

Cabinet



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Tuesday, 6 February 2024 at 2.00 pm
Council Chamber - South Kesteven House, St. Peter's
Hill, Grantham. NG31 6PZ

Cabinet Members: Councillor Richard Cleaver, Deputy Leader of the Council (Chairman)
Councillor Ashley Baxter, Leader of the Council (Vice-Chairman)

Councillor Rhys Baker, Cabinet Member for Environment and Waste (jobshare)
Councillor Phil Dilks, Cabinet Member for Housing and Planning
Councillor Patsy Ellis, Cabinet Member for Environment and Waste (jobshare)
Councillor Philip Knowles, Cabinet Member for Corporate Governance and Licensing
Councillor Rhea Rayside, Cabinet Member for People and Communities
Councillor Paul Stokes, Cabinet Member for Leisure and Culture

Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-L Channel](#)

1. **Apologies for absence**
2. **Minutes of the previous meeting** (Pages 5 - 21)
Minutes of the meeting held on 18 January 2024.
3. **Disclosure of Interests**

Items for recommendation to Council

4. Budget Proposals for 2024/2025 and Indicative Budgets for 2025/2026 and 2026/2027 (To Follow)

The Council is required to set a balanced budget and agree the level of Council Tax for 2024/25 and this report contains a summary of the proposals that have been considered for inclusion.

Items for Cabinet Decision: Key

5. Grantham Future High Streets Fund - Upper Floor Grants Scheme (Pages 23 - 43)

This report requests Cabinet approval to award a maximum grant of £225,000 for the conversion of unutilised retail space into nine units of residential accommodation at 17 – 19 High Street, Grantham, NG31 6PN.

6. Regulation 18 Draft Local Plan Consultation (Pages 45 - 93)

The purpose of this report is to recommend the Council continues to prepare a new Local Plan for South Kesteven and agrees to consult on its Regulation 18 Draft Local Plan for a minimum period of six weeks.

7. Award of contract for upgrade of streetlights (Pages 95 - 100)

To seek approval to enter into a contract with E.ON Energy Solutions Limited for a programme of works to upgrade South Kesteven District Council's stock of streetlights to LED units.

Items for Cabinet Decision: Non-Key

8. Finance Update Report: April - December 2023 (Pages 101 - 133)

To present the Council's forecast 2023/24 financial position as at end of December 2023. The report covers the following areas:

- General Fund Revenue Budget
- Housing Revenue Account Budget
- Capital Programmes – General Fund and Housing Revenue Account
- Reserves overview – General Fund and Housing Revenue Account

9. Regulation of Investigatory Powers Act Policy (Pages 135 - 145)

To provide Cabinet with an opportunity to approve the Council's new Regulation of Investigatory Powers Act Policy and confirm the process for its annual review via the Governance and Audit Committee.

Matters Referred to Cabinet by the Council or Overview and Scrutiny Committees

10. Community Engagement and Development Strategy 2024-2027 (Pages 147 - 172)

To adopt 'Our People, Our Place - A Community Engagement and Development Strategy for South Kesteven 2024-2027'.

11. South Kesteven District Council Anti-Social Behaviour Policy (Landlord Services) (Pages 173 - 194)

The policy addresses how the Council will manage any anti-social behaviour of the occupants of Council owned housing stock.

12. Total Housing Compliance Policy (Pages 195 - 232)

To ask Cabinet to approve the new Total Housing Compliance Policy which sets a framework for the monitoring of key consumer standards.

13. Tenancy and Estate Management Policy

(Pages 233 - 290)

The purpose of the Tenancy Management policy is to outline the circumstances in which changes to a tenancy may happen and any possession action which could be taken, why this could happen and the tenancy support which will be offered.

The purpose of the Estate Management Policy is to set out our approach to the delivery and management of estate services to internal and external communal areas.

Items for information

14. Key and Non-Key Decisions taken under Delegated Powers

(Pages 291 - 294)

This report provides an overview of decisions taken by individual Cabinet Members since the last meeting of the Cabinet on 18 January 2024.

15. Cabinet's Forward Plan

(Pages 295 - 302)

This report highlights matters on the Cabinet's Forward Plan.

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Minutes

Cabinet

Thursday, 18 January 2024



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

**Published 24 January 2024 – last
date for call-in would be 31 January
2024**

The Leader: Councillor Richard Cleaver, The Leader of the Council and Cabinet Member for Property and Public Engagement (Chairman)

The Deputy Leader: Councillor Ashley Baxter, Deputy Leader of the Council and Cabinet Member for Finance and Economic Development (Vice-Chairman)

Cabinet Members present

Councillor Rhys Baker, Cabinet Member for Environment and Waste (jobshare)

Councillor Phil Dilks, Cabinet Member for Housing and Planning

Councillor Philip Knowles, Cabinet Member for Corporate Governance and Licensing

Councillor Rhea Rayside, Cabinet Member for People and Communities

Councillor Paul Stokes, Cabinet Member for Leisure and Culture

Non-Cabinet Members present

Councillor Tim Harrison

Councillor Charmaine Morgan

Councillor Ian Selby

Officers

Karen Bradford, Chief Executive

Richard Wyles, Deputy Chief Executive and Section 151 Officer

Nicola McCoy-Brown, Director of Growth and Culture

Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy Section 151 Officer

Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Karen Whitfield, Assistant Director – Leisure, Culture and Place

Claire Moses, Head of Service (Revenues, Benefits Customer and Community)

Debbie Roberts, Head of Corporate Projects, Policy and Performance

Nick Thacker, Interim Head of Housing (Technical Service)

Chris Prime, Communications Manager

James Welbourn, Democratic Services Manager (Deputy Monitoring Officer)

Patrick Astill, Communications Officer

Amy Bonfield, Planning Policy Officer

Shaza Brannon, Planning Policy Manager

Charles James, Policy Officer

60. Apologies for absence

An apology for absence was received from Councillor Patsy Ellis.

61. Minutes of the previous meeting

The minutes of the meeting held on 5 December 2023 were agreed as a correct record.

62. Disclosure of Interests

There were no disclosures of interests.

63. Discretionary Council Tax Payment Policy - 2024/2025

Purpose of report

This report provided an update to Cabinet on Discretionary Council Tax Payment (DCTP) expenditure, and requested that Cabinet approved the Discretionary Council Tax Payment Policy for 2024/25.

Decision

That Cabinet:

1. Recommended to Council the continuation of the £30,000 Discretionary Council Tax Payment fund for 2024/2025.
2. Approved the Policy for the administration of Discretionary Council Tax Payments for 2024/2025.

Alternative options considered and rejected

To not approve the Policy or continue the Discretionary Funding

Reasons for decision

The Council had a clear commitment in its Corporate Plan 2020-2023 to healthy and strong communities and being a high performing council. This report, and the support provided through the Council's Discretionary Council Tax Payment Scheme, delivered these priorities.

Each year, as part of the Council Tax Support Scheme consultation, the Council had agreed to provide £30,000 funding for this scheme. This would be a direct cost to the General Fund.

The Discretionary Council Tax Payment (DCTP) policy for 2024/25 would be put in place to ensure effective financial support was provided to eligible recipients.

A DCTP was available to anyone in receipt of Council Tax Support who had a shortfall between the weekly amount awarded and their Council Tax liability. In addition, the DCTP scheme provided additional funding to help those with a Council Tax liability who were experiencing exceptional hardship in situations where Council Tax Support did not cover all of their council tax liability. To qualify for consideration for assistance under this scheme the customer must already be in receipt of some Council Tax Support.

Since Covid, Government had provided a number of additional top-ups of support for those in receipt of Council Tax (beyond Council Tax Support). As a result, this had had an impact on the amount of funding remaining, which had been rolled over into the forthcoming financial years.

This ongoing top-up support was currently in place to 31 March 2024, and it was not known whether there would be a new top-up announced. It was therefore important the Council continued to approve the roll-over of the underspend as this would provide additional budget in a year in which other government top-up would not be available.

Discretionary Council Tax Payment Policy

The administration and payment of DCTP was at the discretion of each local authority. South Kesteven District Council had a DCT Policy which set out eligibility for the scheme and the application process.

The aim of the policy was to enable the most vulnerable residents, who could not access any other income, to sustain their home and health. Discretionary payments could be applied for independently but were often considered as part of the application process for Discretionary Housing Payments (support for shortfall between Housing Benefit / Universal Credit award and eligible rent). Officers were aware of the discretionary payments and actively encouraged customers to apply where eligibility criteria were met.

There was a need for proactive work and support due to the ongoing impacts of cost of living on residents. However, it was important DCTP was recognised as support for those in short-term crisis. Where longer term support was identified – such as income top-ups, referrals were made to the Council's Cost of Living Team, external support agencies such as Citizens' Advice and Money and Pensions Service. For all residents with a Council Tax liability, the Revenues Enforcement Team was able to provide a holistic approach to advice and support.

The Council's current policy had been in place for some time and had been updated annually in line with delegated powers. It was appreciated that this was an important policy, which provided detail of additional financial support available to residents. Therefore, it was important this policy was reviewed on an annual basis, not only to ensure the policy was fit for purpose, but to be reactive to any issues residents were

facing.

The report was scrutinised by the Finance and Economic Overview & Scrutiny Committee and was recommended for approval by Cabinet.

64. Corporate Plan

Purpose of report

To seek Cabinet support of the draft Corporate Plan for the period 2024 to 2027 and to recommend to Council its approval and adoption from the 1st April 2024.

Decision

That Cabinet:

1. Recommends the new Corporate Plan 2024-2027 to Council for approval and adoption from 1 April 2024.
2. Delegates to the Chief Executive, in consultation with the Leader and Cabinet Member for Corporate Governance and Licensing to make any minor amendments to the design of the Corporate Plan 2024-2027 document prior to final Council approval.

Alternative options considered and rejected

The Council could have decided not to have a Corporate Plan. This was not a prudent or viable approach. The absence of a Corporate Plan would have resulted in a lack of strategic direction and at best an ad hoc and disjointed focus. Effective performance management and delivery of the Best Value Duty would be compromised.

The Department for Levelling Up, Housing & Communities (DLUHC) published draft statutory guidance on compliance with the Best Value Duty for local authorities in July 2023. The Best Value Duty related to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") 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 guidance provided greater clarity to local government on how to fulfil the Best Value Duty by describing what constituted best value, the standards expected by the department and the models of intervention at the Secretary of State for Levelling Up, Housing and Communities' disposal in the event of failure to uphold these standards. DLUHC was currently analysing consultation responses to the draft guidance. The final document was expected in 2024.

The draft guidance was clear that possession of a Corporate Plan was a marker of

well-functioning local authority under the Best Value theme of Leadership. The Corporate Plan was required to be *“evidence based, current, realistic and enables the whole organisation’s performance to be measured and held to account. Strategic priorities are aligned with the authority’s financial strategy and delivery arrangements, and respond appropriately to local need, including the plans of partners and stakeholders.”*

It was considered an indicator of potential failure if the *“Corporate plan is out of date, unrealistic and unaffordable and/or has too many priorities”* or was absent entirely.

Reasons for decision

The Corporate Plan would give a strategic framework for operational and medium-term financial planning and provided a clear direction for the Council. This provided a clear view of what the Council was delivering for the public, residents, businesses, key stakeholders and for its own staff.

The Corporate Plan (the Plan) set out the strategic vision of the Council for the next 4 years, and provided a performance framework for the delivery of the actions within the Plan, utilising a comprehensive evidence base.

The Plan informed the Council of strategic decisions and priorities and was designed to be realistic and dynamic.

The three principles that were fundamental to the Plan, identified through meeting with external partners were:

1. Listening and being responsive to needs of communities.
2. Building public trust and confidence by building a culture of openness and transparency wherever possible.
3. Providing value for money for residents and businesses through responsible and prudent use of resources.

The structure of the Plan contained several elements; vision, mission statement, priorities, ambitions, actions, outcomes for 2034, and foundations, and these were outlined within the Plan.

The vision for South Kesteven was to be *‘a thriving district in which to live, work, and visit.’* This phrase encapsulated the visions for the District. Above all, it was important for South Kesteven to be a place that residents were proud to call home. The mission for the organisation was to provide excellent public services, alongside being a modern and forward-looking Council delivering efficient public services.

There were five major priorities within the Plan:

1. Connecting communities
2. Sustainability
3. Enabling economic opportunity
4. Housing
5. To be an effective council

Each priority had a series of ambitions contained within. Each would stimulate a range of programmes and projects; the actions within each ambition detailed specific work that the Council would be undertaking.

Additionally, each priority contained a number of outcomes for a decades' time (2034), giving an example of longer-term strategic planning. The Plan was underpinned by three foundations:

1. Financial sustainability
2. Performance management
3. Corporate values and equalities, the ethos through which the plan will be delivered.

The Plan was the blueprint for the next 4 years and was a clear view of what the Council was delivering for the public, stakeholders and its own staff.

Cabinet approved the State of the District report on 11 September 2023. This, in conjunction with the socio-economic indicators document evidenced where South Kesteven District Council was placed in comparison to other local authorities.

The Plan was developed and refined through three workshops that all elected members had the opportunity to feed into. A further opportunity to input was given through a public consultation. The priorities within the Plan were supported by 80% of respondents and the ambitions of the Plan supported by around 85% of respondents.

Thanks were expressed to all officers and members that had taken part in the drafting of the Corporate Plan, in particular Debbie Roberts and Charles James.

The following points were raised during debate:

- It was disappointing that take up amongst members for the Corporate Plan workshops was lower amongst some political groups.
- Officers and members had to lead by example on the Plan. The goals within the Plan were 'middle-distance' so that they could be realistic – there was little point setting goals for 100 years' time when no-one would be around to defend them.
- A 'golden thread' approach was embedded in the Plan. This was the link that connected all work, at all levels of the organisation, directly to the overarching vision, priorities and ambitions of the Plan.

65. Fees and Charges Proposals 2024/25

Purpose of report

To set out the proposed fees and charges to be introduced for the financial year 2024/25.

Decision

That Cabinet:

1. Adds a charge to the proposed fees and charges to recommend to Council, to read '*Discharge of Planning obligation, approval of details pursuant to a planning obligation (Section 106 agreement) per clause £162 plus VAT*'
2. Recommended to Council the following fees and charges proposals for the financial year 2024/2025:
 - a. Green waste bin annual collection charges
 - i. Increase of £2 on the first bin to £51
 - ii. Increase of £15 on all subsequent bins to £42.
 - b. Departure fees for buses should not be increased from 87p to 90p.
3. approve the drafting of the South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement Order) 2023, with or without amendments, for consultation in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 to incorporate the following recommended changes:

Stamford:

- new tariff structure Monday to Saturday 8am-6pm
- £3 charge for evenings (long stay car parks only)
- £3 maximum charge for Sundays and Bank Holidays (Wharf Road Stamford exempt from Sunday charges)

Grantham:

- New tariff structure Monday to Saturday 7am-7pm
- 1 hour free parking at all car parks (except Wharf Road car park)
- 2 hours free parking at Wharf Road car park
- £2 charge for evenings
- £3 charge for Sundays and Bank Holidays
- The reclassification of Conduit Lane car park to a short stay car park

Long Stay Car Park Season tickets:

- Monday to Friday weekly charge of £18, monthly charge of £65, and a quarterly charge of £170
- Monday to Sunday weekly charge of £25, monthly change of £90, and a quarterly charge of £200.
- Consultation on offering a 15% discount for employers who purchase 4 or more quarterly season tickets.

4. Notes the proposal from the Finance and Economic Overview & Scrutiny Committee to introduce 2 hours free parking on Saturdays for Conduit Lane Grantham, Watergate Grantham, and Guildhall Street Grantham, and agrees to consult on the proposal.
5. Instructs officers to draft the appropriate Order, consultation and advertising for the Notice of Variation to formally vary the South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement Order) 2023.
6. Agrees to receive a further report summarising any consultation feedback received during the statutory period.

Alternative options considered and rejected

To not recommend fees and charges to Full Council.

Reasons for decision

The Council would often require additional information to be submitted for agreement via planning conditions or clauses within the legal Section 106 agreement. This included details such as affordable housing strategies, landscaping information or details of road junctions. Whilst there were statutory planning application fees for many application types, including agreeing details reserved by planning permission, there was no such similar set fee where details were required to satisfy the requirements of the legal agreement. The Council was able to set its own fees and charges for discretionary services, including the monitoring and administration of Section 106 agreements; where the Council received a request to agree details reserved by conditions, a significant amount of officer time was spent processing and assessing the information submitted. In setting these fees, the Council ensured that they were proportionate and should not exceed the overall estimated costs of delivering the service. The proposed fee would typically not exceed the overall costs of reviewing and assessing the details submitted and would support the Council in covering its costs.

The green waste charges were set in response to ongoing service cost increases relating to vehicle, operational and staffing costs in providing this discretionary service. However, the charge still remained low when compared to neighbouring authorities.

The majority of the discretionary fee increases were in line with the directly related costs associated with delivering the service and therefore increases had been applied. However, it was noted that there were no proposed increases to the market service in order to encourage trader numbers to increase particularly at Grantham and Bourne. Market Deeping and Bourne were not included in the consultation as they did not form part of the South Kesteven District Council Order 2023.

In relation to the proposed 3p rise in bus charges (departures), it was decided not to proceed and to retain the current charge.

A capacity study on car parks had been undertaken and the results were due. This study gave an overview of the use of car parks in Bourne, Market Deeping and Stamford. Any car park changes would be subject to the consultation process, in both Stamford and Grantham; it was important to note that the consultation was so extensive since it was not purely related to tariffs.

The Finance and Economic Overview & Scrutiny Committee at their meeting on 28 November asked the Cabinet to consult on free Saturday car parking for Grantham Market.

Further points were highlighted during debate:

- Negative publicity around proposed car parking changes was disappointing, given the offer of 1 hour free parking at Grantham.
- When the results of the consultation were known officers and members could do a cost benefit analysis on the feedback against costs to the Council.

66. Budget Framework Amendments 2023/2024

Note: Debbie Roberts was a Director on the Board of LeisureSK Limited (as well as being an officer at South Kesteven District Council) and left the Council Chamber during this item.

Purpose of report

This report sought approval to make in-year amendments to the Budget Framework for the financial year 2023/2024.

