

## EXECUTIVE

**Monday, 13 July 2015**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Rosanne Kirk, Neil Murray, Fay Smith and Peter West

Officers attending: Angela Andrews, Democratic Services, John Latham, Bob Ledger and Carolyn Wheeler

## A G E N D A

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

- |   |           |
|---|-----------|
| 10. Investment in Existing Stock and New Build Strategy | 143 - 158 |
| 11. Exclusion of the Press and Public                   | 159 - 160 |

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

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

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

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## SECTION B

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### RECREATIONAL SERVICES & HEALTH

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| 12. Contract Extension - Birchwood Leisure Centre | 161 - 164 |
|---|-----------|
- [Exempt Para(s) 3]**

**Present:** Councillor Ric Metcalfe (*in the Chair*),  
Councillor Donald Nannestad, Councillor Rosanne Kirk,  
Councillor Fay Smith and Councillor Peter West

**Apologies for Absence:** Councillor Neil Murray

**9. Confirmation of Minutes - 26 May 2015**

RESOLVED that the minutes of the meeting held on 26 May 2015 be confirmed.

**10. Declarations of Interest**

Councillor Ric Metcalfe declared a Disclosable Pecuniary Interest with regard to the agenda item titled 'Houses in Multiple Occupation - Article 4 Direction - Consultation Results'. He was an employee of the University of Lincoln and so withdrew from the room during the consideration of this item, and took no further part in the meeting.

**11. Financial Performance – Outturn 2014-15**

Purpose of Report

1. To present to the Executive the provisional 2014/15 financial outturn position on the Council's revenue and capital budgets, including:
  - the General Fund
  - the Housing Revenue Account
  - City Maintenance Services
  - capital programmes
2. To provide a review of the key budget risk assessments.

**Decision**

1. That the provisional 2014/15 financial outturn for the General Fund, Housing Revenue Account, City Maintenance Services and capital programmes and the reasons for any variances be noted.
2. That the transfers to the General Fund earmarked reserves in paragraphs 3.4 and 3.7 and to Housing Revenue Account reserves in paragraph 4.3 of the provided report be approved.
3. That the revenue contribution to the Housing Investment Programme from the Housing Revenue Account be reduced by £141,770.
4. That the financial changes to the General Investment Programme and the Housing Investment Programme proposed in paragraphs 7.3, 7.4, 7.10 and 7.11 of the provided report that were above the 10% budget variance limit delegated to the Director of Resources be approved.

Alternative Options Considered and Rejected

None.

### Reason for Decision

The Financial Procedure Rules required the Executive to receive, on a quarterly basis, a report prepared jointly by the Director of Resources and other directors commenting on financial performance to date. Members noted the provision of a revised report relating to amended financial statistics. The Director of Resources had delegated authority to approve financial changes up to a maximum of 10% variance of the value of the project. All changes over 10% required approval by the Executive.

The transfers from earmarked reserves were approved in order to support the services and projects that had been identified by the Director of Resources.

A provisional shortfall of £258,935 would result in Housing Revenue Account (HRA) balances falling to £858,230 which was below the prudent minimum assessed in the Medium Term Financial Strategy. It was therefore agreed that a reduction to the revenue contribution to the Housing Investment Programme of £141,770 would be made in order to bring HRA balances back up to the prudent minimum of £1m.

The financial changes to the General Investment Programme and the Housing Investment Programme were approved in accordance with the advice of the Director of Resources in order to deliver projects or to make necessary adjustments to existing budgets.

## **12. Q4 2014-2015 Operational Performance Report**

### Purpose of Report

To present to Executive a summary of the operational performance position for quarter 4 of the financial year 2014/15 (from January to March), and the overall financial year end position.

### **Decision**

1. That the achievements and outcomes at quarter 4 of 2014/2015 be noted.
2. That members ensure a local focus be placed on highlighted areas showing deteriorating performance.
3. That the achievements of officers in reducing rent arrears be noted.

### Alternative Options Considered and Rejected

None.

### Reason for Decision

Regular monitoring of the Council's operational performance was a key component of the Council's local performance management framework. The report provided covered performance of day-to-day service delivery. A separate reporting framework had been developed to monitor projects forming the Strategic Plan delivery plan.

In combination with the detailed finance report, the operational performance monitoring report gave an integrated look at value for money at service level incorporating the dynamics of cost, performance and satisfaction. The combination of financial and budget information and performance progress enabled senior managers and the Executive to identify the cost of delivering services and to highlight the impact on performance in strategic areas. In particular, members noted the work of the Corporate Management Team in addressing and monitoring the areas highlighted as being of concern within the report provided. Members further highlighted the significant reduction in the level of rent arrears owed by Council tenants and praised officers' work in this regard.

### **13. Strategic Plan Progress - Outturn 2014/15**

#### Purpose of Report

To provide the Executive with a progress report on strategic projects against their milestones for the final quarter of 2014/15.

#### **Decision**

That progress in the delivery of strategic projects be noted.

#### Alternative Options Considered and Rejected

None.

#### Reason for Decision

The Strategic Plan Implementation Team was monitoring 24 strategic projects. 16 projects were on track in terms of their physical and financial milestones and risk profiles. 8 projects were off track in either one or two of the areas of monitoring. The projects relating to Servitor and the Boultham Park restoration were highlighted for the Executive's attention as a result of concerns regarding progress with the projects.

### **14. Strategic Risk Register - Quarterly Review**

#### Purpose of Report

To provide the Executive with a status report of the revised Strategic Risk Register as at the end of the fourth quarter 2014/15.

#### **Decision**

That the Strategic Risk Register as at the end of the final quarter of 2014/15 be noted.

#### Alternative Options Considered and Rejected

None.

#### Reason for Decision

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 actions being

taken to manage these risks would undermine the Council's governance arrangements.

A revised Strategic Risk Register, developed under a new risk management approach of 'risk appetite', was approved by the Executive on 28 May 2013.

Since reporting to the Executive in February 2015, the Strategic Risk Register had been reviewed and updated, identifying positive movement in the status of the Risk Register regarding emerging changes required in programme management arrangements.

**15. Treasury Management Stewardship and Actual Prudential Indicators Report 2014/15 (Outturn)**

Purpose of Report

The annual Treasury Management stewardship report was a requirement of the Council's reporting procedures under regulations issued under the Local Government Act 2003. It covered the treasury management activities and the actual prudential and treasury indicators for 2014/15. The report provided met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

**Decision**

1. That the actual prudential indicators be noted and referred to Council for approval.
2. That the annual treasury management report for 2014/15 be noted.

Alternative Options Considered and Rejected

None.

Reason for Decision

During 2014/15 the Council had complied with its legislative and regulatory requirements with regard to treasury management stewardship. The prudential system for capital expenditure was well established and included the requirement within the Prudential Code to ensure adequate monitoring of the capital expenditure plans, prudential indicators and treasury management response to these plans.

In compliance with the Prudential Code, treasury management reports were also scrutinised by the Performance Scrutiny Committee and following review by the Executive would be referred to Full Council.

**16. HR Policies - Flexible Retirement**

Purpose of Report

To approve a new Flexible Retirement Policy.

**Decision**

That the policy be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Council had previously revisited its Pension Discretions Policy in light of changes to the Local Government Pension Scheme 2014 and had then determined that it would not adopt the flexible retirement discretions. However, there had been a number of occasions in which an option to offer flexible retirement would have been beneficial to the Council and employees. As such the position had been re-assessed and the Council's Pension Discretion Statement would need to be revised accordingly.

Employees could request flexible retirement under the Flexible Retirement Policy in order to allow the Council the opportunity to retain the skills and knowledge of experienced employees for a longer period of time and to plan for the future more effectively. In addition, employees would be given the opportunity to phase their retirement to enable them to adjust to retired life.

**17. St Botolph's Court Modernisation Project**

Purpose of Report

To update the Executive on the St Botolph's Court improvements works and request that Executive approve the proposed additional budget requirements for the works.

**Decision**

That the allocation of additional resources to deliver the revised modernisation programme of work at St Botolph's Court be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

A report was approved by the Council's Executive in June 2013 bringing forward reserves of £381,848 from future years to fund modernisation works at St Botolph's Court. The scheme budget for works within the flats was £449,500.

Following the identification of additional costs relating both to original and new features in the revised scheme plans, there was now a newly identified level of work required and the original budget allocation and project costs were insufficient to deliver the project. There was therefore a requirement for an additional budget of £508,000 to deliver the project in full. The revision in budget was approved in order to improve residents' accommodation to a suitable level and to ensure the Council met its previous assurances to residents.

**18. Planning & Regeneration Restructure: Post Implementation Review**

## Purpose of Report

The report:

1. Sought approval of the findings of the Post Implementation Review of the Planning & Regeneration Restructure.
2. Suggested further improvements to service delivery as a result of those findings including the required changes to the establishment.

## **Decision**

1. That the findings of the Post Implementation Review of the Planning & Regeneration Restructure be accepted.
2. That the proposed further improvements to service delivery as a result of the Post Implementation Review be implemented.
3. That the changes to the establishment identified in section 5.2 of the provided report be agreed.

## Alternative Options Considered and Rejected

None.

## Reason for Decision

The Planning & Regeneration restructure in 2013 had largely achieved its 6 key objectives, including substantial cost savings, as well as a range of other secondary objectives. Since the implementation of the restructure a number of amendments had been made to improve service delivery on a temporary basis which needed to be formalised for use in the future.

Members noted that development management's staffing levels in particular appeared to have been reduced to too low a level to achieve an acceptable level of performance. Recent temporary staffing changes appeared to have improved this position and by making the temporary resource permanent alongside other improvements it was hoped that significant performance improvements would be delivered without incurring any additional cost to the Council.

Further considerations included the potential need for the regeneration service to require changes to its structure if the Central Lincoln Transport Hub and Western Growth Corridor required the same or greater levels of resourcing in the future.

The proposed changes to the structure were therefore agreed in order to secure the savings already accrued and to ensure that the service area operated in an effective and efficient manner.

## **19. Lincoln Christmas Market Fees and Charges 2015-16**

### Purpose of Report

To propose the fees and charges for the letting of stalls for the 2015 Christmas Market, including the application of supplements and discounts.



## **Decision**

That Council be recommended to approve the schedule of Fees and Charges for the 2015 Lincoln Christmas Market as set out in Appendix A to the provided report.

### Alternative Options Considered and Rejected

None.

### Reason for Decision

The proposed fees and charges related to stall bookings for the 2015 Christmas Market. The fees had been determined on the basis that the Council was aiming for a minimum position of full cost recovery, taking into account the estimated costs of the event.

The fees and charges were recommended on the basis that they would generate £394,000, based on 211 stalls being available to let, although this was subject to the application of discounts and supplements. In estimating the overall income anticipated from stalls, officers had recommended making an allowance for stalls remaining unlet which, based upon the previous year, would be £20,000, leaving a potential stall fee income of £374,000.

It was considered that the proposed fees and charges would assist the Council in defraying the cost of organising the Christmas Market, but that the fees and charges would also provide good value to the stallholders. As such they were recommended to Council for approval.

## **20. Houses in Multiple Occupation - Article 4 Direction - Consultation Results**

*(Councillor Nannestad took the Chair for the remainder of the meeting in Councillor Metcalfe's absence.)*

### Purpose of Report

To summarise the results of the consultation undertaken on the Article 4 direction relating to houses in multiple occupation, and seek approval to publish a statement of the results.

## **Decision**

1. That the Houses in Multiple Occupation Article 4 direction Consultation Statement be approved for publication.
2. That the next steps outlined in section 5 of the provided report regarding wider corporate evidence gathering and the preparation of a Supplementary Planning Document be approved.
3. That officers be instructed to continue to work to the timescales outlined in the detailed project plan for the Article 4 direction and associated Supplementary Planning Document.

### Alternative Options Considered and Rejected

None.

### Reason for Decision

Consultation on the Article 4 direction relating to houses in multiple occupation took place between 27 February and 20 March 2015. A consultation statement had been produced outlining the consultation, representations and comments received and officer responses to the main issues raised.

Members noted that of the total representations received, 133 were in favour of the Article 4 direction while 130 were against the Article 4 direction.

The Executive agreed to the gathering of further evidence to inform the decision regarding whether to confirm the Article 4 direction.

## **21. 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.

**Debt Recovery Action - Enforced Sale of Private Properties.** These items were considered in private as they were likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations had been received in relation to the proposals to consider these items in private.

**Lincoln Christmas Market - Procurement of Events Contracts and Implications for the MTFS.** This item was considered in private as it was likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972, and had not been deferred for the reasons established in the published notice.

## **22. Lincoln Christmas Market - Procurement of Events Contracts and Implications for the MTFS**

### Purpose of Report

1. To present to the Executive issues relating to the management of costs for the Lincoln Christmas Market and other events.
2. To agree a long-term strategy for the Market and therefore the arrangements for the procurement of the events contracts taking into consideration the consequential impacts on the Medium-Term Financial Strategy.

### **Decision**

1. That the financial implications of the report be noted and that the financial priorities for the organisation of the Lincoln Christmas Market be confirmed.
2. That the procurement strategy set out in the provided report be noted.

3. That officers be instructed to reflect these decisions in the draft Lincoln Christmas Market Business Plan and report back to Executive in due course.

#### Alternative Options Considered and Rejected

None.

#### Reason for Decision

The Lincoln Christmas Market was the largest single event organised by the Council and had a significant impact on the wider local economy. However, the Christmas Market also required significant logistical input from the Council with the costs incurred by the Council offset by income received.

Significant work had been undertaken in the previous 5 years to establish a more secure cost base for the event, with contracts re-specified and costs reduced. Similarly, negotiations regarding other costs not subject to contract but still necessary for the event had been renegotiated where possible.

The contracts to deliver the Christmas Market were also relevant to other events organised by the Council, such as the switching on of the Christmas lights and ceremonial Freedom Parades. The events contracts were scheduled to end in 2016 and officers were therefore preparing a business plan for the Christmas Market to agree a long-term plan for the development of the event linked to the re-procurement of the contracts. However, before progressing this work further, and in order to agree a procurement strategy, the Council needed to determine its overall approach in terms of the financial objectives set for the event.

Members noted that based on visitor surveys the Christmas Market remained a very popular and well-regarded event. It had also been calculated that the 250,000 visitors over the 4 days of the event spent approximately £13m, thereby bringing significant benefits to the local economy. However, it was also essential that the Council ensured that the event was delivered on a commercial basis and should cover the costs incurred by the Council in delivering the event, including any contingency for emergency funding towards the Christmas Market in future years. As such, the organisation of the event should be arranged towards this end.

### **23. Property No. 1**

#### Purpose of Report

To seek approval to instigate legal proceedings for the enforced sale of a property.

#### **Decision**

To authorise legal proceedings for the enforced sale of the property identified in the provided report and to facilitate the subsequent sale of the property on the open market in order to discharge the council tax debt owed at the point of sale.

#### Alternative Options Considered and Rejected

None.

### Reason for Decision

The Council had obtained liability orders against the freehold owner of the property for unpaid council tax between 1 April 2011 and 1 April 2015. The amounts owed under these liability orders totalled £1,991.26. No monies had been received in lieu of this debt and council tax debt continued to accrue on the property.

The whereabouts of the registered owner of the relevant property was unknown and attempts to locate her had proved unsuccessful. Despite not having knowledge of the owner's location, the court had previously granted a charging order in favour of the Council and therefore her absence was not regarded as a factor which would prevent obtaining an order for enforced sale.

In view of the debt owed to the Council and the failure of the owner to make any progress towards the reduction of this sum it was agreed that the Council would be willing to seek the enforced sale of the property subject to officers giving consideration to the likelihood of recovering the sums owed through an enforced sale. The decision would also limit the potential for any nuisance caused to the community by its remaining empty and provide an opportunity for the home to return to active use.

## **24. Property No. 2**

### Purpose of Report

To seek approval to instigate legal proceedings for the enforced sale of a property.

### **Decision**

1. To authorise legal proceedings for the enforced sale of the property identified in the provided report and to facilitate the subsequent sale of the property on the open market in order to discharge the council tax debt owed at the point of sale.
2. To grant the property owner a period of grace to allow the property to be openly marketed within a reasonable time frame.

### Alternative Options Considered and Rejected

None.

### Reason for Decision

The Council had obtained liability orders against the freehold owner of the property identified in the provided report for unpaid council tax between 1 April 2008 and 31 March 2014. The amounts owed under these liability orders totalled £8,494.36. No monies had been received in lieu of this debt and council tax debt continued to accrue on the property.

The Council had been in contact with the owner who had indicated that she was progressing towards the sale of the house. As a result of this commitment, the owner would be given a reasonable period of time to sell the property in order to

limit cost to the Council and avoid causing unnecessary distress to the property owner. However, the Council would proceed with action against the property owner if either the property failed to be sold or the debt was not repaid within a reasonable period of time.

Subject to the above proviso, in view of the debt owed to the Council it was agreed that the Council would be willing to seek the enforced sale of the property subject to officers giving consideration to the likelihood of recovering the sums owed through an enforced sale. The decision would also limit the potential for any nuisance caused to the community by its remaining empty and provide an opportunity for the home to return to active use.

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**SUBJECT: EXECUTIVE WORK PROGRAMME**

**DIRECTORATE: DIRECTOR OF RESOURCES**

**LEAD OFFICER: CHARLIE MASON, DEMOCRATIC SERVICES OFFICER**

**1. Purpose of Report**

- 1.1 To present the items on the current edition of the Executive Work Programme for the coming year.

**2. Executive Summary**

- 2.1 The current Executive Work Programme is attached as Appendix A, for Executive's consideration.
- 2.2 Following the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, a number of changes were made to the way the council publicised key decisions and private decisions taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme.
- 2.3 This report gives the Executive an opportunity to note the current items on the work programme, make any additions or amendments to the programme, and commission any items to the relevant Scrutiny Committees for pre-consideration.

**3. Background**

- 3.1 The Constitution states that the Council must publicise the Executive Work Programme on a monthly basis detailing key decisions/ private decisions due to be taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme.
- 3.2 These provisions apply to all Executive committees, which currently includes the Executive, Asset Management Group and Shared Revenues and Benefits Joint Committee.

When a decision is likely to be considered in private (i.e. Section B of the agenda) by an Executive committee, a notice will be published at least 28 days in advance of the meeting, thereby giving the public the opportunity to make any relevant representations. If it is not possible to give 28 days' notice there is a provision for the chair of Policy Scrutiny Committee to agree to the item being considered in private if there were suitable reasons for not delaying the decision.

If the Policy Scrutiny Committee determines that an Executive key decision had been taken without the decision being properly classified as a key decision, the committee could require the Executive to report to Council giving details of the decision and the reasons for its classification.

All key decisions are now be recorded on the Executive Work Programme, which

is presented to Executive every three months, and also to Policy Scrutiny Committee on a regular basis to identify any items it may wish to scrutinise, in the same manner as the Forward Plan was previously presented.

In addition to other statutory and common law rights as elected members, the Regulations set in place overview and scrutiny members' additional rights to access information in the possession of the Executive.

A member of a scrutiny committee is entitled to a copy of any document which is in the possession or under the control of the Executive and contains material relating to any Executive decisions (whether taken by the committee, a portfolio holder, or by an officer); any request for documents should be made through Democratic Services.

#### **4. Recommendations**

##### **4.1 That the Executive:**

- a) note the contents of the Executive Work Programme.
- b) make any necessary additions or amendments to the programme, and commission any items to the relevant scrutiny committees for pre-consideration as appropriate.

**Key Decision** No

**Do the Exempt Information Categories Apply?** No

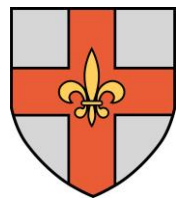
**Call in and Urgency:** Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply? No

**How many appendices does the report contain?** 1 – Appendix A (Executive Work Programme)

**List of Background Papers:** None

**Lead Officer:** Charlie Mason, Democratic Services Officer  
Telephone 873533





CITY OF  
*Lincoln*  
COUNCIL

## EXECUTIVE WORK PROGRAMME

**June 2015 - May 2016**

### NOTES

1. The Leader in consultation with the Chief Executive and Town Clerk prepares an Executive Work Programme to cover a period of twelve months.
2. The Executive Work Programme contains matters which the Leader has reason to believe will be the subject of a key decision during the period covered by the Plan or Executive decisions which are likely to be taken in private.
3. A Key Decision is one which is likely:
  - a) to result in the Local Authority incurring expenditure which is , or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which it relates; or
  - b) to be significant in terms of its effect on communities living or working in an area comprising 2 or more wards in the area of the local authority.
4. Whilst the majority of the Executive's business at the meetings listed in the Executive Work Programme will be open to the public and media organisations to attend, there will be some business to be considered that contains, for example, confidential, commercially sensitive or person information.

This document serves as formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that certain items in the Executive Work Programme will be considered in private because the item contains exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. If an item is to be considered in private this will indicated on the individual decision notice.

If you have any queries, please telephone 01522 873387 or email [democratic.services@lincoln.gov.uk](mailto:democratic.services@lincoln.gov.uk).

## EXECUTIVE WORK PROGRAMME SUMMARY

Date of Decision	Decision	Decision: Summary	Decision Taken By	Key Decision	Exempt Information
15 June 2015	Debt Recovery Action - Enforced Sale of Private Property	The item relates to proposed litigation to be taken against private individuals for failure to discharge council tax liabilities. The reports would seek a decision to pursue enforced sale of the individuals' property to realise the debts owed to the authority.	Executive	Yes	Private
15 June 2015	Financial Performance - Quarterly Monitoring	Approval of budget virements and transfers to and from reserves	Executive	Yes	Public
15 June 2015	Strategic Plan Progress - Quarter 1 2015-16	Information only	Executive	Yes	Private
15 June 2015	Planning & Regeneration Restructure Review	Variations to Planning & Regeneration Structure and systems following review.	Executive	Yes	Partly Private
13 July 2015	Extension of Leisure Services Contract for Birchwood Leisure Centre	To approve the extension of the leisure services contract.	Executive	Yes	Private
13 July 2015	Allotments - Options for de-statutorisation and disposal	i) Whether to de-statutorise the Ermine Allotment Site ii) Whether to dispose of the Ermine Allotment site	Executive	Yes	Public
13 July 2015	2014/15 Budget Carry Forward Requests	Review and approve as appropriate 2014/15 carry forward requests	Executive	Yes	Public
03 August 2015	Lincoln Transport Hub –	To seek Executive approval to	Executive	Yes	Private

	Funding for Multi Storey Car Park	approve the awarding of the funding contract for the Multi Storey Car Park.			
03 August 2015	Restructure of Private Sector Housing Team	To consider changes to the structure of the team in order to support service objectives and the HMO project, including potential changes to vacant and occupied posts.	Executive	No	Private
24 August 2015	Financial Performance - Quarterly Monitoring	Budget virements and transfers to and from reserves	Executive	Yes	Public
24 August 2015	Strategic Plan Progress - Quarter 2 2015-16	Information only	Executive	Yes	Private
24 August 2015	Approval of Preliminary Draft Charging Schedule for Community Infrastructure Levy	<p>Approval of the preliminary draft schedule of rates to be charged on all new developments (housing, employment and retail) within the District prior to a statutory 6 week public consultation.</p> <p>All in support of the Central Lincolnshire Joint Planning Committee's approved work programme and the District's duties as charging and collecting authority under the Community Infrastructure Levy Regulations 2010 (and amendments 2011 and 2012)</p>	Executive	Yes	Public
28 September 2015	Lincoln Transport Hub	Decision to enter in to agreements and funding obligations required to proceed with the delivery of Lincoln Transport Hub project	Executive	Yes	Partly Private
28 September 2015	Discretionary Housing Payments Policy	To approve a revised Discretionary Housing Payments Policy.	Executive	Yes	Public

26 October 2015	Lincoln Transport Hub	To proceed with signing all final agreements, agree the funding package and to enter into the construction contract for delivery of the Lincoln Transport hub Project	Executive	Yes	Partly Private
30 November 2015	Financial Performance - Quarterly Monitoring	Approval of budget virements and transfers to and from reserves	Executive	Yes	Public
30 November 2015	Strategic Plan Progress - Quarter 3 2015-16	Information only	Executive	Yes	Private
30 November 2015	Business Rates Discretionary Policy	To consider/approve a revised Discretionary Rate Relief Policy.	Executive	Yes	Public
11 January 2016	Houses in Multiple Occupation- Article 4 Direction and Supplementary Planning Document	To seek Executive authority to confirm an Article 4 direction relating to houses in multiple occupation and adopt a Draft Houses in Multiple Occupation Supplementary Planning Document as part of the development plan for Lincoln.	Executive	Yes	Public
22 February 2016	Financial Performance - Quarterly Monitoring	Approval of budget virements and transfers to and from reserves	Executive	Yes	Public
22 February 2016	Strategic Plan Progress - Quarter 4 2015-16	Information only	Executive	Yes	Private

<b>SUBJECT:</b>	<b>CORPORATE CONSULTATION AND ENGAGEMENT STRATEGY</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>PAT JUKES, PRINCIPAL POLICY OFFICER</b>

## **1. Purpose of Report**

- 1.1 To propose the introduction of a new Corporate Consultation and Engagement Strategy to replace the outdated Consultation Strategy.

