scope of this policy.

### Agents:

This policy applies to the following: City of Lincoln Council (CLC), Park Advisory Groups (PAGs), and those with other forms of authority granted to operate in parks where compliance with this policy is stated as a requirement, including clubs and groups granted short term agreements for the use of sites for specific events/activities.

Those who may wish to lead on an initiative to generate income (on behalf of a park/open space) should first consider doing that through the PAG, if one exists for the site. If they do not wish to work with/through a PAG, or if one does not exist, then third parties may only proceed in any income generation project with specific agreement of CLC under a separate agreement.

This document does **not** cover or include for leases/licenses or other forms of agreement for buildings/services/land etc. which are managed by the Council's Property Services section. This includes for the leasing of open space, with note that a lease can, in law, be termed a 'disposal' with all the associated legal requirements, such as the need to advertise.

Where an area is to be let/leased to a third party this will always be by following the relevant procurement policies/legislation and/or property leasing arrangement policies subject to Council policies on procurement.

### Types of income:

This policy relates to all forms of financial support only. It is not intended to cover donations of specific items or offers of in-kind assistance. This is covered by individual donation policies for parks, although it is hoped to align these policies into one consistent policy at some point.

### Sources of income:

There are a range of possible income generation sources including, external grant awarding bodies, corporate sponsors, CLC lotteries, advertising, direct income generation (sales/events/activities/concessions), donations, bequests.



### **General conditions / Guiding principles.**

The policy is intended to provide guidance on how income may safely be received or accepted to further the aims and objectives of parks and open spaces protection, improvement, and promotion.

All aspects of income received under this policy are ring fenced for that purpose only, held by the City Council, but with spending at specific sites directed by Park Advisory Groups.

To ensure the protection of the reputations of individuals, groups, and the spaces concerned it is vital that there is total transparency of all actions, at all times, in relation to how funds are requested and received. The rules in this policy ensure any financial support, is received in a way that at all times protects that principle of integrity. To that end, all income requested or received must be in accordance with this policy, and no request or receipt of funding that is outside of the scope of this policy will be permitted without the express agreement of the City Council as landowner.

Applications for external funding should always be discussed with the City Council BEFORE any bid/request is made.

All requests and applications for funding must be subject to rigorous challenge on the purpose, outcomes, risk and transparency of administration. Legal and procurement requirements must always be fully considered.

Where applicable for scale, the Council's corporate approach to project management must be adopted.

Where the legitimate use of a site is agreed with the Council, then the terms of this policy shall apply to any sub lettings, unless permission to waiver from that is agreed in advance.

It is not the intent of this policy to deter or exclude any legitimate users from fair use of public open spaces.

### **How the income is controlled.**

It is a principle of the policy that Park Advisory Groups will control priorities for spending any income achieved under this policy.

Therefore any income received will be held in specific budget lines by the Council for specific sites, thus ensuring proper controls are in place for the management of such sums. However, the actual income, and any expenditure, will be reported routinely to each Park Advisory Group, so that they can see the balance available to them, and what any funds have been spent on in their name.

This system works well for the income to commons, and at each meeting the members of the Commons Advisory Panel review the position, and agree priorities for spending as/when new funds become available.

In an exceptional circumstance where a Park Advisory Group is not of a standing that permits it to transact normal business under its constitution (for example it is not quorate, or does not have elected representatives to Chair meetings), or where for whatever reason the City Council has grounds to consider such a group may be operating outside of its constitution, then the following will apply individually or jointly, at the discretion of the Portfolio Holder for Remarkable Place:

- A) The Chairs of the other PAG in the city may be invited to review the position and provide a consensus view in the interests of the specific site in question.
- B) The Director of Communities and Environment be invited to make recommendations consistent with any known plans for the specific site to the council's Executive.

### **Income opportunities.**

This section sets out simply where income opportunities might arise.

#### **A) External grant bodies.**

These bodies are usually responsible for giving larger sums, and as such are set up to manage detailed bids and evaluate required outcomes. Grants always have specified requirements, and these can be significant and onerous, often with penalties attached for failure.

As each grant funding body has separate requirements it is vital that before any bid is developed, it is discussed with the council in detail and challenged, as set out in the general guidance.

Those proposing such a route must be clearly aware of the extent of the resources/expertise required, and the risks.

Given the complexities of drafting bids it is recognised that bid writers may be used at times. Care must be taken in the procurement of such specialists, and any percentage charges they make must be clearly accounted for before their engagement on the drafting of any bids.

#### **B) Corporate sponsors.**

The Council is keen to encourage corporate groups to engage and support issues associated with community development and protecting natural spaces.

However, to make sure that the highest standards of probity are maintained it is important that transparency applies to all aspects of sponsorship. For these reasons corporate sponsorship must always be managed by the City Council directly through open and transparent partnership agreements, where applicable.

The Council reserves the right to refuse sponsorship offers that do not comply with other policies and principles of the council..

### **C) Lincoln Community Lottery**

Lincoln Community Lottery is a weekly lottery that raises money to support the work of good causes in and around Lincoln. Tickets for the lottery cost £1 per week, with a top prize of £25,000. Of each £1 ticket sold, 60% goes directly to local good causes - 50% to the ticket buyer's chosen good cause (which can be a park/open space) and 10% to a central fund - the central fund is awarded annually via an application and selection process (and can receive bids from PAGs).

The funds raised by each cause are paid directly into the cause's bank account each month. There are no set up costs or admin fees for good causes joining the lottery and all good causes are provided with their own customisable lottery page, together with regular marketing materials to help promote their lottery.

In addition, lottery good causes receive weekly email updates and can also log in and view ticket and supporter data in real time. To be accepted onto and benefit from Lincoln Community Lottery, all good causes must meet set criteria, which ensures the lottery is fair for all good causes and supporters taking part. Further information on how the lottery works is available via the good cause information page on the community lottery website.

This is a venture that individual parks can promote, or they can work together to achieve (but it requires a mechanism to be agreed in advance for splitting the funding received).

### **D) Advertising**

The Council is open to income generation from advertising but, as for corporate sponsorship, is mindful for the potential for claims of inappropriate advertising. It is therefore critical that any advertising income achieved is done so in an open and transparent way.

The Council is mindful that advertising is designed to be influential, and as such the Council has a duty to ensure that all adverts are suitable. As such, all advertising must be in compliance with the council's policy on advertising.

### **E) Sale of items/services/space**

The Council and PAGs may sell items they have made or bought, and that are without challenge rightfully in their ownership. This does not include for food/drink items unless covered by the appropriate food hygiene approvals. All items must comply with relevant health and safety requirements.

It is the Council's ethos that parks and open spaces are family spaces, and as such alcohol sales are not usually considered appropriate or necessary for the hosting of a successful event or activity. The sale of alcohol is not forbidden, but must be subject to specific agreement and control. Applications for alcohol to be a part of any event/activity are not encouraged, but will be considered on a case by case basis, and subject to the usual legal restrictions.

The Council will set prices that are mindful of the purpose of selling the item (e.g. to promote the park) and the likely audience for the items. PAGs will be able to set their own prices for items they provide/sell by agreement of the PAG.

The Council and PAG members may also sell services that involve the giving of time /skills where these are directly related to the park/open space ( for example guided walks, talks etc). Tasks without that direct connection may be permitted, but only with the agreement of the Council in advance ( e.g. car washing ).