Decision

That Cabinet:

1. Recommends to Council the following budget amendments to the 2023/2024 Budget Framework:
 - a. Subject to a successful outcome of the phase 3C Public Sector Decarbonisation Scheme to increase the Capital General Fund decarbonisation scheme contribution to £492,500.
 - b. Delegate to the Deputy Chief Executive in consultation with the Portfolio Holder with responsibility for Finance to accept the Phase 3C Public Sector Decarbonisation Scheme funding if the grant application is successful.
 - c. Provide an additional management fee of £123,000 to LeisureSK Limited for the current financial year only.
2. Notes, with grateful thanks, the actions taken by Council members and officers in response to the impact of Storm Henk in the South Kesteven District.
3. Approves the following actions in response to the request from LeisureSK Limited for additional funding for the current financial year:
 - a. To request officers write to LeisureSK Limited to request a mitigation and recovery plan for the financial years 2023/2024 and 2024/2025 in response to the management fee request with a view to seeking the level of management fee being requested reducing further for 2024/2025.
 - b. To request that the Cabinet Member for Finance and Cabinet Member for Leisure receive regular detailed budget forecast reports from LeisureSK Limited between now and the end of the financial year 2023/2024.
 - c. To strongly request an invite for the Cabinet Member for Leisure to attend the LeisureSK Limited board meetings as an observer.
 - d. To request an urgent independent assessment of the business plan and profit and loss account for the financial years 2023/2024 and 2024/2025 and propose any corrective action or mitigations that can be undertaken.

- e. To initiate an independent assessment of the existing governance model and operational financial management controls to ensure they are fit for purpose and effective.
 - f. To note that an independent review of the VAT and taxation implications is underway.
 - g. To ask the Section 151 Officer, on behalf of the Council, to undertake a review of the financial information, a review of the Board minutes and level of financial support being provided to LeisureSK Limited and to recommend to Cabinet any corrective actions that may be required.
 - h. Accelerate the options appraisal for the future delivery model of SKDC's Leisure Services including insourcing and full market testing by tender with leisure providers. This is to be undertaken within the shortest of timelines.
4. Recommends to Council the formation of a Leisure Reserve of £850,000 in order to fund the contribution towards the refurbishment of the Deepings Leisure Centre

Alternative options considered and rejected

LeisureSK Ltd - Councils received no dedicated funding from Government to provide sports and leisure services and facilities. Without the requested additional funding, the Council could decide to close some or all of the leisure centres.

As the current contract with LeisureSK Limited was nearing the end of its period a thorough options appraisal would be undertaken to establish the most appropriate delivery model going forwards.

Reasons for decision

A Joint Meeting of the Culture and Leisure and Finance and Economic Overview & Scrutiny Committees met on 9 January 2024 to discuss and recommend the creation of a reserve to contribute towards the refurbishment of the Deepings Leisure Centre. Full Council subsequently met on 11 January to agree that the contribution of £850,000 would go forward, as and when the conditions of the Deepings Leisure Centre proposal were met.

The Council was required to provide match funding of £492,500 for the Decarbonisation Fund application; creating this budget provision would ensure that the Council was able to accept the funding if the bid was successful.

The allocation of an additional management fee to LeisureSK Ltd would ensure that the Company could continue to operate.

LeisureSK Limited had been operating since 2020, and an additional £500,000 of funding had been provided in the previous financial year. Between Christmas 2023 and the New Year there had been an anticipated shortfall of £272,000. The £123,000 of funding within this report was required in order for the Leisure Centres to continue operating.

The following points were highlighted during debate:

- The response of South Kesteven District Council officers to the flooding across the District was exemplary. The positive contributions of Members, Parish Councils and the Communications Team was highlighted. In particular, the contributions of the Ward Members for Casewick was highlighted.
- A fuller update on the Social Housing Decarbonisation Fund would be held at Housing Overview and Scrutiny on 22 January 2024.
- Cabinet Members remained wholly committed to the leisure provision across the District and were grateful for the work of those across the three leisure centres.
- One member suggested that the existing governance model and financial management controls within LeisureSK Limited were not fit and effective, therefore an urgent governance review was necessary.
- It was vital to ensure value for money, and fit and effective leisure facilities across the District.
- Non-executive directors had a duty to uphold strong corporate governance.

67. Sheltered Scheme Passenger Lift Replacements

Purpose of report

To obtain approval to enter into a contract with Allied Lifts for the provision of replacing six passenger lifts at South Kesteven District Council's sheltered housing schemes. The contract would be awarded through the Fusion 21 Framework and would be for an initial period of 3 years with an option to extend for a further 1 year.

Decision

That Cabinet approves the award of a contract to Allied Lifts for the replacement of six lifts at the Council's sheltered housing schemes with a contract value of £600k for a period of 3 years with the option to extend for a further year.

Alternative options considered and rejected

There had been the option of maintaining the existing lifts and replacing parts to keep them in service, but availability of parts was low or non-existent, hence the need to replace the lifts.

Reasons for decision

The proposed contract award had followed compliant procurement processes and would provide the Council with the appropriate contracts to aid officers to deliver on the Corporate Priority to provide "Housing that meets the needs of all residents".

There were 14 lifts across the sheltered housing schemes, two of which were replaced last year. The existing lifts had been in situ for a number of years, and

despite regular maintenance, there was still a number of callouts for repairs. Supply of parts was becoming increasingly difficult. Replacing them now was the best option as the lefts were an essential part of people's homes as well as giving access for members of the community.

68. Discretionary Housing Payment Policy - 2024/2025

Purpose of report

This report provides an update on Discretionary Housing Payment (DHP) expenditure and requests Cabinet approves the policy for 2024/25.

Decision

That Cabinet approves the policy for the administration of Discretionary Housing Payments for 2024/25.

Alternative options considered and rejected

There were no other options to consider, other than to not approve the policy.

Reasons for decision

The Council had a clear commitment in its Corporate Plan 2020-2023 to healthy and strong communities and being a high performing council. This report, and the support provided through the Council's Discretionary Housing Payment Scheme, delivered these priorities.

The administration and payment of Discretionary Housing Payments (DHP) was at the discretion of each Local Authority. South Kesteven District Council had a DHP Policy which set out eligibility for the scheme and the application process.

The aim of the policy was to enable that the most vulnerable residents, who could not access any other income could sustain their home and health.

Awards of Discretionary Housing Payments may be made where a resident had a short-term financial difficulty or had continuing and unavoidable needs that meant they were unable to pay their rent. Awards would normally be for a defined period.

Consideration would be given to whether all other discounts and sources of help had been exhausted. Where appropriate, decisions would be deferred until other avenues had been explored.

There was a need for proactive work and support due to the ongoing impacts of Welfare Reform and Cost of Living on residents. Whilst the effects of Welfare Reform had impacted a significant number of people and increased the need for DHP, it was important to note that DHP was also payable to people who required further financial assistance that had not been impacted by these changes. The ongoing reduction in DHP funding would inevitably have an impact on the level and duration of DHP

awards, however, it was intended that by working with customers in line with the policy these impacts would be managed and mitigated with longer-term sustainable solutions.

It was important DHP was recognised as support for those in short-term crisis. Where longer term support was required, this was achieved through identification of additional longer term financial support – such as income top-ups, referrals to the Council's Cost of Living Team, referrals to external support agencies such as Citizens Advice and Money and Pensions Service. For South Kesteven tenants, liaison with the Housing Team was important to ensure there was a holistic approach to prevent homelessness and to ensure the resident was supported through the Tenancy Support Team.

The Council's current policy had been in place for some time and had been updated annually in line with delegated powers. It was appreciated this was an important policy, which provided detail of additional financial support available to residents. Therefore, it was important this policy was reviewed on an annual basis, not only to ensure the policy was fit for purpose, but to be reactive to any issues residents were facing.

69. Award of Contract for Space Heating, Installation and Servicing in respect of HRA Properties

Purpose of report

To seek approval to enter into a contract with Aaron Services for the provision of asset services and the repair, maintenance and installation of domestic heating and mechanical services, including low carbon installations to South Kesteven District Council's housing stock.

Decision

That Cabinet approves the award to Aaron Services Ltd for the contract for a 3 year period (with the option to extend by a further 1 + 1 years) of an annual value of up to £3m for the provision of asset services and the repair, maintenance and installation of domestic heating and mechanical services, including low carbon installations to the Council's housing stock.

Alternative options considered and rejected

The ongoing maintenance of a number of existing systems, as opposed to replacing them had been considered, but this could be difficult due to the availability of parts.

Additionally, consideration was being given to obtaining grant funding to check the integrity of cavities and lofts, as insulation in these key areas of property construction was unknown. A further report on this would follow in due course under Fabric First.

Reasons for decision

The proposed contract award had followed compliant procurement processes and would provide the Council with the appropriate contracts to aid the delivery of the Corporate Priority to provide “Housing that meets the needs of all residents”.

The contract award was one of the largest that the Council granted, as it was for up to £15 million over 3 years with an option to extend by another two years.

Collaboration was underway with Aaron Services Limited; they were willing to relocate some of their staff into Council premises, which added value to the contract.

One other advantage was that Aaron Services Limited had for many years serviced a similar contract at North Kesteven District Council, who seemed to have received an efficient.

Considerable work had been carried out to ensure that under the new contract there would be marked improvements to the Council's housing tenants.

70. Budget Proposals for 2024/25 and indicative budgets for 2025/26 and 2026/27

Purpose of report

To present the draft Budget proposals and estimates for 2024/25 for both the General Fund and the Housing Revenue Account.

Decision

That Cabinet:

1. Had considered, and noted the budget proposals for 2024/2025 in respect of the General Fund (Revenue and Capital), and the Housing Revenue Account (Revenue and Capital).
2. Approves a rent setting increase of 7.70% for 2024/2025.
3. Proposed an increase for garage rents and service charges of 6.7%.
4. Approves a consultation in accordance with the requirements of Section 65 of the Local Government Finance Act 1992 for the financial year 2024/2025.

Alternative options considered and rejected

The Council was legally required to set a balanced budget each financial year, therefore there had not been a ‘do nothing’ option.

Reasons for decision

The Council was legally required to set a balanced budget each year. The Budget Proposals would be further considered by Cabinet on 6 February 2024, and then go to Full Council for final approval on 29 February 2024.

71. 2022/2023 Authority Monitoring Report

Purpose of report

The annual publication of the Authority's Monitoring Report (AMR) was a statutory requirement for all Local Authorities. The AMR covered the period from 1 April 2022 to 31 March 2023 and reviewed progress in preparing development plans and the extent to which South Kesteven District Council's policies had been put into effect.

Decision

That Cabinet:

1. Endorse the 2022-2023 Authority Monitoring Report (Appendix A) and agreed to its publication on the Council's website.
2. Delegates the preparation and publication of a non-technical summary of the Authority Monitoring Report to the Assistant Director of Planning in consultation with the Cabinet Member for Housing and Planning.

Alternative options considered and rejected

As publication of the AMR was a regulatory requirement, there were no feasible alternatives to publishing the document. The AMR was a factual report which provided clarity around progress on the delivery of the Local plan's objectives and policies. The AMR would help to ensure the emerging Local Plan's policies were fit for purpose.

Reasons for decision

Regulation 34 of the Town and County Planning (Local Planning) (England) Regulation 2012 required Local Planning Authorities to publish an AMR.

The AMR provided a means through which monitoring data could be presented within one document. It contained progress of the emerging Local Plan, and of any Neighbourhood Plans in the District. A draft version of the report was considered by Planning Committee in December 2023.

Also included within the report were the following items:

- Details of the authority's housing delivery, including the number of affordable housing completions.
- Progress of allocated housing sites, as well as information on gypsy and traveller provision.
- Information on allocated employment sites.

- A non-technical summary was required as the Council was committed to improving public understanding of its work.

The Planning team would report this information annually.

72. LeisureSK Limited - Urgent Funding Request

Note: Debbie Roberts was a Director on the Board of LeisureSK Limited (as well as being an officer at South Kesteven District Council) and left the Council Chamber during this item.

Purpose of report

To consider a request for an immediate payment to LeisureSK Limited of £150,000 to ensure the continued delivery of leisure centre services.

Decision

That Cabinet:

1. Approves an immediate management fee payment of £150,000 to LeisureSK Ltd.
2. Delegates to the Council's Section 151 Officer in consultation with the Cabinet Member for Finance and Economic Development responsibility to identify the most appropriate source of funding from which to make the payment.

Alternative options considered and rejected

The Council could have chosen not to approve the increased management fee request. However, this would have meant LeisureSK Limited would not be able to meet its cashflow requirements which would have resulted in centres facing immediate closure.

Reasons for decision

To ensure LeisureSK Limited could meet its cashflow requirements in January 2024 and that the leisure centres across the District could continue to operate.

73. Key and Non-Key Decisions taken under Delegated Powers

The Key Decision taken under delegated powers was noted.

74. Cabinet's Forward Plan

The Forward Plan was noted.

The Leader of the Council, in closing the meeting noted that it had been a pleasure to Chair Cabinet for the preceding 8 months.

Meeting closed at 3:51pm.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of: Councillor Richard Cleaver,
Cabinet Member for Property and
Public Engagement

Grantham Future High Streets Fund – Upper Floor Grants Scheme

Report Author

Alice Atkins, Corporate Project Officer



Alice.Atkins@southkesteven.gov.uk

Purpose of Report

This report requests Cabinet approval to award a maximum grant of £225,000 for the conversion of unutilised retail space into nine units of residential accommodation at 17 – 19 High Street, Grantham, NG31 6PN.

Recommendations

It is recommended Cabinet:

1. Approves a grant award of a maximum of £225,000 under the Grantham Future High Streets - Upper Floor Grants Scheme.
2. Delegates authority to the Deputy Chief Executive to sign and approve the legal agreement

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Growth and our economy
Which wards are impacted?	Grantham St. Wulframs

1 Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Third party grants are offered to private owners to deliver capital works approved within the scheme. Grants are awarded at a rate of up to 50% per residential unit, to a maximum of £25,000. The award of this grant is within the budget allocated to this activity.
- 1.2 Legal Services Lincolnshire developed the Grant Funding Agreement and will undertake due diligence on the applicant and administer the legal agreement in order to minimise financial risk to the Council.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy S151 Officer

Legal and Governance

- 1.3 The Future High Streets Fund (FHSF) work programmes have been brought forward as a result of successful submissions and have regular input from legal professionals as appropriate with regard to land ownership, asset transfer, grant agreements and other areas. Projects adhere to Procurement and Financial Regulations.
- 1.4 The Combined Future High Streets Fund and High Street Heritage Action Zone Board can recommend the award of individual grants of £200,000 or less to the relevant Senior Officer to approve under their delegated authority. Grant awards of

£200,000 or more require Cabinet approval. Cabinet is therefore required to formally approve this grant award in accordance with the Council's Financial Regulations.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

2 Background to the Report

- 2.1 In 2021, South Kesteven District Council was awarded £5.56 million funding through the Future High Streets Fund by the Department for Levelling Up, Housing and Communities (DLUHC). The funding allows the ambitions for Grantham town centre to be realised and intervenes directly in repurposing properties to deliver a more diverse high street offer that is fit for the future. Such an approach aligns with the Corporate Plan (2020 to 2023), as the Council seeks to establish best practice in supporting town centre environments and taking forward its approach to place-shaping within the main market towns across South Kesteven.
- 2.2 Finance and Economic Overview and Scrutiny Committee routinely receives updates on the Grantham Future High Streets Fund (FHSF), the most recent was on 15 January 2024 (see **Background Papers**).
- 2.3 This report focuses on the Upper Floor Grants Scheme which is one project under the Future High Streets Fund Programme. This scheme involves the delivery of a grant programme to support private landowners with the conversion of unused and underutilised upper floor retail space to residential accommodation.
- 2.4 When completed, this part of the programme will provide the blueprint for how future town centre living can be delivered. The individual projects will provide high quality, energy efficient conversions, expected to command higher than normal town centre rental values. It is envisaged the higher property return will encourage owners and investors into the market and the provision of an increased number of high-quality residential units will provide dedicated footfall and trade to town centre businesses.
- 2.5 The Upper Floor Grants Scheme awards grants at a rate of up to 50% per residential unit, to a maximum of £25,000. There is £566,100 available for this activity and, including this application, £516,100 has been allocated to 20 grant applicants. Elected Members have been regularly updated on progress on individual grant applications through the relevant Overview and Scrutiny Committee (see **background papers**).
- 2.6 The full criteria for the upper floor grants scheme was developed collaboratively by the Programme Manager with subject matter experts across the Council contributing. The grant guidance document is provided at **Appendix A**. In summary, the key aims of the grant are to:

- Develop high quality residential accommodation in the town centre - noting the grant will not fund the creation of bedsits.
 - Maximise the energy efficiency of the new units, applicants are encouraged to aim for an Energy Performance Certificate (EPC) Rating C.
 - Create space that accords with Department for Levelling Up, Housing and Communities (DLUHC) Technical Space Standards.
 - Preserve the historic character of the building for conversion and enhance the area.
- 2.7 The governance process flowchart for grant awards is shown at **Appendix B**. It is a two-fold process with an applicant submitting an expression of interest (EOI) outlining the proposed project, which if approved to proceed, leads to a Full Application process where the applicant provides detailed information including:
- How the project fully meets the required aims and outcomes of the grant
 - Confirmation the applicant has achieved all the required consents to deliver the project, including Planning Permission and Listed Buildings Consent, if the latter is required
 - Demonstration they have undertaken a procurement process in accordance with the Council's own procurement value levels.
- 2.8 Both the EOI and Full Application process involves the Programme Manager review of the application, followed by assessment by subject matter experts within the Council. The results of these reviews led to a recommendation for approval, as determined by the Programme Board. The Programme Board is comprised of: the Leader of the Council (Chair), Deputy Leader of the Council, Mayor of Grantham, Independent Member for St Wulfram's Ward, Chief Executive (Senior Responsible Owner), Chief Finance Officer (S151 Officer), Director of Growth and Culture and the Head of Economic Development & Inward Investment.
- 2.9 This process can be commenced at any time without the need to wait for Committee Meetings. The methodology ensures the grant application process is transparent whilst being subject to robust scrutiny by Officers and Programme Board Members.
- 2.10 Grant awards of £200,000 or more require Cabinet approval. It is for this reason why Cabinet's approval is being sought in this report due to the grant award level of up to £225,000 for the conversion of unutilised retail space into nine units of residential accommodation at 17 – 19 High Street, Grantham.
- 2.11 This specific request to Cabinet is the approval of a maximum level of grant at the set intervention rate (a maximum of £25,000 per unit or up to 50% of the costs per unit whichever is lesser). Should costs exceed the Quantity Surveyor Report estimate, no increase in grant will be considered.

- 2.12 The full scope of the project works has been defined and further information provided to Officers separately in the form of the full design and Quantity Surveyor report. All relevant planning consents have also been granted.
- 2.13 In light of the current programme spend deadline of 31 March 2024, it has been agreed the applicant can proceed to full application on the evidence of costings provided by the Quantity Surveyor Report, and they will be running the full tender in compliance with the grant procurement requirements as soon as they are able to do so.
- 2.14 Legal Services Lincolnshire developed the Grant Funding Agreement and will undertake due diligence on the applicant and administer the legal agreement. It is critical the grant awards are processed as quickly as possible, not only to meet the programme deadlines, also due to construction cost inflation meaning quotation validity periods are much shorter.