## **2. Executive Summary**

- 2.1 This new three year Strategy is for officers and members involved in change of either a service or a policy.

A shortened version will be available on the website for the public

There are a number of key points to note – but the two most notable changes are:

- 1. The need to seek Legal Service advice - where a substantial change is proposed, or the impact of any decision may be controversial, have major equality impacts or large financial implications.
- 2. The need to keep the Communication and Policy teams aware of any consultation activity.

## **3. Background**

- 3.1 Following an internal Corporate Governance audit in 2011, recommendations were made by the Audit Team for an overhaul of the Consultation Strategy and at the same time a requirement to look at the option for a joint Communications and Consultation Strategy.

A brief review of the existing strategy was conducted, and the 2009 requirement of the 'Duty to Involve' was formally included within the revised version of this Strategy. As part of that review there was also an action plan drawn up which included the need for a further revamp of the Strategy.

However shortly after this the Government replaced the 'Duty to Involve' requirement with the "Best Value Statutory Guidance" (BVSG) which repealed both the Duty to Involve, and the Duty to prepare a sustainable community strategy.

This Strategy and the Guidelines that will accompany it (in mid 2015) draw on the BVSG.

- 3.2 Work was undertaken to decide whether to go ahead with a joint Communications Strategy or two separate documents. It was agreed that for now they would remain separate, but linked where appropriate.

Resource priorities have delayed the production of the final documents until now

#### **4. Key changes within the proposed Consultation and Engagement Strategy**

- 4.1 A decision has been taken to produce three separate documents aimed at various audiences:

- The main Strategy which is aimed at all officers and Members – to be available on City People (**APPENDIX A**)
- A short highlight of the key points of the strategy from the publics' aspect - to be available on the council's website (**APPENDIX B**)
- Full guidance on the detail of how to conduct consultation using best practice – aimed at consultation leads – to be available on City People

This report introduces the first two of these documents – the full guidance is well underway, but not yet available for use. Work on this will re-start in Q1 2015.

- 4.2 Key points to note within this strategy include:

- Introduction of a set of consultation principles (P 4)
- Confirmation that consultation should be undertaken early on for any potential change – policy or service delivery (P5)
- That the duty to ensure proper consultation has been undertaken lies across all levels of the organisation (P 6)
- The role of the Policy Unit in supporting (but not conducting) service consultation (P6)
- The new requirement for central co-ordination of all consultation to be conducted through Communications/Policy – to ensure that corporate standards are met (P6)
- The need to seek Legal Service advice - where a substantial change is proposed, or the impact of any decision may be controversial, have major equality impacts or large financial implications. (P10)
- Introduction of the Statement of Community Involvement (P10)
- A proposed forward action plan (P11)

- 4.3 Having already captured comments from the Assistant Directors Group and CMT; comments were sought from Policy Scrutiny – 9<sup>th</sup> June 2015

#### **5. Strategic Priorities**

- 5.1 Growing the local economy – not directly
- 5.2 Protecting the poorest people in Lincoln – not directly
- 5.3 Increasing the supply of affordable housing – not directly

## **6. Organisational Impacts**

- 6.1 Finance (including whole life costs where applicable) – no direct costs
- 6.2 Legal Implications including Procurement Rules – impacts from Legal have been included
- 6.5 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required) – attached **(APPENDIX C)**

## **7. Risk Implications**

- 7.1 (i) Options Explored - na
- 7.2 (ii) Key risks associated with the preferred approach –

There is a risk of delay to consultation if time is not built into the initial plans to cater for the need to consult with Legal and Comms/Policy

## **8. Recommendation**

- 8.1 Executive are asked to approve the Strategy.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

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

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

**List of Background Papers** None

**Lead Officer:** Pat Jukes, Principal Policy Officer  
Telephone (01522) 873657

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# DRAFT

## CORPORATE CONSULTATION and ENGAGEMENT STRATEGY

2015 - 2018

Principal Policy Officer, Policy Unit (CX)

Priorities as of November 2014

- **Growing the local economy**  
To do what the council can do to bring employment to the city and help people compete successfully in a very competitive Labour Market
- **Protecting the poorest people in Lincoln**
- **Increasing the supply of affordable housing**
- **Developing a fit for purpose council**

First Issue: June 2015

## Document control

Organisation	City of Lincoln Council
Title	Corporate Consultation and Engagement Strategy
Author - name and title	Pat Jukes, Principal Policy Officer
Owner - name and title	Pat Jukes, Principal Policy Officer
Date	November 2014
Approvals	AD Group/CMT/Policy Scrutiny
Filename	CX Management/Policy Team/Consultation/Consultation Strategy
Version	V.01
Protective marking	Not protectively marked
Next review date	June 2018

## Document Amendment history

Revision	Originator of change	Date of change	Change description

## Distribution and training history

Details	Date
<b>Tbc when dates agreed</b>	

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## **Foreword**

This strategy is provided for the purpose of enabling staff to understand the way in which the City of Lincoln Council wishes to undertake consultation with our citizens and customers of our services.

An abbreviated overview containing the key points will be made available for all on the City of Lincoln website.

Like all Councils, the City of Lincoln Council has a statutory duty to provide relevant, cost effective and efficient services and to consult with our communities on service delivery (Local Government Act 1999). In order to achieve and maintain the best quality services at the least cost, our stakeholders must have the opportunity to provide feedback on current service provision and have a say in the planning and delivery of future services.

The Council's five year Strategic Plan identifies our key priorities, and together with the two or three year delivery plans also sets out how we see the priorities being delivered. Engaging the local community is essential if the Council is to achieve its aspirations and deliver efficient, effective, and targeted services.

This strategy outlines the way we will consult with the local community and citizens in making decisions that affect their lives. It also seeks to outline how we will manage our consultation programme in line with our Strategic Priorities, best contemporary consultation practice in local government and any central government requirements.

## **Aims and Objectives of the strategy**

The aim of the City Council is to comprehensively engage with users of the city council services – that includes residents, businesses, the third sector, visitors and other stakeholders and partners in a meaningful and cost effective way, delivering outcomes that demonstrate real benefits for the community and value for money for the authority.

Consultation in Lincoln is designed around the following principles, it should be:

- Bespoke – one size does not fit all, and consultation should be developed to meet the specific policy, project or service need
- Timely – consultation should be undertaken early on in decision making
- Appropriate – there should be a defined need for the consultation, which should be proportionate, relevant and accessible
- Inclusive – all affected groups should have the right to express their views including those harder to reach groups
- Effective – the outcomes from consultation should inform decision-making and service delivery
- Co-ordinated – a consistent and co-ordinated approach

## **Key considerations**

There may be a number of reasons to consult – for example to gather views and preferences, to understand possible unintended consequences of a policy or to get views on implementation plans. Increasing the level of transparency and engagement improves the quality of our policy making by bringing together expertise and alternative perspectives; as well as identifying unintended effects and practical problems.

**WHO** – Decision makers should be able to demonstrate that they have considered who needs to be consulted and ensure that the consultation captures the full range of stakeholders affected. In particular, if a policy or decision will affect hard to reach or vulnerable groups, they should take the necessary actions to engage effectively with these groups. Further information on which groups to contact is available in the consultation guidelines.

Information should be presented in a way that will be accessible and useful to the key stakeholders. The form of consultation will largely depend on the issues under consideration, who needs to be consulted, as well as the available time and resources.

**WHEN** - Engagement should begin early in policy development when it is still under consideration and views can genuinely be taken into account. The objectives of any consultation should be clear, and will depend to a great extent on the type of issue and the stage in the policy-making process – from gathering new ideas to testing options.

Consultation exercises should not generally be launched or published during local or national election periods unless there are exceptional circumstances which make a consultation absolutely essential.

**HOW** - Information provided to stakeholders should be easily understandable –, it should use plain language and clarify the key messages or issues, particularly where the consultation deals with complex subject matter. If you are engaging with children, it may be appropriate to make the surveys more ‘youngster friendly’ e.g. using more pictorial background. Consideration should be given to more informal forms of consultation that may be appropriate – for example, email or web-based forums, social media public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation.

Modern communications technologies enable us to engage in such discussions more quickly and in a more targeted way than before, and mean that the traditional written consultation is not always the best way of getting those who know most and care most about a particular issue to engage in fruitful dialogue

**FEEDBACK** – When consultation is undertaken, it is critical that it is used in the decision making process as well as being fed back to those taking part. Feedback should be provided directly to those who took part in the survey; Service Manager(s) organising the survey; as well as the wider public and Members (where appropriate). How this is done will depend on the method used to some degree – but using the

website is acceptable for most. However, if you have been consulting with hard to reach groups such as children or vulnerable people, then you may have to make a special effort to ensure the feedback is given in an appropriate way to suit their needs.

## **Roles and responsibilities**

Consultation is not simply the job of the Service Manager to arrange – there are roles for all levels of Officers right across the organisation:

- Decision makers (Executive and Senior Management )need to ensure consultation has occurred and have a duty to question the absence of consultation
- The consultation owner (the Service Manager or Team leader usually) is responsible for ensuring consultation is conducted within our corporate guidelines and standards
- Consultation owners need to understand their service users so that they are aware of all the groups that should be contacted during a consultation
- Assistant Directors – need to have knowledge of the consultations underway within their teams so that they can avoid duplication, ensure standards are applied, monitor progress to the planned schedule, and most importantly ensure that the outcome informs the plans for the service.
- Policy Unit – will produce the Corporate Strategy, Guidance and advice for those operating consultation activities; offer advice to officers embarking on consultation, run the Citizens Panel (accessible by any service); and conduct corporate consultation, such as a Place Shaper style survey when needed. Policy Unit will not be running service consultations - full details of what support is available is included in the Consultation Guidelines
- The Policy Unit, working with the Communications Team will act as a central co-ordination body, monitoring corporate standards, helping to avoid duplication, offering advice on content and quality as well as collating information on what consultations have been completed.

## **The approach**

All consultation should be passed through the Corporate Policy Unit during the set up stages – time should be built into the project plan to allow for this. The purpose of this is to:

- Apply corporate standards to all consultation
- Ensure there is no duplication/contradictory activity
- Spot opportunities for joint consultation
- Ensure there is no consultation fatigue with specific groups
- Monitor and collate information on all consultation activity

The first consideration of consultation is to decide what is needed to be achieved as this will inform the decision on which aspect of consultation is the most appropriate. (See table 1 below)

For consultation to be effective it must include communication of the outcome of the activity to the participants and other stakeholders. People who have taken the time to participate should be informed of how this information will feed into the decision making process and how participants views have influenced the Council.

It is the responsibility of the consultation owner/service manager to ensure this feedback takes place and that it is undertaken in a timely fashion

	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>
<b>Why</b>	<b>To give</b> people information about plans and services.	<b>To collect information</b> about attitudes, opinions and preferences, and ask for views that will assist our understanding, policy making and decision making	<b>To actively involve</b> people and encourage participation, in improving existing services and designing new services  In partnerships - To maintain an equal and effective working relationship
<b>What</b>	Information provided will be accurate, balanced and up-dated as necessary.	Information collected will be used responsibly and reported honestly.  Feedback will be taken seriously, and decisions influenced. Customers will be informed of the influence they have had.	Local people will be able to help shape processes.  There will be transparency, and they will have some influence over decisions.  Possibly some resources will be held in common
<b>How</b>	City People Website, Your Lincoln, Lincoln Fact sheets, Specified information sharing sessions, Social media, Tenants 'Home' magazine	Citizens Panel Surveys, Surveys from services, Ward based surveys, other questionnaires, Focus groups, "You Choose", Place Shaper, Public meetings, service user panels, social media and member's surgeries.	Theme Groups, Workshops, stakeholder conferences, service user panels, public meetings  Other local partnership arrangements,

## **Existing Corporate consultation vehicles**

The Council uses a wide variety of consultation mechanisms to ensure that all citizens and stakeholders in Lincoln can influence the development of policies and inform the way in which services are delivered.

Some of the key consultation methods regularly used by Council are:

### **Elected Members**

Elected Members play a key role in Council's consultative processes through their representative, scrutiny and community leadership functions and in furthering the development of democratic processes within local government.

In particular Members have a crucial awareness role and form a link between the community and Council. Through their regular consultation with constituents, citizens, groups, Neighbourhood Boards and other stakeholders, Members are able to positively influence the level of participation and impact of consultation outcomes on the local community.

### **Surveys**

Services across the Council conduct numerous surveys during each year depending on their requirements. Survey techniques may involve questionnaires, telephone or face to face interviews. From time to time comprehensive large-scale surveys such as Neighbourhood Surveys or the Place Survey equivalent are conducted.

### **Citizens' Panel**

The panel comprises up to 1,000 residents who are consulted on a range of strategic and service issues via postal and electronic surveys approximately three times per year. The results are analysed centrally and fed back into services for action. Panel members are provided with feedback via a regular newsletter. The panel membership is refreshed on a regular basis and the Council aims for the panel to reflect the diversity of the people of Lincoln.

### **Focus Groups**

A more traditional but still highly significant public consultation method is to hold focus groups. This provides an opportunity to talk to people face to face and answer questions as well as provide more detail on the issue being consulted on. The Council often holds a series of focus groups to consult on Council Tax levels in the first two months of the year.

### **City of Lincoln website**

A page on the CoLC website called "Community Voice" where on line surveys can be accessed, results can be disseminated and links to specialist areas can be made.

### **Social Media**

In today's technologically savvy world, it is more important than ever to approach people in a way that they understand and may consider their norm. Social media will attract a different audience to standard paper surveys, but used together they are more likely to cover a broader base

### **Consultation updates in Your Lincoln and the tenants' Home magazine**

We will use both of the Council's newsletters - the citywide 'Your Lincoln' newsletter and the tenants' Home' magazine to inform residents and other stakeholders of forthcoming planned consultations as well as results and outcomes of public consultation initiatives where appropriate

### **City People (staff intranet)**

Pages on City People will contain links to the Corporate Consultation and Engagement Strategy; the forward plan of consultation to be undertaken; and the library of past consultation results, reports and feedback (to be developed).



## **Neighbourhood working**

In Lincoln we have eight Neighbourhood areas covering parts of the city, and a key function of the Neighbourhood Working teams is to conduct detailed consultation with their neighbourhoods on a myriad of subjects.

## **Government legislation and guidance**

### **Equality and Diversity**

The Council is firmly committed to promoting equality for its employees and the community and to avoiding all forms of discrimination. The Council aims to ensure that the services it provides are non-discriminatory and free from prejudice.

Following the introduction of the Equality Act 2010, the Council implemented the use of Equality Analyses for all new and changed policy and services. The analysis ensures that consideration is given to all nine protected characteristics as defined under the Act, as well as Safeguarding issues.

There is a corporate 'Monitoring form' available on the E&D section of City People which can be used to capture demographic detail. However, it should be noted that the corporate recommendation is to capture ONLY the data that is necessary and appropriate for the consultation being undertaken.

### **Best Value Statutory Guidance**

Local authorities are under a general Duty of Best Value to *"make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."*

The "Best Value Statutory Guidance (2012)" makes recommendations on how to consult when dealing with changes in services where Voluntary Services or small businesses are the prime providers

### **The Housing Act 1985**

The Council has a different relationship with council tenants than it does with other citizens living within its boundaries as there is a legal contract – the tenancy agreement – in place, covered by the Housing Act. (Part iv; section 105)

This legislation gives the statutory right of consultation to all secured council tenants on matters that effect them especially on housing management. A matter is one of housing management if, in the opinion of the landlord authority, it relates to:

- a) The management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies
- b) The provision of services or amenities in connection with such dwelling-houses

But the right to consultation does not cover the rent payable under a secure tenancy or to charges for services or facilities provided by the authority.

## **Data protection**

Personal information obtained by Council as part of its consultation responsibilities must be dealt with properly irrespective of how it is collected, recorded and used – whether on paper, by computer, or on any other material.

The City of Lincoln Council has adopted strict safeguards in its Information Management Policies to ensure that data is treated properly in accordance with the *Data Protection Act 1998*.

In all cases the consultation lead will protect the privacy of those involved in a consultation and will only accredit responses to individuals when permission has been given by that individual, or has been clearly identified as part of the consultation information.

## **Section 11 of the Children's Act.**

This 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.

Services at the City of Lincoln Council that should have particular care for this including all services where children are involved. Children should be asked to help shape the services that they use, and thus special effort may be required to consult them during initiation stages. Consultation with children does require a little more care as there is a need to gain parental agreement, as well as ensuring the consultation is undertaken in clear and appropriate language

## **Legal Services**

For key corporate decisions whereby there is a substantial change proposed to any service or policy, or the impact of any decision introducing or changing something may be controversial, have major equality impacts or large financial implications, Legal Services advice must be sought. This is to ensure that the consultation is robust and could withstand a legal challenge. Decisions must be lawful, reasonable and fair to avoid a 'Judicial Review', however this is an area where many councils are challenged. For further information see the Decision Making Guidance on City People. (<http://citypeople/intranet/wp-content/uploads/2014/09/Decision-making-guidance.pdf>)

## **Local Statutory requirements**

The Statement of Community Involvement (SCI) outlines how the Central Lincolnshire Joint Strategic Planning Committee (CLJPC) expects to involve and consult the public and stakeholders when preparing planning policy documents, namely local plans and supplementary planning documents. In addition it also outlines how and when the public can have their say on planning applications and provides brief commentary on neighbourhood planning.

The Vision for Community Involvement is “To comprehensively engage with users of the City and Districts, including residents, service users, stakeholders and partners, in a meaningful, appropriate and cost effective way”

The commitments made in the SCI are legally binding on CLJPC and its constituent district authorities (in compliance with the Town and Country Planning Act).

## **Review of strategy**

The Council will undertake regular evaluation of whether our public consultation is meeting its objectives and what service improvements are being achieved as a result. This will include a review of progress on the Strategy's Action Plan, to be presented to the Council's Performance Scrutiny Committee annually.

The implementation of the Corporate Consultation and Engagement Strategy will help Lincoln continue to grow and develop to meet the changing needs of service users and citizens.

## **Links to useful documents**

[Lincoln Drivers report](#)

Communications Strategy (to be completed in 2015/16)

[Engagement and the Equality Duty](#)

[Statement of Community Involvement](#)

[The Housing Act 1985](#)

[Corporate Monitoring form](#)

## **Forward action plan**

<b>Ref</b>	<b>Description</b>	<b>Expected start</b>	<b>Expected completion</b>
1	Develop a communications strategy for the roll out of the new strategy and guidelines	2015/16	
2	Roll out of new strategy to AD Group; CMT; DMT's; Policy scrutiny and Exec	Jun 2015	
3	Complete consultation guidance for staff and implement	Sep 2015	
4	Agree, implement and then ensure compliance of new corporate standards	Jul 2015	
5	Creation of a virtual internal network group for those with regular consultations	Aug 2015	
6	Complete a revamp of the Corporate Monitoring form	Feb 2016	
7	Scope, plan and implement a refresh of the Citizens panel	Sep 2015	
8	Undertake a minimum of three Citizens Panel surveys annually	Ongoing	
9	Undertake consultation on any major service change both internally or externally focussed	As required	
10	Undertake consultation on all major policy changes	As required	
11	Undertake face to face consultation on Council Tax annually	Annually in January	
12	Develop a forward calendar of consultations and publish on Community Voice	Sep 2015	
13	Revamp the Community Voice (consultation) section of the website	Sep 2015	
14	Ensure there is a clear route to the staff guidelines and strategy on City People	Sep 2015	
15	Annual progress reports to Performance Scrutiny Committee	Oct 2015	
16	Review the consultation strategy with a view to merging with the Communications Strategy	Mar 2016	
17	Continuous review of legislation and government guidelines	Ongoing	
18	3 year Review of the Consultation Strategy and guidelines	June 2018	

### Taken from 'Engagement and the equality duty':

The following actions can help public authorities undertake successful engagement and give proper consideration to the aims of the general equality duty:

- **Leadership:** Engagement should be built on genuine commitment from all participants to the values and principles of citizen engagement. Leadership plays an important role in ensuring that engagement is a success and leaders, senior managers and staff with a scrutiny role need to commit the necessary time, effort and financial resources to deliver it effectively. This may include providing support and training for participants, and staff, so everyone can participate effectively.
- **Proportionality:** Engagement should be proportionate to the size and resources of your organisation, as well as to the significance of the policy. This means that the greater the impact of your policy on equality of opportunity and good relations, the more likely you are to need significant public or tailored engagement.
- **Evidence base:** Consider how engagement can help you to fill information gaps, interpret qualitative data, assess the impact on equality of your policies, and evaluate how successful your initiatives are.
- **Decision-making:** It is important to integrate engagement procedures and outcomes into your decision-making and service design. This will ensure that engagement becomes part of evidenced-based policy making across your organisation. It also demonstrates to stakeholders that their contribution has a real value and purpose.
- **Timing:** Engagement is most successful when people are engaged at an early stage, prior to key decisions being made. Aim to incorporate engagement through the different stages of developing or reviewing a policy. Respond to the stakeholders that you have engaged with.
- **Partnerships:** Drawing on the skills and networks of voluntary and community organisations and Trade Unions can help you to plan and carry out your engagement activity. They often have positive relationships with the groups of people that they serve, so working with them can lead to higher participation and better outcomes. Engagement can be undertaken with other public authorities to make better use of resources and reduce the burden on participants.
- **Accessible engagement:** Public authorities should ensure that their engagement methods take into account the needs of people with all the protected characteristics, and enable them to fully participate. Take steps to capture the views of people with protected characteristics who are rarely or never heard. Ensure that participants have clear and sufficient information in order to be able to participate effectively. Under the Equality Act 2010, public authorities are obliged to make reasonable adjustments for disabled people, including during engagement.
- **Transparency:** If you are covered by the specific duties, consider what engagement information (e.g. your methods, participants and findings) would be useful for you to publish as part of your equality information. Build engagement with key stakeholders into the development and prioritisation of your equality objectives.

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Encl 6

## Corporate Consultation and Engagement

The City of Lincoln Council has a statutory duty to provide cost effective and efficient services and to consult with our communities on service delivery (Local Government Act 1999). The Council's five year Strategic Plan identifies its key priorities, and together with the two or three year delivery plans, also sets out how the priorities will be delivered. In order to achieve service and development aims, stakeholders must have the opportunity to provide feedback on current service provision and have a say in the planning and delivery of future developments.

The council's 3-year "Consultation and Engagement Strategy" has been developed to ensure that there are processes in place to ensure this. This summary details some of the key elements from the strategy.

### Key principles

Consultation in Lincoln is designed around the following principles, it will be:

- Bespoke – one size does not fit all, and consultation should be developed to meet the specific policy, project or service need
- Timely – consultation should be undertaken early on in decision making
- Appropriate – there should be a defined need for the consultation, which should be proportionate, relevant and accessible
- Inclusive – all affected groups should have the right to express their views including those harder to reach groups
- Effective – the outcomes from consultation should inform decision-making and service delivery
- Co-ordinated – a consistent and co-ordinated approach

### Existing consultation vehicles

The Council uses a wide variety of consultation mechanisms to ensure that all citizens and stakeholders in Lincoln can influence the development of policies and inform the way in which services are delivered.

Some of the key consultation methods regularly used by Council are:

**Elected Members:** who through regular consultation with constituents, citizens, groups, Neighbourhood Boards and other stakeholders form a link between the community and Council

**Surveys:** numerous surveys are conducted during each year depending on service requirements. From time to time comprehensive large-scale surveys are conducted covering all sectors.

**Citizens' Panel:** comprising up to 1,000 residents, the panel is consulted on a range of strategic and service issues via postal and electronic surveys approximately three times per year.