Services provided, which require the input of external providers, such as boating, will have prices set mindful of the marketplace, services offered, and costs. These will be discussed and agreed with the Portfolio Holder in advance, and once established, will always be added to the Council's list of fees and Charges via the usual processes, including the annual report to Council. Where a service is provided following a letting of a concession, the pricing will be set as a part of that process. The procurement of any external provider will be subject to Council policies and thresholds relating to such, and must be procured in accordance with the relevant procurement legislation.

Space in parks and open spaces can be available for rent with Council permission. See section on Setting Charges for guidance.

## **F) Events**

The Council encourages the use of parks and open spaces for events. All events must have the approval of the council as suitable for the proposed space, and be scheduled to avoid diary conflicts. Any fees charged (or not) will be in accordance with this policy.

The Council's staff and corporate events team may organise activities and events and will set charges in accordance with any relevant guidance in this policy. In addition, the Council's corporate events team can advise third parties wishing to host events so as to ensure they are safe.

The events team must be contacted in advance to enable a formal review by the multi-organisation Safety Advisory Group.

Event organisers who have a collection of stalls as part of their offer may also be required to pay an additional fee under the terms of the Council's Markets Policy. This policy is prescribed in law and can be accessed at :

<https://democratic.lincoln.gov.uk/documents/s14985/Markets%20Policy.pdf>

Where the use of a site is agreed with the Council, then the terms of this policy shall apply to any sub lettings, unless permission to waiver from that is agreed in advance.

### **G) Activities**

This applies where a 'class' is provided and booked. This may be for educational or recreational purposes, but should be aligned with the purposes of the park/open space. Activities must have the agreement of the Council in advance, and some that are not directly aligned with the purpose of the site may be agreed provided a wider benefit can be evidenced.

### **H) Concessions**

The Council may choose from time to time, to let concessions at specific sites (e.g. ice cream sale concession). These will not be in conflict with other leases, and will be contracts let in accordance with the prevailing procurement legislation.

In instances where a conflict exists with an existing lease, for example a food vendor in a park where a lease for a café has been let with exclusive rights, then the lease holder will be approached to gain agreement for a suitable concession. Where the lease is not exclusive, but may be in conflict, the Council may progress a concession and take account of the lease holder at its discretion.

It should be noted that it is most likely that any concession may be let as a property lease and not via a procurement exercise. They may therefore ultimately fall outside of the scope of this policy, with the exception that any income derived will still be ring-fenced for spending on parks/open spaces.

### **I) Donations**

The Council or the PAGs may receive financial donations at any time. Any donations must be used for any purposes for which they may have been specifically given, and they will be acknowledged having regards to any clauses attached to the donation.

The Council or PAG reserves the right to reject a donation if there is any concern that the integrity of the Council, the PAG, or the park may be compromised in any way by acceptance.

Conditions may be attached to an acceptance if that is a mutually agreeable way to mitigate any such risks.

Where a PAG has a current Donations Policy in place this will be used as the basis for handling all donations for that site, and it is expected that the donations policy will be compatible with this policy as an overarching policy (or adjusted to be so). The local policy will additionally cover gifted items outside of the scope of this overarching policy. E.g. benches.

The advent of electronic payments has led to a proliferation of gift stations in many areas, where individuals may tap phones/watches/cards to make cash instant donations. These will only be permitted with the express permission of the Council in

advance, and ideally any such stations will make clear the purpose of the donations given in as much detail as possible. Income will be assessed on a project basis.

## **J) Bequests**

The Council or the PAGs may receive a bequest at any time. Any bequest must be used for any purposes for which it may have been specifically given, and it will be acknowledged having regards to any clauses attached to the bequest and/or the wishes of the executor/s.

The Council or PAG reserves the right to reject a bequest if there is any concern that the integrity of the Council, the PAG, or the park may be compromised in any way by acceptance.

Conditions may be attached to an acceptance if that is a mutually agreeable way to mitigate any such risks.

## **Funding lead matrix**

The following shows who may lead on promoting or securing a funding stream (applicable subject to the above clauses).

	CLC	PAGs
External grant bodies	✓	✓
corporate sponsors	✓	
CLC lotteries		✓
Advertising	✓	
Sale of items/services/space	✓	✓ (Not applicable for sale of space)
Events	✓	✓
Activities	✓	✓

Concessions	✓	
Donations	✓	✓
Bequests	✓	✓

### **Setting Charges**

The Council has a table of fixed Fees and Charges that cover all areas where public charges are made. These are approved annually by Members and provide a transparent and easy-to-read reference point.

By its nature this is a fixed process, so gives little opportunity, outside of the annual review, to add or remove charges where that might be advantageous or appropriate for exceptional short-term reasons.

Several of the areas of identified potential income generation are completely new, and subject to a very wide range of potential variances depending on what is being purchased (e.g. item, service, space), when it is required (e.g. space in summer might be more in demand than in the winter), and why it is being requested (some may be commercial and others may be altruistic for the benefit of the local community). For these reasons it is not possible to identify a clear charging policy for all areas of new potential income generation that will cover every eventuality. Any attempt would likely be extremely complex and thereby counterproductive in terms of encouraging income opportunities to develop.

It is recognised that the flexibility required has the potential to be in conflict with the aspiration of the council to set comprehensive policies. However, not all areas of potential income generation are connected with making a charge, so it is possible to narrow the areas of focus making the issue easier to address. The table below sets out which of the main areas of income require fees and charges setting for them.

	Yes	No
External grant bodies		✓
corporate sponsors		✓
CLC lotteries		✓

Advertising		✓
Sale of items/services/space	✓	
Events	✓	
Activities	✓	
Concessions		✓
Donations		✓
Bequests		✓

From the above it can be seen that the only areas of greater complexity in terms of fee setting, are those associated with sales of items/services/space, and bookings for events and activities.

The Council's formal fees and charges are currently aligned with the requirements of the bookings undertaken by the council's ranger service at Hartsholme Country Park. These are:

Activity/Visit (tier 1) Per Person and Group of 30  
Activity/Visit (tier 2) per person activity undertaken  
Activity/Visit (tier 3)  
Hire of Activity Box  
Wreath Making  
Willow Weaving  
Meeting Room hire.

There is therefore a requirement to review this to ensure that all of the income generating opportunities identified have a clear way to charge.

### **Sale of items/services**

For this element, the purchase price shall be deemed to mean the cost of buying the item, **or** providing the service (including any/all on-cost).

Pricing will be at the discretion of the person/s organising to buy and sell, but be mindful of the market, and risks of over pricing.



Nobody should sell at less than the purchase price without the agreement in writing of the original purchaser/ budget holder.

### **Pricing for Event/Activity/Space**

The Council is required to authorise use of any park/open space for use by a third party as a part of its responsibilities as landowner.

There are numerous occasions when it will do this for free, for example to charitable organisations like Parkrun, community development groups, or groups who seek to invest in the open space itself.

However, there are other emerging opportunities for income generation by charging for use of space by third parties who would wish to have exclusive use of sites for private personal or business reasons. In these circumstances the organiser is seeking to remove or conflict with free public access to the space and hence charge for admission to the event.

Given the range of complexity of potential activities, and the diverse range of reasons as to why these may be taking place, significant discretion is required in how charges are applied to ensure activities/events are not deterred from taking place unreasonably, and that activities/events that are supportive of the Council's main aims are encouraged accordingly.