3 Key Considerations

- 3.1 In delivering under FHSF, the Council is committed to supporting a programme of monitoring and evidence that will last beyond the bid project.
- 3.2 The FHSF programme, including the Upper Floor Grants scheme, must be delivered by 2023/2024. Match funding may support delivery in later years, however all FHSF monies must be spent by March 2024. Whilst spent funding is not at risk, as funds are issued under a Section 31 grant of the Local Government Act 2003 (s31), there is pressure to deliver to spending profiles as agreed with the funder.

4 Other Options Considered

- 4.1 Significant progress has been made with the delivery of the FHSF. It remains key for the development and promotion of Grantham that the Upper Floor Grants Scheme is delivered. Therefore, the option to not award the grant funding is not recommended.

5 Reasons for the Recommendations

- 5.1 The FHSF will provide infrastructure improvements to help unlock the potential of Grantham and assist in the promotion of the town as a place to live, work and visit.

6 Consultation

- 6.1 The Finance and Economic Overview and Scrutiny Committee received a progress update on 15 January 2024 relating to the Future High Streets Fund Programme (FHSF), which included reference to all Upper Floor Grants Scheme applications.

- 6.2 Both the Expression of Interest and Full Application for 17 – 19 High Street have been circulated to the FHSF Programme Board for approval. The FHSF Programme Board gave in-principle approval to allocate a maximum £225,000 grant.

7 Background Papers

- 7.1 *Grantham Future High Streets Fund Update* – Report to Finance, Economic Development and Corporate Services, published 15 January 2024, available online at:
<https://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=729&MId=4540&Ver=4>
- 7.2 *Local Government Act 2003 - Section 31* – available online at:
[https://www.legislation.gov.uk/ukpga/2003/26/section/31/2003-09-18#:~:text=31Power%20to%20pay%20grant&text=\(1\)A%20Minister%20of%20the,to%20be%20incurred%20by%20it.](https://www.legislation.gov.uk/ukpga/2003/26/section/31/2003-09-18#:~:text=31Power%20to%20pay%20grant&text=(1)A%20Minister%20of%20the,to%20be%20incurred%20by%20it.)

8 Appendices

- 8.1 **Appendix A** - Future High Streets Fund Grant Application for Upper Floor Grant Scheme Guidance
- 8.2 **Appendix B** – Governance Process Flow Chart for Grant Awards

Future High Streets Fund - Grantham 'The Living Town'

Upper Floor Conversion
Grants Guide



HM Government



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Background

The Future High Streets Fund aims to renew and reshape town centres and high streets in a way that improves experience, drives growth and ensures future sustainability. In total, 72 places have shared £831 million from the Future High Streets Fund to help them recover from the pandemic by improving transport links, building new homes and transforming underused spaces.

South Kesteven District Council (SKDC) has been awarded £5.56 million of Future High Streets funding to deliver an ambitious programme of infrastructure regeneration in Grantham, a well-located market town with a high-quality historic urban environment and an established independent retail offer. Despite these geographic and urban environment advantages Grantham has suffered with a lack of popularity both internally and externally and consistently loses market share to competitor market towns and nearby cities. The Future High Streets Fund will be utilised to reenergise the town centre and set the foundations for the renaissance of Grantham, breathing new life into the town and establishing it as a first-choice location to visit, live and work.

The four distinct elements of the programme are:

1. Delivering a welcoming gateway link enabling ease of transit from the Railway Station to the town centre.
2. The re-establishment of the Market Place as the beating heart of Grantham.
3. Creating re-development opportunities around the Station Approach zone, developing further town centre living space within an overall mixed-use environment.
4. Re-establishing town centre living and reimagining vacant retail space through the conversion of underutilised upper floor retail and commercial space to high quality residential or other creative uses.

In order to support the delivery of programme area 4, SKDC has established a grant scheme to enable

owners of retail properties within the town centre to convert vacant and underutilised upper floor space into high-quality residential units.

The grant scheme will address the economic waste of underutilised floorspace and support the creation of a vibrant, living, town centre which will generate consistent footfall and localised buyer markets.

Additionally, this grant programme will enable owners to capitalise on emerging new opportunities afforded by changes to work patterns, commuter behaviour and London based workers moving out to well-connected commuter towns such as Grantham.

Consideration will also be given to the conversion of upper floor space into another viable commercial or leisure use. If your proposal is non-residential please contact the Programme Manager to discuss your concept prior to submission of an Expression of Interest.

The programme will enable property owners, who are key Grantham stakeholders, to support and participate in the early stages regeneration of the town and set the tone for future models of town centre living.

Grant Scheme Overview

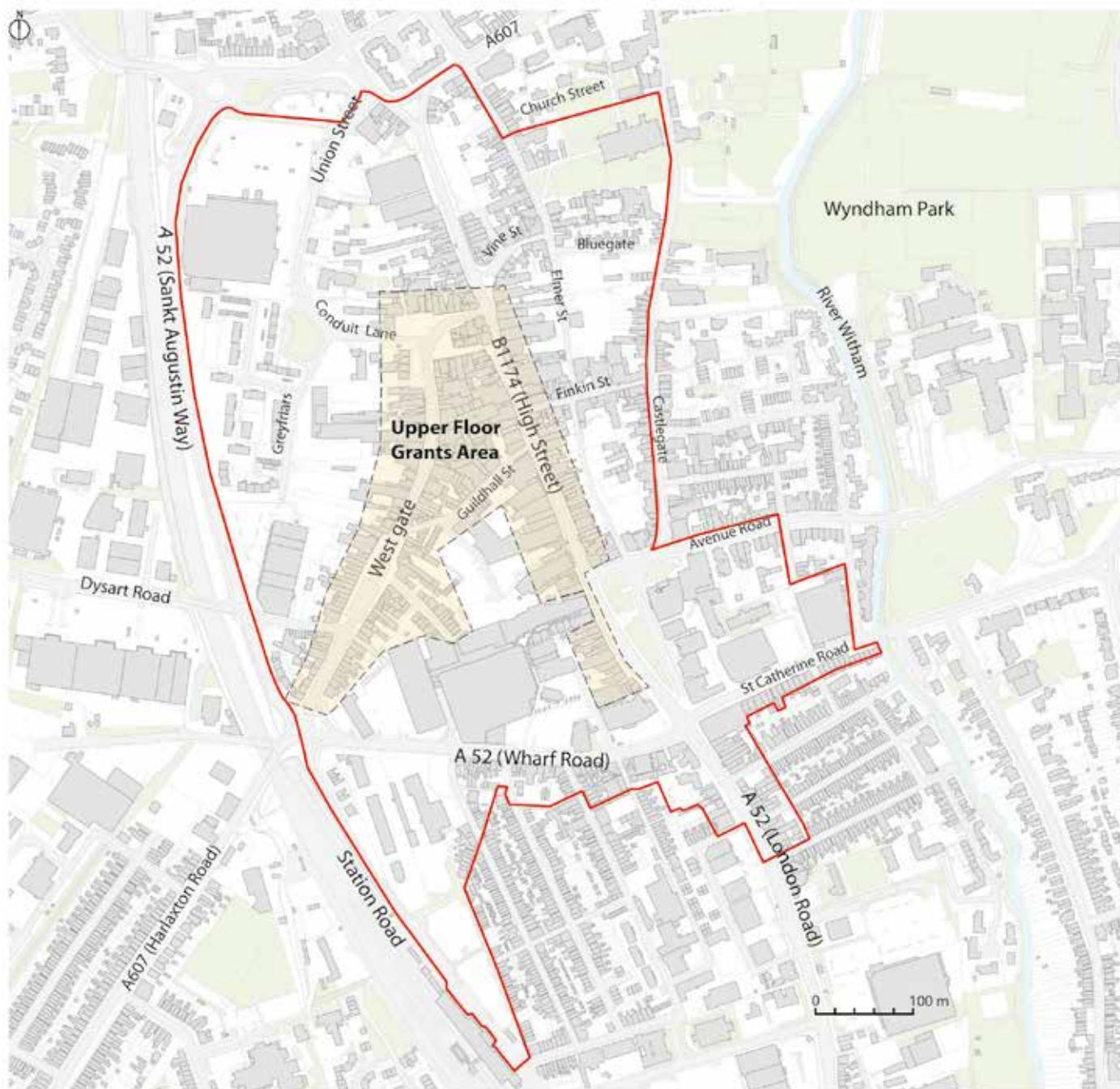
The grants will be available to support the conversion of vacant upper floor space above commercial properties within the core retail heart of the town to provide new units of self-contained housing accommodation for rent.

The grant scheme is geographically restricted, to be eligible properties must be located within the primary retail area, that is:

- Westgate
- Market Place
- High Street/St Peter's Hill
- Guildhall Street

The creation of new residential accommodation

Upper Floor Grants Area



is the priority of the scheme, but, as stated above, consideration will be given to the conversion of upper floor space into another viable commercial or leisure use.

The key aims of the scheme are:

1. To bring back into beneficial use under-utilised or vacant spaces, creating new residential, commercial or leisure spaces.
2. To promote and deliver high quality living accommodation in Grantham.
3. To preserve and enhance the historic character of the town centre and its heritage buildings.
4. To enhance the energy efficiency of the converted units to meet climate change objectives and to maximise building energy performance efficiency.

InvestSK will manage the grants process, all grants will be made from the funding body which is SKDC.

Eligibility

You will be required to be the freehold owner of a building located within the specified zone of the scheme. Joint applications from freeholders and leaseholders will be considered but a lead will need to be identified. Individual leasehold owners with a fully repairing lease which has 10 years unexpired term remaining should contact the Programme Manager for a discussion on eligibility.

Assessment Criteria

The scheme will support the cost of converting unused upper floors to residential accommodation (unless an applicant comes forward with a viable, high-quality alternative use which is approved in principle prior to submission of EOI).

Assessment will be based on the extent to which the proposals meet the key assessment criteria:

- The converted accommodation will adhere as closely as possible to the current version of the Department for Levelling Up, Housing and Communities (DLUHC) Technical Housing Standards – nationally described space standard.
- The grant will not support repair e.g. replacement gutters and downpipes, roof repairs etc, unless they are critical to the conversion – such as repair to a fire escape or are crucial to deliver sustainability measures as set out below.
- The conversion includes sustainability measures to maximise the Energy Performance Certificate with the aim of achieving an EPC level of C or above. The delivery of energy performance measures should respect the character of the conservation area.
- The project should ensure that all conditions and regulations with respect to historic buildings and preserving the historic environment are adhered to.
- The work should create new or safeguard existing jobs.

The conversion of space to residential bedsit accommodation will not be eligible for grant funding.

Preference will be given to proposals which fully meet the above criteria. However, it is acknowledged that the nature of many of the eligible properties may present delivery challenges in doing so, particularly where buildings may have unusual floorplans and limited space, and /or the delivery of the assessment criteria in full would lead to the unacceptable loss of historic features in listed or historic properties or damage the character of the conservation area. Applications which do not fully meet the above criteria will still be considered where accompanied by an explanation as to the delivery difficulties and how the applicant has used all reasonable endeavors to meet the assessment criteria.

Grant Rates

The grant programme will provide 50% of the eligible costs of conversion, up to a maximum of £25,000 per unit created.

The scheme has limited funding (£550,000) so at the maximum grant per unit a minimum of 22 new units within the town centre will be created.

Support With Letting

Owners will be expected to make their property available to rent for a period of 5 years following the final payment of grant.

SKDC can help landlords to find tenants utilising the Council's housing register. Additionally, landlords can be supported through use of the Council's rent deposit scheme. Further details of both of these schemes are available from the Council's Housing Team on request.

Links To Other Funding Streams

The Upper Floor Grant is available for the conversion of commercial properties to residential accommodation. The scheme is potentially compatible with other funding streams, such as the High Street Heritage Action Zone Shopfront programme. The schemes may run in parallel, however funding cannot overlap and therefore applicants should contact the Programme Manager before submitting an EOI if they are in receipt of, or have applied for, funding through an alternate programme.

Whilst the Upper Floor Grant Scheme does not support property repair there may be opportunities for owners of historic buildings to consider a submission for separate funding through the Heritage Action Zone (HAZ).

The focus of the HAZ scheme is the repair and reinstatement of historic features to shopfronts, but can also cover repair works to roofs, windows, rainwater goods etc. where their repair is necessary for the preservation of the building. To be eligible properties must have been constructed prior to 1939. The grant cannot fund purely cosmetic works (such as repainting) in isolation.

If your proposal includes repairs to a historic building which would not otherwise be covered by the Upper Floor Grant Scheme, please contact the Heritage Action Zone Project Manager at the contact address below for an initial discussion.

Publicity, Reporting and Case Studies

There are requirements for publicity of the programme and Applicants will be expected to support this. The guidelines will be supplied to successful applicants and will need to be used in areas such as external hoardings and contractor/consultant notices surrounding the sites as well

as any publicity undertaken by applicants or their contractors/consultants to promote their work.

Additionally, SKDC has to report back to Government on set outputs and outcomes for the programme. From an applicant perspective this will largely focus on areas such as jobs created or preserved as a direct result of the grant award as well as the level of investment that the applicant is making into the property. Applicants will be expected to provide requested information in a timely fashion but it is envisaged that this process should not be onerous.

Finally, it is anticipated that the grant funding will generate examples of best practice, problem solving or more general good news stories which can be developed into case studies to be forwarded to Government and published online. This will highlight the positive work that applicants and their contractors and consultants have undertaken and such case studies will be jointly prepared between the parties.

Timeframes

The Future High Streets Fund is a time limited programme, ending in 2024. All eligible works must be completed, invoiced and claimed prior to 16th February 2024. It will not be possible for grant recipients to claim funding for any work completed after this date.

The grants will be assessed by a two-stage process, an initial Expression of Interest (EOI) to be followed by a Full Application should the EOI demonstrate that the proposals meet the required eligibility standards.

Expressions of Interest may be submitted at any time and decisions will be made on a rolling basis in a timely fashion. Feedback will be provided to all applicants. Should an EOI be rejected, applicants are welcome to re-submit their proposals following the receipt of feedback and making necessary amendments.

If the EOI is approved applicants must submit a

Full Application within 4 months. These will be assessed upon receipt and decisions made in a timely fashion, again unsuccessful applicants will be provided with feedback and are free to revise and re-submit their full application for consideration.

From the date of grant award projects must substantially start within 6 months and be completed within 12 months of the grant award date.

The latest timeframe for completion of project and payment of final account will be the 16/2/24.

A worked example

Expression of Interest received	31/3/22
Project approved to Full Application	15/4/22
Latest date for receipt of Full Application	14/8/22
Grant Approved	30/8/22
Latest conversion work commencement date	28/2/23
Latest date for completion of work	29/8/23

Full Applications will continue to be processed until all of the funding is committed. Once the funding is fully committed all in process applications will be placed upon a reserve list and prioritised in terms of individual project delivery timeframe. Applicants will be kept updated as to the availability of funding and the status of their application.

Due to the deadline for funding spend the timeframes set out above will be strictly adhered to.

Projects which have been awarded funding but have not substantially started work by the 6-month commencement deadline will be reviewed. Unless very good reasons, supported by documentary evidence, are provided for the delay and a revised commencement timeframe is agreed then the Council reserves the right to revoke the funding

offer and award the funding to an applicant on the reserve list. If the revised commencement timeframe is missed, then the funding will be automatically withdrawn.

Projects will only be deemed to have commenced when substantial work has been completed. For example, hanging a new door in isolation would be classed as minor, the installation of a new kitchen would be classed as substantial.

Appendix 1 - Application Process

The application process will comprise two parts, initial Expression of Interest followed by Full Application, this is set out below.

Expressions of Interest

The initial Expression of Interest provides SKDC with an overview of the project for which grant funding is being sought. It is appreciated that not all of the information requested will be available in detail at this stage, but where possible best estimates of cost and deliverables should be provided.

The EOI's will be assessed by SKDC/InvestSK officers with recommendations for approval/refusal to be agreed by the Future High Streets Fund Board.

The EOI document can be found at Appendix 4 and is also available through the InvestSK website investsk.co.uk/future-high-streets-fund/

Full Application

If the property is approved to proceed from an initial Expression of Interest then the applicant will be notified by the Future High Streets Fund Programme Manager and a site visit will be arranged if one has not happened previously. Work can commence on the Full Application which is a much more detailed document and applicants will need to include:

- Evidence of eligibility for the grant, including proof of ownership documents
- Full detail of the proposed works, including units created, unit sizes and bedrooms per unit
- Scale design drawings and photographs
- Evidence of relevant consents to undertake the work, including landlord consents, Planning Permission, Listed Building Consent, Conservation Area Consent etc.
- Accurate pricing including evidence of competitive quotations/tenders against the common schedule of works
- Extent of energy efficiency measures to be installed in the property and projected EPC improvement as a result of the works.

Eligible works are detailed in Appendix 2 and the Future High Streets Fund Programme Manager will be able to advise you on these as well as the application process.

Full Application – Supplemental Guidance Tendering/Quotations

As the grant scheme is financed with public money, the Council requires that a competitive process is followed for the appointment of architects, consultants and contractors. This will involve the applicant engaging appropriate professional advice at the outset. If the grant application is approved these initial project costs can be claimed, planning and building regulation application fees are also grant-eligible.

The award limits are:

- Direct Award (evidenced by written quotation)
Up to £10,000
- Three written quotations
£10,000 - £49,999
- Full Tender Process
£50,000 and above

Professional Advisor Costs

Professional advisors should be professionally qualified e.g. RIBA, RICS etc. In the case of the conversion of Listed Buildings the professional should have relevant specialist conservation knowledge, ability or experience and should be a conservation-accredited architect (AABC Registered or RIBA conservation architect) or a RICS conservation-accredited building surveyor. Fees must demonstrate value for money through a quotation/tender process.

Appointment of Contractors (Eligible Work Costs)

To ensure best value for the grants the costs of eligible works should be supported by tenders or quotations from contractors secured following a competitive process. Applicants will invite tenders from contractors known to be able to achieve the standards required and with demonstrable experience of working on similar projects, utilising Council procurement procedures.

The grant offer will be based on the most competitive tender. If you want to accept a tender other than the lowest, you must submit reasons why, within your application. If the Grant Administrators do not agree, any grant awarded will be reduced by a percentage, which reflects the difference between the lowest acceptable tender and the one you accept.

Historic Buildings

The streets for which the funding applies are located within the Grantham Conservation Area, containing a high proportion of Listed Buildings as well as other buildings of historic interest and local importance.

In view of this applicants will need to demonstrate how the conversion treats the retention of historic features/ materials, particularly with regards to ensuring that retrofit for energy efficiency is appropriate and sympathetic to such features/ materials when implemented in historic buildings. This is particularly the case for buildings which are not Listed but are historic or traditional buildings of local importance.

A key issue in Grantham is with the replacement of original windows with UPVC double glazing within the Conservation Area. Applicants should note that this grant programme will not fund the installation of UPVC double glazing as part of the conversion. For energy efficient improvements applicants should evaluate the use of secondary glazing or other window installations which preserve historic character and improve energy efficiency. Applicants are advised to look at the Historic

England's Energy Efficiency and Historic Buildings series of guidance notes and contacting the Council's Conservation Officer before submitting an EOI.