**Focus Groups:** provide an opportunity to talk to citizens, businesses and the third sector face to face; answering questions as well as providing more detail on the issue under discussion

**City of Lincoln website:** the Community Voice section on the website is to be refreshed and will allow on line surveys to be accessed, and results disseminated.

**Social Media:** this route may attract a different audience to standard paper surveys, but used together they are more likely to cover a broader base.

**Consultation updates in Your Lincoln and the tenants' Home magazine:** will inform residents and other stakeholders of current and forthcoming consultations as well as results and outcomes of past consultation.

**Neighbourhoods:** In the eight Lincoln Neighbourhood areas there will be detailed consultation with neighbourhoods on many subjects.

## **Review of strategy**

The implementation of the 2015-2018 Corporate Consultation and Engagement Strategy will help Lincoln continue to grow and develop to meet the changing needs of service users and citizens.

The Council will undertake regular evaluation of whether the strategy is meeting its objectives and what service improvements are being achieved as a result.

## **Forward programme**

As part of the formal strategy there is an action plan covering the development of consultation over the next three years. Key actions from this include:

- Formal roll out of the new strategy
- Undertake a refresh of the Citizens panel
- Undertake a minimum of three Citizens Panel surveys
- Undertake consultation for any major service or policy change
- Refresh the Community Voice web site for external customers
- Publish a consultation forward calendar each year
- Provide annual progress reports to Performance Scrutiny Committee



## 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:

Alison Lewis (Equality and Diversity Officer) [alison.lewis@lincoln.gov.uk](mailto:alison.lewis@lincoln.gov.uk) or alternatively contact Legal Services on (01522 87)3840

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.

- 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?

## SECTION A

Name of policy / project / service	Corporate Consultation and Engagement Strategy
Background and aims of policy / project / service at outset	To ensure that consultation is undertaken according to corporate standards, in a timely manner and with all appropriate stakeholders
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Pat Jukes, Principal Policy Officer
Key people involved <i>i.e. decision-makers, staff implementing it</i>	All decision makers, all officers involved in introducing major changes to either policy or services.

## 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 whole aim of the strategy is to ensure that consultation is undertaken in a way that involves all key stakeholders, in particular those people who may be defined as hard to reach.</p> <p>The principles show this</p> <ul style="list-style-type: none"> <li>• Bespoke – one size does not fit all, and consultation should be developed to meet the specific policy, project or service need</li> <li>• Timely – consultation should be undertaken early on in decision making</li> <li>• Appropriate – there should be a defined need for the consultation, which should be proportionate, relevant and accessible</li> <li>• Inclusive – all affected groups should have the right to express their views including those harder to reach groups</li> <li>• Effective – the outcomes from consultation should inform decision-making and service delivery</li> <li>• Co-ordinated – a consistent and co-ordinated approach</li> </ul> <p>Consultation was undertaken with all officers currently involved in this area and best practice information sought from government and other local authorities</p>	NA	There is a full action plan attached to the Strategy which ensures that the process is rolled out to all
Disability including carers (see Glossary of Terms)	X				NA	
Gender re-assignment	X				NA	
Pregnancy and maternity	X				NA	
Race	X				NA	
Religion or belief	X				NA	
Sex	X				NA	
Sexual orientation	X				NA	
Marriage / civil partnership	X				NA	
Human Rights (see page 8)	X				NA	

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
YES	YES	There is a need for a full set of guidelines for staff – which are part of the forward project plan

## 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 unlawful discrimination, harassment)- sign assessment below [ ]
- **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below [ ]
- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made [ ]
- **Put Policy on hold** (seek advice from the E&D officer as adverse effects can't be justified or mitigated) -STOP progress [ ]

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Conclusion of Equality Analysis (describe objective justification for continuing)	There is only a positive effect on equality from implementing this strategy
--	---

When and how will you review and measure the impact after implementation?*	There will be annual reports to Policy Scrutiny Committee starting in July 2015
--	---

Checked and approved by responsible officer(s) (Sign and Print Name)	Pat Jukes	Date	26.10.14
Checked and approved by Assistant Director (Sign and Print Name)	Simon Walters	Date	

<b>SUBJECT:</b>	<b>LEAVE ENTITLEMENT POLICY</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF RESOURCES</b>
<b>REPORT AUTHOR:</b>	<b>ALI THACKER – HR ASSOCIATE</b>

**1. Purpose of Report**

- 1.1 To provide members of the Executive with an update on the Council's compliance with legislation relating to leave entitlements.
- 1.2 To seek the approval of the Executive on the proposed revisions to the Leave Entitlements Policy

**2. Background / Executive Summary**

- 2.1 As of 5 April 2015 Shared Parental Leave rights replaced Additional Paternity Leave rights. The Council's Leave Entitlements Policy has been amended to reflect those changes.
- 2.2 In addition as the Leave Entitlements Policy was last updated in February 2012, HR have reviewed the whole policy to ensure it is clear, fit for purpose, and legally compliant. Attached to this report is the proposed new version of the Leave Entitlement Policy.

**3. Main Body of Report**

**3.1 The Leave Entitlements Policy (Appendix A)**

The proposed changes are to reflect the changes in legislation, and to assist employees and management with clarification on areas of the policy that were unclear.

The main changes proposed are:

- Introduction of Shared Parental Leave.
- Removal of Additional Paternity Leave.
- Clarification of the 'time off for dependants' entitlement.
- Clarification of the 'compassionate leave' entitlement.
- Clarification of entitlement to time off for medical appointments.

The Draft Policy attached has been to JCC; JCC agreed the policy with no comments.

**3.2 Shared Parental Leave.**

As outlined above, with effect from 5 April 2015 Shared Parental Leave rights replaced Additional Paternity Leave rights. Therefore HR have reviewed the policy to incorporate the new legislation.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

It is proposed that the Council will pay the statutory amount for Shared Parental Leave.

Members should note that prior to the 5 April 2015 a guidance note (Appendix B) was produced and agreed with the Trade Union representatives for any employees who wished to take Shared Parental Leave. This was a temporary arrangement while the whole leave entitlements policy was in the process of being reviewed.

### **3.3 Time Off for Dependants**

The circumstances in which employees may take time off for dependants are specified in legislation and these have been updated within the policy. In addition the process for applying for time off for dependence has been updated. The proposed policy would require the manager to meet with the employee to assess if any additional support is required, and also to determine what amount of time off is reasonable.

### **3.4 Compassionate Leave**

The only change which has been made to the compassionate leave section is the process. This will now follow the same process as for Time off for dependants. Therefore the manager will meet with the employee to assess if any additional support is required, and also to determine what amount of time off is reasonable.

## **4. Strategic Priorities**

### **4.1 Fit for Purpose Council**

This review/update of the Leave entitlement policy will assist the Council to be a fit for purpose council.

## **5. Organisational Impacts**

### **5.1 Legal Implications**

The attached policy has been reviewed in light of the new shared parental leave legislative requirements.

### **5.2 Financial Implications**

The introduction of shared parental leave may have financial implications on the council, however at this stage HR cannot estimate the exact cost, as this depends upon how many employees wish to take shared parental leave.

### 5.3 Human Resources

The attached policy provide clarity of roles for HR, Managers and employees. Prior to this report going to JCC, the Trade Union representatives were consulted with and their views were taken into account.

### 5.4 Equality, Diversity & Human Rights

The attached policy has been reviewed with regard to equality, diversity and human rights considerations and in light of legislative changes.

## 6. Risk Implications

- 6.1 Although a guidance note have been agreed with the Trade Union Representatives, this was on the proviso that the Council was to review the whole policy.

The council could be at risk of breaching legislation – if we do not have a formal Shared Parental Leave policy, therefore this review seeks to address this risk.

## 7. Recommendation

- 7.1 To seek the approval of the Executive for the proposed changes to the Leave Entitlements Policy in accordance with the draft attached

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

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

No

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

Two

**List of Background Papers:**

N/A

**Lead Officer:**

Ali Thacker

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CITY OF  
*Lincoln*  
COUNCIL

**HR POLICY**

**LEAVE ENTITLEMENTS POLICY**

**This document aims to ensure that employees are aware of their leave entitlements and are treated fairly and consistently**

**This document applies to all employees within the Council**

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### THE LEAVE ENTITLEMENTS POLICY

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### Introduction

The City of Lincoln Council recognises that employees may need to take leave from work for a variety of reasons outside the scope of the normal annual leave entitlements. Our employees have various entitlements available to meet this need. These entitlements come from statute, national terms and conditions and the discretion of the Council.

#### 1. Scope of this policy

This policy applies to all staff employed by the Council.

#### 2. Aims of the Policy

This policy explains the leave entitlements for employees. It sets out the qualifying criteria, leave entitlement and pay and conditions relating to:

- Annual Leave
- Maternity leave
- Maternity support leave
- Shared Parental Leave
- Paternity leave
- Parental leave
- Adoption leave
- Adoption support leave
- Time off for Antenatal appointments
- Time off for dependants
- Compassionate leave
- Jury Leave
- Leave for Public Duties
- Reserved Forces
- Emergency Services Leave
- Job Interviews
- Health Related Appointments

#### 3. Principles

This policy is based on the following principles:

- The Council wishes to support its staff through access to appropriate leave entitlements.
- The entitlements will be applied in a consistent manner.
- Where there is an element of discretion, this will be exercised fairly, consistently and with justification given.
- Staff may involve and consult their Union Representatives in the application of this policy, if they wish to.

#### **4. Responsibilities:-**

##### **Directors and Assistant Directors**

Effective leadership and support to managers and staff.

##### **Managers**

Application of the policy and procedures, arranging risk assessment.

##### **Human Resources**

Advising on the application of the policy and procedures. Review and maintenance of the policy. Training, advising and supporting managers and staff affected by the application of this policy.

#### **5. Glossary**

**AML** – Additional Maternity Leave

**AAL** – Additional Adoption Leave

**EWC** – Expected week of confinement

**OAL** - Ordinary Adoption Leave

**OAP** - Occupational Adoption Pay

**OML** – Ordinary Maternity Leave

**OMP** – Occupational Maternity Pay

**OPP** – Occupational Paternity Pay

**SAP** – Statutory Adoption Pay

**SMP** - Statutory Maternity Pay

**SPP** – Statutory Paternity Pay

**SPL** – Shared Parental Leave

## THE POLICIES

### 6. Annual Leave and Public Holidays

Annual leave entitlements vary according to employees' length of service and grade. The basic entitlements in working hours (and days), based on full-time employees working a 5 day week, are as follows:

Grade	Less than 5 years	After 5 years	After 10 years	After 15 years	After 20 years
S1a – S4 and Apprentices	170.2 hours 23 days	207.2 hours 28 days	214.6 hours 29 days	222 hours 30 days	229.4 hours 31 days
S5 – S6	192.4 hours 26 days	207.2 hours 28 days	214.6 hours 29 days	222 hours 30 days	229.4 hours 31 days
SO1 – PO2B	207.2 hours 28 days		229.4 hours 31 days		
CX, Director, Assistant Director, PO2 and PO2D	236.8 hours 32 days		259 hours 35 days		
Craft	177.6 hours 24 days	214.6 hours 29 days			

The Working Time Regulations mean all employees receive paid annual leave of 5.6 weeks per year. An employee's entitlement is based on either their statutory entitlement or their contractual basic leave entitlement, whichever is the greater.

As well as the basic leave entitlement, there are 8 public holidays each year falling on:

- ☐ New Year's Day
- ☐ Good Friday
- ☐ Easter Monday
- ☐ May Day - usually the first Monday in May
- ☐ Spring Bank Holiday -usually the last Monday in May
- ☐ Late Summer Bank Holiday usually the last Monday in August
- ☐ Christmas Day
- ☐ Boxing Day

If Christmas and New Year holidays fall on Saturday or Sunday, the next normal working days will be treated as the Public Holiday. We also give employees half a day concessionary paid leave from 12.00 noon on the last working day before Christmas day.

Employees can check their personal leave entitlement using the 'Itrent Employee Self Service' system.

The employee's leave allowance shown on Itrent includes bank holidays.

### **6.1 Leave Year**

All employees have a personal leave year. This starts on the date they began employment with the City Council.

### **6.2 Leave for part-time employees**

Part-time employees are entitled to leave on a pro rata basis based on the number of hours they work each week.

### **6.3 Employees terminating employment during the leave year**

If an employee leaves the Council part way through their leave year, we will calculate their entitlement based on the number of days they have worked up to the date they finish work.

If an employee transfers from full-time to part-time or from part-time to full-time, annual leave will be calculated pro rata accordingly.

### **6.4 Casual Employees**

Leave entitlements and holiday pay for casual or relief staff will be based on their average hours and pay over 3 months. The payments are calculated quarterly, to cover hours worked April to June; July to September; October to December and January to March.

### **6.5 Leave During Sickness**

If an employee is on sick leave on a day when they had booked annual leave, the day(s) are counted as sick leave and the employee can take the annual leave booked at a later date, provided they have followed the Council's sickness absence procedures.

However, if an employee is sick on a public holiday, they cannot take the bank holiday at a later date. If the employee's leave allowance includes bank holidays the Council will deduct the relevant number of hours from their leave allowance for any public holidays taken as sick leave.

### **6.6 Long Service Leave**

The additional long service leave provisions relate to continuous local government service and apply from the anniversary of appointment.

### 6.7 Additional leave (Holiday Purchase)

The Council operates a Holiday Purchase Scheme. This allows employees to “buy” up to 2 weeks extra leave per leave year. This leave can be a continuous period of anything from 1 day to 2 weeks and is not restricted to whole weeks.

Employees will need to complete an application form (see Appendix 1), requesting additional leave and giving the dates and number of days they wish to take. As additional leave approval is subject to business needs any request for such must be authorised by their Service Manager.

The Council will agree the repayment period with the employee on an individual basis, and the costs can be deducted in a single lump sum or in instalments over a period of no more than 12 months, starting from the month after the employee takes the leave. Should the employee’s contract be terminated for any reason, the Council will deduct these monies from the employee’s final salary.

### 6.8 Distribution of leave

Employees may take their annual leave however they choose, including in hours. This is subject to the needs of the service and employees are encouraged to spread their annual leave throughout the year and to take reasonable periods of leave to ensure adequate breaks from work.

However we recognise that employees may sometimes want to take a longer holiday. Employees must get approval from their Service Manager for any periods of leave greater than 3 consecutive weeks.

### 6.9 Transfer of Leave between Leave Years

Employees can transfer up to 1 working week of their leave entitlement between leave years with the approval of their Service Manager. If employees want to transfer more than one week, they will need the approval of their Assistant Director.

If an employee has been on sick leave during the year and has been unable to take their leave either:

- because they have been away from work on sick leave
- or
- because on return to work it was not possible to authorise the employee to take all their outstanding leave within the leave year

a maximum of 5.6 weeks leave must be rolled forward and added to their next year’s entitlement. Any additional leave will be forfeited.

### 6.10 Relationship between Annual Leave and Lieu Leave

Employees must not accrue lieu days to supplement annual leave. Any lieu days must be taken in line with the Flexible Working policy.

### 6.11 Booking Leave

Employees must get prior approval from their Manager before confirming holiday bookings or taking leave. Managers will not unreasonably refuse requests for leave although Managers will need to consider service needs.

### 6.12 Payment for untaken/overtaken annual leave on termination of employment

Employees should make every effort to take their annual leave entitlement before they leave the Council. However, if they are unable to do so because of the needs of the service, they will be paid for any pro rata annual leave outstanding at the date they leave the Council.

If employees have taken more annual leave than they are entitled to, they must repay the Council for the overtaken leave. Any such sums will be deducted from the Employee's final salary.

## 7. Maternity Leave

### 7.1 Rights and qualification Criteria

To qualify for maternity leave you must be a pregnant employee. You are entitled to take the leave regardless of whether you are on a permanent, fixed, temporary, full or part-time contract and regardless of your length of service.

You are entitled to 52 weeks maternity leave, which is made up of:

- 26 weeks ordinary maternity leave - OML
- 26 weeks additional maternity leave - AML

During both the OML and AML the employee benefits from and is bound by all terms and conditions relating to employment except those relating to remuneration.

You do not have to take all of your maternity leave entitlement but you must take 2 weeks compulsory maternity leave directly after the birth of your baby.

To qualify for maternity leave you must tell us in writing, at least 28 days before leave begins or as soon as reasonably practical that:

- you are pregnant
- the week you are expecting your baby to be born (EWC)
- the date you intend to start your maternity leave

### 7.2 Leave

You can start your leave any time from 11 weeks before the beginning of the week when your baby is due. If you are off work because of a pregnancy related illness at any point during the four weeks before the expected birth date, your maternity leave will automatically start the next calendar day. The pregnancy related illness is likely to



trigger this happening if the likely duration of the illness means you will not return to work before your intended return date or you are likely to return for less than a week before starting the leave.

You are entitled to take reasonable paid time off to attend antenatal appointments while you are pregnant, providing you produce evidence of the appointments. These appointments will include:

- Medical examinations
- Medical scans
- Relaxation classes
- Parent craft classes

Once you have notified your Line Manager a risk assessment must also be undertaken by your manager and Health and Safety to assess your working environment etc. This usually takes place between weeks 12 –16 but can be done before this time, but ideally should not be done any later. This can be done confidentially. HR and Payroll will answer any queries you may have in relation to your options and entitlements.

### **7.3 Keeping in touch days**

During your leave it is useful for us to keep in contact. We will be able to make reasonable contact with you during your maternity leave, this may be to update you on changes in the workplace, or ask about arrangements for your return.

To help you keep up to date with work and in contact with colleagues you can request to work up to ten days during your maternity leave without losing your statutory maternity pay or bringing your leave to an end. These keeping in touch days may only be worked if both you and your line manager agree. On these days you will receive your normal days pay.

These days cannot be taken during the 2 weeks compulsory maternity leave immediately following the birth of the baby.

If an employee takes a keeping in touch day it is the manager's responsibility to inform the payroll department.

### **7.4 Still birth and Premature Delivery**

Provided you meet the criteria for maternity leave, you can still take ordinary and additional maternity leave if your baby is:

- still born after 24 weeks of pregnancy
- born alive at any point of the pregnancy

### **7.5 Payment and terms and conditions**

Payment during Maternity Leave is made up of 2 elements, Statutory Maternity Pay and Occupational Maternity Pay.

### 7.6 Statutory Maternity Pay

To qualify for statutory maternity pay you must:

- have at least 26 weeks continuous service at the 15<sup>th</sup> week before the baby is due.
- earn more than the lower earnings limit for National Insurance contributions.

If you do not meet the qualifying criteria you may be entitled to maternity allowance.

The payments for SMP are as follows:

Week 1 – 6	90% of your average weekly earnings
Week 7 – 39	Paid at the standard weekly rate of SMP or 90% of gross average weekly earnings if less than the standard rate. For current rates please speak to Payroll/HR or they can be found online at <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a> or <a href="http://www.direct.gov.uk">www.direct.gov.uk</a>
Week 40 – 52	Unpaid

### 7.7 Occupational Maternity Pay

If you have 1 years continuous local government service at the beginning of the 11<sup>th</sup> week before the expected week of confinement you will have the option of taking Occupational maternity pay. The authority will pay occupational maternity pay of 12 weeks during weeks 7 to 18 in addition to your SMP. It will be paid at 50% of your average weekly earnings.

Payments made during week 7 to 18 by the authority are on the basis that you will return to work following maternity leave for a period of at least 3 months. You will need to indicate that you intend to return to work and wish to take up Occupational Maternity Pay. If you do not return for 3 months you will be asked to refund any payments made.

You cannot earn more money from maternity pay than you would have received had you been at work.

### 7.8 Annual Leave

During maternity leave you will continue to accrue your contractual annual leave entitlement. If your leave spans 2 different annual leave years you are able to carry over any unused annual leave entitlement. It is permitted to use annual leave before or after the maternity leave to extend the period, with your manager's agreement. It is also possible to end your maternity leave early and then go on to annual leave to attract another paid period. Any annual leave request and approval is subject to the normal process for your department.

### 7.9 Returning to Work

When you return to work after taking ordinary maternity leave you have the right to the same job and terms and conditions as if you had not been absent.

This also applies when you return from additional maternity leave unless it is not reasonable practicable for you to return to your original job. If this happens you will be offered alternative work with your terms and conditions being protected permanently, unless you change job or vary your contract. Any restructure during your maternity leave will be done in accordance with the Councils Management of Change Policy.

We will assume that you intend to take your full 52 weeks entitlement. If you want to return before this you must give us at least 8 weeks notice, if you fail to give 8 weeks notice we can insist that you do not return until the eight weeks have passed.

If you wish to request to return to work on reduced hours or as part of a job share arrangement as part of our flexible working policy you must put this in writing to your line manager at least 8 weeks before you intend to return to work. Please see the flexible working policy and follow the procedure therein set out.

### 7.10 Expiration of Fixed Term Contracts or Redundancy during Maternity Leave

An employee who may be made redundant or have their fixed term contract ended during maternity leave will have various options available to them in terms of maternity. Broadly they can be fitted into two groups – those who wish to return to employment with City of Lincoln Council after maternity leave and those who don't.

- Those who do not wish to return:

Will receive their SMP made up to full pay for their notice period during Maternity Leave and will receive any redundancy or annual leave payment due. If any statutory maternity pay is still due after termination, this will continue to be paid by the Council at the normal rate.

- Those who would like to return:

For those who would genuinely like to return to work for the Council after their maternity leave there is an issue regarding Occupational Maternity Pay, as this can only be paid if the employee returns to work for 3 months. Obviously this is not possible if the employee's contract has been terminated or made redundant. Some employees will know before their Maternity Leave that their contract is likely to end or they will be made redundant but for others this will only transpire during their maternity leave. For those who have a genuine desire to continue employment with the Council, although not in their original post, they will be able to still claim the Occupational Maternity pay element, subject to the normal qualifying criteria. This is in the hope that they will secure suitable alternative employment with us and therefore meet the criteria of returning to us for 3 months.

All employees who are at threat of redundancy or the expiration of a fixed term contract whilst on Maternity Leave will be offered any suitable alternative employment without competition. This right will be over and above the normal redeployment right. Pay protection may be necessary to make the alternative employment 'suitable'.

If no suitable alternative employment is found the employee will still receive the full Occupational Maternity Pay element of 12 weeks half pay and will not be expected to pay this back. This is only on the basis that the employee has not turned down any suitable alternative employment and has made a genuine effort to continue employment with us. The employee's maternity pay will be made up to full pay for the notice period during Maternity Leave and they will receive any redundancy or annual leave payment due. If any statutory maternity pay is still due after termination, this will continue to be paid by the Council at the normal rate.

More detailed information and guidance can be sought from Human Resources. A member of HR will be happy to meet or advise.

### **8. Maternity Support Leave**

#### **8.1 Rights and qualification criteria**

You must be nominated by the mother as their carer, which means you will assist the mother at or around the time of the birth and assist in the care of the child.

#### **8.2 Leave**

You can have 5 days leave at or around the time of the birth if you have 1 year's service.

#### **8.3 Payment and terms and conditions**

Any employee that is requesting maternity support leave should inform their Manager in writing and must accompany the request with a letter from the mother confirming that the employee will be assisting them at or around the time of the birth and assist in the care of the child.

This time will be paid at your normal rate.

**Please note:** - If you are taking paternity leave you will not be eligible to take maternity support leave in addition.

### **9. Shared Parental Leave**

#### **9.1 Definitions under this shared parental leave policy**

The following definitions are used in this policy:

**"Mother"** means the mother, expectant mother of the child or adopter.

**"Partner"** means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family

relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

**"Expected week of childbirth"** means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

### 9.2 Rights and qualification criteria

This policy sets out the rights of employees to shared parental leave and pay.

Shared parental leave is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

This policy applies in relation to employees of the City of Lincoln Council, whether they are the mother or the partner.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

#### **The mother is eligible for shared parental leave if she:**

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child, and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

#### **The partner is eligible for shared parental leave if he/she:**

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

### 9.3 Leave Eligibility

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the Partner takes in respect of the child. Shared parental leave must be taken in blocks of at least one week.

The employee can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement).

A maximum of three requests for leave per pregnancy can be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them.

If the mother is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother.

### 9.4 The options:

#### Continuous leave notifications

A notification can be for a period of continuous leave, namely a single unbroken period.

An employee may submit up to three separate notifications for continuous periods of leave.