It is recognised that some sites have bylaws that impact commercial activities, and this must be taken into account in taking any bookings, as would the suitability of a request be judged against the Council's advertising policy and corporate moral compass.

The term 'charity' can be related to any constituted body.

A 'private' use, will usually refer to anyone, or any group, that does not fall into the other categories available. Anyone can request exclusive use, or use that will conflict with casual use of a part of a site for an activity- it is for the Council to use discretion as to the suitability of the request for the setting, mindful of relevant Council policies (e.g. advertising).

In aiding the use of this policy as guidance, it is appropriate to reiterate here that any charges levied would be intended to:

- obtain a fair element of the income generated from the use of the public space, and so be a contribution to the costs of providing that space, and
- recompense for loss of public access to an area (for a defined period), that has been provided at public expense.

The table below is a simple proposal for a scale of charges that would apply to all events and activities. Where specific dedicated areas are to be used, these would be marked on a plan provided to the event/promotion organiser, and also marked off on the site itself by appropriate means e.g. Posts/tape or degradable spray paint

into the grass/surface. Notices would also be affixed suitably to notify the public of the hirer's use.

The following is a guide only, and implementation is at the discretion of the Director or in their absence the Assistant Director, in consultation with the Portfolio Holder.

ACTIVITY TYPE	GUIDANCE	
	Season	
	High (March- October inc.)	Low (Nov- Feb inc.)
<b>Council run activity.</b>  Examples: Booked talks. walks, presentations.	<p>To be at rate in the Fees and Charges currently set for events for the council.</p> <p><i>Namely:</i>  <i>Activity/Visit (tier 1)</i>  <i>Per Person and Group of 30</i></p> <p><i>Activity/Visit (tier 2)</i>  <i>per person activity undertaken</i></p> <p><i>Hire of Activity Box</i></p> <p><i>Wreath Making</i></p> <p><i>Willow Weaving</i></p> <p><i>Meeting Room hire.</i></p> <p>Where a new activity is to be tried, the ADCSS in consultation with the Portfolio Holder may set the charges. They will be added to the corporate table of fees and charges, and agreed at full council as a part of the annual review of fees and charges.</p>	<p>As for High season.</p>

	<p>Where it becomes clear that a charge is not adequate to prevent costs being incurred, the ADCSS has discretion to vary fees by +/- 50% within existing Financial Procedure Regulations. This will be exercised to set a price per person, after consultation with the Portfolio Holder, having reference to:</p> <ul style="list-style-type: none"> <li>Cost of materials</li> <li>Staff time</li> <li>Cost of facilities</li> </ul> <p>Activities can be FOC if considered appropriate (e.g. externally funded)</p>	
<p><b>Exclusive use of a specific area for businesses or similar.</b></p> <p>It may be marked, dedicated for use, exclude those not invited, and be for a business/commercial activity.</p> <p>(This might be a short term use, for a day or days, or longer term -which would be subject to full formal lease/agreement as provided via Property services/legal services).</p> <p>(NB IF requested reductions/discounts may be applied if the event/activity meets all/some of the Council's main aims).</p> <p>Examples: Use for promotion of/for a business- this would be charged</p>	<p>Subject to offer/negotiation, and mindful of consistency of approach.</p> <p>Rates will be agreed mindful of the size/scale of the event, and the projected financial profitability of the activity.</p> <p>The rate shall be agreed by the DECS (or ADCSS in his absence) in consultation with the Portfolio Holder and may be either a fixed charge, or a profit share arrangement if felt to be prudent.</p>	As for High season.

<p>at a negotiated rate subject to size/scale.</p> <p>Use by a business to sell items- this would be charged at a negotiated rate subject to size/scale.</p>	<p>In exceptional circumstances, on formal request from an event/activity provider, the Portfolio Holder will have discretion to waive any/all charges in full or in part if it is felt the imposition of a charge is counter productive to the Council's main aims.</p>	
<p><b>Use of site or area for 'private' activity.</b> It may be marked, dedicated for use, and/or exclude users, that is <b>not</b> profit making and is promoting something that <b>is</b> directly compatible with supporting the Council's main aims.</p> <p>NB Such groups may be raising funds for their own group also.</p> <p>Example: Charity- promoting itself and/ or issues compatible with the Council's main aims would be free.</p> <p>PAG request to run an event- such as Boutham park Summer fair/Arboretum Autumn Fair- if the event encourages park use/s , and/or is otherwise compatible with the Council's main aims, this would be free.</p>	<p>Free use</p> <p>Where contribution to main aims is not clear, or it is a fund raising event for the group, at ADCSS discretion a level of charges may apply as below</p>	
<p><b>Use of site or area for 'private' activity.</b> It may be marked, dedicated for use, and/or exclude users, that is <b>not</b> profit making but <b>not</b> obviously or directly in line</p>	<p>£80/hour- (extent of area to be at manager's discretion)</p>	<p>£40/hour (extent of area to be at manager's discretion)</p>

<p><b>with supporting council main aims.</b></p> <p>NB Such groups may be raising funds for their own group also.</p> <p>Example: Use by a club/group for a marked out area for a party- very unlikely to incur a charge, but may incur a small charge at Portfolio Holder discretion to offset loss of space for public use, <u>subject to size and location.</u></p>	<p>The DCE/ADCSS in consultation with the Portfolio Holder may consider a waiver of the charges in whole or in part on request.</p> <p>Where a full waiver of charges is agreed, an invitation might be issued for a voluntary contribution to a relevant Park Advisory group or charitable organisation, such as the mayor's Charity for the year.</p>	<p>The DCE/ADCSS in consultation with the Portfolio Holder may consider a waiver of the charges in whole or in part on request.</p> <p>Where a full waiver of charges is agreed, an invitation might be issued for a voluntary contribution to a relevant Park Advisory group or charitable organisation, such as the mayor's Charity for the year.</p>
<p><b>Use of space for charitable activities</b> (charity event being defined as an event for a charity, that is run without an aim of raising funds, or so as to raise funds only and solely for one or more registered charities. No personal gain should result from the event.)</p> <p>Examples: Charity- promoting itself and/ or issues compatible with the Council's main aims would be free.</p>	<p>Free to use, but less any direct costs incurred, such as gate securing, setting up chairs, litter clearance etc. Damage caused to the area would be subject to the cost of remediation being recovered at the Portfolio Holder's discretion.</p>	

Any requests or offers for 'discount for quantity' or similar to be subject to the Council financial procedure rules, with 50% variance by delegation to the ADCSS.

Any request for use of a large area, or whole site, considered to be outside of the guidance above, to be agreed by negotiation (ADCSS in consultation with the Portfolio Holder).

The ADCSS, in consultation with the Portfolio Holder, to be given delegated authority to refuse any booking which it is felt cannot be accommodated or is inappropriate. Inappropriate will include any group or charity that may have aims or

aspirations that are considered to be contra to the Council's aims, and special consideration will be paid to equality, diversity and Human rights issues.

The ADCSS, in consultation with the Portfolio Holder, to be given delegated authority to gift up to 100% of any income from an event/activity, to a Park Advisory Group in instances where their help has been of assistance in the delivery of an event.