Subsidy Control

The UK must comply with the Trade and Co-operation Agreement made between the UK and the European Union (TCA) in relation to financial assistance given to third parties. The TCA permits €325,000 Special Drawing Rights (approx. £330,000) of financial assistance to be given to an organisation over a rolling 3 financial year period by any public body (not just South Kesteven District Council).

If your organisation has have received more than this amount, please continue to submit your application as other options may be available. Please note that financial assistance given for COVID-19 does not count towards the £330,000. A completed enclosed UK Subsidy Control Declaration form will need to be submitted with each application.

Appendix 2 - Eligible Costs

The Upper Floor Grant scheme will fund all works necessary to convert the internal accommodation from the existing commercial use to residential. Management costs, external works, repairs and structural stabilization are not allowable expenses, additionally, building services works, such as drainage, electricity, gas, or water are not normally eligible, except where it is essential to deliver the conversion.

However, it is acknowledged that some external and building fabric works may be required to facilitate conversion or enhance space. To draw a distinction, replacement or new guttering is not an allowable expense but repair of a balcony which facilitates external living accommodation would potentially be an allowable expense. Further examples are set below:

- Provide means of escape
- Provide light
- Window/external door replacements - are not an allowable expense, unless this is a key factor in delivering improved energy performance. Applicants should note that where they are considering replacing windows/external doors in historic buildings, they must demonstrate they have used all reasonable endeavours to refurbish, enhance and retain. Applicants are directed toward the Historic England specific guidance on improving the thermal performance of windows and doors
- Installation of photovoltaic panels or other external measures which assist in improving energy performance noting that there are some restrictions on PV installation within conservation areas.
- Enabling works costs, such as scaffolding, hoardings, contractors' facilities and vehicles
- Fire safety improvements
- Necessary demolition work
- Removal/encapsulation of asbestos within a building.
- VAT where it cannot be recovered by the grant recipient

Professional and General Fees

Whilst not an exhaustive list, set out below are professional and general fees which would be eligible for the grant.

- Preparation of a detailed specification and drawings for the conversion.
- Any necessary planning application costs, including Conservation Area and Listed Buildings consents
- Fees to support the assessment of the buildings energy performance along with recommendations to achieve an EPC "C" rating
- Surveys of the structure(s) or site and its condition
- Research, analysis and archaeological investigation if the fabric of a historic building is likely to be affected
- Getting competitive tenders and providing a tender report and arranging contract for the work
- Regular inspections and valuations of the work on site until it is completed
- Full contact with the local authority on the technical details of both the application and the work for which a grant has been awarded.

At Risk Costs

All costs incurred prior to receiving a written offer of grant has been made and accepted by the individual building owner are incurred at risk. This will most likely be professional and general fees.

In terms of the conversion works, any work started without prior written consent and again prior to receiving a written offer of grant has been made and accepted by the individual building owner are incurred at risk.

It is key to note that conversion works will only be funded if the building is in otherwise good structural repair or will be repaired to an acceptable standard as part of a grant funding application.

Eligible and non-eligible work can be undertaken at the same time, but costs must be identified separately and made explicit in the schedule of work. Where eligible and ineligible works are combined in a single project, a grant will be offered towards the cost of eligible work only.

Appendix 3 - General Terms and Conditions

A grant agreement will need to be entered into with the Council, a copy of which will be sent with the Grant Offer Letter. There may be exceptional circumstances where the property is exempt from these conditions and will be agreed by the Council prior to grant approval.

Set out below is a summary of the key conditions that apply to this grant scheme.

- a) Notwithstanding the fact that an application for grant is made correctly and in respect of an eligible building, SKDC shall not be under any obligation to make a grant and any decision to make a grant shall be entirely at the discretion of SKDC.
- b) The applicant must own the freehold of the property, or hold a repairing lease with an unexpired term of at least 10 years from the projected date of the final grant payment without a break clause.
- c) Applicants must be over 18 years of age.
- d) If the property or land is held on a lease for less than 10 years, is not a repairing lease, or if it contains a break clause that may terminate the lease within 10 years, the landlord must join in the grant application and agree to be bound by the grant conditions if a grant is awarded.
- e) The terms of the grant will last for 5 years from the date of the payment of the final instalment of the grant.
- f) Grant offers will be withdrawn, or fully repayable, if the grant recipient breaches any of the terms of the offer as set out in this document, or if the grant recipient has behaved fraudulently or misleadingly in connection with its grant application or in carrying out and completing the works or activities.
- g) To protect the SKDC's ability to reclaim the grant, it will register a restriction against the applicant's interest in the property if registered at HM Land Registry or, if the property is unregistered, as a land charge and caution on the Land Charges Register (held by HM Land Registry).
- h) Permission for the works must be sought from every person with a freehold or leasehold interest in the property, and the applicant is responsible for obtaining these.
- i) Grant recipients will make available any financial records the SKDC reasonably requires in respect of the works.
- j) SKDC Officers and their appointed agents shall have the right, at all reasonable hours, to inspect any work that has been approved for grant assistance during the time that the work is being carried out and after it has been completed for the grant condition period of 5 years.
- k) VAT will only be paid if the grant recipient is not entitled to any refund on the VAT, and that if the grant recipient becomes entitled to a VAT refund they must pay the relevant amount to the Council. Grant recipients must certify that they are unable to recover any of the VAT payable.
- l) Grant recipients must fully insure the property or site for its full reinstatement value while the works are being carried out and following their completion. In the event of loss, theft or damage, the property or site must be made good.
- m) Grant recipients must ensure that the property or site is maintained in good repair when the works have been completed throughout the grant period of 5 years from the date of the payment of the final instalment of the grant.
- n) Work must be started within six months from the date of the Grant Offer Letter, and concluded within 12 months, or by 16th February 2024, whichever is earlier.

- o) Applicants will be responsible for ensuring that necessary public liability insurance is in place, and that all work is undertaken in accordance with all relevant Health and Safety legislation.
- p) It is up to grant applicants to ensure their works meet all requirements in relation to Listed Building Consent, Planning, Building Control, and any other consents. Grant payments will not be made until the written confirmation of all relevant consents to undertake the works is received.
- q) In the case of historic buildings, all contractors will be expected to follow and reference Historic England technical guidance in the course of their work. This information can be found on the Historic England website.
- r) The applicant indemnifies South Kesteven District Council against all claims and losses incurred as a result of undertaking the grant funded works.
- s) The owner must give a signed undertaking that the property will be available for rent for five years following the date of completion. No disposal, other than by letting, of the property for this period, is to be agreed.
- t) If one or all the units is disposed within 5 years, and the disposal is not an 'exempt' disposal, the value of the grant must be repaid.
- u) A grant cannot be awarded to a property owned by an elected member of local government (defined as the Town Council, District Council or County Council), an employee of local government, a family member, co-habitee or business partner of a member or employee of local government, or corporate body with which the member or employee of the local government is associated, of which the local government authority is aware.
- v) Any outstanding issues of Planning Enforcement or unauthorised work to the property need to be resolved in writing to the satisfaction of the Council.
- w) Any debts to the Council will need to be paid in full.
- x) The applicant must notify the Council if they have applied or received offers for any other grants.
- y) Grant payments will be made in arrears, following a site inspection by the appointed Council assessor to ensure project progress/completion. For a project under 3 months in duration the full grant will be paid at the end of the project. For projects greater than 3 months in duration then phased payments can be made, if requested, on a schedule to be agreed and subject to completion of works in accordance with the agreed schedule of works.

Appendix 4 - Expression of Interest

Upper Floor Grant Scheme

For help with filling in this form please read the Grant Guide and/or contact the Future High Streets Fund Programme Manager (details below).

1. Property where the work is to be carried out

Name of property	
Address of property (include postcode)	
Listed building status	Grade II / Grade II* / Grade I / Local historic interest / no designation

2. Applicant(s) details

Name of applicant	
Type of applicant	Landlord / Developer / Trading Company / Sole trader / Charitable Trust / Local Authority
Organisation role	
Organisation or company	
Address of applicant (include postcode)	
Email address	
Phone number	
Legal interest in property (please circle)	freehold / leasehold: If leasehold state the year it will expire:
Date of acquiring property/lease	

3. Current use of property

Occupancy	occupied / partially vacant / vacant
Existing use(s) of the property	
Proposed use(s)	

4. Proposed works

Brief description of the works – including energy efficiency elements (grants are only available for eligible works, a guide to eligible works is available in the Grant Guide).
Total indicative cost of the works (if available) £ Net £ VAT £ Gross

5. Proposed Scheme Delivery

Projected site start date	
Estimated delivery timeframe (weeks)	
Number of units	
Number of 1-bedroom units	
Estimated 1-bedroom unit size (m²)	
Number of 2-bedroom units	
Estimated 2-bedroom unit size (m²)	
Number of 3-bedroom units	
Estimated 3-bedroom unit size (m²)	
Current and Projected EPC	

6. Signature

This Expression of Interest does not constitute an application for a grant and does not commit the undersigned to making a grant application. However, as it is an indication of your serious intent to make an application, a signature of the intended applicant is requested:

I intend to make an application for an Upper Floor Grant, subject to confirmation of the grant funding arrangements and conditions

Name and position (print)	Sign	Date

Thank you for completing this form. If successful, you will be invited to complete a full Grant Application Form. Assistance will be provided throughout this process.

7. Contact FHSF@investsk.co.uk

Alex Ward

Future High Streets Fund Programme Manager InvestSK, St Peters Hill, Grantham. NG31 6PZ

This document is also available on the InvestSK website investsk.co.uk/future-high-streets-fund/

Contact details

Alternative formats are available on request:
audio, large print and Braille

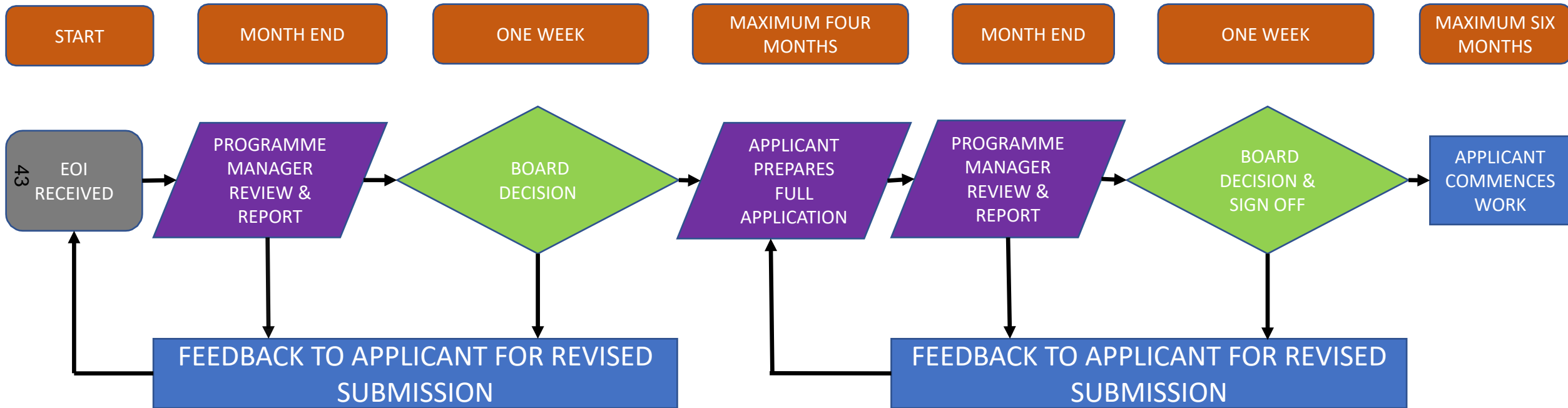
Alex Ward
Future High Streets Fund Programme Manager
InvestSK, St Peters Hill, Grantham NG31 6PZ
✉ FHSF@investsk.co.uk
🌐 www.investsk.co.uk

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

FHSF AND HAZ GRANT FUNDING DECISION MAKING PROCESS



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of Councillor Phil Dilks, Cabinet Member for Housing and Planning

Regulation 18 Draft Local Plan Consultation

Report Author

Shaza Brannon, Planning Policy Manager

 shaza.brannon@southkesteven.gov.uk

Purpose of Report

The purpose of this report is to recommend the Council continues to prepare a new Local Plan for South Kesteven and agrees to consult on its Regulation 18 Draft Local Plan for a minimum period of six weeks.

Recommendation

It is recommended Cabinet:

1. Approves the consultation of the Regulation 18 Draft Local Plan (Appendix A) in accordance with the timetable contained within the Council's Local Development Scheme (approved by Cabinet May 2023).
2. Delegates authority to the Assistant Director of Planning, in consultation with the Cabinet Member for Housing and Planning, to make any minor, inconsequential amendments to the document (in order to correct matters of fact or aid clarity to the reader) prior to its publication for consultation purposes.

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents; Growth and our economy; healthy and strong communities; clean and sustainable environment.
Which wards are impacted?	All

1. Implications

- 1.1 Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.2 The cost of undertaking the Local Plan is included within the approved budget for the current financial year. The financial implications associated with future years will be considered as part of the Council's budget setting process.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

- 1.3 The current system of plan making is contained in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 supported by the National Planning Policy Framework and Planning Practice Guidance.
- 1.4 In carrying out the Regulation 18 consultation, the council must comply with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, in particular Regulation 18 and with the consultation requirements set out in its Statement of Community Involvement.
- 1.5 Following completion of the Regulation 18 consultation process, the draft Local Plan Update shall be prepared and publicised in accordance with the requirements of

Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to being submitted for independent examination.

- 1.6 Any Plan that is submitted for independent examination will be assessed as to whether it has been prepared in accordance with the legal and procedural requirements, and whether they are 'sound' as set out in paragraph 35 of the NPPF.

Completed by: Mandy Braithwaite, Legal Executive

Risk and Mitigation

- 1.7 The preparation of a Local Plan is a statutory requirement. Whilst the Council currently has a Local Plan which was adopted in January 2020, a review is required to ensure that the Local Plan accords with the most recent National Planning Policy Framework and to address key issues.

Completed by: Tracey Elliott, Governance and Risk Officer

Diversity and Inclusion

- 1.8 Equality considerations are taken into account throughout the development of the Local Plan. This is reflected in the equality impact assessment that accompanies this report.

Completed by: Carol Drury, Community Engagement Manager

Climate Change

- 1.9 The district of South Kesteven both contributes to the effects of climate change through carbon emissions and is impacted at a local level by a changing climate. The Draft Local Plan is able to comprehensively influence both areas regarding new development and infrastructure for the district.
- 1.10 A Climate Change study has been commissioned to accord with the NPPF regarding the consideration of design principles for energy efficiency (domestic and non-domestic); design principles for climate resilient buildings; embodied carbon and waste; water efficiency; and renewable energy.
- 1.11 Following the conclusion of the first iteration of this work, a Written Ministerial Statement was published on 13 December 2023 by the Government regarding energy efficiency standards and ability of planning authorities in this area, as such the climate change study and resultant policy recommendations are being reviewed.

Completed by: Serena Brown, Sustainability and Climate Change Officer

2. Background to the Report

- 2.1 The Council's Vision is to "be the best district in which to live, work and visit". The Local Plan and planning have a key role to play in realising this vision. Housing that meets the needs of all residents is a key priority for South Kesteven District Council (SKDC). As detailed in the Corporate Plan (2020-2023), the Council considers high quality housing as essential for all and is committed to working with partners to provide this. Delivering the growth of the economy and building healthy and strong communities are also key themes in the Corporate Plan, these are integral to the Council's Local Plan and delivering sustainable development.
- 2.2 The Council is currently preparing a new Corporate Plan, a consultation on which was launched in November 2023. The emerging Corporate Plan seeks to ensure a sustainable district, enabling economic opportunity and high-quality affordable housing. The emerging Local Plan will be an important tool in realising the Council's ambition.

What are Local Plans?

- 2.3 In England, the 'plan-led' approach to the regulation of land and development places local plans at the heart of the town and country planning system. Under this system, local plans form part of the statutory 'development plan' for an area. This forms the starting point for the determination of planning applications unless material considerations indicate otherwise.
- 2.4 Chapter three of the 2023 National Planning Policy Framework (NPPF) sets out requirements for preparing a Local Plan which each local planning authority is expected to prepare, either singly, or jointly with other authorities. Local Plans should be in conformity with the policies contained within the NPPF.
- 2.5 The 2004 Planning and Compulsory Purchase Act places a duty on local authorities to carry out plan-making, with the "...*objective of contributing to the achievement of sustainable development.*"
- 2.6 The Planning Act (2008) puts an additional obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are "...*designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.*"

Stages of Local Plan Preparation

- 2.7 The NPPF requires Local Plans to be succinct and up-to-date providing a positive vision for the future of the area and a framework for addressing housing needs and other economic, social and environmental priorities. The Local Plan is a platform for

local people to shape their surroundings. The preparation of a Local Plan typically follows several regulatory stages.

- 2.8 The Local Development Scheme document provides a project plan identifying which local development documents will be produced, in what order and when. It outlines the details and timetable to produce all documents which make up the Local Plan. The Council's approved Local Development Scheme was approved by Cabinet and published in May 2023 and includes the following timeline for Local Plan preparation:

2.9

Local Plan Review Stage	Proposed Date
Commencement of Document Preparation	April 2020
Issues and Options + Call for Sites Consultation (Regulation 18)	Completed: 12 October – 23 November 2020
Draft Consultation on Local Plan Review (Regulation 18)	Winter 2023/24
Pre Submission Consultation (Regulation 19)	Summer 2024
Submission to the Secretary of State (Regulation 22)	Winter 2024
Public Examination (Regulation 24)	Winter 2024/25 – Winter 2025/26
Inspector's Report (Regulation 25)	Winter 2026/26
Adoption (Regulation 25)	Spring 2026

- 2.10 The Local Plan is currently at stage 3 of the table above. It is important to note, however, as the Council published an Issues & Options Local Plan in 2020, Regulation 18 has already been met. It is, however, best practice to publish a draft plan seeking engagement from the community, developers and stakeholders.