### **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of discontinuous leave, namely requesting a set number of weeks of leave over a period of time, with breaks in between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

### **Discussions/ Notifications regarding Shared Parental Leave**

An employee considering taking Shared Parental Leave should contact their Line Manager and Human Resources who will then arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

To notify the Council that you intend to take Shared Parental Leave and pay, Human Resources must receive a "Maternity Curtailment" notice and a "Notice of Entitlement and Intention" in writing as soon as possible (it is recommended that these documents are provided at least 12 weeks before the requested start date of shared parental leave). These documents must in any event be submitted before the "Period of Leave" notice is given (see below).

### **Maternity Curtailment notice:**

There is no set format for how this information must be provided, other than the employee must provide the Mother's declaration, in writing, confirming the following:

- Her name, address and national insurance number
- Her partners name, address and national insurance number
- Proposed start and end date for maternity leave
- The amount of Shared Parental Leave available
- Copy of the MATB1/adoption matching certificate
- That you meet the relationship eligibility conditions for Shared parental leave
- That the mother consents to us processing the information contained in the declaration.

### **Notice of Entitlement and Intention (Annex A):**

The employee must provide the following in writing:

- Their name, address and national insurance number
- The amount of Shared Parental Leave available
- The dates in which they intend to take shared parental leave

- The total amount of shared parental leave each parent will be taking (in weeks)
- Confirmation that leave is taken to care for the child and that the relationship eligibility criteria are met.

### **9.5 A Period of Leave Notice (Annex B)**

The employee must have provided the Maternity Curtailment Notice and Notice of Entitlement and Intention before submitting this document. This document must be submitted no later than 8 weeks before the requested start date of the shared parental leave.

The Period of Leave Notice should confirm the following:

- The employee and their partners name, address and national insurance number
- Confirmed start and end date for maternity leave
- The amount of shared parental leave available
- The dates in which they intend to take shared parental leave
- The total amount of shared parental leave each parent will be taking (in weeks)
- Confirmation that leave is taken to care for the child and that the relationship eligibility criteria are met.

Upon receiving any of the above notices the Line Manager should arrange a meeting to discuss the request with the employee. At these meetings the employee may, if they wish, be accompanied by a workplace colleague, or a trade union representative. HR may also be in attendance to advise on shared parental leave rights.

### **9.6 Request for period of Continuous Leave**

An employee has the right to take a continuous block of leave, as long as they meet the criteria outlined above, do not exceed the total number of weeks of SPL available to them and the City Of Lincoln Council have been given 8 weeks notice.

### **9.7 Request for period of Discontinuous Leave**

Where a request is for discontinuous leave, and the manager has concerns over accommodating the request, a meeting will take place with the employee, the manager, and Human Resources. If the Manager does not believe the request can be accommodated at this meeting, a discussion should take place as to whether a modified arrangement would be agreeable to the employee and the organisation.

At this meeting an employee has the right to be accompanied by a trade union representative or work colleague.

The organisation will reasonably consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.



Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

### **9.8 Variations to arranged Shared Parental Leave**

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

### **9.9 Requesting further evidence of eligibility**

The Council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

### **9.10 Payment and terms and conditions**

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that

a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

### **9.11 Rights during shared parental leave**

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

### **9.12 Annual Leave**

SPL is granted in addition to an employee's normal annual holiday entitlement. During your leave you will continue to accrue your contractual annual leave entitlement. If your leave spans 2 different annual leave years you are able to carry over any outstanding holiday entitlement. Any annual leave request and approval is subject to the normal process for your department.

### **9.13 Contact during Shared Parental Leave**

Before an employee's SPL begins, the employee and Line manager will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **9.14 Shared Parental Leave in Touch (SPLIT) days**

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

If an employee takes a split day it is the Manager's responsibility to inform the payroll department.

### **9.15 Returning to Work**

The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If the employee does not return on the agreed date without prior authorisation, this will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing

the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

### 9.16 Fraudulent claims

The organisation can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

## 10. Ordinary Paternity Leave

You can take up to two weeks leave. If you have more than 12 months local government service, this leave can be split into more than one occurrence. If you have less than 12 months local government service you can take up to 2 weeks in one block only.

You can choose to start the leave:

- On the day the baby is born
- A number of days or weeks after the baby is born

Your leave can start on any day in the week, but not before the baby is born. Your leave must finish within 56 days of the baby being born. If your partner has a multiple birth, you're only allowed one period of paternity leave.

Where possible you must give 28 days notice of the date you want to start paternity leave by writing to your Assistant Director. If you can't give the full notice period for a valid reason you should give as much notice as possible. The Council understand that this date may change and will act reasonably in accommodating this.

You may also request paid leave to attend antenatal classes. If you want to do this you must provide:

- a copy of the expectant mothers MAT B1 certificate
- written evidence of the class dates and times
- a written request to attend the classes to your Assistant Director. Your Assistant Director will consider your request but attendance will depend on the needs of the service.

### 10.1 Still birth and Premature Delivery

Provided you meet the criteria for paternity leave, you can still take ordinary paternity leave if your baby is:

- still born after 24 weeks of pregnancy
- born alive at any point of the pregnancy

### 10.2 Pay and terms and conditions

- If you have worked for local government for 12 months or more at the 11<sup>th</sup> week before the expected due date you will receive full pay during your paternity leave.
- If you have less than 12 months service 11 weeks before the expected due date you will receive statutory paternity pay, as long as you earn the lower earning limit and have 26 weeks continuous service at the 15<sup>th</sup> week prior to the expected due date.
- If you earn less than the lower earnings limit but have 26 weeks continuous service at the 15<sup>th</sup> week prior to the expected due date you have the right to unpaid paternity leave and you may be able to claim income support.

Failure to give 28 days notice of paternity leave may effect your entitlement to paternity pay.

You will get all your normal benefits during paternity leave. Your pay will be subject to length of service as detailed above. You will be able to return to the same job after paternity leave.

## 11. Time off to attend antenatal appointments

### 11.1 Rights and qualification criteria

An expectant father or the partner of a pregnant woman will be entitled to take time off work to accompany the woman to her ante-natal appointments. The “Partner” includes the spouse or civil partner of the pregnant woman and a person in a long term relationship with her.

### 11.2 Leave

Employees accompanying the expectant mother to her ante-natal appointments are entitled to accompany the women to five appointments.

### 11.3 Pay and terms and conditions

You must inform your line Manager as soon as possible if you need to take time off to attend an antenatal appointment. Time off to attend antenatal appointments is paid for up to 5 appointments.

### 11.4 Keeping in touch days during additional paternity leave

During your leave it is useful for us to keep in contact. We will be able to make reasonable contact with you during your additional paternity leave, this may be to

update you on changes in the workplace, or to ask about arrangements for your return.

To help you keep up to date with work and in contact with colleagues you can request to work up to ten days during your additional paternity leave without losing your statutory paternity pay or bringing your leave to an end. These keeping in touch days may only be worked if both you and your line manager agree. On these days you will receive your normal days pay.

### **11.5 Expiration of Fixed Term Contracts or Redundancy during additional paternity leave**

If you are made redundant during a period of additional paternity leave, you have the right to be offered suitable alternative employment under a new contract that begins on the day immediately following the day on which your previous contract came to an end if there is a suitable alternative position available for you, where the work is both suitable and appropriate for you and where the terms and conditions of any new role are not substantially less favourable to you.

### **11.6 Child's death or termination of placement**

If a child dies or a placement is terminated during additional paternity leave or after you have notified us of your intention to take additional paternity leave then, unless the additional paternity leave is due to end earlier, it will end 8 weeks following the week of the child's death or the end of the child's placement.

## **12. Parental Leave**

### **12.1 Rights and qualification criteria**

Parental leave means that you can take:

- 18 weeks in total, off work for each child up to their fifth birthday
- 18 weeks in total, off work up to the fifth anniversary of the placement of an adopted child, or until their eighteenth birthday whichever comes first
- 18 weeks in total, off work for each disabled child up to their eighteenth birthday

You have the right to parental leave if you:

- Have been employed for one or more years in Local Government service
- Are an employee on a permanent, fixed or temporary contract

And you:

- Are the parent named on the child's birth certificate
- Or
- Are named on a child's adoption certificate
- Or
- Have legal parental responsibility for a child

Both parents have the right to parental leave. If you are separated and your ex-partner looks after the children, you have the right to parental leave if you have parental responsibility for the children.

### 12.2 Leave

Up to a maximum of four weeks parental leave can be taken in a year. Leave can be taken in any format as long it is agreed with your Manager and may include:

- half days
- whole days
- a week, or weeks
- a temporary reduction in hours

You must give 7 days notice when you want to take parental leave and this must be in writing to your Manager. Your Manager must respond in 7 days to your application for parental leave. Discretion may be used to allow leave with less than 7 days notice in special circumstances. Parental leave cannot be turned down if you want to take it immediately after the birth or adoption of a child.

Occasionally because of the needs of the service your Manager may not be able to agree to parental leave. If this happens your Manager will:

- meet with you
- discuss the reason
- agree alternative dates
- confirm the outcomes of the meeting in writing giving the reason for the refusal and agreed alternative dates.

Any postponement of parental leave cannot be for longer than six months, and if the postponement means that you have gone beyond your entitlement period, you will still be able to take the leave.

You can transfer any unused parental leave to a new employer.

### 12.3 Payment and terms and conditions

Parental leave is unpaid

You will get all your normal employment benefits, apart from wages, during your parental leave. Your pension payments will be subject to the terms of the Local Government Pension Scheme.

Following parental leave you will be entitled to return to your original post.

## 13. Adoption Leave

This policy explains the adoption leave entitlements for employees employed by the City of Lincoln Council. It sets out the qualifying criteria, leave entitlement and pay and conditions relating to:

- Adoption leave (including terms and conditions related to leave, reasonable time-off, compensation and return to work)
- Adoption support leave

### 13.1 Rights and qualification criteria

This policy applies to all staff, regardless of their length of service or marital status and their entitlement to statutory adoption benefits.

A member of staff, male or female, who adopts a child through an approved adoption agency in the UK, is entitled to 52 weeks' adoption leave irrespective of length of service

Only one of the adoptive parents is eligible to take adoption leave. The other parent, if employed by the City of Lincoln Council, is entitled to shared parental leave or paternity leave.

Statutory adoption leave, for the partner taking adoption leave, is 52 weeks which includes 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).

Statutory Adoption Pay is for up to 39 weeks.

### 13.2 Eligibility

To be eligible for Adoption Leave, you must use an adoption agency that is recognised under UK law. To qualify for adoption leave you must:

- Be newly matched with a child by an adoption agency
- Have continuously worked for local government for at least 26 weeks before the beginning of the week when matched with a child
- Provide a copy of the matching certificate, or other documentary proof from the adoption agency

You are, subject to meeting the terms outlined above entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

To be eligible for OAL and AAL you must inform your Assistant Director and line-manager in writing within seven days of being notified that you have been matched to a child. The written notification must also include:

- When you expect the child to be placed with you
- When you want your adoption leave to start

You can start your adoption leave:

- From the date the child starts living with you
- or
- Up to 14 days before the date you expect the child to start living with you



The adoption leave can start from any day of the week and can be changed provided 28 days notice is given. City of Lincoln Council will assume that you are taking the full entitlement of 52 weeks leave of OAL and AAL unless informed otherwise in writing. If you want to return to work earlier you must give your Assistant Director at least eight weeks notice, failure to do so could result in the Council refusing to agree to your earlier date of return.

If the placement ends during the Adoption Leave you may take up to 8 weeks leave following the end of the placement.

### 13.3 Keeping in touch days

During the adoption leave it is useful for the Council to keep in contact with you. The Council will make reasonable contact for reasons including to update you on changes in the workplace, or ask about arrangements for return to work.

In addition, to enable you to keep up to date with work and in contact with colleagues, you can work up to ten days during adoption leave without losing statutory adoption pay or bringing the adoption leave to an end. These keeping in touch days may only be worked if both you and your line Manager agree. On these days you are entitled to receive your normal days pay.

If an employee takes a keeping in touch day it is the Managers responsibility to inform the payroll department.

### 13.4 Pay and terms and conditions

Statutory adoption pay begins from the start of adoption leave and is paid for 39 weeks.

To qualify for statutory adoption pay you must earn more than the lower earnings limit for National Insurance contributions and have worked continuously with Local government for 26 weeks before the week of placement.

If you qualify for statutory adoption pay, your entitlement for Adoption Pay (this is inclusive of your entitlement towards Statutory Adoption Pay, and an additional 'top-up contractual adoption pay' to bring in parity between the entitlement of employees going on Maternity Leave and Adoption Leave) will be as follows:

Week 1 – 6	90% of your average weekly earnings
Week 7 – 39	Paid at the standard weekly rate of SAP or 90% of gross average weekly earnings if less than the standard rate.
Week 40 – 52	Unpaid

For current rates please speak to Payroll/HR or they can be found online at [www.hmrc.gov.uk](http://www.hmrc.gov.uk) or [www.direct.gov.uk](http://www.direct.gov.uk)

If you do not qualify you may be able to claim income support.

In addition, if you have 1 year's continuous local government service at the beginning of the week of placement you will have the option of taking 12 weeks Occupational Adoption Pay also. It will be paid at 50% of your average weekly earnings.

The additional Occupational Adoption Leave Pay made by the authority is on the condition that you will return to work following adoption leave for a period of at least 3 months. You will need to indicate that you intend to return to work and wish to take up Occupational Adoption Pay. If you do not return for 3 months you will be asked to refund any payments made.

You cannot earn more money from adoption pay than you received before taking adoption leave.

During both the OAL and AAL the employee benefits from and is bound by all terms and conditions relating to employment except those relating to remuneration.

When you return to work after taking ordinary adoption leave you have the right to the same job and terms and conditions as if you hadn't been absent.

This also applies when you return from additional adoption leave unless it is not reasonable practical for you to return to your original job. If this happens you will be offered alternative work with the same terms and conditions and seniority.

### **13.5 Right to Reasonable Time-off for Appointments Connected to Adoption**

A member of staff, regardless of length of service, is entitled to reasonable paid time off (including travel time) to attend up to 5 appointments connected with the Adoption Leave. These include pre-adoption stage meetings such as but not limited to:

- Assessment meetings including applicant interviews with the adoption agency
- Meetings with social workers or meetings with the child when appropriate.
- Screening meetings & familiarisation sessions

Request for time-off needs to be considered by your Line Manager. The Council is committed to not unreasonably refusing consent to such time-off but reserves the right to ask you to produce an official appointment card, where appropriate, showing that the appointment has been made.

No more than five days of time-off per year will usually be granted unless in exceptional circumstances and with the prior approval of an Assistant Director.

## **14. Adoption Support Leave**

### **14.1 Rights and qualification criteria:**

You must be nominated by the adoptive mother or father as their carer, which means you will assist them at or around the time of the placement of the child and assist in the care of the child.

### **14.2 Leave**

You can have 5 days leave at or around the time of the placement

### **14.3 Payment and terms and conditions**

This time will be paid at your normal rate.

If you are taking paternity leave you will not be able to take adoption support leave as well.

### **14.7 Childcare Vouchers**

The Council offers the option of Childcare Vouchers to all employees. The rules regarding the continuation of these during Maternity or Adoption Leave are complex and could affect the amount of Pay you receive. As each case will be different dependent on circumstance you are advised to contact Payroll to get individual advice.

## **15. Time off for dependants**

### **15.1 Rights and qualification criteria**

As an employee you have the right to reasonable time off work to deal with emergencies involving a 'dependant'. A dependant is a:

- Spouse or Civil Partner
- Partner
- Child
- Parent
- Anyone who lives in the employees household (excluding tenants, lodgers, and employees)
- Anyone who reasonably relies on you for assistance and/or care.

The right to time off work for dependants is limited to dealing with an unexpected event involving a dependant.

The circumstances in which employees may take time off for dependants are specified in legislation. These are to:

- provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- make arrangements to provide care to a dependant who is ill or injured;
- deal with the death of a dependant;
- deal with the unexpected disruption or termination of arrangements for the care of a dependant; or
- deal with an incident involving the employee's child during school hours.

This is not a right for time off to deal with:

- long term care arrangements

- problems not connected to dependants, for example a boiler breaking down or accompanying a friend to the hospital
- issues that you have advance notice of, for example, planned hospital appointments

You can take time off regardless of your length of service, you must inform your immediate line manager as soon as possible, this does not have to be in writing.

### **15.2 Leave**

There is no set amount of time to deal with an unexpected event involving a dependant, however the amount of paid time off which is given will be determined by the manager after considering the circumstances.

You are entitled to take a reasonable amount of time to deal with the event and make alternative arrangements that are needed, although normally such arrangements would not be expected to require more than one working day.

It is the manager's responsibility to determine what is 'reasonable' therefore once you have returned to work a meeting will take place between yourself and your manager to discuss the absence and to complete the time off for dependants form (Annex C)

The employee should keep their manager up to date with any changes/ developments which could affect the length of the absence.

### **15.3 Pay and terms and conditions**

Reasonable time off for dependants leave will be paid in full, however if your Manager believes that more time than necessary has been taken, they can ask you to take additional days as annual leave or unpaid leave.

Where your Manager is unable to grant paid time off for dependants leave they will write to you explaining their decision.

## **16. Compassionate Leave**

### **16.1 Rights and qualification criteria**

You can take leave

- At the time of death of a close relative, dependant, friend or colleague has died.
- To attend the funeral of a close relative, dependant, friend or colleague
- If you are responsible for making funeral arrangements or handling the deceased affairs
- Any other event of a compassionate nature with the prior consent of your Assistant Director

You can take time off regardless of your length of service, you must inform your immediate line manager as soon as possible, this does not have to be in writing.

### 16.2 What may constitute any other event?

Discretion will need to be exercised by Managers under this heading. There can be no hard and fast rules as consideration of each individual's circumstances will need to be undertaken.

### 16.3 Leave

You are allowed 'reasonable' time off.

It is the manager's responsibility to determine what is 'reasonable' after carefully considering the circumstances. Therefore once you have returned to work a meeting will take place between yourself and your manager to discuss the absence and to complete the relevant documentation (Annex C).

There is no limit to the number of days or times you can take compassionate leave, however the amount of paid time off which is given will be determined by the manager after considering the circumstances.

### 16.4 Pay and terms and conditions

Reasonable time off for compassionate leave will be paid in full, however if your Manager believes that more time than necessary has been taken, they can ask you to take additional days as annual leave or unpaid leave.

Where your Manager is unable to grant paid time off for dependants leave they will write to you explaining their decision.

## 17. Jury Service/ Summons to attend Court as a Witness

### 17.1 Rights and qualification criteria

All employees summonsed to serve on a jury or attend court as a witness are entitled to take jury leave for the duration of the period they are required to serve. This must be reported to their manager and Payroll as soon as possible.

### 17.2 Leave

The employee is entitled to be absent from work for the period they are required by the court under the summons. Where an employee reports on a daily basis and they are released or exempted they must return to work as soon as practicable or notify if unable.

Where the person on jury duty or required to attend court as a witness works shifts, evenings or weekends they will still be released from work without loss of pay.

### 17.3 Pay and terms and conditions

The employee will receive full pay for the period they are absent. They are required to claim the full amount of loss of earnings allowance to which they are entitled from the court and this will be deducted from their full pay.

### **18. Public Duties**

#### **18.1 Rights and qualification criteria**

The Council is committed to enabling all employees to take up public duties in addition to their employment with the Council. Leave may be granted for the following duties:

- Justice of the Peace or member of other statutory tribunal
- Members of a local authority
- Members of the managing or governing body of an educational establishment
- Members of professional societies accepted by the Council as relevant to the work of the employee
- Members of examination boards or occasional lecturers on subjects appertaining to local government services
- Employees requested to give their services voluntarily to any organisations, committee, tribunal or panel subject to the approval of the Director

The granting of leave under this heading is subject to the proviso that such absence is approved by the Line Manager.

#### **18.2 Leave**

Leave under the above headings should not normally exceed an aggregate of 20 days in a year.

#### **18.3 Pay and terms and conditions**

The employee will receive full pay for the period they are absent. They are required to declare and claim the full amount of any loss of earnings allowance they are entitled to and this will be deducted from their full pay.

### **19. Reserved Forces**

#### **19.1 Rights and qualification criteria**

Employees who are members of non-regular reserved forces who attend annual training camp are entitled to additional leave over and above their annual leave. Detailed applications to participate in the reserve training must be submitted to the Assistant Director as soon as reasonably practicable.

#### **19.2 Leave**

Employees will be entitled to an extra 2 weeks leave for the purpose of the camp.

#### **19.3 Pay and terms and conditions**

The extra leave will be on full pay. If any allowances are payable to the employee as part of attending training the employee must claim such, notify payroll and any monies recouped will be deducted from the employee's pay at a time to be agreed with the employee, but which must be within 3 months of any recoupment being paid to the employee.

### **20. Emergency Services Leave**

#### **20.1 Rights and qualification criteria**

Employees who are members of the voluntary or retained emergency services such as Special Constables or Retained Firefighters are entitled to additional leave over and above their annual leave for any training necessary to serving on these services. Detailed applications to participate in the training must be submitted to the Assistant Director as soon as reasonably practicable.

#### **20.2 Leave**

Employees will be entitled to up to 2 weeks extra leave for the purpose of training.

#### **20.3 Pay and terms and conditions**

The extra leave will be on full pay and any allowances payable must be claimed and this will be deducted from their pay.

### **21. Job Interviews**

#### **22.1 Rights and qualification criteria**

Employees may have reasonable time off to attend interviews with other Local Authorities. Such time off must be agreed with their Service Manager, and confirmation of the interview must be available for inspection by the Service Manager at the time the application for time off is made.

Employees who are at risk of redundancy will be entitled to time off for interviews in line with the Management of Change policy.

#### **23.2 Leave**

The employee will be credited with leave to attend the interview and any travel time.

#### **23.3 Pay and terms and conditions**

The leave will be on full pay.

### **24. Health Related Appointments**

#### **24.1 Rights and qualification criteria**

Employees will be granted time off to attend medical appointments. Every effort should be made to arrange appointments out of working time but the Council realises this may not always be possible.

Where appointments do have to be within the working day then employees are asked to make the appointment at the least disruptive time possible such as the beginning or end of the day or around lunchtime.

The Manager must be informed at the earliest opportunity of the appointment, and the Manager may request to see evidence of the appointment.

Appointments for Cosmetic Surgery will not be covered under this.

### **24.2 Leave**

Employees will be granted time off for the appointment and any reasonable travel time.

### **24.3 Pay and terms and conditions**

The leave will be on full pay.

**Updated: February 2015**  
**Approval dates TBC**





## Annex A

### A notice of entitlement and intention Of taking Shared Parental Leave (SPL)

Use this form to opt in to the shared parental leave scheme following the birth of a child. Please see the Shared Parental Leave Policy for more information.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave and pay entitlement to an end.

This is a non binding indication for the employee's manager to consider. This form must be submitted before the period of leave notice.

If you need any help with this form, in particular in working out your shared parental leave entitlement in section C, please speak to Human Resources. It may also be useful to discuss your proposed pattern of leave with your manager and/or HR before completing the form.

Section A: Basic information		
<p><b>Guidance notes.</b> Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing.</p> <p>"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>		
A1	Employee's name, address and NI number	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	

**Section B: Maternity leave, statutory maternity pay or maternity allowance**

**Guidance notes.** If you are the mother, please give your maternity leave (ML) and statutory maternity pay (SMP) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.

If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML and/or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

Maternity pay can only be curtailed after a whole number of weeks. For example, if the maternity pay period started on a Wednesday, it can only be curtailed on a Tuesday.

These figures are needed in order to calculate your entitlement to shared parental leave and pay.

B1	I am taking or will take maternity leave* <input type="checkbox"/> My partner is taking or will take maternity leave* <input type="checkbox"/> My partner is not entitled to statutory maternity leave but is receiving or will receive statutory maternity pay or maternity allowance* <input type="checkbox"/> (*tick one only)
B2	Maternity leave start date
B3	Maternity leave end date
B4	Total maternity leave (weeks)
B5	Statutory maternity pay or maternity allowance start date
B6	Statutory maternity pay or maternity allowance end date
B7	Total period of statutory maternity pay or maternity allowance (weeks)

### Section C: Shared parental leave

**Guidance notes.** The total shared parental leave (SPL) available is 52 weeks minus the mother's Maternity leave period. If she is not entitled to Maternity Leave, it is 52 weeks minus the SMP or MA period (see section B). SPL must be taken in whole numbers of weeks. If you need help working this out please speak to HR.