### **Appeals Process**

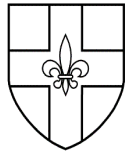
Should arbitration be required on the category designated in the left column, this will be determined initially at the discretion of the Assistant Director Communities and Street Scene (ADCSS), and on appeal to the Portfolio Holder. There is no right of appeal beyond the Portfolio Holder.

### **Non-Compliance**

Where the above policy is not adhered to, the Council will take appropriate action, which may include recovery of costs and subject to legal basis.

This action will always be taken in consultation with the relevant enforcement sections, including the Council's legal services, and the Portfolio Holder will be notified.

POLICY ENDS

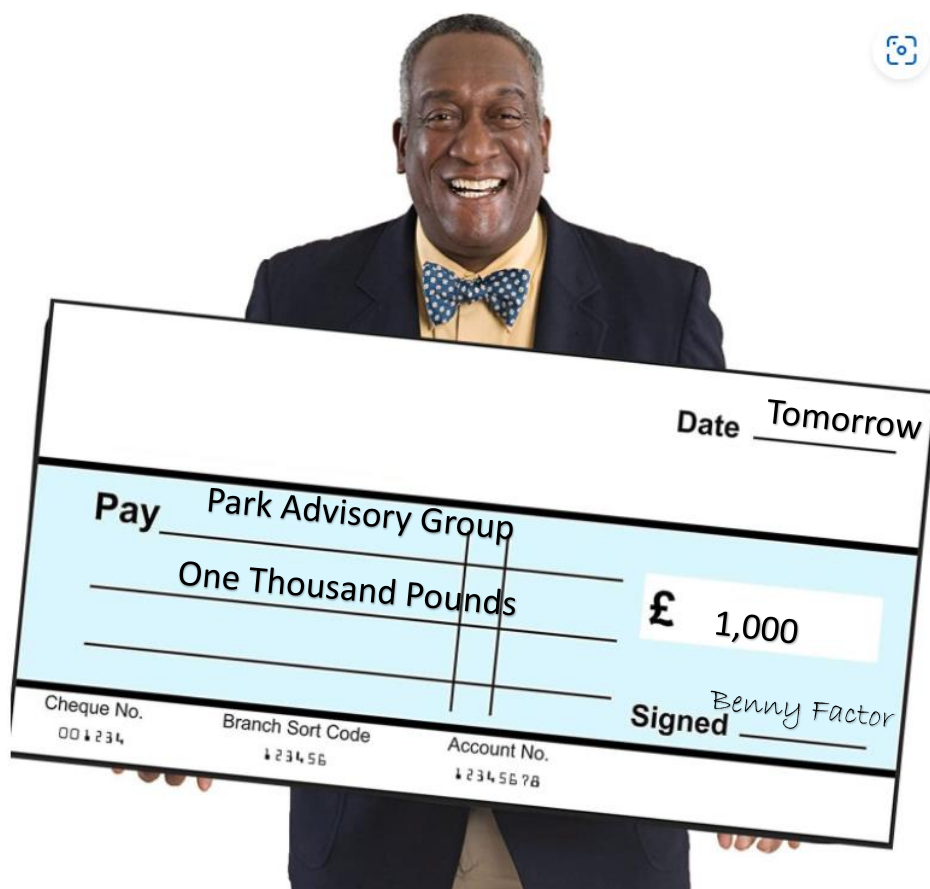


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## Appendix 2

# Parks and Open Spaces

# Income Strategy



## Introduction

In 2024 the City Council carefully considered, and ultimately adopted, a policy for income generation in parks and open spaces that was specifically developed to provide for investment in these sites.

It is recognised that the range of options is so huge that the policy could not cover every opportunity in detail, so it is an intentionally flexible policy that has been designed to be adaptable to a wide range of circumstances, whilst still ensuring probity and transparency.

This strategy document therefore seeks to take the framework provided by the policy and develop this into a clear approach on which areas are to be prioritised for income generating work, so the possible eventual outcomes of the policy can be made clear.

Core principles of the policy are that charges will be considered wherever an event/activity denies access/use of an area by the wider public, where a publicly funded space is used to generate income for an individual or group, where the public purse incurs a cost as a result of a use of a site where no benefit to the wider public is achieved, and that the income generated will be returned for investment in the parks/open spaces.

## Summary of Strategy actions:

1. *To seek a social responsibility contributor to provide a free will writing service for the PAGS.*
2. *To develop promotional material to encourage bequests.*
3. *To invite PAGs to comment formally on the principle of generating income from car parking at each of the PAG sites **by way of adopting a voluntary donation scheme.***
4. *The Council will establish a document setting out clearly the benefits of businesses providing support to parks and open spaces, including clear guidance on the basis on which this would work, how offers can be made and received, and what any potential benefits a sponsor may expect.*
5. *The council will make clear when it lets contracts, that financial support direct to PAGs is an option it would welcome as a part of social responsibility requirements.*
6. *'Tap and go' card donation stations should be explored with PAGs and installed where supported, subject to opportunity and set-up funds being available.*
7. *PAGs be asked to engage with the Lincoln Community Lottery, either individually or if they wish, as a joint venture.*



- 8. PAGs to be invited to suggest, on a site by site basis, options where they think a concession could and should be let for mutual benefit.*
- 9. Officers to develop the concessions promoted and supported by PAGs as/when resources permit.*
- 10. Corporate income for events to be pegged at existing levels in definitely, to motivate staff to generate additional income, which MUST be spent on parks/open spaces.*
- 11. Opportunities to advertise in parks/at park events will be included within all other forms of promotion.*
- 12. To adopt a positive attitude to externally offered grant funding, based on the premise that we will accept if we can meet their requirements, but always subject to review through the Council's formal review process, being mindful of the resource commitments.*
- 13. To pursue external grant funding for strategically developed parks/open space projects, so as to maximise the benefits of every penny spent.*

## **The Review of Priorities.**

The policy suggests there are ten general areas of income potential. Some are potentially large in scale, such as external grant funders, whilst others far more modest, such as the hire of a small space for a short-term use.

All of these income opportunities have a part to play in supporting open space improvements, but if the policy is to have a significant impact, and resources are to be deployed to maximise benefit, then it is necessary to prioritise areas for attention.

In assessing each area of potential income, the scale of possible return is obviously important, but it is also vital to explore barriers to success before agreeing final implementation plans. This is to ensure that time is not wasted pursuing avenues with low likelihood of a good level of return.

### **Assessment of options.**

Actions will be undertaken in order of priority, unless an “unmissable” opportunity presents itself.

### **Bequests.**

Many good causes now recognise that whilst someone may not have opportunity to give to good causes they would wish to support while they are alive, they may still want to recognise the importance of this facility/work after their death.

This offers the opportunity for people to give a contribution of their choosing as a part of the division of their estate after their death, thus not affecting them during their lives, but recognising the value of the good cause, and its importance to them that it continues in the future for the benefit of others.

In practice this means embracing a modern attitude to death and loss, and not being shy about inviting people to remember their local parks and open spaces as contributors to their quality of life, and inviting them to remember these spaces as places that need investment, when making their wills.

Many good causes offer a free will writing service to encourage people to contribute, and at a time when many companies are seeking ways to openly show social value, it is possible that the aim of offering a free will writing service might be possible through a local company who wishes to show its support for parks and open spaces in the city.