Regulation 18 Draft Local Plan

- 2.11 For ease of reference, the Local Plan adopted in January 2020 will be referred to as the 'adopted Local Plan', and the emerging Regulation 18 Draft Local Plan will be referred to as the 'Draft Local Plan' (**Appendix A**).
- 2.12 The Draft Local Plan has been prepared in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires local planning authorities to notify prescribed bodies or persons of the subject of a local plan and invite representations to the local planning authority about what a local plan ought to contain.
- 2.13 Policy M1 of the adopted Local Plan requires the Council to undertake a Local Plan Review to address specific matters including:
- Taking account of the latest National Planning Policy Framework;
 - The assessment of housing needs and future requirement for employment land; and

- Further assessment of the needs of the Gypsy & Traveller Community, including Travelling Showpeople, and the need to allocate land to meet identified needs.
- 2.14 To meet the requirement of the NPPF and policy M1 of the adopted Local Plan, evidence-based studies have been commissioned including: a Local Housing Needs Assessment, an Employment Land Study, and a Gypsy & Traveller Accommodation Needs Assessment. The Local Plan's emerging evidence base is published on the Council's website, as it becomes available via the following link:
- <https://www.southkesteven.gov.uk/planning-building-control/planning-policy-local-plans/local-plan-review>
- 2.15 The new NPPF was published in December 2023 and includes updates to calculating housing need and demonstrating a 5-year housing land supply. Upon submission to the Secretary of State, the Local Plan will be in accordance with the most recent version of the NPPF.
- 2.16 The Local Plan review rolls the Local Plan period forward by five years from 2036 – 2041 to ensure the Local Plan covers a 20-year period (2021 – 2041).
- 2.17 Since the adoption of the Local Plan, the Government has changed the method for calculating housing need. Unless exceptional circumstances can be demonstrated, local authorities must use the Government's 'Standard Method' as an advisory starting point to calculate local housing need. In accordance with the 2023 NPPF, the Draft Local Plan has used the Government's Standard Method to calculate local housing need and concludes how much development land will be required to meet the additional housing need up to 2041. A Local Housing Needs Assessment has been undertaken which identifies local housing needs for specific community groups.
- 2.18 Due to the change in calculating housing need, South Kesteven's need has increased from 650 dwellings per annum as set out in the adopted Local Plan, to 701 dwellings per annum.
- 2.19 An Employment Land Study has been produced which sets out the district's employment land requirement up to 2041 and assesses the quantity and quality of existing and proposed employment sites.
- 2.20 Housing and employment allocations are proposed in the Draft Local Plan, which includes current allocated sites, where they remain developable.
- 2.21 All employment and housing sites have been assessed using a robust site assessment method, the results of which are included within a site assessment report which will be published alongside the Draft Local Plan. The sites have also been assessed through a Sustainability Appraisal and Habitat Regulations Assessment which will be published alongside the Draft Local Plan.

- 2.22 The Draft Local Plan seeks to consult the public and stakeholders on:
- The district's development need (including housing and employment);
 - Proposed housing allocations to meet the identified need;
 - Which policies the Council intends to amend through the Local Plan Review to accord with the most recent NPPF and review policy M1 of the adopted Local Plan;
 - Proposed new policies; and
 - Policies to be removed.
- 2.23 The following proportionate evidence base will also be published alongside the Draft Local Plan:
- Draft Climate Change Study including preface detailing the 13 December Written Ministerial Statement
 - Local Housing Needs Assessment
 - Employment Land Study
 - Open Space, Sports & Recreation Study
 - Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment
 - Site Assessment Report
 - Village Services & Facilities Audit
 - Biodiversity Opportunity Mapping
 - Green Infrastructure Mapping
 - Whole Plan Viability Assessment
- 2.24 Other evidence which is being produced to inform the emerging Local Plan and will be published as it becomes available is:
- Strategic Flood Risk Assessment
 - Water Cycle Study
 - Play Pitch Strategy
 - Infrastructure Delivery Plan
 - Gypsy, Traveller and Travelling Showpeople: Meeting the identified accommodation need.
- 2.25 A snapshot of proposed changes to the adopted Local Plan, as reflected in the Draft Local Plan, can be found at **Appendix B**.
- 2.26 An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups. An equality impact assessment can be found at **Appendix C**.

- 2.27 The Local Plan review seeks to integrate climate change mitigation and adaptation within objectives and policies, in line with the Climate Change Act 2008, the National Planning Policy Framework and South Kesteven District Council's Climate Change Strategy.
- 2.28 To inform the emerging Local Plan, a Climate Change Study was completed in December 2023 and includes several renewable energy and energy efficiency recommended policies. On 13 December 2023, the Government published a [Written Ministerial Statement](#) which casts doubt on the ability of Local Plans to require local energy efficiency standards to be better than current building regulations. Due to this uncertainty, the Climate Change Study will be reviewed, including the policy recommendations therein. Further viability work will also be undertaken to underpin the Climate Change Study. The Regulation 18 Draft Local Plan therefore does not include climate change policy at this consultation stage.
- 2.29 In addition to the Local Plan, the Council will also publish the following documents for consultation:
- Digital Policies Maps
 - Sustainability Appraisal
 - Habitat Regulations Assessment
- 2.30 Aligned with the first consultation stage of the Local Plan in 2020 (Issues & Options), the Council launched a Call for Sites consultation which sought development land to meet the need identified in the Local Plan, including residential, employment and Gypsy & Traveller. Due to receiving limited land for potential Gypsy & Traveller sites through the call for sites exercise, the council is launching a second call for sites consultation exercise specifically seeking land (including opportunities to extend existing Gypsy & Traveller sites) to meet the need identified in the 2023 Gypsy & Traveller Accommodation Needs Assessment. The consultation will be targeted at the district's Gypsy & Traveller community, as well as landowners.

Sustainability Appraisal

- 2.31 Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an appraisal of the sustainability of the proposals in each of its development plan documents. A report of the findings of the appraisal must also be prepared. Incorporating requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, the Sustainability Appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.
- 2.32 A Sustainability Appraisal and will be published alongside the Draft Local Plan consultation, and each subsequent stage of plan preparation.

Habitat Regulations Assessment

- 2.33 Under the Conservation of Habitats and Species Regulations 2017 (as amended) Councils must demonstrate through a Habitat Regulations Assessment that its Local Plan proposals will not have a significant adverse effect on sites designated under the European Directive (92/43/EEC The Habitats Directive) for their wildlife importance. These sites are known as 'Natura 2000' sites and include Special Areas of Conservation (SAC); Special Protection Areas (SPA); and Ramsar Sites (wetland sites).
- 2.34 A Habitat Regulations Assessment will be published alongside the Draft Local Plan consultation, and each subsequent stage of plan preparation.

Next Steps

- 2.35 The next steps are:
- To publish the Draft Local Plan in accordance with the Statement of Community Involvement for six weeks.
 - Once consultation is complete, prepare a Consultation Statement detailing comments received and the Council's response, including how the consultation comments will be taken into account as the next version of the plan (pre-submission) is prepared.
 - Publish the Statement of Community Involvement on the Council's website.
- 2.36 Taking into account consultation comments received on the Draft Local Plan and any further evidence produced, changes will be made to the emerging Local Plan, as appropriate and published through the next stage of Local Plan consultation: Regulation 19 Pre-Submission Local Plan, in accordance with the Local Development Scheme.
- 2.37 The Pre-Submission Local Plan (Regulation 19), is scheduled to be published in Summer 2024 for consultation, after which a decision will be made by the Council whether to formally submit the Plan to the Secretary of State for examination.

3. Key Considerations

- 3.1 The Council has a legal responsibility to prepare a Local Plan under the Planning and Compulsory Purchase Act 2004. Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 requires various bodies and stakeholders be notified the council is preparing a plan and invites them to comment on what the plan ought to contain. Whilst the Council has already discharged its obligations under Regulation 18 through the issues and options consultations, it is best practice to carry out a further consultation before the Pre-Submission Local Plan is drafted.

4. Other Options Considered

- 4.1 The alternative of not publishing a Draft Local Plan has been discounted. Whilst the Council has already discharged Regulation 18 of the Town and Country Planning Act (Local Planning) (England) 2012 by publishing the Issues & Options, it is best practice to keep the community informed and to seek comment, as the plan evolves.
- 4.2 Publishing the Draft Local Plan will also ensure that Local Plan stays on track and adheres to the timetable set out in the Council's Local Development Scheme.

5. Reasons for the Recommendations

- 5.1 The reason for the recommendation is to ensure the Council has an up-to-date, legally compliant Local Plan and meets the agreed timetable.

6. Consultation

- 6.1 Local Planning Authorities are required to produce a Statement of Community Involvement (SCI) under section 18 (part 2) of the Planning and Compulsory Planning Act 2004.
- 6.2 South Kesteven Local Plan's SCI was published in 2021 and sets out how the community, businesses and other with an interest in the development of the district can engage with the planning system. This includes the preparation and revision of Development Plan Documents (DPDS) (commonly referred to as Local Plans).
- 6.3 The SCI outlines how organisations and individuals can be involved in the plan making process. It also sets out standards and arrangements as to how the Council will consult and report back to those engaged in the process.
- 6.4 The consultation of the Draft Local Plan will be undertaken in accordance with the 2021 SCI.

7. Background Papers

- 7.1 *Local Development Scheme 2023-2026*, published May 2023 and available online at:
https://www.southkesteven.gov.uk/sites/default/files/2023-08/Local_Development_Scheme_2023-2026.pdf
- 7.2 *Statement of Community Involvement 2021*, available online at:
https://www.southkesteven.gov.uk/sites/default/files/2023-08/Final_SCI_2021.pdf
- 7.3 *Planning – Local Energy Efficiency Standards Update* – Statement made on 13 December 2023, available online at:

<https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hlws120>

8. Appendices

- 8.1 Appendix A: Regulation 18 Draft Local Plan – available online at <https://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13923>
- 8.2 Appendix B: Table of proposed changes to the Local Plan
- 8.3 Appendix C: Equalities Impact Assessment

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Appendix B - Summary of Proposed Changes to the Adopted Local Plan

Significant Changes to Policies	
<ul style="list-style-type: none"> • SP1 - Spatial Strategy (SP) • SP2 – Settlement Hierarchy (SP) • H1 – Housing Allocations (SP) • H2 – Affordable Housing Contributions (SP) • H5 – Gypsies and Travellers (SP) 	<ul style="list-style-type: none"> • H6 – Travelling Showpeople (SP) • E2 – Employment Sites (SP) • EN3 – Green Infrastructure (SP) • EN6 – The Historic Environment (SP) • DE1 – Promoting Good Quality Design (SP) • OS1 – Open Space (SP)
New Policies and Chapters	
<ul style="list-style-type: none"> • New Chapter – Chapter 5: Climate Change and Energy • New Policy 1 – Rural Exception Schemes • New Policy 2 – Best and Most Versatile Agricultural Land • New Policy 3 – New Community Services and Facilities • New Policy 4 – Biodiversity Opportunity and Delivering Measurable Net Gains • New Policy 5 – Householder Development • SKPR-117 – Land to the East of Sheepwash Lane (Grantham Residential Allocation) (SP) • SKPR-268 – Land at Train Station – Mixed Use Allocation (Grantham) (SP) • SKPR-57 – Land Off Belton Lane (Grantham Residential Allocation) (SP) • SKPR-62 – The Grantham Church High School Playing Field, Queensway (Grantham Residential Allocation) (SP) • SKPR-266 – Stamford Gateway (Exeter Fields) (Stamford Residential Allocation) (SP) • SKPR-53 – Land at Mill Drove (Bourne Residential Allocation) (SP) • SKPR-83 – Land at North of Mill Drove (Bourne Residential Allocation) (SP) • SKPR-144 – Land to the West of Millfield Road (The Deepings Residential Allocation) (SP) • SKPR-26 – Priory Farm Land, Deeping St James (The Deepings Residential Allocation) (SP) 	<ul style="list-style-type: none"> • SKPR-58 Land to the East of Ermine Street (Ancaster Residential Allocation) (SP) • SKPR-283 – Land off St Martins Way (Ancaster Residential Allocation) (SP) • SKPR-242 – Lane East of Honington Road (Barkston Residential Allocation) (SP) • SKPR-109 – Land Fronting Deeping Road (Baston Residential Allocations) (SP) • SKPR-61 and SKPR-103 – Former Aveland School, and Land to West of Pointon Road (Billingborough Residential Allocation) (SP) • SKPR-120 - Land at the East of Stamford Road (Colsterworth Residential Allocation) (SP) • SKPR-247 – Land North of Bourne Road (Corby Glen Residential Allocation) (SP) • SKPR-241 – Land Off Church Lane (Great Gonerby) (SP) • SKPR-74- The Land West of The Drift (Harlaxton Residential Allocation) (SP) • SKPR-71 – Land North of Dickens Close (Langtoft Residential Allocation) (SP) • SKPR-135 – Land to the South of Edenham Road (Morton Residential Allocation) (SP) • SKPR-56 – Land at Orbthorpe Lane (Thurlby Residential Allocation) (SP)

Minor Changes to Policies	
<ul style="list-style-type: none"> • Vision for South Kesteven • Strategic Objectives • SD1 – The Principles of Sustainable Development in South Kesteven (SP) • SP3- Infill Development (SP) • SP4 – Development on the Edge of Settlements (SP) • SP5 – Development Outside of Settlements (SP) • H4 – Meeting All Housing Needs (SP) • H3 – Self and Custom Build Housing (SP) • SP6 – Community Services and Facilities • E1 – Grantham Southern Gateway Strategy Opportunity (SP) • E4 – Protection of Existing Employment Sites (SP) • E6 – Loss of Employment Land and Buildings to Non-Employment Uses (SP) • E9- Tourism and Visitor Economy (SP) • EN2 – Protecting Biodiversity and Geodiversity (SP) 	<ul style="list-style-type: none"> • GR4 – Grantham Town Centre Policy • GR3-H1 – Spitalgate Heath – Garden Village (SP) • GR3-H2 – Rectory Farm (Phase 2) (SP) • GR3-H3 – Rectory Farm (Phase 3) (SP) • GR3-H4 – Prince William of Gloucester Barracks (SP) • STM2 – Stamford Town Centre Policy • STM1-H1 – Stamford North (SP) • STM1-H2 – Stamford East (SP) • BRN2- Bourne Town Centre Policy • DEP1-H1 – Towngate West (SP) • DEP1-H2 – Linchfield Road (SP) • DEP2- Market Deeping Town Centre Policy • LV-H2 – Wilsford Lane (SP) • LV-H3: Low Road (SP) • LV-H7 – Main Road (SP) • LV-H9 – Folkingham Road (SP) • LV-H10 – Thistleton Lane and Mill Lane (SP) • LV-H11 – Land North of High Street (SP) • LV-H12 – Part of Elm Farm Yard (SP)
Policies Removed	
<ul style="list-style-type: none"> • E3 – Employment Allocations (SP) • BRN1 – Bourne Housing Need (SP) • BRN1-H1 – Manning Road, Bourne • LV-H1 – Wilsford Lane • LV-H4 – Bourne Road 	<ul style="list-style-type: none"> • LV-H5 – Swinstead Road/Bourne Road • LV-H6 – Easthorpe Road • LV-H8 - Main Road • M1 – Review of the Local Plan
Policies to be reviewed once emerging evidence is finalised	
<ul style="list-style-type: none"> • RE1 – Renewable Energy Generation (SP) • EN1 – Landscape Character (SP) • EN5 – Water Environment and Flood Risk Assessment (SP) • SB1 – Sustainable Building (SP) 	<ul style="list-style-type: none"> • ID1-Infrastructure for Growth (SP) • ID2 – Transport and Strategic Transport Infrastructure (SP) • ID3 – Broadband and Communications Infrastructure (SP)
No proposed Changes to Policies	
<ul style="list-style-type: none"> • E5 – Expansion of Existing Businesses • E7 – Rural Economy (SP) • E8 – Other Employment Proposals (SP) • EN4 – Pollution Control (SP) 	<ul style="list-style-type: none"> • EN7 – Protecting and Enhancing Grantham Canal • GR1 – Protecting and Enhancing the Setting of Belton House and Park • GR2 – Sustainable Transport in Grantham (SP)

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
SP1	Spatial Strategy (SP)	<p>Policy SP1 has been updated to reflect the new plan period up to 2041, and the new housing need.</p> <p>The Local Plan needs to make provision for market and affordable housing over the plan period. The Government's Standard Method established a minimum need of 14,020 dwellings from 2021 to 2041, equating to 701 dwellings per annum. A Local Housing Needs Assessment has been prepared which confirms the use of the Standard Method.</p> <p>The agricultural land section has been removed from Policy SP1 and placed into a new policy for clarity.</p>
SP2	Settlement Hierarchy (SP)	<p>Policy SP2 has been updated to reflect the conclusions of the <i>Settlement Hierarchy Review (2023)</i>. Policy SP2 identifies 16 Larger Villages. The 15 Larger Villages in the adopted Local Plan remain and Claypole (a smaller village in the adopted Local Plan) has been reclassified as a Larger Village due to the availability of services and facilities.</p> <p>Policy SP2 has been modified to clarify that SP3 and SP4 apply to residential development and any other location not listed in Policy SP2 will be subject to Policy SP5 – Open Countryside.</p>

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
		<p>There have also been changes in regard to the category of Smaller Villages.</p> <p>Careby has been reclassified as a Smaller Village as it now has the key facilities to meet the Smaller Village criteria. Three settlements have been removed; Claypole, which is now recognised as a Larger Village. Sedgebrook and Toft, have also been removed as smaller villages and reclassified as countryside due to the reduction of available facilities and services.</p>
H1	Housing Allocations (SP)	<p>Policy H1 details the proposed preferred site allocations alongside allocations contained within the adopted Local Plan which are intended to be carried forward into the new Local Plan.</p> <p>Reference to policy LV-H6 has been removed from Policy H1 as the development is now complete. Reference to policies LV-H1, LV-H5, LV-H8 have also been removed from Policy H1 as these sites have full planning permission.</p> <p>Policy H1 has also been amended for clarity to include anticipated delivery of residential developments up to 2041.</p>
H2	Affordable Housing Contributions (SP)	<p>Policy H2 has been amended for clarity and updated to accord with the National Planning Policy Framework (NPPF). Developments of 10 or more will be required to provide affordable housing, which accords with the 2023 NPPF.</p>

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
		The policy has been updated to include an indicative affordable housing need range of 27-57% identified by the 2023 Local Housing Needs Assessment. The final policy, including affordable housing need, will be informed by a Whole Plan Viability Assessment which will accompany the plan. The Whole Plan Viability Assessment assesses the viability of a range of affordable housing requirements, alongside a range of other developer contributions for different site typologies and locations across the district.
H5	Gypsies and Travellers (SP)	<p>Policy H5 has been amended to include reference to design. Reference to risk of flooding has been removed as any application for development must accord with the Local Plan as a whole, including Policy EN5.</p> <p>The Council has a duty to meet the additional need identified through the Gypsy & Traveller Accommodation Assessment (2023) and is seeking additional, suitable land to allocate through the Local Plan Review. A Gypsy & Traveller 'Call for Sites', targeted at the community and landowners, will be undertaken.</p> <p>As concluded by the study there is an identified need for 34 residential pitches during the period 2021 to 2041. This is an increase of 4 pitches against the requirement of the adopted Local Plan which identified a requirement of 30 pitches up to 2036.</p>
H6	Travelling Showpeople (SP)	Policy H6 has been amended to include reference to design. Reference to risk of flooding has been removed as any application for development must accord with the Local Plan as a whole, including Policy EN5.