Your first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice and a period of leave notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.  <b>Please indicate if these dates are continuous or discontinuous.</b>	
C5	The dates in C4 will be treated as a non-binding until you give a period of leave notice.  If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here.	.....

### Section D: Statutory shared parental pay

**Guidance notes.** The total statutory shared parental pay (ShPP) available is 39 weeks minus the number of weeks SMP or MA paid (or to be paid) to the mother (see section B).

D1	Total ShPP available (whole weeks).	
----	-------------------------------------	--

## Appendix A

D2	Number of whole weeks' ShPP intended to be taken by child's mother.	
D3	Number of whole weeks' ShPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to claim ShPP.	
D5	<p>The dates in D4 will be treated as a non-binding until a notice to take ShPP is given.</p> <p>If you want to treat this notice as a notice to claim ShPP on the dates given in D4 tick here.</p> <p>.....</p>	

### Section E: Employee's declaration

**Guidance notes.** "Child" means the child referred to in Section A.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).\*

or

I am the child's father or the child's mother's partner.\*

(\*delete one as applicable.)

I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.

My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit (£111 for 2014-15).  
(delete if not applicable)

I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section F.

I intend to care for the child during each week that I am on shared parental leave

and receiving ShPP.

I will immediately inform Human Resources if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.

The information I have given in this notice is accurate.

**Signed** .....

**Date** .....

**Section F: Declaration by person taking shared parental leave with employee**

**Guidance notes.** "The employee" and "the child" are the employee and child referred to in Section A.

If the employee is the child's mother, you must be the child's father or the mother's partner.

If the employee is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance number	
You employer's name and address (if employed) or your business address if self-employed.	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.\*

*or*

I am the child's father.\*

*or*

I am the partner of the child's mother.\*

(\*delete as applicable)

I expect to share the main responsibility for the care of the child with the employee.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

I consent to the employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

**Signed** .....

**Date** .....



**A Period of Leave Notice  
for taking Shared Parental Leave (SPL)**

This form should not be completed before a 'maternity curtailment notice' and an 'entitlement and intention notice' is submitted. This form must be submitted at least 8 weeks before the start date of SPL.

Employees Full Name	
Address	
National Insurance No.	
Job Title	

Partners Full Name	
Address	
National Insurance No.	
Name of Employer	

Mothers Maternity Leave Information	Start Date:
	End Date:
The amount of SPL Available:	
The intended dates each parent wishes to take SPL (maximum of 3 blocks of leave for each parent)	
The total amount of shared parental leave each parent will be taking (in weeks)	

I can confirm that:

## Appendix A

- The information stated above is a true indication of the Shared Parental Leave that I wish to take.
- During the proposed dates I will be taking care for the child.
- I meet the eligibility criteria as highlighted within the leave entitlements policy.

Signed .....

Date: .....

draft



**Application for time off for dependants and compassionate leave**

This form should be complete by the line manager on the return of the employee.

**PART A****Full Name****Job  
Title****Directorate****PART B****Leave Requested from:****Leave Requested to:****Total Number of Working days off:****PART C** (to be completed in cases of time off for dependants)**Reason for Absence:****Is any support is needed?**

(If so please discuss this with a HR Associate)

**PART D** (to be completed in cases of a bereavement)**Relationship of deceased to employee****Date of Death****Date, time & place of  
funeral****Special  
Considerations****Is any support is needed?**

(If so please discuss this with a HR Associate)

**PART E** (for completion by Assistant Director )**Leave**    **with pay** ☐ **without pay** ☐                      **days approved****Signed****Designation****Date**

On completion the employee should submit this form to your Assistant Director who, after signing, should forward it to the HR, City Hall.

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**Right to Shared Parental Leave**

**Guidance Note**

**1. Introduction**

As of 15 April 2015 Shared Parental Leave rights will replace Additional Paternity Leave rights. The Council's leave entitlement Policy will be amended in the coming weeks to reflect those changes.

The following is a guidance note to explain what rights employees will have under the new legislation.

**2. Definitions under this shared parental leave guidance**

The following definitions are used in this guidance:

**"Mother"** means the mother, expectant mother of the child or adopter.

**"Partner"** means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

**"Expected week of childbirth"** means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

**3. Rights and qualification criteria**

This guidance sets out the rights of employees to shared parental leave and pay.

Shared parental leave is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

This guidance applies in relation to employees of the City of Lincoln Council, whether they are the mother or the partner.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

### **3.1 The mother is eligible for shared parental leave if she:**

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child, and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

### **3.2 The partner is eligible for shared parental leave if he/she:**

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;

- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

#### **4. Leave Eligibility**

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the Partner takes in respect of the child. Shared parental leave must be taken in blocks of at least one week.

The employee can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement).

A maximum of three requests for leave per pregnancy can be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them.

If the mother is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother.

#### **5. Payment and terms and conditions**

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## **6. Rights during shared parental leave**

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

## **7. Annual Leave**

SPL is granted in addition to an employee's normal annual holiday entitlement. During your leave you will continue to accrue your contractual annual leave entitlement. If your leave spans 2 different annual leave years you are able to carry over any outstanding holiday entitlement. Any annual leave request and approval is subject to the normal process for your department.

## **8. Contact during Shared Parental Leave**

Before an employee's SPL begins, the employee and Line manager will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

## **9. Shared Parental Leave in Touch (SPLIT) days**

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An

employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

If an employee takes a split day it is the Manager's responsibility to inform the payroll department.

## **10. Returning to Work**

The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If the employee does not return on the agreed date without prior authorisation, this will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of

leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

## **11. Further Advice**

An employee considering taking Shared Parental Leave should contact their Line Manager and Human Resources who will then arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

HR will advise employees and Managers on the correct process to be followed.

**HR/March 2015**



**SUBJECT: BUDGET CARRY FORWARDS 2014/15**

**DIRECTORATE: CORPORATE MANAGEMENT TEAM**

**LEAD OFFICER: LOUISE ALLISON, FINANCIAL SERVICES MANAGER**

## **1. Purpose of Report**

- 1.1 To present to the Executive proposed 2014/15 budget carry forward and additional contributions to the Invest to Save and Strategic Growth Reserves from the £447,765 General Fund provisional underspend for 2014/15.

## **2. Background**

- 2.1 As previously reported to the Executive on 15<sup>th</sup> June, the provisional General Fund outturn (subject to external audit) for 2014/15 is a £447,765 underspend. This underspend has been transferred to an earmarked reserve pending a review of carry forward requests alongside a review of the resources available to support the delivery of the Council's strategic projects. The Corporate Management team has now undertaken this review and present its recommendations to the Executive for approval.

## **3. Invest to Save and Strategic Growth Reserves**

- 3.1 As at 31 March 2015 the balance on the Invest to Save Reserve (ITS) was £639k. Taking into account a planned contribution of £350k in the MTFS in 2016/17 and known commitments relating to existing Towards Financial Sustainability reviews (totalling £360k) the Corporate Management Team recommend an additional contribution to the ITS of £171,765 to support the delivery of the remaining savings required to support the MTFS.
- 3.2 As at 31 March 2015 the balance on the Strategic Growth Reserve was £552k (£193k General Fund and £359k HRA). The reserve is currently being used to support both the Western Growth Corridor and Transport Hub Schemes. The Corporate Management Team recommend that an additional contribution of £78,000 is made to the reserve from the 2014/15 General Fund underspend. This will ensure the required budget to bring the Western Growth Corridor scheme to planning stage and the resources identified for the Transport Hub (as reported to the Executive on 26 May 2015) are fully funded.

## **4. Budget carry forward requests**

- 4.1 Financial Procedure Rules state that Assistant Directors are able to carry forward any budget provision not utilised during the financial year, subject to their Directorate as a whole not being overspent. A provisional list of proposed carry forwards was reported as part of the 3rd quarter's monitoring, that list has subsequently been revised following the confirmation of the final cash limit outturns for each Directorate for 2014/15.

- 4.2 The Corporate Management Team have reviewed the carry forward requests, alongside the review of resources to support strategic priorities and recommend the following be transferred to earmarked reserves for drawdown in future years (to be determined by the nature and profiling of the scheme):

Directorate	Reason for Carry Forward	£	Requested Q3?	Reason for request
<b>DOR</b>				
Directorate wide	To contribute towards the implementation of the payroll review	70,000	Y	Contribute to one-off cost as approved by Executive 30.3.15
Human Resources	To fund future training initiatives	16,730	Y	To be used as budget intended
Housing Benefits	To support the anticipated additional costs of providing discretionary housing payments in 2015/16	50,000	N	Fortuitous income/underspend
<b>CX</b>				
Corporate Policy	To fund Syndicate customer survey in 2015/16 in relation to devolution.	6,000	N	To be used as budget intended
Corporate Policy	To fund a living wage campaign in 2015/16	3,500	Y	To be used as budget intended
Workbased Learning	In year surplus to be used to cover any future redundancies	16,770	N	Contribute to future cost pressure
<b>DDES</b>				
Land Charges	To negate the impact of lost income in 2015/16	35,000	N	Off set future income pressures
<b>Total</b>		<b>198,000</b>		

- 4.3 The Executive are asked to review the budget carry forward requests and identify those they wish to approve.

## 5. Resource Implications

- 5.1 The financial implications are contained throughout the report.
- 5.2 There are no legal implications arising from this report.
- 5.3 There are no equality and diversity implications as a direct result of this report.

## **6. Risk Implications**

- 6.1 A full financial risk assessment is included in the Medium Financial Strategy 2015-20.

## **7. Recommendations**

The Executive is recommended to:

- 7.1 Approve a transfer of £171,765 from the Budget Carry Forward reserve to the Invest to Save Reserve
- 7.2 Approve a transfer of £78,000 from the Budget Carry Forward reserve to the Strategic Growth Reserve
- 7.3 Approve the allocation of the remaining £198,000 from the 2014/15 General Fund underspend to the carry forward requests detailed in paragraph 4.2.

**Key Decision** No

**Key Decision Reference No.** N/A

**Do the Exempt Information Categories Apply** No

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

**Does the report contain Appendices?** No

**List of Background Papers:** None.

**Lead Officer:** Louise Allison, Financial Services Manager  
Telephone 873361.

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**SUBJECT:                PROPOSED SALE OF GREYFRIARS FORMER MUSEUM**

**DIRECTORATE:        DIRECTOR OF RESOURCES**

**REPORT BY:            MARK WHEATER, STRATEGIC PROPERTY MANAGER**

## **1.        Purpose of Report**

- 1.1        To report a proposed sale of the Council's freehold interest in Greyfriars, Free School Lane, Lincoln following a referral to the Executive from the Asset Management Group meeting of 18 June 2015.

## **2.        Executive Summary**

- 2.1        Greyfriars has been vacant for over 8 years, the last long term occupier was Lincolnshire County Council who used the property as a Museum.
- 2.2        The Building is architecturally significant being grade 1 listed and a scheduled ancient monument.
- 2.3        It is proposed that expressions of interest are sought for the building with a view to securing a freehold disposal for an appropriate use.
- 2.4        The Executive is requested to consider and approve this approach.

## **3.        Background**

- 3.1        The Greyfriars building was vacated by Lincolnshire County Council in 2007, since this time the property has been occupied on a temporary basis only.
- 3.2        As the property stands empty the Council are incurring the usual vacant property holding and repairs costs to preserve the fabric of the building. Most recently the main entrance roof was resurfaced at a cost of £8,000.
- 3.3        The building has reached a stage where substantial investment will be required to make the property suitable for a commercially viable use. It is estimated that the level of investment required would be in excess of £750,000.
- 3.4        The value of the property will be relatively low taking into account the level of refurbishment that will be required.

## **4.        Property Marketing**

- 4.1        It is proposed that an external agent is instructed to seek expressions of interest and test the market to determine whether a suitable occupier for the property exists.
- 4.2        The key consideration in assessing bids will be the ability of potential purchasers to carry out repairs to the property and introduce an appropriate commercial use to

secure the property's long term future. This consideration will be a higher priority than the level of capital receipt generated.

- 4.3 It is proposed that a two stage process will be carried out firstly, seeking expressions of interest and secondly negotiating a private treaty sale should a suitable proposal come forward.
- 4.4 Close liaison with planning officers throughout the marketing process will be required to determine whether proposed uses and level of alterations will be acceptable.

## **5. Strategic Priorities**

- 5.1 The sale of surplus assets with high future maintenance costs is in line with the Council's current asset review strategy.

## **6. Organisational Impacts**

### **6.1 Finance**

- 6.1.1 The anticipated capital receipt will be determined by the market taking into account the level of refurbishment proposed by bidders, and will be attributable to the General Fund.
- 6.1.2 The Council's current MTFS 2015-20 does not include a capital receipts target for the General Investment Programme (GIP) for the period 2015/16 – 2016/17; instead revenue provision has been made to finance the capital programme through prudential borrowing. There is however a capital receipts target in the GIP of £795,000 p.a from 2017/18 onwards. Should any General Fund capital receipts be realised during the initial 3 years of the strategy the MTFS identifies the following options for use:
  - 1. reduction in level of assumed prudential borrowing
  - 2. investment in existing assets
  - 3. investment in new income generating assets
  - 4. reduction of future years capital receipts targets
  - 5. use for other strategic priorities

In respect of the capital receipt realised from the disposal of Greyfriars it is proposed that this is held within the retained General Fund capital receipts pending future decisions on a number of the Council's strategic growth initiatives.

- 6.1.3 There will be no loss of revenue income from disposal of the building; in fact, empty property holding costs of around £4,000 per year will be saved alongside capital costs of at least £750,000 to make the building suitable for a commercially viable use. As the corporate maintenance budgets are managed as a whole across all of the Council's corporate assets this capital saving is not a realisable one, it will instead relieve the pressure on the budget to repair and maintain other assets.

## 6.2 Legal Implications including Procurement Rules

### 6.2.1 No implications at this stage

## 6.3 Equality and Diversity

### 6.3.1 No implications at this stage

## 7. Risk Implications

### 7.1 (i) Options Explored

7.1.1 There are significant risks keeping the property empty in its current state. The property was placed on English Heritage's buildings at risk register last year and substantial investment is now required in the property. The proposal to dispose of the property on the open market is the only option to secure further investment in the property and a commercial use to pay for ongoing maintenance.

## 8. Recommendation

8.1 The Executive is asked to approve the proposed sale of Greyfriars subject to using a two stage process to seek expressions of interest to secure an appropriate use.

**Lead Officer:** Mark Wheeler, Strategic Property Manager

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<b>SUBJECT:</b>	<b>DOMESTIC ABUSE CHARTER UPDATE</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF HOUSING AND COMMUNITY SERVICES</b>
<b>REPORT AUTHOR:</b>	<b>SAM BARSTOW, SERVICE MANAGER, PUBLIC PROTECTION AND ANTI-SOCIAL BEHAVIOUR</b>

## **1. Purpose of Report**

- 1.1 To provide members of the Executive with an update on the Council's compliance with the Domestic Abuse Charter.

To seek the approval of the Executive for the attached documents, in order that they become Council Policy.

## **2. Executive Summary**

- 2.1 In November of 2013 the County Community Safety Partnership, through its strategic management board responsible for Domestic Abuse, requested statutory partners (of which the Council is one) sign up to a domestic abuse charter. The domestic abuse charter contained ten standards and it was expected the authority would work towards full compliance with the charter. Following approval from the Executive work began on implementation of the charter in December 2013 and has seen a large number of actions completed in order to achieve full compliance with the charter and a brief overview of these is provided within the body of the report.
- 2.2 The final actions in order to achieve full compliance relies on approval from this committee, and subsequent delivery, of the two Policies attached. The first of which, appendix A, is a policy that details our response in relation to the public, with the second, appendix B, explaining our role in relation to employees.

## **3. Background**

- 3.1 The Lincolnshire Community Safety Partnership is a statutory body that is legally required to conduct a strategic assessment annually in order to create the priorities for the partnership, in relation to community safety. Local Authorities are statutory partners. For the past several years, domestic abuse has consistently been identified as a priority. Each priority then establishes a strategic management board supported by a delivery plan. It was a part of the delivery plan during 2013/14 which identified the desire to create a multi-agency domestic abuse charter.

## **4. Main Body of Report**

- 4.1 The Council formally approved adoption of the charter in November 2013 and work began on its implementation immediately. The ten standards contained within

the Charter are as follows:

- That the agency I represent understands the realities of domestic abuse and its impact on, and cost to, the services it provides. Data to be shared within the DASMB (Domestic Strategic Management Board)
- Domestic Abuse material is displayed by the agency/department I represent in different languages relevant to local communities and is also available in alternative formats such as large print. Information about domestic abuse is included on respective agencies websites with links to the Lincolnshire DA website
- That there is an effective domestic abuse policy/protocol or guidance in place detailing how the agency/department will respond to domestic abuse
- That risk identification, risk assessment and risk management processes, for victims, perpetrators and children are fully embedded within the agency/department I represent
- That there is full participation by the agency I represent within the MARAC process for High Risk Victims
- That all appropriate referral/signposting pathways are in place for standard and medium victims
- That staff who require Domestic Abuse training have been identified and the level of training required assessed
- That all identified staff have been trained to the required level
- That there is regular attendance and participation at the Domestic Abuse Strategic Management Board and Domestic Abuse Delivery Group from my agency
- The agency has an employee policy for staff experiencing or perpetrating domestic violence

4.2 At point of adoption of the charter there were a number of areas in which significant work would be required to achieve compliance across the authority, this included significant training requirements, establishment of policy and process along with embedding specific risk assessment processes.

4.3 Following the Executive's approval a project plan was established which has achieved the following key milestones;

- In excess of 500 staff, members and volunteers have been trained to spot the signs of Domestic Abuse and where to report any concerns
- A tier of four key staff, experienced in dealing with sensitive and complex matters which involve the requirement to assess risk, have been trained to an enhanced level to conduct specific assessments of DA cases
- A process to make referrals has been established to enable staff to raise concerns
- A process to record and manage cases has been established, which is integrated with the authority Public Protection systems
- A Policy has been created to support and guide our work in these matters
- A Policy has been created to support and guide our response to staff who may be a victim, or perpetrator, of domestic abuse
- Material has been periodically displayed throughout the public areas within the Council, which is often available in alternative formats
- The Council continue to engage in the multi-agency operational case

management meeting

- The Council fully engage in both the delivery and strategic management boards in the County-wide partnership
- A reporting framework has been established to understand the impact of this issue on the authority

4.4 Two separate standards within the charter required that policies were created. The first of those related to front line operations and the second related directly to staff. The front line policy, following consultation with Assistant Directors, was presented to the Policy Scrutiny Committee on the 9<sup>th</sup> June, where members agreed to recommend approval to the Executive.

4.5 The staff policy was presented to the Joint Consultative Committee on the 2<sup>nd</sup> June, where members agreed to recommend approval to the Executive.

## **5. Strategic Priorities**

5.1 Protecting the poorest people in Lincoln

Domestic abuse can impact all walks of life. These documents seek to ensure the authority works effectively in partnership to provide protection for all residents of Lincoln.

## **6. Organisational Impacts**

6.1 Finance

No additional financial implications are brought about due to this policy. Any staff commitments will be met through existing resources, though demand will need to be monitored as to ensure resources remain sufficient.

6.2 Legal Implications including Procurement Rules

The Council is legally required to work with statutory and non-statutory partners to tackle community safety issues and guidance to develop these policies was issued by the Lincolnshire Community Safety Partnership, a statutory body.

6.3 Human Resources

The staff policy has been developed alongside the informal committee of union members where agreement was reached and has been presented to the Joint Consultative Committee.

6.4 Equality, Diversity & Human Rights

The individual policies set out the position in relation to equality, diversity and human rights. Domestic abuse is acknowledged to occur regardless of gender or race and it is therefore of the utmost importance that the Policies and services offered are accessible and deal fairly with all circumstances.

E and D assessment attached as Appendix C.

## 6.5 Significant Community Impact

Domestic Abuse has a significant impact within the community and therefore any collective action that can be taken, alongside our partners, has the potential to provide benefit to all communities within Lincoln.

## 7. Risk Implications

### 7.1 (i) Options Explored

The Council's commitment to the Domestic Abuse charter, which prompted the development of the attached policies, was confirmed by the Executive in November 2013 and therefore no alternatives were considered.

### 7.2 (ii) Key risks associated with the preferred approach

The policies and other work conducted reduce any risks associated with this area of work. Implementation must be monitored and the policies reviewed on a three yearly basis to reduce any risks associated to policy implementation, particularly in sensitive areas such as this.

## 8. Recommendation

### 8.1 To seek the approval of the Executive on the attached policies

To ask that the Executive note the progress made in response to its commitment against the Charter.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

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

**How many appendices does the report contain?** 3

**List of Background Papers:** None

**Lead Officer:** Sam Barstow  
Telephone (01522) 873204

### City of Lincoln Council Domestic Abuse Policy 2014

1. Introduction
2. Aims
3. Policy Statement
4. Policy Scope
5. Definition
6. The Process
7. Training
8. Governance
9. Relevant Policies

Date Implemented:
Date of Review:

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#### 1. Introduction

The Crime Survey for England and Wales for 2011/12 suggested that, during that period, 2 million adults suffered domestic abuse, this represents a significant proportion of overall offending and statistics show that domestic abuse accounts for a quarter of all violent crime nationally. Research suggests that as many as one in two women, and one in four men could become victims of domestic abuse at some stage during their life<sup>1</sup>. A study conducted for the NSPCC suggested that more than one in four 18 to 24 year olds experienced some form of domestic violence between their parents/carers<sup>2</sup> with further research suggesting that in 30 to 60% of domestic abuse cases, the abusive parent/carer is also abusing the children in the family.<sup>3</sup>

The government has recently pledged £40 million funding for specialist local services and a further £1.2 million for the development of services for young people, along with extending successful schemes and introducing new legislation to tackle the broad range and nature of domestic abuse. Local partnerships within Lincolnshire, designed at improving our response to community safety, have striven to improve services for victims of domestic abuse, across the broad range of agencies interacting with the public. The City of Lincoln Council (furthermore referred to as “the council”) is a member

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<sup>1</sup> Hard Knock Life 2008

<sup>2</sup> Cawson P, (20020) Child Maltreatment in the Family: The Experience of a National Sample of Young People, London: NSPCC

<sup>3</sup> Edelson J.L., (1999) Violence Against Women, Vol 5, No.2.

of this partnership and is also striving to improve its understanding of the signs of domestic abuse, along with its response to such issues.

## **2. Aims**

The Council, by way of this Policy and subsequent service adjustments, aims to:

- Reduce and prevent incidents of domestic abuse
- Improve the safety of its residents, both children and adults
- Increase understanding of the scale of domestic abuse
- Increase awareness of the services available to victims
- Improve the Council's response to domestic abuse
- Support the multi-agency response to domestic abuse
- Support and protect staff, volunteers and contractors who may be at risk of, or suffering domestic abuse

## **3. Policy Statement**

This Policy is designed to inform members of the public of what they can expect from the Council in terms of its handling and response to issues of domestic abuse.

The City of Lincoln Council condemns the use of violence and abuse and recognises the criminal nature of the offence. Where the council has reason to believe young or vulnerable people are subject to domestic abuse, or any individual is at risk of harm, this will be reported to the Police.

The council recognises the impact that domestic abuse can have on victims and any action taken will be with full consideration for the victim's safety and security of victims.

The council supports a multi-agency response to domestic abuse and is a signatory to the Domestic Abuse Charter. The Council is therefore committed to ensuring relevant staff are aware of the issue, signs of suffering and how they can respond and support our residents, in partnership with other agencies.

### **3.1 Equality Statement**

The Council's services are open to all, regardless of age, gender, race, sex, disabilities, marital status or sexual orientation. The Council ensures its services are accessible to all and will employ a range of methods to enable residents to utilise its services.

#### **4. Policy Scope**

The Council will treat all customers politely, fairly and consistently. The Council will not tolerate abuse towards its staff or residents.

This Policy covers all staff, volunteers and contractors in the employ of the City of Lincoln Council.

#### **5. Definition**

The cross-government definition of domestic violence and abuse is:

“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can be, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional”

This is a definition recognised by the Council and its partners.