A key barrier to attracting funding by way of contributions from the public has been the perception that the money would go to the Council, and that it might not be spent as they would have wished. As the Income Policy now makes very clear that income generated would be channelled via Park Advisory Groups, then this barrier should no longer exist, and people should be able to give without concern.

#### *Strategy actions:*

- 1. To seek a social responsibility contributor to provide a free will writing service for the PAGS.*
- 2. To develop promotional material to encourage bequests.*

### **What this might look like in practice?**

The Council and Park Advisory Groups would include within their parks promotional material, an offer to provide a free will writing service. One or more official solicitors' offices may offer this service, and anyone taking up the service would not be obliged to make any contribution in their will to any park or open space, although it may be considered implicit in the offer, if only to donate the value of the will writing service. However, this would not be obligatory.

### **Sales- Car parking**

There are few opportunities to generate income from car parking in support of parks generally, and only at specific sites. However they do exist, and could make a significant contribution to income provided they are done sensitively. **It is NOT proposed that a set of fixed or mandated charges be applied, but instead that a voluntary option be used. Site users can therefore pay as much or as little as they can afford.**

At Hartsholme Country Park (HCP) there is a car park of compacted earth/stone, of poor quality, and inadequate size. **Appendix A**

At Boultham Park (BP) there are two car parks, both of which have tarmac hard surfaces but are unmarked. One is small and served from Rookery Lane (it also serves the adjacent residential area). The other car park is much larger, and accessed from Hall Drive. **Appendix B**

At the Arboretum no car park is available or dedicated for park use. A joint share agreement is operated by Parking Services for the car park on Sewell Road at weekends for general use. **Appendix C**. The only potential to develop a small car park would be off Milman Hill, which would require significant earth works and investment, so is not considered feasible at this time, but offers for social value contacts, or S106 contributions in the future.

The two potential sites for consideration short-term are therefore HCP and Boultham Park.

*Strategy actions:*

3. *To invite PAGs to comment formally on the principle of generating income from a voluntary car parking payment scheme, at each of the PAG sites.*

### **What this might look like in practice?**

This could take the form of simple honesty boxes on site, or a formal car park ticket machine, giving out tickets in return for a donation.

### **Corporate Sponsors**

This refers to financial donations from businesses, in return to certain rights/privileges. This might be the right to publicise their funding, or associate their business with a particular open space. It might include agreement to use of the park's name/logo in association with their own, for example. The terms of each agreement might be different subject to the scale of the sponsorship.

Linked to both the changes in industry wishing to 'go-green' for their customers and requirements for businesses to demonstrate social responsibility in public service contracts, it is suggested there is a potential income stream available to PAGs from businesses. A previously untapped source of investment, but an important emerging area of work, it is thought that early investment of time and effort could yield not just financial investment, but indirect benefits for open spaces by improved networking and associations.

*Strategy actions:*

*4. The Council will establish a document setting out clearly the benefits of businesses providing support to parks and open spaces, including clear guidance on the basis on which this would work, how offers can be made and received, and what any potential benefits a sponsor may expect.*

*5. The council will make clear when it lets contracts, that financial support direct to PAGs is an option it would welcome as a part of social responsibility requirements.*

### **What this might look like in practice?**

A formal publicity pack that encourages businesses to consider innovative sponsorship offers, not just cash donations (see below). It might be free kit/equipment or even clothing for operational staff on a site, or work undertaken FOC.

In return the sponsor may be given permission to use their sponsorship in their own publicity materials (approved by the Council) or they might seek on-site badging of their business in some way for a specified piece of work and /or period.

The scale of any 'badging' by a corporate sponsor would be subject to careful consideration by the Portfolio Holder, with referral to Executive if required.

### **Donations.**

These refer to offers of anything that might be gifted to a park/open space, via the Council or to a PAG directly.

The outline for terms of acceptance is set out in the policy.

'Tap and go' card donation stations are now popular at many sites, and are considered to be something that should be considered here.

*Strategy actions:*

*6. 'Tap and go' card donation stations should be explored with PAGs and installed where supported, subject to opportunity and set-up funds being available.*

### **What this might look like in practice?**

Many parks now sport a donation point, both encouraging and allowing visitors to donate instantly by simply tapping their payment card. These are small and simple installations of a 1m high pillar for example, with associated supporting informational materials.

## **Community Lottery**

For each £1 ticket sold, 50% goes directly to the participating park/open space and 10% to a central fund which is awarded annually via an application and selection process (and can receive bids from PAGs).

The funds raised by each cause are paid directly into the good cause's bank account each month. There are no set up costs or administration fees.

This is a venture that individual parks could promote, or they could work together.

### *Strategy actions:*

*7. PAGs be asked to engage with the Lincoln Community Lottery, either individually or if they wish, as a joint venture.*

### **What this might look like in practice?**

The City Council and PAGs would promote the Community Lottery in their publicity associated with the parks. This would be on-line, via posters, and through any/all channels available.

## **Concessions**

There are many areas where concessions could be let. This could be from boating on lakes to mobile hot drinks providers, or ice cream vans in the summer. There is no intention to undermine existing food/drink providers at sites, only to enhance provision for visitors and to exploit a mutually beneficial option to generate income.

As these would be legally bound agreements, then the income would have to come to the city Council, but would be ring-fenced for investment in parks/open spaces, as per the policy.

### *Strategy actions:*

*8. PAGs to be invited to suggest, on a site by site basis, options where they think a concession could and should be let for mutual benefit.*

*9. Officers to develop the concessions promoted and supported by PAGs as/when resources permit.*

### **What this might look like in practice?**

Permission for ice cream vendors, coffee kiosk, etc. given permission for specific pitches in parks for given seasons/periods/events. Care would be taken to ensure

they do not undermine unfairly any existing on-site provision (cafes) and that any food/drinks are reasonable in the context of wider health objectives.

## Activities

The City Council operates an activities programme, utilising both staff from HCP and other staff supporting specific externally funded project initiatives, such as the Boultham Park project and the Local Landscapes Hidden Histories project. For HCP supported events, the income comes in against a corporate income target. Events operated in connection with projects are usually funded, and unless external funding specifies events must be free, these are charged, with any funds raised put back into achieving the objectives of the project.

*Strategy actions:*

*10. Corporate income for events to be pegged at existing levels indefinitely, to motivate staff to generate additional income, which MUST be spent on parks/open spaces.*

### What this might look like in practice?

Income targets that Council staff have for existing events and activities programmes will not be inflated on the budget sheets each year.

## Advertising

The income policy sets the framework for income potential. However, the work required to generate income from this is known to be significant, and therefore a low priority.

*Strategy actions:*

*11. Opportunities to advertise in parks/at park events will be included within all other forms of promotion.*

### What this might look like in practice?

Any/all aspects of the policy will be sensitively advertised to make people aware that they can support their parks/open spaces in many ways, if they wish to do so.

## Events

Whilst having high social value, events are recognised as creating high level of work for little or even no return. They therefore represent poor value for money (in financial terms alone) in terms of investing resources, and indeed a possible financial risk. No actions are therefore planned against this priority. Any events already planned will be completed, and any support historically provided will continue each year, provided the resources remain available.

It should be noted that the Council does encourage third parties to arrange and manage events in our open spaces, and advice is given to those who would want to do so by the Council's corporate events staff. The lower priority given via the strategy in no way affects or diminishes that support.

### **What this might look like in practice?**

Events will only be put on by the Council alone in very exceptional circumstances.