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
		<p>The Council has a duty to meet additional need identified through the Gypsy & Traveller Accommodation Assessment (2023) and is seeking additional, suitable land to allocate through the Local Plan Review. The intensification of or extension of existing sites is also being considered.</p> <p>As identified by the study there is an identified need for 4 plots for Travelling Showpersons during the plan period 2021 to 2041. This is a decrease of 5 pitches against the requirement of the adopted Local Plan which identified a requirement of 9 pitches up to 2036.</p>
E2	Employment Sites (SP)	<p>Current Local Plan Policies E2 (Strategic Employment Sites) and E3 (Employment Sites) have been combined for clarity. Policy E2 and Policy E3 details the employment allocations contained within the adopted Local Plan. Policy has been amended to reflect new use class definitions.</p> <p>As recommended by the Employment Land Study (2023) it is proposed that sites SKPR-202, SKPR-100, SKPR-182, and SKPR-262 be allocated for employment generating uses.</p> <p>As recommended by the Employment Land Study (2023), it is proposed that current Local Plan allocations BO-E1 Land adjacent to A151 Raymond Mays Way (Elsea Park) and ST. E1 Exeter Fields, Empingham Road, be deallocated as employment sites.</p>

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
		<p>Current employment allocation GR-E1 (Prince William of Gloucestershire Barracks) has been removed as a separate employment allocation and is now to be delivered as part of a mixed use development (SKPR-65 (GR3-H4)).</p> <p>Criteria has been added to ensuring the sites provide mandatory biodiversity net gain.</p> <p>Illustrative Maps showing the context of the employment allocations have been added.</p>
EN3	Green Infrastructure (SP)	Policy EN3 has been strengthened and amended for clarity. Reference has also been made to the Green Infrastructure Mapping and associated appendix which has been undertaken in 2022 by the Greater Lincolnshire Nature Partnership for the district.
EN6	The Historic Environment (SP)	Policy EN6 has been separated out into sections on conservation areas, Designated Heritage Assets/Listed Buildings Scheduled Monuments Non-Designated Heritage Assets and Archaeological Assets. This is to allow each of these heritage assets to be assessed individually, and allows the council to provide a more detailed advice for each asset. The more detailed Policy now provides information on what needs to be considered as part of the planning process for developments.
DE1	Promoting Good Quality Design (SP)	Policy DE1 has been amended to bring it in line with and better reflect National Government ambitions to achieve well designed places and refuse development that is not well designed.

Significant Changes to Policies		
Policy	Description	Proposed Summary of Changes
OS1	Open Space (SP)	<p>Name of the policy has been changed to include 'recreation'.</p> <p>Parts of the opening text have been moved into the supporting text section.</p> <p>A new updated open space provision table have been provided due to the assessment outcomes of the Open Space, Sport and Recreation Study (2023)</p> <p>Reference to the Open Space, Sport and Recreation Study (2023) 'sub area' analysis has been made within the policy to ensure that the correct types of provision are being made within specific areas.</p>

New policies and Chapters	
Description	Proposed Summary of Changes
New Chapter – Chapter 5: Climate Change and Energy	<p>The Council has commissioned a Climate Change Study in accordance with the NPPF to inform new policy regarding mitigation and adaptation to climate change, The draft Climate Change Study has been published alongside this consultation.</p> <p>On the 13 December 2023, a Written Ministerial Statement was published by the Government which specifies how energy efficiency standards should be calculated. As such policies on Climate Change are not included within this Regulation 18 Draft Local Plan. Policies on climate change will be included, and consulted upon, at the next stage of local plan production (Regulation 19), once the evidence has been reviewed.</p>
New Policy 1 – Rural Exception Schemes	A new policy – <i>Rural Exception Schemes</i> has been created detailing policy with regard to rural exception schemes. This section was included within Policy SP4 within the adopted Local Plan but has been separated out for clarity. There have been no amendments to the wording of the policy.
New Policy 2 – Best and Most Versatile Agricultural Land	A New policy – <i>Development on Agricultural Land</i> has been created. This section was included within Policy SP1 within the adopted Local Plan but has been separated out and amended for clarity and to strengthen the policy.
New Policy 3 – New Community Services and Facilities	Policy SP6 has been broken down into two separate policies to provide clarity between existing community services and facilities and new community services and facilities.

New policies and Chapters	
Description	Proposed Summary of Changes
	A new criterion has been added to the proposed new community and facilities policy to state that proposals should be well located to serve the intended community.
New Policy 4 – Biodiversity Opportunity and Delivering Measurable Net Gains	<p>To accord with the requirement to deliver a minimum 10% biodiversity net gain on qualifying development sites, a new policy is proposed. The policy is based on emerging evidence <i>Biodiversity Net Gain in Greater Lincolnshire – A Framework Approach Supplementary Planning Guidance</i> which is a joint study led by the Greater Lincolnshire Partnership.</p> <p>The policy also refers to Biodiversity Opportunity Mapping and Green Infrastructure Mapping, produced for the district by the Greater Lincolnshire Partnership in 2022. New appendices have been included which set out the principles for development within biodiversity opportunity areas and the Green Infrastructure Network . A Local Nature Recovery Strategy is also required and will be led by the County Council.</p> <p>An accompanying Whole Plan Viability Assessment tests the viability of increasing the biodiversity requirement above 10%.</p>
New Policy 5 – Householder Development	New policy providing guidance on alterations and extensions of dwellings, erections and conversion of curtilage buildings, including the formation of annexes.

New policies and Chapters	
Description	Proposed Summary of Changes
SKPR-117 – Land to the East of Sheepwash Lane (Grantham Residential Allocation) (SP)	<p>New site allocations are proposed to meet the minimum housing requirement for South Kesteven over the plan period.</p> <p>The government's Standard Method establishes a need of 14,020 dwellings from 2021 to 2041, equating to 701 dwellings per annum.</p> <p>To meet the total housing supply need additional sites have been identified for residential development in the district.</p>
SKPR-268 – Land at Train Station – Mixed Use Allocation (Grantham) (SP)	
SKPR-57 – Land Off Belton Lane (Grantham Residential Allocation) (SP)	
SKPR-62 – The Grantham Church High School Playing Field, Queensway (Grantham Residential Allocation) (SP)	
SKPR-266 – Stamford Gateway (Exeter Fields) (Stamford Residential Allocation) (SP)	
SKPR-53 – Land at Mill Drove (Bourne Residential Allocation) (SP)	
SKPR-83 – Land at North of Mill Drove (Bourne Residential Allocation) (SP)	
SKPR-144 – Land to the West of Millfield Road (The Deepings Residential Allocation) (SP)	
SKPR-26 – Priory Farm Land, Deeping St James (The Deepings Residential Allocation) (SP)	
SKPR-58 Land to the East of Ermine Street (Ancaster Residential Allocation) (SP)	
SKPR-283 – Land off St Martins Way (Ancaster Residential Allocation) (SP)	
SKPR-242 – Lane East of Honington Road (Barkston Residential Allocation) (SP)	
SKPR-109 – Land Fronting Deeping Road (Baston Residential Allocations) (SP)	

New policies and Chapters	
Description	Proposed Summary of Changes
SKPR-61 and SKPR-103 – Former Aveland School, and Land to West of Pointon Road (Billingborough Residential Allocation) (SP)	
SKPR-120 - Land at the East of Stamford Road (Colsterworth Residential Allocation) (SP)	
SKPR-247 – Land North of Bourne Road (Corby Glen Residential Allocation) (SP)	
SKPR-241 – Land Off Church Lane (Great Gonerby) (SP)	
SKPR-74 - The Land West of The Drift (Harlaxton Residential Allocation) (SP)	
SKPR-71 – Land North of Dickens Close (Langtoft Residential Allocation) (SP)	
SKPR-135 – Land to the South of Edenham Road (Morton Residential Allocation) (SP)	
SKPR-56 – Land at Orbthorpe Lane (Thurlby Residential Allocation) (SP)	

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
	Vision for South Kesteven	The vision for the district has been amended to strengthen the Council's commitment to tackling climate change and updated to include the change in plan period to 2041, and the areas of growth proposed through the Local Plan Review.
	Strategic Objectives	The Local Plan Objectives have been amended to accord with strengthened national policy on climate change and biodiversity net gain. The objectives have also been amended to reference the Council's commitment to reach net zero carbon by 2050 through the adaptation and mitigation.
SD1	The Principles of Sustainable Development in South Kesteven (SP)	Policy SD1 has been strengthened to incorporate the Council's commitment to reach net zero carbon by 2050. Policy SD1 may be updated further once the Climate Change Study has been completed, and policies finalised.
SP3	Infill Development (SP)	Policy SP3 has been renamed to clarify that it applies to residential development within settlements. The Design SPD was adopted in November 2021. Policy SP3 has been amended to refer to the adopted SPD or subsequent guides or codes.
SP4	Development on the Edge of Settlements (SP)	Policy SP4 has been amended to relate to new residential development on the edge of settlements. The rural exception scheme policy which has been removed and inserted into a new policy for clarity.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
		The requirement to enable the delivery of essential infrastructure is now not included within the policy as the delivery of infrastructure is required by other policies within the Plan.
SP5	Development Outside of Settlements (SP)	A criterion has been inserted into Policy SP5 which details that Gypsy, Traveller and Travelling Showpeople accommodation sites will be supported in the open countryside subject to compliance with Policy H5 and Policy H6.
H4	Meeting All Housing Needs (SP)	<p>Minor text amendment to Policy H4 is proposed at this draft stage. The required mix of bedrooms for market and affordable housing has been updated (Table 4), informed by the Local Housing Needs Assessment.</p> <p>Policy regarding accessible and adaptable homes has been moved from policy DE1 to Policy H4. Building Regulations may mean that Part M4(2) standards may be required on all dwellings where feasible. This will be monitored as the Local Plan evolves.</p> <p>The final policy will be informed by a Whole Plan Viability Assessment which will accompany the plan. The Whole Plan Viability Assessment assesses a range of developer contributions for different site typologies and locations across the district.</p>
H3	Self and Custom Build Housing (SP)	Minor text amendment to Policy H3 for clarity is proposed at this draft stage.
SP6	Community Services and Facilities	Policy SP6 has been broken down into two separate policies to provide clarity between existing community services and facilities and new community services and facilities.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
		A new criterion has been added to the proposed new community and facilities policy to state that proposals should be well located to serve the intended community.
E1	Grantham Southern Gateway Strategy Opportunity (SP)	<p>As part of the evidence base for this Local Plan Review an Employment Land Study (2023) has been prepared which supersedes the 2015 Employment Land Review. The new study sets out detailed evidence to demonstrate how an appropriate supply and mix of employment land and premises can be planned for.</p> <p>Policy E1 has been amended in accordance with the 2023 Employment Land Study. A proportion of the introductory text has been positioned into the supporting text or repositioned within the policy for clarity. The policy text has been amended to reflect new E class definitions. Biodiversity Net Gain policy criteria has been added.</p>
E4	Protection of Existing Employment Sites (SP)	<p>Policy E4 has been updated to reflect the use class changes.</p> <p>Policy E4 has been updated to match the recommendations set out within the Employment Land Study (2023)</p>
E6	Loss of Employment Land and Buildings to Non-Employment Uses (SP)	Policy updated to other employment allocations which can be within the proposed mixed use policies. Reference to policy numbers will be updated for the pre-submission Local Plan.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
E9	Visitor Economy (SP)	The name of the policy has been changed to incorporate the tourism element. Minor change to Policy E9 wording for clarity.
EN2	Protecting Biodiversity and Geodiversity (SP)	Minor amendments have been made to Policy EN2 for clarity.
GR4	Grantham Town Centre	Policy GR4 has been amended to reflect new use class definitions.
GR3-H1	Spitalgate Heath - Garden Village (SP)	Policy GR3-H1 (SKPR-278) has been amended to reflect Garden Village status of the site, and the need to provide high quality development and to provide greater clarity for the key issues to be addressed.
GR3-H2	Rectory Farm (Phase 2) (SP)	Policy GR3-H2 (SKPR-279) has been amended to include reference to the Rectory Farm Supplementary Planning Document adopted November 2021.
GR3-H3	Rectory Farm (Phase 3) (SP)	Minor amendments to Policy GR3-H3 (SKPR-280) are proposed for clarity at this stage.
GR3-H4	Prince William of Gloucester Barracks (SP)	Policy GR3-H4 (SKPR-65) has been amended to include the requirement to undertake a Minerals Assessment. The anticipated delivery of the site up to 2041 has also been amended and additional wording has been included in regard to blue green infrastructure. The policy has also been changed to a mixed use policy due to incorporating an element of employment generating uses.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
STM2	Stamford Town Centre Policy	Policy STM2 has been amended to reflect new use class definitions. Sections of the policy text has been relocated for clarity.
STM1-H1	Stamford North (SP)	Policy STM1-H1 is considered robust and minor amendments which includes reference to Biodiversity Opportunity Areas and Green Infrastructure Areas is proposed at this draft stage.
STM1-H2	Stamford East (SP)	<p>Policy STM1-H2 is considered robust and minor amendments which includes reference to Biodiversity Opportunity Areas and Green Infrastructure Areas is proposed at this draft stage.</p> <p>Since the adoption of the 2020 Local Plan, part of STM1-H2 Stamford East has been granted planning permission the allocation will be reviewed at the pre-submission stage.</p>
BRN2	Bourne Town Centre Policy	Policy BRN2 has been amended to reflect new use class definitions. Sections of the policy text has been relocated for clarity.
DEP1-H1	Towngate West (SP)	Policy DEP1-H1 is considered robust and minor amendments which includes reference to Biodiversity Opportunity Areas is proposed at this draft stage.
DEP1-H2	Linchfied Road (SP)	Policy DEP1-H2 is considered robust and minor amendments which includes reference to Biodiversity Opportunity Areas and Green Infrastructure Areas is proposed at this draft stage.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
DEP2	Market Deeping Town Centre Policy	<p>Policy DEP2 has been amended to reflect new use class definitions.</p> <p>The Town Centre boundary has also been updated to reflect the Deepings neighbourhood plan.</p> <p>Sections of the policy text has been relocated for clarity.</p>
LV-H2	Wilsford Lane (SP)	Policy LV-H2 is considered robust and minor amendments to include reference to the area of Biodiversity Opportunity Areas and Green Infrastructure Areas is proposed at this stage.
LV-H3	Low Road (SP)	<p>Policy LV-H3 is considered robust and minor amendments which includes reference to Green Infrastructure Areas is proposed at this draft stage.</p> <p>Since the adoption of the 2020 Local Plan part of LV-H3 has been completed with 49 new homes delivered in 2021/2022.</p>
LV-H7	Main Road (SP)	<p>Policy LV-H7 is considered robust and minor amendments which includes reference to Green Infrastructure Areas is proposed at this draft stage.</p> <p>Since the adoption of the 2020 Local Plan, LV-H7 Main Road (South) has been granted outline permission for 50 dwellings.</p>
LV-H9	Folkingham Road (SP)	Policy LV-H9 is considered robust and minor amendments to include reference to the area of Biodiversity Opportunity Areas and Green Infrastructure Areas is proposed at this stage.

Minor Changes to Policies		
Policy	Description	Proposed Summary of Changes
		Since the adoption of the 2020 Local Plan LV-H9 has been granted outline planning permission for 71 dwellings.
LV-H10	Thistleton Lane and Mill Lane (SP)	Policy LV-H10 is considered robust and minor amendments which includes reference to Green Infrastructure Areas is proposed at this draft stage.
LV-H11	Land North of High Street (SP)	Policy LV-H11 is an existing Local Plan allocation which is considered robust and developable. It is proposed to allocate the land to the west of the existing allocation and a masterplan will be required for the entire site to ensure a comprehensive development.
LV-H12	Part of Elm Farm Yard (SP)	Policy LV-H12 is considered robust and minor amendments to include reference to Green Infrastructure Areas is proposed at this draft stage.

Policies Removed		
Policy	Description	Proposed Summary of Changes
E3	Employment Allocations	Current Local Plan Policies E2 (Strategic Employment Sites) and E3 (Employment Sites) have been combined for clarity. Policy E2 and Policy E3 details the employment allocations contained within the adopted Local Plan. Policy has been amended to reflect new use class definitions.
BRN1	Bourne Housing Need	Policy BRN1 has been removed due to being overtaken by events. There is currently a Neighbourhood Plan being produced for the Parish Area of Bourne. The Council is working with the Neighbourhood Plan Group in terms of directional growth for the area. SKDC has proposed site SKPR-53 (Land at Mill Drove) for allocation in conjunction with the outcomes of the Bourne Neighbourhood Plan Housing Sites Assessment Paper published October 2023.
BRN1-H1	Manning Road, Bourne	Policy BRN1-H1 has been removed. Since the adoption of the 2020 Local Plan the existing allocation at Manning Road (BRN1-H1), has since been granted planning permission for 121 new homes therefore is being removed as an allocation.
LV-H1	Wilsford Lane	Policy LV-H1 is to be removed. Since the adoption of the 2020 Local Plan, LV-H1 Wilsford Lane has been granted planning permission for 96 dwellings therefore is being removed as an allocation.
LV-H4	Bourne Road	Policy LV-H4 is to be removed.

Policies Removed		
Policy	Description	Proposed Summary of Changes
		Since the adoption of the 2020 Local Plan, LV-H4 Bourne Road, has been granted planning permission for 70 dwellings therefore is being removed as an allocation.
LV-H5	Swinstead Road/Bourne Road	Policy LV-H5 is to be removed. Since the adoption of the 2020 Local Plan, LV-H5 Swinstead Road/Bourne Road has been granted planning permission for 265 dwellings therefore is being removed as an allocation.
LV-H6	Easthorpe Road	Policy LV-H6 has been removed as the development is now complete.
LV-H8	Main Road	Policy LV-H8 is to be removed as an allocation. Since the adoption of the 2020 Local Plan, LV-H8: Main Road (North) has been granted planning permission for 43 dwellings therefore is being removed as an allocation
M1	Review of the Local Plan	Policy M1 has been removed as once the Local Plan is adopted, the commitment to an early review of the Local Plan will not be required.

Policies to be reviewed once emerging evidence is finalised.		
Policy	Description	Proposed Summary of Changes
RE1	Renewable Energy Generation (SP)	<p>Policy RE1 will be reviewed to reflect the Councils ambition to reach net carbon zero for the district by 2050 and Paragraph 158 of the NPPF which reads:</p> <p><i>‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures, in line with the objectives and provisions of the Climate Change Act 2008.’</i></p> <p>The emerging Climate Change study will look at renewable energy regeneration. It is anticipated that Policy RE1 and the Renewable Energy document which is currently an appendix to the adopted Local Plan will be reviewed once the Climate Change study is finalised.</p> <p>On the 13 December 2023, a Written Ministerial Statement was published by the Government regarding energy efficiency standards, as such the climate change study is being reviewed.</p>
EN1	Landscape Character (SP)	Policy EN1 has been amended for clarity. Points of the Compass assessments are being undertaken for the four towns and identified Larger Villages
EN5	Water Environment and Flood Risk Assessment (SP)	Policy EN5 has been amended for clarity.