#### **6. The Process**

The Council will train relevant staff to spot the potential signs of domestic abuse, in line with the above definition. Specially trained Council officers will be equipped to undertake relevant assessments in relation to the level of risk and harm in cases of suspected Domestic Abuse. Where necessary and proportionate, and in line with the Lincolnshire Community Safety Partnership Information Sharing Agreement (held and managed by Lincolnshire Police), the Council will share information and work with other relevant statutory and non-statutory organisations who provide support, assistance and enforcement in cases of Domestic Abuse. A process map will be attached to this Policy as appendix A, detailing the Council's process further, in relation to Domestic Abuse.

#### **7. Training**

The Council is committed to ensuring its staff are appropriately trained and competent in terms of dealing with issues relevant to their job role. The Council recognises that with its breadth and nature of employees that different levels of training will be required. Officers across the authority will be categorised in to two separate tiers.

Tier 1 relates to front line officers who work intensively with families or individuals. This tier will receive the highest level of training and be competent

in completing risk assessments. They will hold a high level of knowledge of services available.

Tier 2 officers are all remaining officers who may not have regular or front line contact with customers, or contacts that are less intrusive or singularly focussed. The Council still believes these staff need to understand the signs of domestic abuse and have a basic knowledge of services that can assist and internal procedure.

## **8. Governance**

This Policy has been approved by the Council's Executive committee.

This Policy will be managed and reviewed on a bi-annual basis, by the author and relevant officers.

This Policy is available in alternative formats and can be found on the City Council website.

## **9. Relevant Policies**

Safeguarding Policy  
Employee Handbook  
Staff Policy – Domestic Abuse

<b>Policy Tracker</b>				
Author	Responsible Director	Responsible Portfolio Holder	Version	Date Implemented
Sam Barstow Public Protection and ASB Manager	Bob Ledger Director Housing and Community Services	Fay Smith Public Protection and Environment	1.0	



## **Domestic Abuse Workplace Policy**

### **1.1 Introduction**

The Crime Survey for England and Wales for 2011/12 suggested that, during that period, 2 million adults suffered domestic abuse, this represents a significant proportion of offending and statistics show that domestic abuse accounts for a quarter of all violent crime nationally. Research suggests that as many as one in two women, and one in four men could become victims of domestic abuse at some stage during their life (1). A study conducted for the NSPCC suggested that more than one in four 18 to 24 year olds experienced some form of domestic violence between their parents/carers(2) with further research suggesting that in 30 to 60% of domestic abuse cases, the abusive parent/carer is also abusing the children in the family.(3)

The government has recently pledged £40 million funding for specialist local services and a further £1.2 million for the development of services for young people, along with broadening successful schemes and introducing new legislation to tackle the broad range and nature of domestic abuse. Local partnerships within Lincolnshire, designed at improving our response to community safety, have striven to improve services for victims of domestic abuse, across the broad range of agencies interacting with the public. The City of Lincoln Council (furthermore referred to as 'the council') is a member of this partnership and is also striving to improve its understanding of the signs of domestic abuse, along with its response to such issues.

### **2.1 Aims and Objectives**

The main aims and objectives of this policy are to:

- increase awareness of the main issues associated with domestic violence and abuse
- provide guidance and support to all employees of the Council who are experiencing domestic violence and abuse in their personal lives – whether as a victim or as a perpetrator
- help everyone (including managers, human resources personnel and elected members) recognise potential victims or perpetrators of domestic violence and/or abuse and to provide a supportive environment for them
- Reinforce that the Council is committed to the principle that domestic violence and abuse is unacceptable behaviour and that everyone has a right to live free from fear and abuse.

There is currently no legislation which enables an employer to intervene if made aware that an employee is experiencing domestic violence and/or abuse, however the Council does have a responsibility under the Health and Safety at Work Act 1974 to provide a safe working environment. Additionally, the introduction of the Gender Equality Duty places an onus on Public Sector organisations to demonstrate fair treatment of women and men in the delivery of policy and services.

### **3.1 Policy Statement**

The Council recognises that domestic violence and abuse is a significant issue in today's society.

It is recognised that whilst the majority of victims are women, men are also subjected to domestic violence and/or abuse, as are women and men in same sex relationships. Domestic abuse can also be from parent to child, child to parent and between siblings.

The Council acknowledges that its employees will be amongst those affected – either as an individual who is living with domestic violence and/or abuse or as an individual who perpetrates violence and/or abuse.

### **3.2 Equality Statement**

The Council acknowledges that domestic violence and abuse can occur in all areas of society. It is recognised, however, that some employees may face additional barriers and issues in seeking help because of their ethnic background, religion, age, sexual orientation, disability or gender which might make them feel particularly vulnerable when talking about their situation.

Any employee training on the subject of domestic violence will incorporate an appreciation of these issues and how to effectively manage them.

### **4.1 Policy Scope**

All employees of the Council have the potential to be affected by domestic violence/abuse. Likewise, it is possible that perpetrators of domestic violence/abuse are employed by the Council. This policy applies to all workers who may benefit from increased awareness of the scale of the issue and what support is available.

### **5.1 Definition**

The cross-government definition of domestic violence and abuse is:

“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can be, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional”

This is a definition recognised by the Council and its partners.

## **6.1 Managers' Responsibilities**

Managers should appreciate how difficult it may be for an employee to discuss his/her personal circumstances and should always offer support in a non-judgemental fashion. They should also remember that, very often, signs of abuse will not be visible and that an individual may leave their abusive environment only to return again sometime in the future. (Refer to Appendix 2 for possible signs of domestic violence/abuse)

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

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

Managers should offer ongoing support to employees who are experiencing domestic violence/abuse including time off, for example, for counselling, visits to a solicitor or support agencies, for re-housing or re-organising childcare. (Refer to appendix 3 for further possible workplace adjustments)

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

Managers who wish to support an employee who is experiencing domestic violence or abuse should contact Human Resources or the Domestic Abuse team.

## **6.2 The role of Trade Union Representatives**

The Council acknowledges the supportive role played by trade union representatives and furthermore recognises that employees may wish to approach their representative in order to seek advice or support on a range of issues. It is therefore important that the Council ensures that appropriate training is offered to representatives of trade Unions.

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

Trade union representatives will be equipped to conduct assessments where necessary and will receive the high tier level of training,

## **6.3 Perpetrators of Domestic Violence and Abuse**

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

The initial focus of any work conducted with perpetrators of domestic abuse will focus on additional support. Any such conduct may make certain job duties inappropriate and justify consideration for redeployment, and/or disciplinary action which could lead to dismissal. As above, this process may only be followed upon the allegations being substantiated through a court of law. This applies particularly to those individuals who work with the public, with children or with vulnerable adults.

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

Any individual who is violent to or abusive of, their partner and who is concerned by this behaviour should seek support and help from an appropriate source (See Appendix 1).

## **6.4 Employees Experiencing Domestic Abuse**

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

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

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

Supporting employees should recognise that they are not counsellors and should be wary of promising more than they can deliver in terms of support. They should also consider their own wellbeing, as they may be putting themselves in danger if the abuser becomes aware of their support.

## **6.5 Confidentiality and Security**

Discussions between a manager and an employee who is experiencing domestic violence/abuse will be treated in confidence. However, in some circumstances this confidence may need to be broken in order to protect children or vulnerable adults, in accordance with the Council's Safeguarding Policy or under the provisions of the Data Protection Act 1988.

Employees should be reminded never to divulge personal information about colleagues to callers or other work colleagues. On occasions, an employee who is being subjected to domestic violence and/or abuse may ask for telephone calls or personal visits to be directed through a colleague, any such actions must be authorised by the line manager and should happen only where the work colleague is comfortable with such action. If this is agreed then the employee who is being subjected to domestic violence and/or abuse, must also agree to have any such calls/visits reported to the line manager.

## **7.1 Training**

The Council are committed to training all staff across the authority on how to spot the signs of domestic abuse, and how to report it. The Council will also train its staff on the scale and cost in Lincolnshire, along with identifying and training a higher tier of staff who are more likely to come across and be required to case manage complex issues which may also involve domestic abuse. The higher tier personnel are members of the Public Protection and Anti-Social Behaviour service.

Trade Unions will also be offered the opportunity to attend the higher tier training in recognition of their role in supporting employees.

## 8.1 Implementation

Managers are responsible for raising the awareness of all employees of this policy.

The policy will be made available on the City People intranet.

## 9.1 Policy Tracker

Policy Tracker				
Author	Responsible Director	Responsible Portfolio Holder	Version	Date Implemented
Sam Barstow Public Protection and ASB Manager	Bob Ledger Director Housing and Community Services	Fay Smith Public Protection and Environment	1.0	

## 10. Monitoring and Review

This policy will be reviewed every three years or at the request of Management or Trade unions.

### Footnote:

Hard Knock Life 2008

<sup>2</sup>Cawson P, (20020) Child Maltreatment in the Family: The Experience of a National Sample of Young People, London: NSPCC

<sup>3</sup>Edelson J.L., (1999) Violence against Women, Vol 5, No.2

## **Appendix 1**

### **Support Services**

- 24 hour National Domestic Abuse Helpline (run in partnership by Women's Aid and Refuge) 0808 2000 247 or [www.womensaid.org.uk](http://www.womensaid.org.uk)
- National Stalking Helpline 0808 802 0300 [www.stalkinghelpline.org.uk](http://www.stalkinghelpline.org.uk)
- Men's Advice Line 0808 801 0327 [www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)
- Broken Rainbow – support for LGBT victims of domestic abuse 0300 999 5428 [www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)
- Childline 0800 111 [www.childline.org.uk](http://www.childline.org.uk)
- Samaritans 08457 90 90 90 [www.samaritans.org.uk](http://www.samaritans.org.uk)
- Shelter 0808 800 44 44 [www.shelter.org.uk](http://www.shelter.org.uk)
- Network for Surviving Stalking [www.nss.org.uk](http://www.nss.org.uk)
- National Association for People Abuse in Childhood (NAPAC) [www.napac.org.uk](http://www.napac.org.uk)
- Information for children witnessing or experiencing domestic abuse [www.thehideout.org.uk](http://www.thehideout.org.uk)
- Young People affected or experiencing domestic abuse <http://thisisabuse.direct.gov.uk>
- NSPCC [www.nspcc.org.uk](http://www.nspcc.org.uk)
- Victim Support <http://www.victimsupport.org.uk/>

## **Appendix 2**

### **Possible signs of Domestic Violence and Abuse**

It is important to note that the examples below are **not** a checklist. Some people may display no signs of violence or abuse. Individuals experiencing domestic violence and/or abuse suffer a broad range of both physical and emotional consequences. For some, the violence greatly affects their lives over a significant period of time and the process of recovery is often long and difficult. Others may be able to recover and start a new life again relatively quickly after leaving an abusive relationship.

Some possible signs of identifying domestic violence and abuse include:

- A late or high absenteeism rate without explanation.
- Uncharacteristic depression, anxiety, distraction or problems with concentration.
- Changes in the quality of work performance for no apparent reason.
- The receipt of repeated upsetting telephone calls/faxes/emails or the individual being a victim of vandalism or threats.
- Obsession with time.
- Needing regular time off for appointments.
- Inappropriate or excessive clothing.
- Repeated injuries or unexplained bruising or explanations that do not fit the injuries displayed.
- Increased hours being work for no apparent reason.



### **Appendix 3**

#### **Workplace Adjustments**

The following is a list of possible adjustments that could be considered to help employees experiencing domestic abuse. Any possible adjustment should be fully discussed with Human Resources and the individual and their opinions sought as to suitability.

- If the individual is absent from work, a method of communication should be arranged with the line manager so that they are aware the individual is safe.
- Identify a work contact for support and an emergency contact should the Council be unable to contact the individual.
- Allow the individual to change work patterns or workload, and allow flexible (or more flexible) working or special leave to facilitate any practical arrangements that are required, such as seeking legal advice, attending counselling or support group meetings or to attend court.
- Diverting telephone calls.
- Diverting emails to a separate folder.
- Alerting reception and/or security staff if the abuser/alleged abuser is known to come to the workplace.
- Alerting workplace nurseries, if there is a fear about child abduction
- Checking the individual has arrangements in place for safely getting to and from home.
- Consider allowing the individual to use an assumed name at work HR system will need to retain legal name.
- Ensure communication is maintained with the employee during any absence, whilst maintaining the confidentiality of their whereabouts.
- Review the security of personnel information held, such as temporary or new address, bank or healthcare details.
- If appropriate, facilitate a transfer to another post.
- With the individual's consent, advise colleagues of the situation on a need-to-know basis and agree what the response should be if the abuser/alleged abuser contacts the workplace.
- With the individual's consent provide a photograph of the abuser/alleged abuser to the supervisor, security staff, and reception and childcare providers.

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## SECTION A

Name of policy / project / service	Domestic Abuse Policy – Front Line and Staff Policy
Background and aims of policy / project / service at outset	In November of 2013 the County Community Safety Partnership, through its strategic management board, responsible for Domestic Abuse, requested statutory partners (of which the Council is one) sign up to a domestic abuse charter. The domestic abuse charter contained ten standards and it was expected the authority would work towards compliance with the charter. Of particular relevance to this report were two separate requirements to create a policy for front line staff, who may encounter alleged or suspected domestic abuse, along with a separate policy for staff who may suffer, or perpetrate domestic abuse.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Decision - Executive Advising on decision – JCC and PSC Developing and managing Policy - DHCS, Service Manager, PPASB
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Executive, Portfolio Holder Environmental Services and Public protection, DHCS, AD-C&SS, Service Manager PPASB

## 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 124	X			<p>This work is driven by the need to improve the partnership response to DA and should therefore have a positive effect on services. This is the first targeted work by the City Council in this area and will therefore raise significant awareness internally and provoke discussion and alertness.</p> <p>The policies, supplemented by authority wide training, makes clear that Domestic Abuse (DA) affects persons from all walks of life. In particular young people may be vulnerable to abuse, along with the elderly and particularly in respect of financial abuse. It is accepted that these groups are more vulnerable to suffering DA and these have been highlighted to staff.</p>	Yes	<p>The Council have trained all staff on how to spot the signs of domestic abuse and will continue to roll out refresher training. Through the risk assessment process embedded to support the policy, victim's vulnerabilities are factored in to the conclusions and subsequent service delivery.</p> <p>Specialist staff, who will receive any referrals, are trained and equipped to recognise any additional needs or vulnerabilities and to tailor the service to meet individual needs.</p>
Disability	X			<p>Through highlighting the issue to staff through creation of the Policy, along with training, awareness has been raised about the issue of DA.</p> <p>The policy is applicable to all persons equally however, embedded risk assessment processes will highlight any additional concerns or vulnerabilities and will tailor service to meet these needs.</p>	Yes	<p>The Council have trained all staff on how to spot the signs of domestic abuse and will continue to roll out refresher training. Through the risk assessment process embedded to support the policy, victim's vulnerabilities are factored in to the conclusions and subsequent</p>

						<p>service delivery.</p> <p>Specialist staff, who will receive any referrals, are trained and equipped to recognise any additional needs or vulnerabilities and to tailor the service to meet individual needs.</p>
<p>Gender re-assignment</p> <p>125</p>	X			As above	Yes	<p>The Council have trained all staff on how to spot the signs of domestic abuse and will continue to roll out refresher training. Through the risk assessment process embedded to support the policy, victim's vulnerabilities are factored in to the conclusions and subsequent service delivery.</p> <p>Specialist staff, who will receive any referrals, are trained and equipped to recognise any additional needs or vulnerabilities and to tailor the service to meet individual needs.</p>
Pregnancy and maternity	X			For those suffering DA pregnancy can be a particularly stressful time along with being potentially dangerous. Again, pregnancy features in the risk assessment process and would be highlighted through working with the individual, again this would require tailored services which would be available	Yes	<p>Specialist staff, who will receive any referrals, are trained and equipped to recognise any additional needs or vulnerabilities and to tailor the service to meet individual needs.</p>

Race	X			<p>DA is recognised as an issue throughout all walks of life and the policy is drafted to recognise this. Certain elements of domestic abuse, such as female genital mutilation, are linked to particular cultures or religions and therefore work on these types of issues will be targeted at particular communities.</p> <p>Foreign language materials are regularly produced and displayed.</p>	Yes	As above
Religion or belief	X			As above		As above
Sex	X			<p>This work is driven by the need to improve the partnership response to DA and should therefore have a positive effect on services. This is the first targeted work by the City Council in this area and will therefore raise significant awareness internally and provoke discussion and alertness.</p> <p>The policies, supplemented by authority wide training, makes clear that Domestic Abuse (DA) affects persons from all walks of life and that services must be engineered to meet those needs.</p>	Yes	As above
Sexual orientation	X			As above	Yes	As above
Marriage / civil partnership	X			As above	Yes	As above
Human Rights (see page 8)	X			This policy seeks to uphold an individual's human rights, such as Articles 2, 3 and five	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?
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Yes	N/A	There is no information currently on the impact of DA across the organisation. As a part of policy implementation the numbers and types of interventions will be monitored, recorded and reported upon.
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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):

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

<b>Conclusion of Equality Analysis</b> (describe objective justification for continuing)	As above this Policy is designed to develop focus and guide operations in relation to domestic abuse. This is not a traditional City Council service and the Council is acting as a part of a much wider partnership. The countywide action plan contains a thorough E&D assessment. This Policy should aid in the recognition of victims and perpetrators across all parts of society. This Policy will be routinely monitored and this assessments reviewed on each occasion.
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<b>When and hw will you review and measure the impact after implementation?*</b>	Through a range of performance measure along with E&D analysis, where available. This Policy will be reviewed every three years.
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Checked and approved by responsible officer(s) (Sign and Print Name)		Date	
Checked and approved by Assistant Director (Sign and Print Name)		Date	



**SUBJECT: ALLOTMENTS – OPTION TO DE-STATUTORISE & DISPOSE OF ERMINE ALLOTMENT SITE**

**DIRECTORATE: DIRECTOR OF HOUSING AND COMMUNITY SERVICES**

**LEAD OFFICER: BRUCE KELSEY, ALLOTMENTS DEVELOPMENT OFFICER**

## **1. Purpose of Report**

1.1 The report has two separate, but clearly interlinked purposes:

- i) To seek agreement to apply to de-statutorise the Ermine Allotment site.
- ii) To seek approval to sell the land that is currently Ermine Allotment site (subject to agreement to de-statutorise).

1.2 Following authorisation from the Executive, and subject to the approval of the Secretary of State for Communities and Local Government being obtained, to ask the Council's Property Services Section to determine the terms of any subsequent sale in order to dispose of the land on the best terms for the Council.

## **2. Executive Summary**

2.1 The Council adopted an Allotment Strategy in 2013. The strategy, which comprehensively reviewed current provision, included reference to many areas of development and improvement in the services, all of which were/are unfunded. The strategy considered utilisation levels and consequently identified the potential to dispose of one or more sites so as to raise capital funds to support the strategy. Ermine allotment site was specifically referenced as the most suitable for disposal at this time.

2.2 This report notes the statutory legal status of most of the Council's allotments, including Ermine, and requests authority to seek Secretary of State's consent for what is referred to as de-statutorisation, that is to say, the removal of this site from being under statutory legal listing. If approved, this would then leave the way open to permit sale of the site. This would provide a capital receipt.

## **3. Background**

3.1 The City of Lincoln Council is currently responsible for the provision of 18 allotment sites across the City. Of these sites, 15 are deemed to be statutory sites, with 3 considered to be temporary sites.

3.2 Councils cannot dispose of statutory allotment land without the Secretary of State's consent. Section 8 of the Allotments Act 1925 states – *"Where a local authority has purchased or appropriated land for use as allotments the local authority shall not sell, appropriate, use or dispose of the land for any purpose*

*other than use for allotments without the consent of the Secretary of State”.*

- 3.3 The Secretary of State’s offices provide clear guidance on what it considers would constitute a reasonable application, and thereby that they would consider meets their requirements for de-statutorisation; details are provided in section 5 below.
- 3.4 Additionally, Section 32 of the Small Holdings and Allotments Act 1908 provides the parameters for the sale of sites, and the uses for any income derived (please see the ‘legal implications’ section below).
- 3.5 The Ermine allotment site is deemed to be a statutory site. The site was given statutory status in March 1955. It has an area of approximately 0.92ha and nominally contains provision for 21 plots. At this time 20 plots on this site are not occupied, and this has been the position for a number of years.
- 3.6 The site, highlighted green on the plan (attached as Appendix A), is located adjacent to Riseholme Road, near to the petrol station.
- 3.7 For the last several years there has only been one active tenant whose plot backs onto his private garden. The overall condition of the site has deteriorated as a result of the long term vacancies.
- 3.8 Currently, none of the remaining 20 plots can be readily identified and significant labour and resources would be required to return the plots on this site to a workable condition. This has indicatively been estimated to cost the authority in the region of £30,000.
- 3.9 Subject to approval to progress by the Executive, although not specifically part of the legal requirements, the authority will, in its application to the Secretary of State for permission to de-statutorise this site, have to explain what steps have been taken to let vacant plots on this site and what alternative provision, to replace lost allotments, is being/has been made.

#### **4. The Strategic Overview**

- 4.1 In 2011, the Council engaged external consultants, Mott MacDonald, to carry out a strategic review of allotment provision. The primary aim of the review was:

*“To provide strategic direction and a clear action plan that will deliver a financially sustainable allotment service that meets demand, has a satisfactory standard of infrastructure, and that operates in a transparent way that is fair and equitable.”*

- 4.2 The objectives of the review were:

- a) To establish a baseline qualitative assessment of sites so as to provide a comprehensive picture of condition and investment needs.
- b) To estimate demand over the next 20 years, assess locality of provision against the forecast local demand, and to make recommendations as to how the Council might best structure its spatial provision.
- c) To consider current operational practices and to recommend changes that improve the efficiency of the service.

- d) To consider the capital investment required for the service, making recommendations as to how this might be achieved.
- e) To consider the revenue resources used in the provision of the service, and to make recommendations as to their suitability in meeting the aims.

4.3 In respect of the Ermine site, the consultants made the following observations:

Area: 0.92ha  
 Number of plots: 21  
 Number vacant: 20

*The plots on this allotment site do not appear to be being used (although there is one tenant). It is understood that tenancy of this site has not been encouraged as the future of this site has been unclear. This site does have potential but there is a lot of work to be done to get it to the required standard. A proper access track and parking area must be considered and the boundary which is comprised of a hawthorn hedge, wooden gates and a fence needs to be repaired and enhanced. There is also a fair amount of litter on site, although no evidence of fly tipping. If it is agreed that this site is required it would need to be laid out anew*

#### 9.4 Summary

*It is therefore recommended that:*

- *The Council uses developer contributions towards the funding of new allotment sites or to assist with refurbishing existing sites;*
- *The Council consider the sale of Ermine allotment site or alternatively identify at least 2 acres (0.81ha) of land in the north of the City which it can sell for housing (subject to planning policy) and use the proceeds to pay for improvements to allotments; and*
- *If an allotment site is chosen, that the Council then seek permission from the Secretary of State to formally declare the site redundant.*

4.4 As identified by the consultants there is a strong case for seeking to dispose of this site. The current physical condition of the site is poor. In addition, there are two well established sites within 10 minutes' walk from the Ermine site (Yarborough Crescent and Clarence Street B) whose facilities are much better than those at the Ermine site.

## 5. **Statutory Status**

5.1 The Secretary of State for Communities and Local Government must authorise the removal of statutory status (de-statutorisation) before allotment land can be disposed of, built on, or have its current use changed. In order to secure the consent of the Secretary of State a formal application must be made by the Council which must explain how the authority intends to meet the required criteria.

5.2 The required criteria are outlined below:

- The reasons for disposing of the site
- The size of the site to be disposed of (whole/part)
- The number of plots affected and number of tenants affected
- Size of plots affected
- Whether alternative provision has been identified and if not, why
- The size of alternative provision, if provided (number of plots, plot size etc.)
- Distance between new provision and existing provision if provided
- Objections received from plot holders/interested 3<sup>rd</sup> parties
- The ownership of any new land, if provided
- The size of the waiting list at the site to be disposed of and (if relevant) when this was closed
- The size of the overall waiting list for allotments in the City
- Whether plots have been offered at the site to be disposed of and if not, why?
- Whether plots have been refused on the site to be disposed of and why?
- What the Council has done to actively promote the availability of allotments
- Whether the Council has consulted with the National Allotment Society and others
- Whether the site is referenced in the authority Local Plan
- Will other Council policies be affected by the decision to dispose of the site?
- Will any national policies be affected by the disposal of the site?