### **Sale of items**

This is a low volume, low return activity and so not priorities for work. It is hoped that it may feature more prominently at a later date, with the sale of parks merchandise, should the opportunity exist to develop this avenue of income, perhaps associated with a major parks/open space project.

### **What this might look like in practice?**

At this time, no new work is prioritised. It will be considered in the HCP Master Planning work when this takes place.

### **External grants**

Although some long term funds, such as the National Lottery, can provide opportunities that can and should be planned for, by the nature of how some external funders can work at times, these can also be unexpected opportunities.

The approach to be taken here is therefore difficult to define, but the scale of the opportunities that can be presented is too large to ignore.

The work that comes with external funding cannot be underestimated, and so whilst these funds can offer great opportunities that would otherwise not exist, they can also offer significant risks which must be taken into account from the outset.

The council therefore has policies for the acceptance of external grant funds, requiring escalation of authority subject to scale, and review of the resource commitments necessary to meet the funders requirements (in match funding or staff resources).

The position adopted will always be to start from the premise that we will accept externally offered funds, unless we are not able to meet the demands of the funders.

#### **Strategy actions:**

*11. To adopt a positive attitude to externally offered grant funding, based on the premise that we will accept if we can meet their requirements, but always subject to review through the Council's formal review process, being mindful of the resource commitments.*

*12. To pursue external grant funding for strategically developed parks/open space projects, so as to maximise the benefits of every penny spent.*

**What this might look like in practice?**

**Continual scanning for opportunities, BUT with a careful assessment of resource demands that would arise if applying/accepting grants, to ensure that the Council can meet the requirements of funders, and that other priority work of the Council will not be adversely affected.**

END

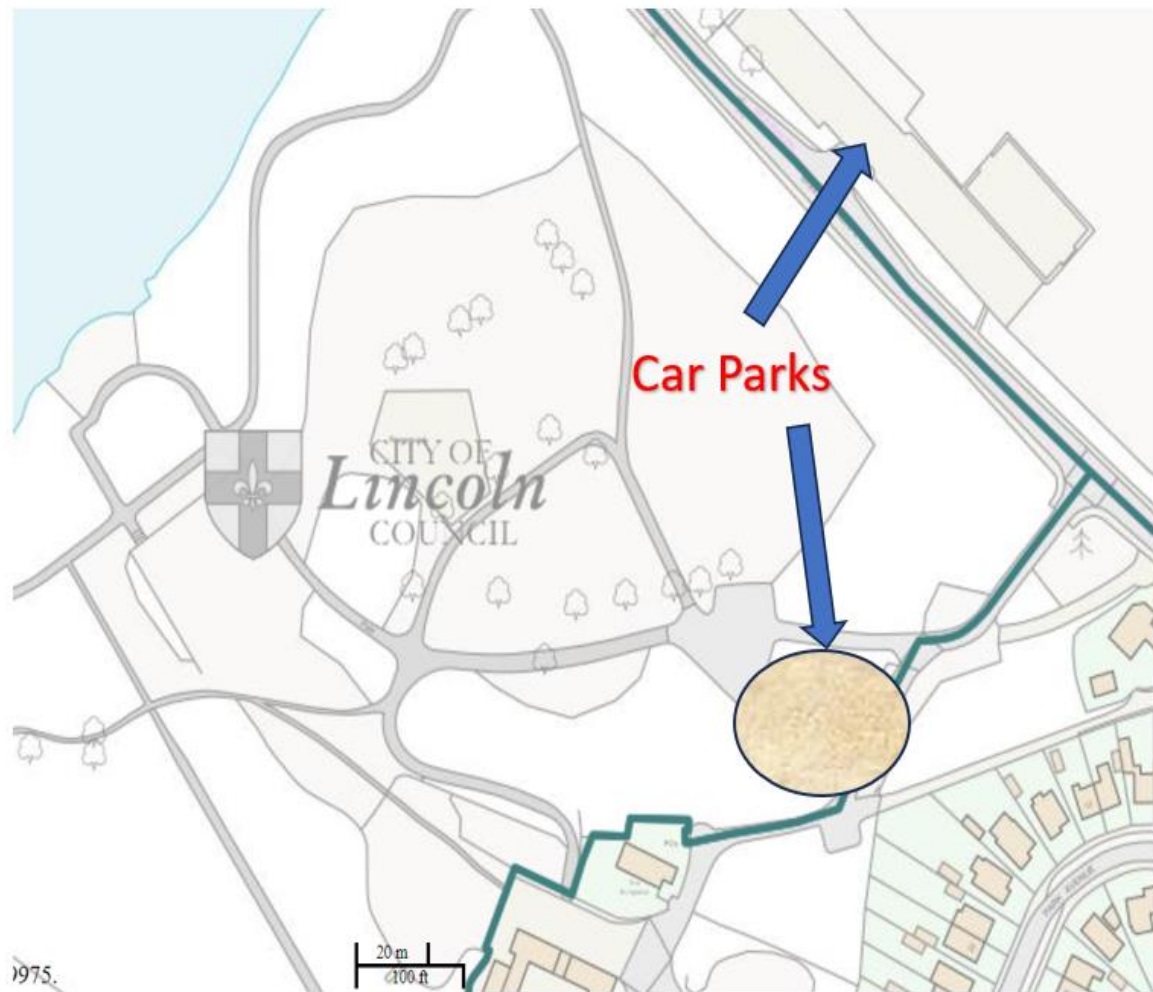
Below :