Policies to be reviewed once emerging evidence is finalised.		
Policy	Description	Proposed Summary of Changes
		The Council is preparing a revised Flood Risk Assessment and Water Cycle study and policy EN5 will be reviewed again in line with the emerging evidence.
SB1	Sustainable Building (SP)	<p>Policy SB1 has been amended to reflect the Councils ambition to reach net carbon zero by 2050 and Paragraph 158 of the NPPF which reads <i>‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.’</i></p> <p>The policy will be reviewed against the emerging Climate Change Study.</p> <p>The final policy, will be informed by a Whole Plan Viability Assessment which will accompany the plan. The Whole Plan Viability Assessment assesses a range of developer contributions for different site typologies and locations across the district.</p>
ID1	Infrastructure for Growth	<p>Amendment to Policy ID1 has been made to strengthen the wording of the policy and for clarity.</p> <p>An Infrastructure Delivery Plan is being prepared and will inform the policy once finalised.</p>
ID2	Transport and Strategic Transport Infrastructure (SP)	Minor text amendment to Policy ID2 for clarity.

Policies to be reviewed once emerging evidence is finalised.		
Policy	Description	Proposed Summary of Changes
		An Infrastructure Delivery Plan, including an Infrastructure Delivery Schedule, is being prepared and will inform the policy once finalised
ID3	Broadband and Communications Infrastructure (SP)	<p>No amendment to Policy ID3 is proposed at this draft stage.</p> <p>An Infrastructure Delivery Plan is being prepared and will inform the policy once finalised.</p>

No proposed changes		
Policy	Description	Proposed Summary of Changes
E5	Expansion of Existing Businesses	No amendment to Policy E5 is proposed at this draft stage.
E7	Rural Economy (SP)	No amendment to Policy E7 is proposed at this draft stage.
E8	Other Employment Proposals (SP)	No amendment to Policy E8 is proposed at this draft stage.
EN4	Pollution Control (SP)	Policy EN4 is considered robust and no amendments are proposed at this draft stage.
EN7	Protecting and Enhancing Grantham Canal	Policy EN7 is considered robust and no amendments are proposed at this draft stage.
GR1	Protecting and Enhancing the Setting of Belton House and Park	Policy GR1 is considered robust and no amendments are proposed at this draft stage.
GR2	Sustainable Transport in Grantham (SP)	Policy GR2 is considered robust and no amendments are proposed at this draft stage.

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Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	South Kesteven Regulation 18 Draft Local Plan
2. Summary of aims and objectives of the policy/funding activity/event	<p>The current Local Plan for South Kesteven was adopted in January 2020 and sets out the development strategy for growth of the District to 2036. The Council is committed to undertake an early review of the adopted Local Plan, this process began in April 2020 and will set out the planning framework for the District over the next 20 years up to 2041.</p> <p>This Draft Local Plan builds on the existing Local Plan, adopted in January 2020. Some policies remain the same as the adopted Local Plan, others have been amended or removed and new policies have been introduced.</p> <p>The Local Plan Consultation Draft sets out the draft policies and guidance, addressing a wide range of planning matters. The Draft Local Plan also includes proposed employment and housing draft land allocations. When adopted, the Draft Local Plan will be used to determine planning applications.</p> <p>The Draft Local Plan will be published for consultation in February 2024, if approved at Cabinet.</p> <p>It is important to note that the Local Plan is at the draft stage and as such there is scope to adapt and change any policies which are identified as having a negative impact on protected characteristics as the Local Plan evolves.</p>
3. Who is affected by the policy/funding activity/event?	South Kesteven District
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	<p>The scope of the Plan was consulted on in November 2020 in accordance with the Statement of Community Involvement which sets out the standards, methodology and arrangements on how the Council will consult and report back. Consultation on the Local Plan is also bound by town planning regulations.</p> <p>For the Issues and Options consultation the Council</p> <ul style="list-style-type: none">• Consulted all members of the public and stakeholders on the Local Plan consultation database



	<ul style="list-style-type: none"> Published the consultation on the Council's website and advertised through social media During the Covid-19 pandemic, the government removed the requirement for councils to make documents available for public viewing at the Council's principal office locations and libraries. <p>The Local Plan is informed by evidence which has also been consulted upon, where necessary.</p>
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	<p>Adopted Local Plans are required to include a monitoring framework to monitor the effectiveness of the policies therein. As the Local Plan is at draft stage a monitoring framework has not been prepared as the policies have yet to be finalised.</p> <p>The Town and Country Planning (Local Planning) (England) (Regulations) 2012 requires a local planning authority to produce an Authority Monitoring Report. Monitoring of the Local Plan policies against the monitoring framework included in the Local Plan will be reported through the Authority Monitoring Report and published annually.</p>

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that age is afforded legal protection against discrimination.</p> <p>The Draft Local Plan promotes development which takes into account the needs of all ages, in line with national policy. It promotes the delivery of housing from a range of different groups. The Draft Local Plan is based on robust evidence including a</p>	No negative impact identified



		<p>Local Housing Needs Assessment (2023) and an Employment Land Review (2023)</p> <p>Policy H4 – Meeting All Housing Needs requires all major proposals for residential development to provide appropriate type and sized dwellings to meet the needs of current and future households in the District.</p> <p>The Draft Local Plan also includes a policy for affordable housing (Policy H2) such as shared ownership based on local need and incomes. This achieves a balance of affordable provision for people of different ages.</p> <p>The document includes a wide range of policies to promote employment; and community services and facilities such as village halls, schools and health facilities, including the protection against loss of services and facilities through redevelopment.</p> <p>The Open Space Policy (Policy OS1) includes standards from allotments to play equipped spaces.</p> <p>Policy DE1 promotes good quality design including creation of safe and accessible environments.</p>	
Disability	Positive	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that disability is afforded legal protection against discrimination.</p>	No negative impact identified



		<p>The Design Policy DE1, requires a proportion of eligible development to be developed as 'accessible and adaptable' in line with the optional standards set out in part M4(2) of the building regulations. The policy requires developers to demonstrate compliance with the submission of a statement as part of the planning application process.</p> <p>Policy SP6: Community Services and Facilities requires proposals for community facilities to be 'physically accessible to all members of society'.</p> <p>There are various other policies within the Local Plan which encourage access for all to employment opportunities, open space, recreational facilities, and public spaces.</p> <p>The Local Plan will be made available in alternative formats on request, should evidence of need be provided.</p>	
Gender Reassignment	Neutral	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that gender reassignment is afforded legal protection against discrimination.</p> <p>This protected characteristic was not a determinant in the development of the Draft Local Plan. All genders are equitably treated throughout the document.</p>	No negative impact identified
Marriage and Civil Partnership	Neutral	<p>The Local Plan must be in accordance with the</p>	No negative impact identified



		<p>Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that all marriage and civil partnership is afforded legal protection against discrimination.</p> <p>The protected characteristic was not a determinant in the development of the Draft Local Plan.</p>	
Pregnancy and Maternity	Neutral	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that pregnancy and maternity is afforded legal protection against discrimination.</p> <p>This protected characteristic was not a determinant in the development of the Draft Local Plan.</p>	No negative impact identified
Race	Negative	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that all ethnicities and races are afforded legal protection against discrimination.</p> <p>Regarding the provision of housing for the settled community, the Draft Local Plan's proposed housing numbers make an implicit allowance for migration (including international migration), which is part of any assessment of the future need for strategic housing numbers.</p> <p>Regarding our traveller community, a Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment has been</p>	<p>Negative impact identified: no land has been identified through the Draft Local Plan to meet the identified accommodation need of our Gypsy, Traveller and Travelling Showpeople Community due to limited sites being received through the 2020 – 2023 Call for Sites.</p> <p>Action to address negative impact:</p> <p>A study has been commissioned to identify how the accommodation needs of the district's traveller community can be met, either through additional pitches on existing sites, extension of existing sites, or the allocation of additional land. The study will include engagement with the Gypsy, Traveller and Travelling Showpeople community.</p> <p>The Council will launch a second Call for Sites, targeted</p>



		<p>produced by independent consultants which identifies an accommodation need for our Gypsy, Traveller and Travelling Showpeople communities.</p> <p>National planning policy guidance requires local plan to identify a supply of specific deliverable traveller sites against locally set targets.</p> <p>In November 2020, the Council launched a Gypsy & Traveller 'Call for Sites' which invited the submission of land within South Kesteven to meet the identified gypsy, traveller and travelling showpeople accommodation. Limited sites were received which puts the Council and Local Plan at risk at not meeting the needs of our traveller community and not according with the 2010 Equality Act. The Call for Sites remained open until 2023.</p> <p>It must be noted however that the Draft Local Plan does include permissive, criteria based policies allowing for appropriate speculative development.</p>	<p>at all landowners and our Gypsy, Traveller and Travelling Showpeople Community, alongside the Draft Local Plan. Any sites received will be considered for allocation as the Local Plan evolves. Vacant Council owned land should also be considered.</p> <p>It must be noted that Local Plan is at draft stage and the council will seek to rectify any negative impacts identified prior to the Local Plan being submitted to the Secretary of State for examination which is scheduled for Winter 2024/25.</p>
Religion or Belief	Positive	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that religion and belief is afforded legal protection against discrimination.</p>	<p>No negative impact identified</p>



		Policy SP6: Community Services supports to development of, and the protection of such services, including places of worship (dependent on a number of criteria).	
Sex	Neutral	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that sex is afforded legal protection against discrimination.</p> <p>This protected characteristic was not a determinant in the development of the Draft Local Plan. All sexes are equitably treated throughout the document.</p>	No negative impact identified
Sexual Orientation	Neutral	<p>The Local Plan must be in accordance with the Equality Act 2010 to ensure that policies therein meet the development needs of our community, ensuring that sexual orientation is afforded legal protection against discrimination.</p> <p>This protected characteristic was not a determinant in the development of the Draft Local Plan. All sexual orientations are equitably treated throughout the document.</p>	No negative impact identified.
Other Factors requiring consideration			
Socio-Economic Impacts	Positive	The Local Plan is informed by a robust evidence base to ensure that the policies contained within the Local Plan seek to provide the right amount and type of housing (including affordable) and employment is provided to meet the needs of our residents, taking into consideration	No negative impact identified.



		socio-economic factors. A Climate Change Study is being produced which underpins the Local Plan which will seek to limit and mitigate the impact of climate change on our residents and environment. It is understood that those at socio-economic disadvantage are more likely to be negatively impacted by the effects of climate change.	
Carers (those who provide unpaid care to a family member, friend or partner)	Positive	Policy H4: Meeting 'all Housing Needs requires all major proposals for residential development to provide appropriate type and sized dwellings to meet the needs of current and future households in the District'. A criterion of the policy includes the provision for extra care and residential care housing and other forms of supported housing.	No negative impact identified

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response
Gypsy, Traveller and Travelling Showpeople	By winter 2024	A study has been commissioned to identify how the accommodation needs of the district's traveller community can be met, either through additional pitches on existing sites, extension of existing sites, or the allocation of additional land. The study will include engagement with the Gypsy, Traveller and Travelling Showpeople community.
	February 2024	A Call for Sites will be launched alongside the Draft Local Plan Consultation.
	Winter and summer 2024 (dates to be determined by the government)	Policy officers will be visiting our Gypsy, Traveller and Travelling Showpeople community for the winter and summer accommodation counts and the upcoming Call for Sites and the Local Plan will be discussed.



Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status
No additional land identified to meet the identified needs of the Gypsy, Traveller and Travelling Showpeople community through the Draft Local Plan	A Call for Sites to be launched alongside the Draft Local Plan Consultation	Call for Sites and Draft Local Plan consultation scheduled for late February 2024		
	Call for Sites and Local Plan to be publicised when undertaking winter and summer Gypsy & Traveller and Travelling Showpeople accommodation counts.	Summer and winter 2024 (dates to be determined by the government)		
	Consultants instructed to undertake a review of how the identified accommodation needs can be met, either through additional pitches on existing sites, extension of existing sites, or the allocation of additional land.	By winter 2024		



Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.

To be completed following the call for sites and visit with our Gypsy, Traveller and Travelling Showpeople community.

Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	Yes, however the Local Plan is currently only at draft stage. The planning authority will seek to rectify the identified negative impact prior to the Local Plan being submitted to the Secretary of State which is scheduled for Winter 2024.	
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed		
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias	X	The policy is still in draft form and will be adapted and changed as the Local Plan evolves to rectify the identified impact
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment?

Consultation with an Equality Ally has been undertaken and comments incorporated into the assessment.



Sign off

Name and job title of person completing this EIA	Shaza Brannon, Planning Policy Manager
Officer Responsible for implementing the policy/function etc	Shaza Brannon, Planning Policy Manager
Date Completed	6/01/2024
Line Manager	Emma Whittaker, Assistant Director for Planning
Date Agreed <i>(by line manager)</i>	22/01/2024
Date of Review <i>(if required)</i>	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of Councillor Ashley Baxter,
Leader of the Council

Award of contract for upgrade of streetlights

Report Author

Serena Brown, Sustainability and Climate Change Officer

 Serena.brown@southkesteven.gov.uk

Purpose of Report

To seek approval to enter into a contract with E.ON Energy Solutions Limited for a programme of works to upgrade South Kesteven District Council's stock of streetlights to LED units.

Recommendations

That Cabinet:

1. Approves the award of a contract with an estimated value of £1 million for the upgrade of the Council's streetlights to LED units to E.ON Energy Solutions Limited.
2. Requests that the Environment Overview and Scrutiny Committee receives ongoing monitoring updates regarding the project.
3. Delegates authority to the Deputy Chief Executive to ensure the delivery of the project in accordance with the contract.

Decision Information	
Is this a Key Decision?	Yes.
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Clean and sustainable environment
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

- 1.1 Council approved the allocation of £1 million at the meeting on the 28 September 2023 in order to provide the required funding to upgrade the SKDC operated streetlights to LED lighting. The current operational costs for the streetlighting service is budgeted at £633k for 2023/24 and it is projected that following the conversion to LED lighting a reduction of in excess of 61% can be expected.

Completed by: Alison Hall-Wright (Deputy Director of Finance and ICT)

Procurement

- 1.2 It is confirmed that a fully compliant procurement process has been completed and the Council's Procurement Lead has been consulted throughout the process.

Completed by: Helen Baldwin (Procurement Lead)

Legal and Governance

- 1.3 Councils do not have a duty to provide streetlighting, however once provided, the local authority does have a duty to maintain the system in a safe condition.
- 1.4 There are no significant legal and governance implications arising from the report which are not already reflected elsewhere in the report, particularly in relation to procurement and compliance with the Council's Contract Procedure Rules.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Climate Change

- 1.5 The energy reduction potential of upgrading the Council's stock of lamps to LED is significant, with streetlighting being the single largest area of electricity consumption for the Council.

Completed by: Serena Brown, Sustainability and Climate Change Officer

2 Background to the Report

- 2.1 The purpose of this report is to obtain approval to enter into a contract with E.ON Energy Solutions Limited for the upgrade of the approximately 3,100 streetlights to be upgraded to energy efficient LEDs with an in-built dimming programme. This will be delivered in an accelerated programme to maximise short-term energy reductions, with the duration of the call-off contract to be a maximum of 18 months (subject to annual review, budget availability and monitored performance of the supplier).
- 2.2 South Kesteven District Council is responsible for managing a total of 3,893 streetlights within the district which are funded from the Council's General Fund, including 303 lamps located adjacent to the Council's housing stock. These lights are predominantly for providing lighting to footways, and must not be confused with the separate stock of streetlights provided for highways, which are mostly managed by Lincolnshire County Council (LCC).
- 2.3 The majority of lights operated by the Council are 35W (or 36W) low pressure sodium lamps. These account for just over 4% of the Council's total carbon emissions – a significant contribution.
- 2.4 On 12th June 2019 Cabinet agreed a programme of works and budget to upgrade the Council's whole stock of streetlights to LED as a 12 year programme. Following development of a specification for the work the contract was awarded in May 2021 and a programme of LED upgrades commenced. This contract with the supplier has now come to an end.
- 2.5 The table below shows the number of streetlights upgraded to LED so far:

	August 2021	December 2023
Standard streetlights	3741	3180
LED streetlights	152	713
TOTAL	3893	

- 2.6 The opportunity was identified through an analysis of the Council's main areas of utility spend to increase the speed of the upgrades of streetlights. An upgrade from a traditional low sodium lamp to an LED luminaire will deliver an energy and utility cost saving of at least 65%, thereby reducing the Council's single largest expense area for electricity.
- 2.7 Following scrutiny by [Finance and Economic Overview and Scrutiny Committee on 22nd June 2023](#), [Environment Overview and Scrutiny Committee on 11th July 2023](#), and consideration by [Cabinet on 11th September 2023](#), [Council on 28th September 2023](#) agreed to approve an allocation of £1m to accelerate the replacement of Council operated streetlights with LED lamps. It was agreed the scheme was to be funded by a £500k allocation from the Invest to Save Reserve, £250k from the Budget Stabilisation Reserve and £250k from the Local Priorities Reserve.
- 2.8 Environment Overview and Scrutiny Committee (OSC) and Cabinet have received several updates in recent years regarding intentions for a programme of upgrades and ongoing management of streetlights. Following a recommendation by Environment OSC, Cabinet on the [12th July 2018](#) considered and approved a policy addressing how the Council's streetlights shall be managed. This policy includes the objective: *"To ensure South Kesteven District Council streetlights provide illumination during the hours of darkness."* This is a distinction from the LCC streetlighting policy, where lamps are dark between the hours of midnight to 6AM in order to maximise energy savings and achieve further cost savings.
- 2.9 Environment OSC met on 12th December 2023 to review this policy in light of the budget being made available for the upgrade of the Council's existing stock of streetlights. After consideration and discussion by the Committee it was agreed to retain the current policy for streetlights and to proceed with upgrades with a pre-installed programme of dimming between the hours of midnight to 6AM. This allows the lights to maintain illumination during hours of darkness whilst reaping energy efficiency reductions.
- 2.10 The committee also discussed the potential impacts of illumination for wildlife. The specification developed includes provision for the colour temperature of the lamps to not exceed 4000K, removing the possibility of cool spectrum light.
- 2.11 Following agreement of the funding for the project, the procurement process formally commenced. A detailed specification was developed, incorporating valuable lessons from delivery of the previous contract of LED upgrades. The YPO Highways Electrical Installations framework was identified as a compliant route to market. A further competition exercise was run in December 2023 with tender evaluation taking place in the week commencing 22nd January.
- 2.12 On the tender closing date of 22nd January 2024, two bids were received which met all of the mandatory requirements set out in the specification. The bids were evaluated using the following criteria:

Criteria	%
Cost	30
Quality	30
Delivery and Customer Service	30
Social Value	10

- 2.13 An evaluation panel was assembled to ensure that individuals assigned to evaluate the questions were appropriate to the criteria being examined. A process of moderation was then undertaken by the Council's Procurement Officer. Following completion of the evaluation process, the scores awarded were to the bid were:

Criteria	E.ON Energy Solutions Ltd	Bidder 2
Cost	30%	29%
Quality	30%	24%
Delivery and Customer Service	30%	18%
Social Value	8%	6%
TOTAL	98%	77%

- 2.14 In response to concerns raised by Environment Overview and Scrutiny Committee, the suggested luminaire included in the successful tender is also Dark Sky accredited, meaning that there is zero upwards light spill. Front and rear shields can also be fitted to lamps which can reduce any unwanted light spill and help to mitigate the wider effects of providing illumination. Options for further reduction of impact from illumination on wildlife will be explored in depth upon contract commencement in consultation with the Committee and Cabinet Members.
- 2.15 It is therefore recommended that E.ON Energy Solutions Limited be awarded the contract for the upgrade of the existing stock of streetlighting to LEDs.