5.3 The existence of an active tenant gardener on the site may require the Council to serve a 'notice to quit', which must give a minimum of 12 months' notice. By negotiation/discussion it is possible that the tenant may wish to relinquish his plot sooner, may request a similar sized plot at another location, may wish to explore the possibility of purchasing the plot to be absorbed into his own property boundary.

5.4 Alternatively, the Council could apply to de-statutorise the Ermine site, but exclude the current tenant's plot from the initial application. This option would not require a 'notice to quit' to be issued. At a later stage, and having already outlined the case in the initial application, a further application could be made to de-statutorise the remaining plot.

5.5 Once an application is made, a decision is usually forthcoming from the Secretary of State within 16 weeks.

5.6 The case made to the Secretary of State will need to clearly address all of the questions in 5.2 to their satisfaction. In seeking guidance from their offices the Department for Communities and Local Government (DCLG) have made clear that they would expect any application to acknowledge the potential for a capital sum, and to provide details of the Council's intent with regards to such a sum.

5.7 Additionally, the Secretary of State's Offices has explained that for any application to be considered favourably, they would expect there to be no loss in overall allotment provision. The Council's adopted strategy identifies a need for new allotment sites, and thus setting out how the Council would wish to achieve the strategy objectives is compatible with this requirement, accepting that no specific detailed plan exists currently (please see additional comments in the Legal Implications Section).

- 5.8 As part of the application process, the Council will formally consult with the sitting tenant, the North Lincoln Horticultural Society and National Allotment Society and other interested parties to ensure they are fully aware of the Council's intention and the process that will be followed. Officers will also talk to anyone who expresses, or who has recently expressed, an interest in a tenancy at this site.

## **6. Alternative Uses for the Site**

- 6.1 Given the relative shortage of development land in the City, it is clear that should permission be granted to dispose of this land, it will be seen as attractive to a number of possible parties. Whilst not an exhaustive list of alternative uses of this site, three options are set out below as examples:

### **6.2 Internal acquisition – City of Lincoln Council – Housing**

The Council's own Housing section are currently undertaking a comprehensive review of all land owned by the authority with a view to considering all possibilities to increase the stock of affordable housing across the City. The Ermine Allotment site is included within their review for this purpose.

### **6.3 Disposal on the open market – Residential/Commercial development**

The site could also be disposed of on the open market, allowing the land to be used for residential or commercial development consistent with the requirements of the Local Plan (or successor documents).

### **6.4 Purchase by an external body/organisation**

Purchase by a third party for reasons other than the above.

## **7. Strategic Priorities**

### **7.1 Growing the local economy**

The disposal of the Ermine site has the potential to provide reinvestment to support the long term sustainability of Lincoln's allotments, and thereby make Lincoln a better place to live and work, thus enhancing opportunities for the workforce, and encouraging valuable trades/skills sets to move to the city.

### **7.2 Protecting the poorest people in Lincoln**

Allotments are highlighted in the Council's current strategic plan as a key contributor to its anti-poverty strategy. They are seen as one way to help people move out of food poverty. They offer a more sustainable opportunity than continued reliance on food banks. It is considered that allotments permit access to gardening space to grow food and enjoy a healthy lifestyle where this might not otherwise be available.

### **7.3 Increasing the supply of affordable housing**

The disposal of the Ermine site could contribute to increasing the supply of

affordable housing in the city.

## **8. Organisational Impacts**

### **8.1 Finance**

8.1.1 The sale of the Ermine allotment site would yield a capital sum. Legal advice is that the Council is not duty-bound to set the whole of this sum aside for reinvestment in the allotments service.

8.1.2 However, the Secretary of State's Offices have made clear that in order for any request for de-statutorisation to be considered reasonable, they would expect the Council to be able to show that there is no overall loss of allotment provision across the City, and that its general provision is well catered for and of good quality. They have seen the Council's allotment strategy via the web site, and so have good knowledge of both the current condition of the Council's allotments, and the Council's stated intent with regards to the strategy. They are aware that the adopted allotment strategy identifies significant capital costs, and that the consultants' report identifies the sale of the Ermine site as an appropriate way to raise funds to support the strategy. The disposal of the Ermine allotment site is anticipated to yield a capital receipt that would cover the capital investment outlined in the Allotment Strategy, as well as any disposal costs. Any residual capital receipt could potentially be available to support the General Fund capital receipts target, alongside receipts from any future disposals.

8.1.3 Should the Council be successful in achieving de-statutorisation, and chose to reinvest all or part of any capital sum raised, this creates a potential for increased demand on supporting revenue budgets. Any ongoing maintenance burden would need to be incorporated into annual budget provisions, however, as much of the work is capital investment to enhance/replace existing infrastructure, no requests for uplift in revenue costs is anticipated at this time.

### **8.2 Legal Implications**

8.2.1 The authority must obtain the approval of the Secretary of State to remove an allotment's statutory status before disposal can take place.

8.2.2 Section 8 of the Allotments Act 1925 states – *"Where a local authority has purchased or appropriated land for use as allotments the local authority shall not sell, appropriate, use or dispose of the land for any purpose other than use for allotments without the consent of the Secretary of State"*.

8.2.3 Section 32 of the Small Holdings and Allotments act states: (1) *'where the Council of any borough, urban district, or parish or are of the opinion that any land acquired by them for allotments or any part thereof is not needed for the purpose of allotments, or that some more suitable land is available, they may, sell or let such land otherwise than under the provisions of this Act, or exchange the land for other land more suitable for allotments, and may pay or receive money for equality of exchange.*

(2) *The proceeds of sale under this Act of land acquired for allotments, and any money received by the council on any such exchange as aforesaid by way of*

*equality of exchange, shall be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the council in respect of the land acquired by the council for allotments, or in acquiring, adapting, and improving other land for allotments, and any surplus remaining may be applied for any purpose for which capital money may be applied, and the interest thereon (if any) any money received from the letting of land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable.*

- 8.2.4 It is the view of the Council's legal services section that this does not make the Council duty bound to apply to allotment purposes any or all of any capital sum it might receive from the sale of a site.
- 8.2.5 Furthermore, it is the opinion of legal services that as there is currently just one tenant at the Ermine site, then the Council can argue that current demand can be accommodated elsewhere, and that consequently there is no requirement to utilise any sale proceeds for acquiring, adapting, or improving land for allotments.
- 8.2.6 Given the above, it will therefore be for the Executive to determine how it would wish to see any capital receipt used, being mindful of its Allotment Strategy, and that this will of course form a part of the application to DCLG, and be of consideration in their decision.
- 8.2.7 DCLG have said in their advice, that they will only support requests where funds raised from allotment sites are prioritised into supporting allotments provision directed under a strategic view, such as the Council's adopted strategy.
- 8.2.8 DCLG have also said that they recognise that whilst investment may be required in line with our strategy, some land values may ultimately exceed required spend on services, and thus it is feasible that capital receipts may exceed the capital investment required. Under these circumstances, once satisfied that our allotment provision was equitably spread and in good overall condition, they would consider use of a receipt for other purposes.
- 8.2.9 Dependant upon the option chosen, and if de-statutorisation has been approved by the Secretary of State, the authority may need to serve 'notice to quit' on the sitting tenant, and, if served, must give him/her 12 months' prior notice of this intention. The decision on this being subject to consultation with the tenant.

### 8.3 Human Resources

There are no HR implications arising directly from this report.

### 8.4 Equality, Diversity & Human Rights

- 8.4.1 In 2013 the City Council adopted a formal Allotment Strategy which identified the positive ways that well run allotment services can contribute to the corporate objectives by supporting communities. In particular the aspiration to reduce poverty and disadvantage. This report supports that strategic ambition and identifies a way to release capital funds to deliver on stated objectives.
- 8.4.2 The Ermine site currently has no access pathways within the boundaries of the

allotment, there is currently no operational water supply, and parking, at or near the site, is difficult. Other sites within a ten minute walk from the Ermine site are significantly better equipped to accommodate potential new tenants.

- 8.4.3 Any new plots created under the strategy will be established after appropriate consultation with key bodies to ensure the new site is fully accessible to all sectors of the community. Additionally, and, as far as is reasonably possible, steps will be taken to ensure that any new provision is appropriately publicised to all residents in the city, is located to encourage use from those who may be economically or socially disadvantaged and/or from minority communities and groups who may have an interest in allotment gardening.

## 8.5 Significant Community Impact

Should the site be de-statutorised, then the sale of the site potentially means loss of an allotment site in the Ermine area. However, as demand for the site has been low, it is expected that community impact will similarly be low. It is not possible to know what the impact would be from any new uses at this time, but these would be addressed under the planning process.

## 9. **Risk Implications**

### 9.1 (i) Options Explored

Do not seek de-statutorisation and 'disposal'.

Seek to de-statutorise and 'dispose' for a capital receipt.

### 9.2 (ii) Key risks associated with the preferred approach

The preferred approach is to seek de-statutorisation.

The key risk is that if this approach is not supported by the Secretary of State, the Council will be required to find alternative funding, from other as yet unidentified sources, to support both the marketing and improvement of the Ermine site and the wider Allotment Strategy ambitions

## 10. **Recommendation**

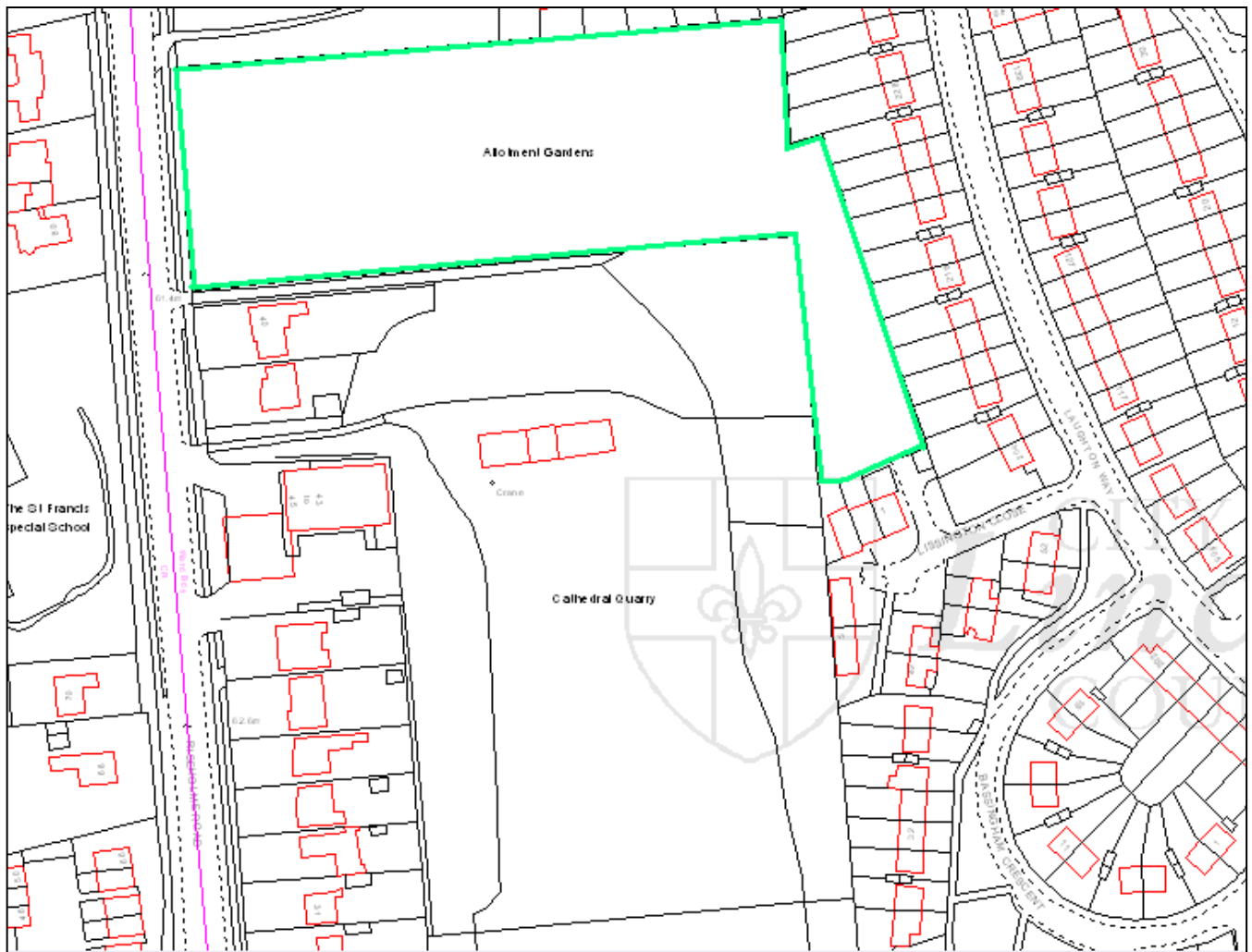
- 10.1
- i) To agree to seek the Secretary of State's consent for the de-statutorisation of the Ermine Allotment site.
  - ii) Subject to permission being granted by the Secretary of State, the Executive ask the Council's Property Services section to agree sale terms based on best considerations, and dispose of the site in accordance with current statutory guidance and legal obligations.
  - iii) That, subject to the Secretary of State giving consent for sale of the site, the Executive agree to reinvest as much of the capital receipt as is needed to address all of the items recommended for action in the Allotments Strategy .



<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>How many appendices does the report contain?</b>	Two <ul style="list-style-type: none"> <li>• <i>Appendix A</i> - Site Plan</li> <li>• <i>Appendix B</i> - EIA</li> </ul>
<b>List of Background Papers:</b>	None
<b>Lead Officer:</b>	Bruce Kelsey Telephone 873706

## Appendix 1 – Site Plan

### Ermine Allotments



## Appendix 2 - Equality with Human Rights Analysis

### SECTION A

<b>Name of policy / project / service</b>	Ermine Allotment – Disposal of Site	
<b>Background and aims of policy / project / service at outset</b>	<ul style="list-style-type: none"><li>• To consider the de-statutorisation and possible disposal of the Ermine Allotment site</li><li>• Subject to the approval of the Secretary of State for Communities and Local Government being obtained, to determine the most appropriate process to dispose of the land</li></ul>	
<b>Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis</b>	Bob Ledger – Director of Housing & Community Services	
<b>Key people involved <i>i.e. decision-makers, staff implementing it</i></b>	Steve Bird Bruce Kelsey	Assistant Director – Housing & Community Services Allotments Strategy Officer

## 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			
<b>Age</b>	✓			Disposal of this allotment site will impact upon the sole tenant who may be required to quit	Yes/No/NA	Every effort will be made to assist the tenant in what is understood to be a difficult and uncertain time for them. Until the tenants preferences are known it is not possible to develop an assistance package, but this will be tailored to the tenant's needs, and the Council will be as supportive as is possible, mindful of the long term tenancy of this individual. Various alternatives do exist which may remove the need to serve a termination notice upon the tenant
<b>Age</b>	✓			The ultimate result of disposal would be the improvement of allotment provision elsewhere in the city, including in areas which are currently not served by allotments. This would benefit a number of city residents who currently have no allotment provision in their immediate area. This will positively impact current and prospective allotment tenants, many of whom are elderly	N/A	
<b>Disability</b>	✓			The Council's allotment strategy identifies opportunities to develop allotments that offer	NA	

opportunities for people with disabilities.

<b>Gender re-assignment</b>	✓	Yes/No/NA
<b>Pregnancy and maternity</b>	✓	Yes/No/NA
<b>Race</b>	✓	Yes/No/NA
<b>Religion or belief</b>	✓	Yes/No/NA
<b>Sex</b>	✓	Yes/No/NA
<b>Sexual orientation</b>	✓	Yes/No/NA
<b>Marriage / civil partnership</b>	✓	Yes/No/NA
<b>Human Rights (see page 8)</b>	✓	Yes/No/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*

<b>Did any information gaps exist?</b>	<b>Y/N/NA</b>	<b>If so what were they and what will you do to fill these?</b>
Y		Consultation with tenant will determine his wishes to continue or quit allotment gardening. The Council will make every effort to relocate and assist with relocation should the tenant so wish.

## 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):

here

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

Tick

**Conclusion of Equality Analysis  
(describe objective justification  
for continuing)**

Although there could be a potentially negative impact upon the single tenant at the Ermine site, the Council is within its rights to issue a 'notice to quit', and the ultimate result will be improvements for many more tenants and prospective tenants. This will be determined by the decision of the Secretary of State in respect of permission being granted to dispose of the site and whether the option is taken to de-statutorise the whole site or exclude the existing plot and de-statutorise the remaining land. If permission is denied, there will be no requirement to serve notice on the tenant. If it is granted, 'notice to quit' may be issued and the alternative support and opportunities highlighted above will be offered.

**When and how will you review  
and measure the impact after  
implementation?\***

The decision of the Secretary of State will be know within 16 weeks of the submission of the application. During this period we will be in contact with the tenant to explore alternative options to enable him/her to continue gardening should they wish. If required, we will assist the tenant in any way possible to mitigate the impact, including assistance to settle in to a new location and keep under continual review his success at the new location.

**Checked and approved by  
responsible officer(s)  
(Sign and Print Name)**

Bruce Kelsey

**Date** 15<sup>th</sup> June 2015

**Checked and approved by  
Assistant Director  
(Sign and Print Name)**

Steve Bird

**Date** 16<sup>th</sup> June 2015

**SUBJECT: INVESTMENT IN EXISTING STOCK AND NEW BUILD STRATEGY**

**DIRECTORATE: HOUSING AND COMMUNITY SERVICES**

**REPORT BY: BOB LEDGER, DIRECTOR OF HOUSING AND COMMUNITY SERVICES**

## **1. Purpose of Report**

To seek approval from the Executive to develop:

- 1.1 An asset management and investment strategy for the current Housing Revenue Account (HRA) asset base that includes homes, garages and other assets.
- 1.2 An investment strategy to deliver new housing to rent at affordable and market rents alongside housing for sale within a wholly owned company model.

## **2. Executive Summary**

- 2.1 The report proposes an updated asset management plan and investment strategy be developed for the existing stock and wider asset base in order to ensure that appropriate resources are at hand to keep the existing stock in good order and modernise it up to the proposed Lincoln standard.
- 2.2 Once this work has been done the level of resources remaining within the HRA for New Build will become clear. However on the basis of the 2012 HRA Business Plan these are likely to be limited i.e. the revised plan allows for the development of 150 new homes and there may be the opportunity to add to this number but only in modest terms. The new Lincoln standard and focus on all assets, rather than primarily the properties themselves, as was previously the case, is likely to increase the financial commitment needed for the existing asset base.
- 2.3 There are currently just under 3,000 households on the Council's waiting list for rented housing. Housing association activity in the City is at its lowest level in a decade. Emerging data in the formation of the new Central Lincolnshire Local Plan indicates that there is a chronic shortage of housing across all tenures but particularly affordable housing. The position is mirrored to varying degrees in most parts of the Country. The issue for the Council is whether it wishes to try and intervene in this process and seek, at least partially, to fill the gap of supply compared to demand through mixed tenure development within a wholly owned or joint venture company. There are other benefits to the Council and community relating to such an approach but also inevitably increased risk for the Council.

## **3. Background**

- 3.1 Since the advent of the self-financing regime in April 2012 the Council's Housing

Revenue account (HRA) has not had to contribute deemed revenue surpluses to a national pool. In return the Council made a one off payment to the national pool of £24.931m on the 1<sup>st</sup> April 2012 and since then has been able to retain all income produced by the housing business.

- 3.2 The one off payment added to historic debt of £33.182m gave initial investment borrowing capacity of around £7.9m under the government imposed debt cap of £66.017m.
- 3.3 As part of the self-financing settlement the government set a debt cap on each authority. The rationale of the government is that local authority borrowing in the HRA counts against overall government borrowing (formerly referred to as the public sector borrowing requirement). As reduction of public sector borrowing is one of the key parts of national fiscal policy the government wanted to control the amount of additional debt taken on by local authorities.
- 3.4 The HRA business's current annual turnover is £28m and its asset base is valued for insurance purposes at around £596m i.e. it could borrow substantially more to achieve its aims if it were not for the debt cap. Although there are arguments that such housing borrowing (which can be evidenced to be repaid through rent income over a fixed term) should not count against overall government borrowing the fact is that none of the main political parties propose to change the current criteria.
- 3.5 The principle of self-financing is that there are no subsidies involved and the HRA needs to be run as a standalone business albeit one with a strong social element to it. The statutory HRA ring fence remains intact through the self-financing changes and utilises the principle that tenant income must be spent on activity that supports and serves the Council's tenants. Therefore those Housing staff fully engaged in housing activities relating to the landlord role are charged at 100% to the HRA. For other staff working on landlord functions, both within and outside the Housing Service, their time is charged proportionately into the HRA.
- 3.6 Immediately prior to the introduction of self-financing the Council agreed a 30 year Business plan that, amongst many other things, evidenced that the debt incurred in making the one-off payment to the national pool could, if required, be paid off within the term of the plan. Built into that financial projection was also an initial five year investment in the fabric (heating, kitchens, roofs, etc.) of the housing stock of £53m (originally £62m but revised in 2014). This investment is based essentially on maintaining the Decent Homes Standard (a standard set by government in 2002 for landlords to achieve by 2010). However no account was taken in 2012 of any additional investment needs relating to a higher standard and little account of the investment needs of the external environment e.g. garage sites, external hard and soft landscaped area (£1.25m was set aside within the initial 5 years).
- 3.7 The HRA Business Plan of 2012 evidenced that the business was sustainable in both the short and long term but that its real capacity to invest significantly in new supply and/or additional services came from year 20 (2032 onwards) and on the premise that borrowing approaching the debt cap would be maintained throughout the life of the 30 year plan.
- 3.8 Since 2012 the Council has built its first new homes in a generation. 10 properties have been built to date and 20 bungalows are scheduled for delivery this year. This



new provision accounts for an investment of £3.2m out of a commitment given in 2014 to deliver 150 new homes utilising £15m made available through the HRA. Of this £15m, £5.25m was provided for in the 2012 HRA Business Plan with the remaining capacity being identified following the experience of the first two years of the investment programme under self-financing, where the level of elemental renewals was not as high as identified in the initial stock condition information.

- 3.9 The Council's waiting list for accommodation currently stands at around 2,860 families. The list is constantly reviewed on a date of application basis and therefore the numbers on the list provide a real assessment of current need. Even if Band 4 applicants were removed from the figures (more of a social desire than housing need to move) this still leaves 1,849 family units on the list living in housing circumstances that have been assessed as being unsatisfactory for their needs.

#### **4. The Strategic context**

- 4.1 There is clearly a housing shortage of affordable homes to rent within the City but there is also a shortage of quality homes to rent at market values as well as shortages of good quality student housing and quality low cost housing to buy. On this latter point the latest statistics prepared for the emerging Lincolnshire Central Area Local Plan reveal that average house prices in the City are now more than 5 times average incomes at a time when most lenders will only lend at 3 times such incomes. This thereby puts home ownership as an option out of the reach of most households, not in the sector already, on financial grounds.
- 4.2 The 2012 Strategic Housing Needs Market Assessment (SHMA), produced for the Central Lincolnshire Core Strategy (Local Plan process), indicates an overall shortage of housing for the Lincoln Principal Urban Area of 1,080 homes per year.
- 4.3 The most recent Housing Strategy (2012/13) indicates a significant issue with the quality of the stock in the private rented sector (PRS). It has been assessed that the level of private rented property not meeting the Decent Homes standard is 43% of the total stock.
- 4.4 The Council has limited General Fund resources of its own in the current financial climate to directly intervene in this private sector standards issue. It will be seeking to drive up standards through the landlord accreditation scheme recently agreed by the Executive Committee, but without real money to input it is likely that progress on standards and landlord investment will be slow.
- 4.5 If there were more private rented alternatives available this would likely help drive up standards but such is the current over demand for accommodation in the City there is little current financial incentive for landlords to invest.
- 4.6 The Council has long worked with Housing Associations to encourage them to develop affordable housing for rent and shared ownership in the City. However in 2010 the grant funding available from government, primarily for Housing Associations to build new stock, was cut by some 63%. This has led Housing Associations to focus their development programmes in Districts where they can realise added value through discounted land or partnership arrangements involving some cross subsidisation. The City of Lincoln has not entered into such

an approach and consequently in the last three years only 59 affordable units for rent or shared ownership have been developed by associations.