Appendix A`- Hartsholme Country Park

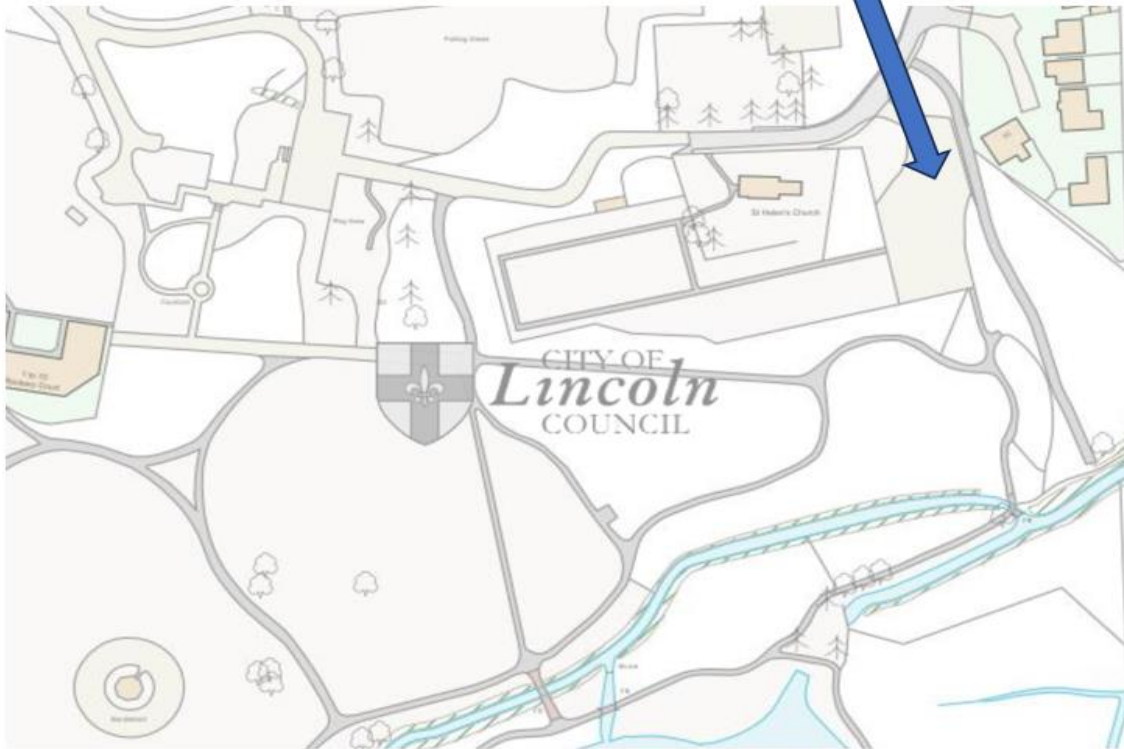
Appendix B Boultham Park

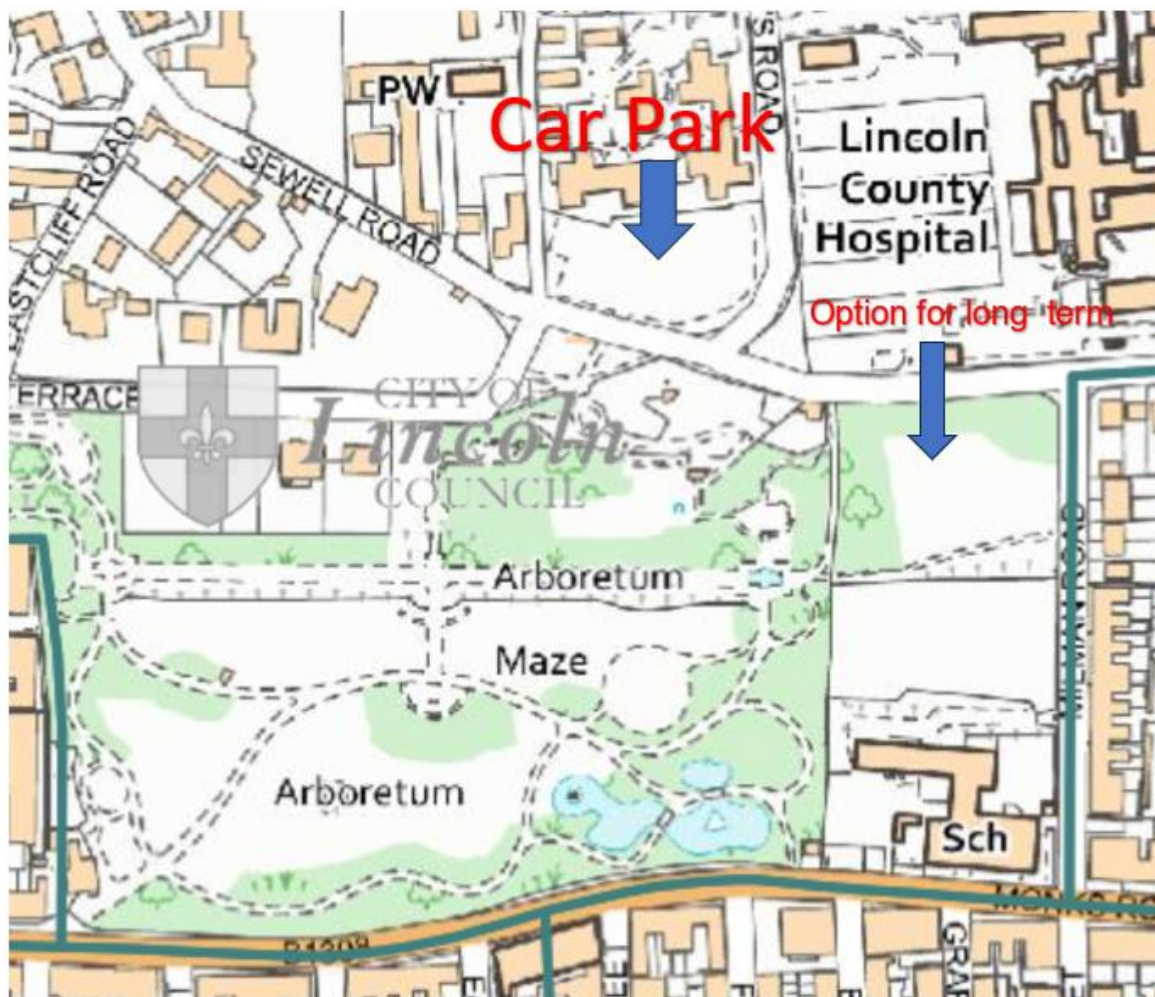
Appendix C- Arboretum





Car Park





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## Equality with Human Rights Analysis Toolkit



### Appendix 3

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

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

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

Corporate Policy Team - Email: [policy@lincoln.gov.uk](mailto:policy@lincoln.gov.uk)

Legal Services – Email: [louise.simpson@lincoln.gov.uk](mailto:louise.simpson@lincoln.gov.uk)

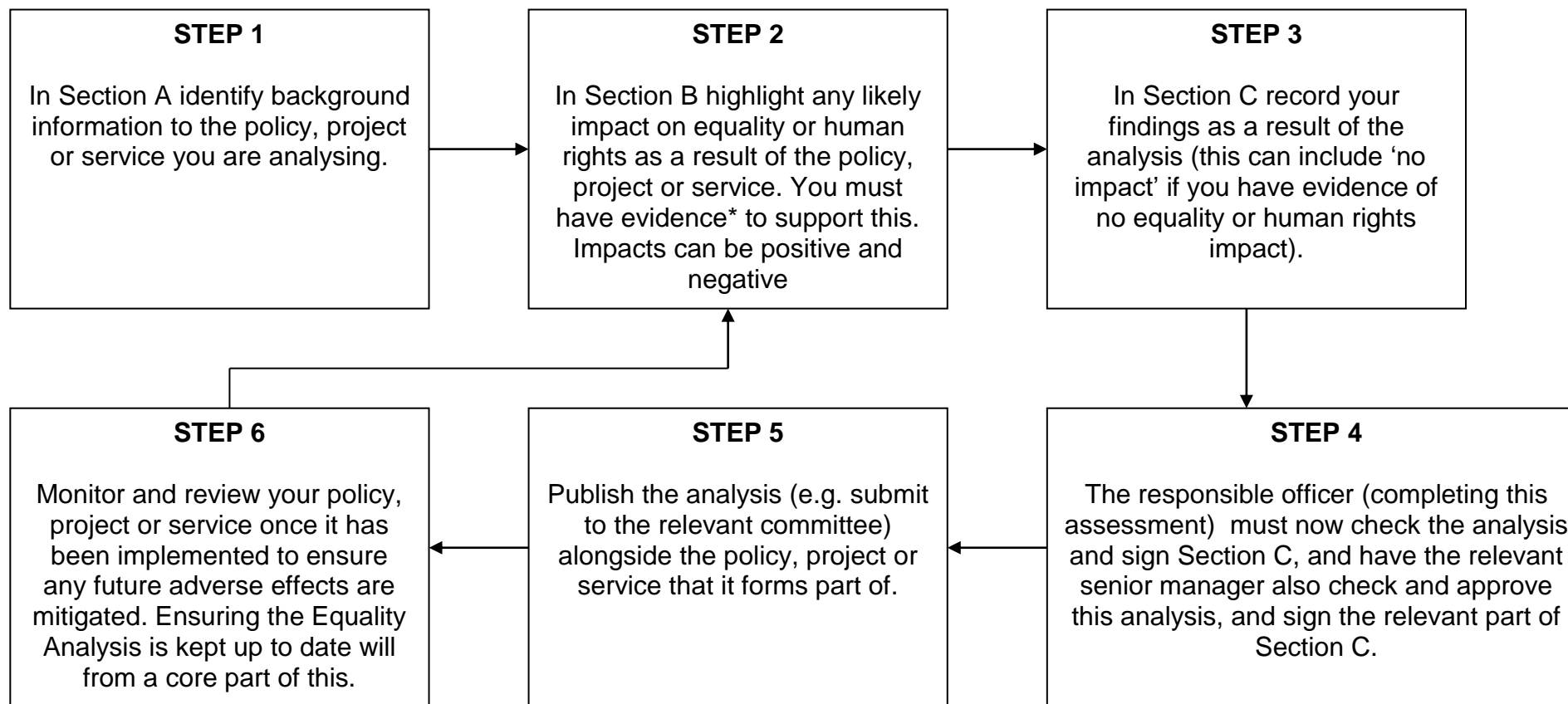
A diagram of the process you should follow is on page 2, and a glossary and guidance to help you complete the toolkit can be found on pages 6-9.

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

#### Useful questions to consider when completing this toolkit

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

## STEP BY STEP GUIDE TO EQUALITY ANALYSIS



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

## SECTION A

Name of policy / project / service	A policy for the development of financial income generation options in support of parks and open spaces
Background and aims of policy / project / service at outset	To introduce an income generation policy for parks and open spaces so as to increase funding available to protect and enhance these sites. It is recognised that EIA will be required for each element of the policy, if they are supported/progressed.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Steve Bird AD CSS
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Portfolio Holder, Director, Policy Scrutiny Committee, Executive.

## SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age			X	The proposed policy doesn't seek to introduce charges to use parks and open spaces, nor exclude or deter people from using these spaces, in ways that could negatively affect people who possess protected characteristics. The policy seeks to introduce fees/charges for some uses; however the Council's primary emphasis remains on encouraging use of outdoor public spaces and the policy is purposely flexible so that charges are only applied where there is a justifiable reason for doing so. The policy doesn't propose any physical changes to parks or open spaces, and it is intended that any income received by the council from implementation of this policy will be reinvested into these public spaces.	NA	NA
Disability			X	As above	NA	NA
Gender re-assignment			X	As above	NA	NA
Pregnancy and maternity			X	As above	NA	NA
Race			X	As above	NA	NA
Religion or belief			X	As above	NA	NA
Sex			X	As above	NA	NA



Sexual orientation			X	As above	NA	NA
Marriage / civil partnership			X	As above	NA	NA
Human Rights (see page 8)			X	As above	NA	NA

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

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
No gaps in information at this time	NA	Where a use is likely to be chargeable under this policy, as set out in the policy the council and PAG will fully assess the proposal and determine if it is appropriate to a) approve use of the public space and b) apply a fee. Such decisions will take account of protected characteristics and, where necessary and proportionate, be accompanied by an EIA specific to the event.

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## SECTION C

### Decision Point - Outcome of Assessment so far:

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

Tick here

- **No equality or human right Impact** (your analysis shows there is no impact) - sign assessment below ☒ [ X ]
- **No major change required** (your analysis shows no potential for discrimination, harassment)- sign assessment below ☐ [ ]
- **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below ☐ [ ]
- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made ☐ [ ]
- **Put Policy on hold** (seek advice from the E&D officer as adverse effects cant be justified or mitigated) -STOP progress ☐ [ ]

Conclusion of Equality Analysis (describe objective justification for continuing)	The proposal is flexible to take account of the many variables that can be required to be considered through application of the proposed policy. Whilst no E&D impacts have been identified at this time, should such issues emerge through implementation of the policy this EIA will be reviewed. The policy will be implemented as set out in Section B above so as to minimise the likelihood of negative impacts on people who possess protected characteristics. The policy also permits use of delegated discretion so as to minimise the likelihood of this occurring.
---	--

When and how will you review and	If implementation is agreed and progressed, we will assess feedback by way of complaints to the service and
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measure the impact after implementation?*	in the feedback from annual satisfaction surveys.
---	---

Checked and approved by responsible officer(s) (Sign and Print Name)	Reviewed by Michelle Hoyles, Business Manager Corporate Policy and Transformation	Date	13/06/2024
Checked and approved by Assistant Director (Sign and Print Name)	Steve Bird	Date	14 06 24

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

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

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

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

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

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

- *Physical impairment* is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.
- *Mental impairment* is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

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

**Discrimination.** Discrimination has been defined as 'the unequal treatment of individuals or groups based onless because of a protected characteristic – see protected characteristic

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

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

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

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

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

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.
2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Human Rights**

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

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

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

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

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

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

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19. Parks and Open Spaces - Income Policy

Steve Bird, Assistant Director Communities and Street Scene:

- a. presented a policy document that set out a framework for permitting charges to be levied, in some instances, for matters relating to parks and open spaces, so as to generate income in support of these sites.
- b. explained that parks and open spaces had a vital part to play in supporting many of the Council's future ambitions for the City and its residents.
- c. advised that funding was required and that in the current economic climate, it was unlikely to be forthcoming for some years.
- d. gave an overview of the proposed policy and explained that it was careful to set clear policy where possible, but where it was not possible, it established a suitable decision-making route with accountability.
- e. referred to the proposed Charging Policy attached as Appendix 1 of the report and advised that it is intended to: generate income in support of parks and open spaces, enthuse stakeholders to generate income for parks initiatives, and that it was not intended to deter use of the spaces.
- f. invited committee's questions and comments:

**Question:** Could reassurance be given that the policy would not deter people from using parks and outdoors spaces for activities such as wedding photographs?

**Response:** People using parks for this purpose already made voluntary donations to the parks. We did not want to deter people from using the parks, so opportunities for waivers had been built into the policy.

**Question:** What was the threshold for using the space for an event and how would the Council ensure that people were paying the charge?

**Response:** We would charge for formal use of the parks and open spaces however, we would not levy a direct charge for impromptu, casual, and informal use. We were aware of businesses using the sites and would approach them to ask them to pay a fair and reasonable charge.

**Question:** Was there a more detailed list of activities that would be charged for?

**Response:** A short life working group would be established to look at ways the policy would be used. For example, we would not seek a charge for community groups using the parks and open spaces if their aims aligned with the Council's,, but if someone was running a business (e.g. a bootcamp) then it would be fair and reasonable to ask them to pay.

**Question:** Would the money generated be used on the parks and open spaces?

**Response:** Yes. It was proposed that all income was ringfenced. If significant

funds were generated it would be brought to Councillors to decide how the money would be used.

Steve Bird, Assistant Director Communities and Street Scene reiterated that it was not the intention to charge directly for informal use of the parks and open spaces or to deter people from using the spaces. However, if people were generating an income from the sites, then it was fair and reasonable to charge for their use.

RESOLVED that the report be noted.