- 4.7 Given the tight geographical area of the City's boundaries and local economic circumstances the Council will rarely generate S106 contributions and New Homes Bonus (NHB) income of the order of some in the East Midlands. The effect of this is to further compound the lack of affordable housing to rent and buy in the City e.g. there is limited opportunity to 'recycle' NHB monies into affordable housing.
- 4.8 The issue for the Council is does it want to proactively intervene in the wider housing market to address the current poor private rented standards and lack of a quality product to rent or buy at affordable or low cost values?
- 4.9 In terms of assessing our updated capacity to build in the HRA a full review of other investment demands on the HRA needs to be undertaken.

## **5. Investment needs of the current HRA Assets**

- 5.1 The 2012 HRA Business Plan utilised a 30 year profile of the income and expenditure required in the business. Clearly the largest variables are the rental income, day to day maintenance expenditure, management costs and renewal of key components through an investment programme (e.g. kitchens, roofs, etc.) There are other factors at work such as: the amount of rent lost in the void process; the number of properties lost to the Right to Buy; interest rate changes etc. but essentially a business plan is largely determined by the largest cost elements and projects those forward then highlighting the resultant resources available for other activities such as new build.
- 5.2 In Lincoln's case the investment needs of the current stock were assessed on information that was at least five years old at the time of the 2012 plan (and therefore that is now at least eight years old). The rationale for doing this in 2012 was that the information was comprehensive and covered all the stock both internally and externally (within the curtilage of the dwelling) i.e. we had assessed the condition of all the key components in each property and taken a view on its likely replacement date. The information was gathered and assessed by our own staff.
- 5.3 It had been recognised in 2012 that a full stock condition survey or some kind of validation process of the previous data was required and an allowance of £120,000 was set aside in an earmarked reserve in the approved Medium Term Financial Strategy (MTFS).
- 5.4 Stock condition data should not just look at the fabric of the properties themselves. It needs to analyse in detail other assets such as garage sites and communal assets around the stock particularly important around our high density areas where flats are grouped together and the quality of the built environment fundamentally affects people's quality of life and how they feel about where they live.
- 5.5 For a robust view to be taken of the total investment needs of all HRA assets an up to date stock condition survey needs to be undertaken that specifically includes the requirements of the surrounding built environment. This survey process is likely to involve a 20% internal and external sample survey of the stock itself and then

up to 400 other inspections of garage sites and communal areas. For all of this work to be undertaken in-house would literally take years to complete given all other current commitments. Therefore if we are to make this comprehensive assessment of the investment needs of the current assets within months rather than years, that subsequently identifies the resources available for new build, the main body of the survey work needs to be procured from and undertaken by a specialist company. The survey of the other assets, garage site and communal areas, would need to be undertaken by in-house staff as the sites are unique to Lincoln and to their local environment. The costs of the specialist company stock condition survey work will be in the order of £90,000 and back filling to allow for an in-house survey of the communal areas is likely to cost in the region of £30,000 i.e. up to £120,000 in total. This sum is already allowed for in the Medium Term Financial Strategy (MTFS) and therefore no further direction from members is required at this time.

- 5.6 The survey will also ensure that any category 1 hazards under the national Housing and Health Safety Rating (HHSRS) are prioritised for rectification and that the energy efficiency of the properties are fully assessed (through the SAP – Standard Assessment Procedure).
- 5.7 As part of such survey work it is proposed to include for works to a higher standard than that utilised for the past ten years and known as the Decent Homes Standard. This was a national standard established by the Labour government at the start of the last decade. It is proposed our new Lincoln standard includes for electric over bath showers for all properties and enhanced environmental works as well all components of the Decent Homes standard. In addition it is proposed that the Lincoln Sheltered Housing standard includes for non-slip flooring and lever taps in kitchens and bathrooms and handrails adjacent to any significant gradients at the main access point to the property. The proposed new standards are detailed at appendix 1. It is proposed the standards are adopted by the Council in principle at this stage and that they are subject to wider consultation with tenants before final adoption.
- 5.8 The costs of these additional higher standard works are likely to be in the region of £8-10m as an initial investment with maintenance and renewals costs needing to be built into the Business Plan as appropriate.
- 5.9 A further factor we need to consider is whether it is economically and/or socially viable to keep investing in some of our assets or is it more appropriate under one or both criteria to demolish and start again. Examples of where this approach would be appropriate would be where maintenance demands of an asset are high compared to the income generated, the property is low in terms of 21<sup>st</sup> century social value (e.g. bedsits) and/or where the resultant land could be more effectively used.
- 5.10 In these instances a property by property feasibility study needs to be undertaken by a professional surveyor who can readily estimate the costs of the different alternatives available e.g. refurbishment (keep current building as is and update), remodel to provide more modern accommodation, demolish and rebuild.
- 5.11 A modest estimate of the number of feasibility assessments required would be 10 and each is likely to cost in the region of £5-£10k each although they would be

procured as one package. A feasibility assessment budget of £80k is therefore proposed to be funded from HRA balances.

- 5.12 Once all the current investment needs of the current stock have been assessed and set against a background of 'known' management and maintenance costs over 30 years the resources left for new build can be more clearly identified.

## **6. New provision – bridging the gap of supply and demand**

- 6.1 As stated above the current waiting list numbers nearly 3,000 applicants. Adopting the process outlined within section 5 will enable the available resources for New Build within the HRA to be identified. Given though that the previous 2012 HRA Business Plan was based on limited medium term investment potential, it is unlikely that there will be substantial additional resources identified for new build.
- 6.2 There are a number of options available to the Council on how it can deliver or facilitate additional housing outside of the HRA. These are highlighted in a report commissioned for the Council last year, undertaken by the Chartered Institute of Housing, that reported in March 2015. The primary options available to build outside the HRA, if all resources within are committed, are:
- To build in a wholly owned company borrowing money through the General Fund (limited by shares or guarantee).
  - To build in a joint venture arrangement borrowing through the General Fund and utilising partner finance.
  - To facilitate a Housing Association or other similar body to build.
- 6.3 The Council has taken initial specialist legal advice on the options available and the key points to take account of in setting up a company or joint venture are:
- a) There should be a clear rationale for setting up an alternative arrangement to the HRA for building affordable housing. The most obvious reason is that HRA resources are fully committed.
  - b) The alternative arrangement is likely to do other things as well as building affordable units for rent such as building for market rent or sale.
- 6.4 The advice relates to protecting the Council against the challenge that this is the HRA by another name. The repercussions of a successful government challenge to any company arrangement the Council created may be that properties built in a business plan not allowing the Right to Buy may subsequently have that business plan undermined by a directive to allow the Right to Buy.
- 6.5 In March of this year the government made several statements that it was concerned about Councils utilising a company model to avoid the Right to Buy.
- 6.6 Protecting properties from the Right to Buy cannot be a reason or a rationale in itself for building properties outside of the HRA. Such development vehicles that have this as their primary focus are likely to be the subject of some scrutiny by government.
- 6.7 In a wholly owned company or joint venture arrangement there is also the option to lease properties. The company would build properties utilising external investment (not an active development partner) and pay interest on that investment over a substantial term – at today's rates delivering a yield of around 5% a year.

The properties could then transfer to the Council at the end of the term usually 40 years plus. Again there are variations on the model and all could be considered within a business plan of the company. The potential other advantage of the lease model is that it may be more resistant to being undermined by Government although the leases may have to ultimately sit on the Council's balance sheet.

- 6.8 The main advantages and potential issues with the three options are summarised in the table below.

	Advantages	Potential issues
Wholly owned company (100% shares)	Can be set up quickly – likely 1 year - only held up by HRA resource work Keep control of Council resources	Possible challenge re HRA and avoiding RTB Set up costs No track record Borrowing in the General Fund needs to be evidenced as affordable
Joint venture company (probably 50% shares in Council ownership)	Shares risk and funding Less likelihood of challenge by government as private sector partner within the business plan	Can be time consuming to agree terms and build trust – likely 2-3 years Set up costs No track record Some resources go to the partner profit element
RP partnership	Tried and tested model	Council gives up its own resources/assets

- 6.9 A possible option also exists to create a company (limited by shares or guarantee) where the Council was not in overall control but also not in a commercial joint venture arrangement. For instance the other shareholders could be appointed individuals that shared the aims and ambitions of the Council in relation to Housing new build. As a private company it would be more resistant to government challenge and upon winding up of any such company all assets funded by the Council could be pre-determined to revert to the Council. Inevitably there would be concerns about committing significant Council resources into a company where the Council did not have a definitive remit to control the overall company direction. By appointing a number of individuals though the Council could retain the largest share of the Company. Members may feel that this option is worthy of further investigation.

- 6.10 The emerging common model though is around a wholly owned company in that the Council retains definitive control over the investment of its own resources. Although the model carries a higher risk of potential government intervention that risk can be reduced by building across the tenures and through a process of cross subsidy from market housing into affordable. It is therefore this model that is recommended to be progressed.

- 6.11 Establishing a wholly owned (or joint venture or minority) company will inevitably involve detailed work around a business plan, the company's capacity to deliver to achieve the Council's ambitions and agreeing the governance structure.

- 6.12 Whilst much of this work can be done in-house there will be a need for external advice and support in both financial and legal terms especially if the business plan is to be delivered within the timeframe of this financial year. It is possible that the expense of some of this work could be shared with neighbouring authorities also progressing the company option and it is difficult to put a robust estimate on the cost of such support until the project is more fully scoped out. However a budget ceiling of £75,000 is proposed at this time.

## **7. Land**

- 7.1 The Council has some land holdings within the HRA and General Fund that are likely to receive planning permission and be developable for affordable and/or mixed tenure housing developments. They are though limited and most come with complications regarding one or more of; current usage, access, services, contamination, ground conditions and current planning status. A thorough analysis of the potential of the Council's land holdings will be a key part of the company business planning process.
- 7.2 Clearly, the city boundaries are very tight and significantly constrain the Council's new build options given the shortage of available developable land. Therefore a more proactive approach to land acquisition needs to be undertaken.
- 7.3 The Government has long made announcements about the need to use other public sector land for affordable housing development but governments of both colours have failed to implement policies to support this e.g. no directive has been forthcoming to force land in the wider public sector deemed to be surplus to be offered on a first refusal basis to the local strategic housing authority. This could be implemented relatively easily and be at the independent District Valuer's assessment i.e. the land would be paid for at an agreed market rate.
- 7.4 In the absence of such a policy it is proposed that the City of Lincoln Council grasps the initiative and promotes a policy with public sector partners of letting them know that we will buy developable land through a fair valuation process and thereby save them the cost of marketing and some selling fees.
- 7.5 Most public sector land that is sold is done so through an auction process. Officers currently have limited delegated power to buy land and, by default, authority to bid for land for sale through auction.
- 7.6 It is proposed that the Council's policy regarding its own land and other public sector land be as follows to reflect the new build ambitions:
- Affirmation of the existing intention that no City of Lincoln Council land to be sold until it has first been offered as a potential new build housing site (now specifically to the New Build Development group led by the Director of Housing and Community Services). It is proposed that future land transfers would be appropriated to the HRA at a rate determined by the Council's Property Manager based on market and site conditions.
  - The City of Lincoln Council to open dialogue with other public sector land holders within the city boundaries to let them know that the Council is in the market to acquire land for new build development and will pay up to a market rate as determined by an independent valuation assessment.
  - That a land acquisition reserve of £250,000 be established for the specific

purpose of allowing officers to negotiate and bid at auction on sites that will be suitable for new build development. Any actual offer or maximum bid would be subject to the agreement of the Housing portfolio holder and independent valuation. The fund would be scrutinised and reviewed formally by members on at least an annual basis.

## **8. Working with Housing Associations**

- 8.1 For the most part Housing Associations will only develop new social or affordable housing where they receive grant aid. The criteria they use is that the rental income over 30 years, minus the cost of maintaining and managing the property for that period, must meet the costs of acquiring the land and building the property. This is rarely the case and some grant funding is needed to bridge the gap. The 30 year model is long established and is linked to what lenders are willing to loan and the terms of such a loan i.e. although there have been attempts over the years to work on different models they have not been broadly accepted.
- 8.2 Housing Associations are (in theory) standalone organisations and are subject to comprehensive regulation through the government quango, the Homes and Communities Agency. The larger associations in particular are extremely conscious of their credit rating and the need to retain the confidence of their investors e.g. a healthy balance sheet is the key corporate priority.
- 8.3 Subsidy for new build comes most traditionally in the form of capital grant from the Homes and Communities Agency and /or in free or discounted land from local authorities. In 2010 the HCA grant fund was cut by 63% and although was marginally increased in the 2015 bidding round remains low compared to the previous decade.
- 8.4 The other significant way that Housing Associations develop is through buying the S106 commitments placed upon developers in the planning process. Generally this means that they buy properties from a developer usually at around 75-80% of their market value i.e. at or around actual land and construction cost.
- 8.5 In comparison to other Districts, due to our tight geographical boundaries and the local economic situation, there have been limited S106 housing association developments in recent years within the city.
- 8.6 In the last three years only 69 new affordable homes have been built within the City's boundaries, compared to 259 in the preceding two years. In that same three year period 91 Council homes were lost to the social and affordable stock through the Right to Buy.
- 8.7 In order to make grant levels go further and as a condition of receiving grant, most housing associations have been letting all new build tenancies and existing properties to new tenants at 'affordable' rent levels rather than lower 'social' rent levels (affordable rents at usually 80% of market value as opposed to local Council or social rents being approx. 67% of market value). Within the new build financial model higher rents mean that loans can be paid off more quickly or, more commonly, that lower grant levels are needed and the subsidy funding goes further delivering more homes.

- 8.8 The affordable, rather than social, rent policy is not without contradictions in that it also leads to higher housing benefit bills at a time when the government is seeking to reduce welfare expenditure. However the fact is that any housing association development would be at affordable rents unless the Council was willing to subsidise the capital to the extent that the social rent model worked financially for the association and its investors.
- 8.9 The reality of the current rented sector in the City is that there is limited choice within the rented tenure. There are 8,000 social rent tenancies in the Council sector, a similar number of market rent properties in the private sector and a smaller number of only actual and future (on a new letting) affordable rent properties i.e. there is room for more affordable units in the tenure offer within the City.
- 8.10 If our priority is to increase the supply of sub-market rent quality homes in the City, and tenancy and ownership issues are important but secondary, we should be developing a strategy that makes the City of Lincoln more attractive for Housing Associations to develop within.
- 8.11 Given the grant funding situation in recent years, regionally and nationally based housing associations have tended to consolidate their development activities predominantly in districts that have welcomed them by adding value to their development model.
- 8.12 Within the development model making the City more attractive to Housing Associations does not have to involve free land but could involve discounted land and/or lending via the General Fund within a wider strategic development partnership.
- 8.13 The trade-off for the Council would be to increase the overall supply of affordable and social housing properties in the City, thereby meeting a key strategic aim and all properties would be allocated to applicants from the joint Choice Based Lettings waiting list.
- 8.14 Council on-lending to a Housing Association can be done at a premium i.e. generating income into the General Fund.

## **9. Financial Implications**

- 9.1 Work is already underway to update the investment requirements of the current HRA asset base. Based on the previous HRA 2012 Business Plan it is already known that this will reveal there are limited funds within the HRA to develop new housing in the next 5-10 years.
- 9.2 However the detail does need to be developed through a robust asset management plan and it is proposed that this be in place by the end of the calendar year.
- 9.3 Given that there will be limited funds available within the HRA for new build activity, in order to achieve such an aim the alternative options are to utilise general fund borrowing either in a wholly owned company or partnership funding joint venture arrangement.



- 9.4 A variation of the General Fund borrowing option is to utilise a leasing model where the capital is invested directly by the private sector and is repaid through a leasing arrangement to include management and maintenance of the stock. Although there are variations to the leasing model essentially it works by the Council guaranteeing the annual yield (around 5% at today's rates) to the investor over a prolonged period (usually 40 years plus). The properties are owned by the investor or a third party over the period of the leases and are sold to the Council at the end of the term at a nominal amount. The properties would be allocated, managed and maintained by the Council via the wholly owned or joint venture company, the rent would be paid under guarantee to the investor and the properties would revert to council ownership at the end of the term.
- 9.5 The leasing model though is relatively untried and although there is the advantage of the Council not having to find significant capital funding up front to deliver new properties (which is critical in the City of Lincoln), the leases themselves may have to sit on the Council's balance sheet which potentially, thereby, brings them back within the possible scope of government intervention. It is proposed that more feasibility work on the leasing option would be undertaken in the business plan process.
- 9.6 Whichever new build route(s) the Council decides to go down there are several key actions that we need to undertake now that have financial implications. The first is to undertake a stock condition verification and feasibility study exercise in relation to the current asset base as detailed in section 5 above. The estimated cost of these exercises is up to £200,000 (although £120k is already allowed for in the current MTFS).
- 9.7 The second relates to putting together a land portfolio to facilitate subsequent new build. As land generally acquires rather than loses value there is limited risk in buying land now alongside and as we progress our actual development options. In addition, negotiations to purchase land can take many months to complete. Conversely deferring the creation of a land portfolio until later in the year or next year could lead to missed opportunities. Options come up to acquire land through private sale or auction on an ad-hoc basis and officers need to have delegated authority to bid and negotiate within set parameters. These are proposed to be that any purchase would always be subject to portfolio holder agreement on the ceiling price for negotiation and purchase would be within a guide price determined by the Council's Property Manager.
- 9.8 In terms of setting up the framework, governance structure and business plan for a new wholly owned company some external advice and support will be needed as detailed in 6.10 above. A budget of £75,000 is proposed at this time.
- 9.9 Throughout the report there is reference to several external pieces of advice and support which will need to be formally procured. All procurement activity will be undertaken by complying with either the Council's internal Contract Procedure Rules or, where the value exceeds that of OJEU thresholds, by following the Public Contract Regulations 2015.

## **10. Regional and national context**

- 10.1 Many Councils, particularly those with retained stock and those therefore with a direct Housing landlord role, are progressing the formation of a company model. The main drivers are:
- To intervene in the market and provide housing of all tenures but generally with a focus on affordable units to rent.
  - To lead on a specific regeneration project for an area or piece of land.
  - To generate an income flow into the General Fund via prudential borrowing and on-lending to the company with interest being repaid at a premium.
  - To help stimulate economic activity generally.
  - To help drive up standards in the private rented sector.
- 10.2 The high level of consultancy activity at the current time by agencies such as the Chartered Institute of Housing, Savills, KPMG and others indicates that many councils are working on detailed plans. Although some local authorities already have a company or joint venture for a 'specialist' activity, setting up a housing development company with business plans in the tens of £millions is new ground for all but a few.
- 10.3 Inevitably many are concerned about exposure to increased risk not the least of which are the repeated concerns expressed by government about Councils setting up models to avoid the RTB. Where company business models are predicated on the basis of cross subsidy from market sale and rent into affordable housing provision alongside a long term revenue stream from those affordable assets it is difficult to see how the government could legitimately intervene in that process once established. However no guarantee can be given that the government won't intervene and potentially undermine such a business plan.
- 10.4 Regionally the position is much the same in that a number of authorities are progressing the new build company option. Perhaps the furthest advanced in these is South Holland District Council that has recently agreed a draft business plan for its new company. The plan has been nine months in formation being approved in March 2015 following a decision in July 2014 to establish a company. Most other Councils in the County continue to meet and share their current positions.

## **11. Risk**

- 11.1 Inevitably if the Council breaks into new areas of operation through innovation and challenging the previous norm there will increased risk. However in terms of company structure, formation, governance and operation these can be significantly reduced by sharing experience with other local authorities also breaking new ground and by the provision of appropriate legal and financial support i.e. these must be fully resourced.
- 11.2 Setting a new standard for the Council's current stock and wider assets comes with risk in relation to potentially tying up resources within the HRA that might otherwise be spent on new build. However keeping our current stock modern and up to date is key to both good customer service and ensuring the future viability of that stock. If the creation of the standard does lead to this situation it heightens the need to consider alternative delivery models.
- 11.3 The creation of a wholly owned company with a business plan predicated on rental income recovering the costs of new build over a prolonged period is at some risk

in that a subsequent government may intervene to extend the right to buy to properties built within the company. As this element of the model is outside the Council's control the risk cannot be eliminated. However the more that the wholly owned company is created with a business plan predicated on building properties across the tenures and with elements of cross subsidy between them the less risk there would appear to be. The option though to defer progressing the company option until the government position is clearer needs to be considered by members.

- 11.4 An alternative company option would be to create, fund and service a Company where the Council was the minority shareholder. This would essentially be a private company and therefore less exposed to risk from government intervention. There would be risk in that the Council would not be in direct or overall control and the company may potentially make decisions not wholly supported by the Council. Ultimate control could be retained though in that the company's assets would be returned to the Council upon winding up. There would likely be liabilities to satisfy at any winding up although such loans would be secured against new build investments.
- 11.5 The full risks associated with the formation and operation of a company would be detailed in a subsequent draft business plan if the company model is progressed.

## **12. Recommendations**

It is recommended that the Executive approves the following actions:

- 12.1 That the proposed Lincoln housing and Lincoln sheltered housing standards as detailed in appendix 1 be adopted in principle and in full following a period of resident consultation. Any proposed amendments would be brought back to members for decision.
- 12.2 That a new comprehensive asset management plan be developed covering the investment needs of all assets in accordance with the proposed Lincoln standards.
- 12.3 That a budget of £80,000 be approved from within the HRA to fund feasibility or option studies on elements of the current stock that do not warrant continued investment and where the Council and its tenants may be better served by refurbishment or redevelopment.
- 12.4 That an initial land acquisition budget be approved of £250,000 allowing the Council's Property Manager to negotiate and bid for land under delegated authority subject to the approval of the Housing Portfolio holder on a ceiling price.
- 12.5 That full Council be requested to amend Contract Procedure Rules to accommodate recommendation 12.4.
- 12.6 That the land acquisition budget be considered for replenishment as required and circumstances dictate at the time and at least on an annual basis.
- 12.7 That a wholly owned company limited by shares be progressed and that a detailed business plan is developed with the Housing portfolio holder for submission to the Council within the current financial year.

- 12.8 That a budget of up to £75,000 be established to engage external financial and legal support where necessary to facilitate the formation of the company and the writing of the initial business plan.
- 12.9 That a Housing Association partnership strategy is developed that seeks to make Lincoln a more attractive location for them to invest in and develop more affordable housing.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

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

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

**List of Background Papers:** None

**Lead Officer:** Bob Ledger, Director of Housing and Community Services, Telephone 873200

## **Components of the proposed Lincoln Property Standard**

### Within the Home

Heating systems: All properties will have a central heating system that is modern and cost effective to use and the boiler will be no more than 15 years old.

Insulation: Where applicable all properties will have cavity fill and loft insulation to the 2015 building regulation standard.

Electrical wiring: All properties will undergo at least a five yearly testing regime and wiring systems will be upgraded in line with testing recommendations.

Kitchens: All properties will have kitchen units which at the time of letting are clean and serviceable i.e. all door frontages match and close correctly and worktop surfaces are not unduly scored or marked. Kitchens will be no more than 20 years old unless they are in very good condition.

Bathroom: All properties will have either a full shower compartment or bath with over electric shower. Bathrooms will be no more than 30 years old unless it is in very good condition

Sheltered Housing: will have non slip flooring in the kitchen and bathroom areas.

Sheltered Housing: will have lever taps fitted as standard to the kitchen sink, bathroom basin and bath.

### External to the Home

Roofs: Will be no more than 60 years old unless in very good condition.

Fencing and walls providing demarcation to and around public areas will be maintained in good condition.

Drying area: All properties with a designated garden area for the tenant's sole use will include a line path and washing line or path to a rotary dryer.

Communal areas: around flats and other grouped dwellings will be well maintained, free from graffiti, safe and pleasant to use. Internal stairwells will be clean, well decorated and lit.

Sheltered Housing: will have a handrail installed adjacent to the main access to the property where the gradient exceeds 1:20.

Garage sites: Will be well maintained, provide modern parking facilities and be safe to use.

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<b>SUBJECT:</b>	<b>EXCLUSION OF THE PRESS &amp; PUBLIC</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF RESOURCES</b>
<b>REPORT AUTHOR:</b>	<b>CAROLYN WHEATER, MONITORING OFFICER</b>

**1. Purpose of Report**

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

**2. Recommendation**

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

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