3 Key Considerations

- 3.1 The opportunity to deliver an accelerated programme of upgrades to the existing stock of streetlights was brought forward in direct response to the sharp escalation in electricity costs. By awarding the contract it is expected that the whole stock of existing streetlights will be upgraded within a maximum period of 18 months. The upgrades are also covered by a 10 year warranty which should vastly reduce the maintenance costs.
- 3.2 As part of budget development for the project showed the upgrade programme to have an anticipated payback period of just over 4 years. Once upgrades are complete there will also be a reduction in operational carbon emissions for the Council.

4 Other Options Considered

- 4.1 A programme of upgrades over 12 years was initially approved by Cabinet. While this option would reduce immediate financial outlay for the Council, there would be significant additional electricity costs for powering the existing stock of streetlights.

5 Reasons for the Recommendations

- 5.1 The proposed contract award has a compliant procurement process and shall help to deliver cost savings through decreased utilities expenditure, as well as a reduction in operational carbon emissions.

6 Background Papers

1. Cabinet 12th July 2018 - [South Kesteven District Council - Agenda for Cabinet on Thursday, 12th July, 2018, 2.00 pm](#)
2. Cabinet 19th June 2019 - [2019-6-11 - Cabinet Street Lighting Report.pdf \(southkesteven.gov.uk\)](#)
3. Finance and Economic Overview and Scrutiny Committee 22nd June 2023 - [Streetlights report.pdf \(southkesteven.gov.uk\)](#)
4. Environment Overview and Scrutiny Committee 11th July 2023 - [Report.pdf \(southkesteven.gov.uk\)](#)
5. Cabinet 11th September 2023 - [Update on upgrading streetlights.pdf \(southkesteven.gov.uk\)](#)
6. Council 28th September 2023 - [Update on upgrading streetlights.pdf \(southkesteven.gov.uk\)](#)
7. Environment Overview and Scrutiny Committee 12th December 2023 - [Considerations for upgrading streetlights to LED Report.pdf \(southkesteven.gov.uk\)](#)



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of Councillor Ashley Baxter
Leader of the Council

Finance Update Report: April – December 2023

Report Author

Alison Hall-Wright (Deputy Director of Finance and ICT)



alison.hall-wright@southkesteven.gov.uk

Purpose of Report

To present the Council's forecast 2023/24 financial position as at end of December 2023. The report covers the following areas:

- General Fund Revenue Budget
- Housing Revenue Account Budget
- Capital Programmes – General Fund and Housing Revenue Account
- Reserves overview – General Fund and Housing Revenue Account

Recommendations

It is recommended that Cabinet:

- 1. Reviews and notes the forecast 2023/24 outturn position for the General Fund, HRA Revenue and Capital budgets as at the end of December 2023**
- 2. Identifies any variances that might require action or investigation.**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Growth and our economy
Housing that meets the needs of all residents
Healthy and strong communities

Which wards are impacted?

Clean and sustainable environment
High performing Council

All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

- 1.1 The financial implications are included throughout the report.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer

Legal and Governance

- 1.2 As part of good governance, it is important members are kept updated in respect of the financial position of Council expenditure during the year.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Risk and Mitigation

- 1.3 A risk register is at Appendix G and shows that all known current risks are recognised and associated mitigating actions are in place.

Completed by: Tracey Elliott, Governance and Risk Officer

2 Background to the Report

- 2.1 During the current financial year, Cabinet is provided with regular finance reports. These monitor and forecast the expenditure and income compared with the budgets approved by Council and provide explanations for any material variances.

3 Revenue Budget 2023/24 – General Fund

- 3.1 The budget set by Council on 1 March 2023 was £22.256m. Table 1 shows the summary of movements.

Table 1 – General Fund Revenue Budget Amendments

Date of Approval	Revenue Budget amendment	£'000
		22,256
March 2023	ICT Reserve – Asset Management	58
March 2023	Coronation Celebrations	7
March 2023	ICT Reserve – Play Equipment Inspection	11

	Software	
June 2023	Grantham Special Expense Area – Christmas Lights	28
July 2023	2022/23 Budget Carry Forwards	1,960
July 2023	Pay Award Reserve	461
July 2023	ICT Reserve – Pool Car Management	10
July 2023	ICT Reserve – Replacement Document Management System – Revenues & Benefits	67
August 2023	ICT Reserve – Replacement CRM System	32
September 2023	Local Priorities Reserve – CCTV relocation	17
October 2023	ICT Reserve – Finance system archive/laptops	168
November 2023	ICT Reserve – CRM Data Extract	35
January 2024	Council – LSK Management Fee	123
January 2024	Cabinet – LSK Management Fee	150
Total		25,383

- 3.2 The approved budget amendments (shown at table 1 above), together with forecast changes since the previous budget update report, indicates a projected reduction in the use of reserves for 2023/24 of £1.393m. This is a reduction in use of reserves of £312k since quarter 2 budget update report presented to the Finance & Economic Overview and Scrutiny Committee in November and Cabinet in December.
- 3.3 Since the quarter 2 report, it has been confirmed there will be no further salary award payments to be made following the national settlement and as such, there is a reduction in the required approved funding of £86k.
- 3.4 Changes to the Corporate team structure were implemented from 2 October 2023. As such, the directorate titles and appropriate budgets have been transferred as shown in Table 2. This is in addition to the Grounds Maintenance and Street Cleansing being integrated within the Growth Directorate from the Corporate Directorate from 1 July 2023.
- 3.5 Table 2 shows the forecast outturn position as at 31 December 2023:

Table 2 – General Fund Forecast Outturn Position

Description	2023/24 Original Budget	2023/24 Current Budget	2023/24 Forecast Spend	Forecast Variance	Forecast Variance
	£'000	£'000	£'000	£'000	%
Corporate, Governance & Public Protection	3,731	4,092	4,187	95	2.3%
Finance, Property & Waste Services	9,975	11,561	10,671	(890)	(7.7%)

Growth & Culture	9,242	9,397	9,200	(197)	(2.1%)
Housing & Projects	1,251	1,706	1,589	(117)	(6.9%)
HRA Recharge	(2,814)	(2,814)	(2,814)	0	0.0%
Drainage Rates	871	871	902	31	3.6%
Investment Income	(760)	(760)	(950)	(190)	(25.0%)
Net Cost of Service	21,496	24,053	22,785	(1,268)	(5.7%)
Minimum Revenue Provision	126	126	126	0	
Revenue Contribution to Capital	37	333	333	0	
Depreciation	(4,859)	(4,859)	(4,859)	0	
Net Budget Requirement	16,800	19,653	18,385	(1,268)	
Total Funding	(15,560)	(15,560)	(15,685)	(125)	
Transfers to/(from) earmarked reserves	(1,240)	(4,093)	(2,700)	1,393	
Net Budget (Surplus)/ Deficit	0	0	0	0	

3.6 Table 3 shows the significant forecast variances which impact across all directorates for the General Fund revenue for 2023/24 as at 31 December 2023.

Table 3 – General Fund Revenue – Significant Variances

Explanation of Significant Variances	£'000
Utilities - Electricity Whilst there continues to be inflationary price increases during the year, the increases are significantly less than budgeted and more competitive prices are being secured through our supplier procurement framework. Electricity prices and consumption continue to be monitored on a monthly basis.	(582)
Business Rates Following a review of property rateable values, a number have reduced resulting in a forecast underspend for 2023/24.	(93)
Fuel A further reduction in predicted price increases has resulted in an increased forecast underspend for the remainder of 2023/24. This is monitored on a weekly basis.	(165)
Salary vacancy factor The Council's salary budgets are prepared with an assumed 3% vacancy factor in order to reflect the turnover of staffing during a financial year. Currently, the	452

Council has a relatively stable workforce and where there are vacancies temporary staff have often been employed. The vacancy factor will continue to be monitored during the course of the financial year	
Investment Income Base rate changes have resulted in an increase on the interest rates available for investments. The Council is now able to secure investment interest rates above 5% compared with the budgeted rate of 4%.	(190)

- 3.7 Appendix A provides further details of the outturn revenue position for each Directorate along with service specific variance comments other than those detailed in table 3.

4 General Fund Capital Programme 2023/24

The budget set by Council on 1 March 2023 for the 2023/24 General Fund Capital programme is £12.147m. Table 4 shows the summary of movements:

Table 4 – General Fund Capital Programme Budget Adjustments

Date of Approval	GF Budget amendment	£'000
		12,147
March 2022	UKSPF	50
December 2022	Gonerby Hill Foot Grantham Play Park – (grant funded)	119
March 2023	UK Shared Prosperity Fund	296
July 2023	2022/23 Budget Carry Forwards	580
September 2023	Depot	8,000
October 2023	Financial System Upgrade	24
December 2023	Disabled Facilities Grant	400
December 2023	Coronation Living Heritage Fund Community Orchard Scheme	46
December 2023	Long Bennington Car Park	27
Total		21,689

- 4.1 Table 5 summarises the General Fund Capital forecast outturn position as at 31 December 2023.

Table 5 – General Fund Capital Forecast Outturn Position

Capital Scheme	2023/24 Original Budget £'000	2023/24 Current Budget £'000	2023/24 Forecast spend £'000	Forecast Variance £'000	Forecast Variance %
Corporate, Governance & Public Protection	1,328	1,813	1,813	0	0%
Finance, Property & Waste Services	3,662	12,117	3,744	(8,374)*	(69.1%)
Growth & Culture	5,466	6,058	6,058	0	0%
Housing & Projects	1,691	1,701	420	(1,281)	(75.3%)
Total Expenditure	12,147	21,689	12,035	(9,655)	(44.6%)

* this underspend primarily relates to the depot as construction will not commence until 2024/25

- 4.2 A full breakdown of schemes with project update and variance comments is detailed in Appendix B.

5. General Fund Reserves

- 5.1 Appendix C details the General Fund forecast reserve movements for 2023/24. The appendix shows the balances as at 31 March 2023 and their projected use for the current year.

6. Revenue Budget 2023/24 – Housing Revenue Account

- 6.1 The budget set by Council on 1 March 2023 for the 2023/24 HRA Revenue Budget was £7.519m. The budgeted surplus is fully utilised to fund future investment in stock growth and property maintenance. Table 7 shows the summary of movements:

Table 7 – HRA Revenue Budget Adjustments

Date of Approval	HRA Budget amendment	£'000
		(7,519)
March 2023	HRA budget bids approved as part of Council Report	1,359
May 2023	Relocation of HRA Team	90
July 2023	2022/23 Budget carry forwards	307
July 2023	Pay Award	150
December 2023	Grantham West Community Centre	100
Total		(5,513)

- 6.2 Table 8 shows the HRA forecast outturn position for 2023/24 as at 31 December 2023.

Table 8 – HRA Revenue Forecast Outturn Position

Description	2023/24 Original Budget £'000	2023/24 Current Budget £'000	2023/24 Forecast spend £'000	Forecast Variance £'000	Forecast Variance %
Income	(28,403)	(28,403)	(27,666)	737	2.59%
Expenditure	19,306	21,312	22,309	997	4.21%
Net Cost of HRA Services	(9,097)	(7,091)	(5,357)	1,734	24.45%
Interest Payable	2,238	2,238	2,238	0	
Investment Income	(660)	(660)	(825)	(165)	
Surplus for the year	(7,519)	(5,513)	(3,944)	1,569	

6.3 Table 9 shows the significant forecast variances for the HRA Revenue fund schemes for 2023/24 as at 31 December 2023.

Table 9 – HRA Revenue – Significant Variances

Explanation of Significant Variances	£'000
Income Void rates are higher than budgeted due to ongoing contractor resources, supply chain issues and an increased percentage of major void works. The void rate was 3.55% at the end of September (budgeted at 1.5% and projected at 2% from October to March 2024).	887
Major Void Repair Costs There has been a significant increase in the numbers of properties coming back to the authority in a very poor condition requiring substantial works to relet. Due to the extent of works required these works are placed with external contractors to complete. Labour and material price increases have also impacted on the budget.	100
Heating Due to delays in procuring a contract for the heating replacement programme, there has been an increased dependency on repairs to existing systems. Alternative heating systems such as air source heat pump systems incur higher servicing costs than the standard solid fuel systems.	260
Damp & Mould Unbudgeted damp and mould costs of £140k will be incurred during the current financial year in order to respond to the required works following the introduction of new legislation. To date 329 properties have been identified for improvement. Positive Input Ventilation (PIV) units have been installed in 240 properties with a further 89 scheduled in before the end of the financial year.	140

Utilities - Electricity & Gas Although there continue to be inflationary price increases during the year, these are significantly less than budgeted and more competitive prices are being secured through our supplier procurement framework. Electricity prices and consumption are monitored on a monthly basis.	(86)
Salary vacancy factor A reduction in vacant posts across the Council and increases in agency provision will have a direct impact on the achievement of the salary vacancy factor. This will continue to be monitored during the year and the forecast amended accordingly.	149
Investment Income Changes to base rates have resulted in increased interest rates available for investments. The Council is now able to secure investment interest rates above 5% compared with the budgeted rate of 4%.	(165)

6.4 Appendix D provides further details of the HRA revenue forecast outturn position.

7. HRA Capital Programme 2023/24

The budget set by Council on 1 March 2023 for the 2023/24 HRA Capital programme is £18.479m. Table 10 shows the summary of movements:

Table 10 – HRA Capital Programme Budget Adjustments

Date of Approval	HRA Budget amendment	£'000
		18,497
March 2023	Local Authority Housing Fund – Round 1	4,483
July 2023	2022/23 Budget Carry Forwards	1,669
September 2023	New Builds	1,000
September 2023	Local Authority Housing Fund – Round 2	2,144
Total		27,793

7.1 Table 11 summarises the HRA Capital forecast outturn position as at 31 December 2023.

Table 11 – HRA Capital Forecast Outturn Position

Capital Scheme	2023/24 Original Budget £'000	2023/24 Current Budget £'000	2023/24 Forecast spend £'000	Forecast Variance £'000
Energy Efficiency (including Social Housing Decarbonisation Fund)	5,398	5,474	3,000	(2,474)

ICT	470	740	740	0
Purchase of Vehicles	0	81	20	(61)
New Build Programme	4,500	5,500	2,900	(2,600)
Refurbishment & Improvements	8,129	9,371	7,750	(1,621)
Local Authority Housing Fund – Rounds 1 & 2	0	6,627	6,366	(261)
Total Expenditure	18,497	27,793	20,776	(7,017)

7.2 A full breakdown of schemes with commentary is shown at Appendix E.

8. HRA Reserves

8.1 Appendix F details the HRA forecast reserve movements for 2023/24. The appendix shows the balances as at 31 March 2023 and their projected use for the current financial year.

9. Collection Rates

9.1 Table 13 details the current collection rates against target for 2023/24.

Table 13 – Collection Rates

Target Rates	Council Tax	Business Rates	Rents
Target Annual collection rate	98.48%	98.32%	97.35%
Target collection rate to end of December 2023	83.02%	79.37%	71.51%
Actual collection rate to end of December 2023	82.81%	82.68%	71.20%

9.2 Council Tax:

- Collection of £83.731m as at 31 December 2023 against an annual debt of £99.900m. As shown in the table above the collection rate was 0.21% below the expected target at 31 December 2023 which equates to a reduction in the collection of Council Tax £210k.
- Residents continue to face the impacts of Cost of Living and support is being provided by the Council's Cost of Living Team.
- The service continues to issue reminders and summonses in line with the recovery timetable and provide advice & support for those council taxpayers who are struggling to meet their obligations.

9.3 Business Rates:

- Collection of £33.760m as at 31 December 2023 against an annual debt of £40.834m. As shown in the table above the collection rate was 3.31% above the expected target at 31 December 2023 which equates to an increase in the collection of business rates of £1.352m.
- The business rates base remains volatile – which is resulting in notifications of successful appeals (this have the effect of reducing rateable values).

9.4 Rent:

- Collection of £20.077m as at 31 December 2023 against an annual debt of £28.197m. As shown in the table above the collection rate was 0.30% below the expected target rate at 31 December 2023 which equates to a reduction in the collection of rent of £86k).
- Our Income Recovery Team continue to provide advice & support for those tenants who are struggling to meet their obligations.

10. Reasons for the Recommendations

- 10.1 Members should be kept updated on the financial position of the Authority, as effective budget management is critical to ensuring financial resources are spent in line with the budget and are targeted towards the Council's priorities. Monitoring enables the early identification of variations against the plan and facilitates timely corrective action.
- 10.2 This report provides an overview of the forecast 2023/24 financial position for the Council and focuses on the position as at the end of December 2023.

11. Consultation

- 11.1 This report will be presented to the Finance and Economic Overview and Scrutiny Committee on 20 February 2024. Reports will be presented at each Finance and Economic Overview and Scrutiny Committee (OSC) to ensure that members are kept regularly updated regarding the projected financial outturn position.

12. Background Papers

- 12.1 Determination of Budget 2023/24 and indicative budgets for 2025/26 – General Fund, Housing Revenue Account and associated Capital Programmes Report.
[Council Budget Report 23-24.pdf \(southkesteven.gov.uk\)](#)
- 12.2 Finance Update Report: April to September 2023
[Cabinet 2023-24 Finance Update Apr - Sept.pdf \(southkesteven.gov.uk\)](#)

13. Appendices

Appendix A – 2023/24 General Fund Revenue Significant Variance Analysis
 Appendix B – 2023/24 General Fund Capital Programme
 Appendix C – 2023/24 General Fund Reserves
 Appendix D – 2023/24 HRA Summary

Appendix E – 2023/24 HRA Capital Programme

Appendix F – 2023/24 HRA Reserves

Appendix G – 2023/24 Finance Risk Register

14 Other Options Considered

14.1 This is a monitoring report, therefore there were no other options considered.

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2023/24 General Fund Revenue Significant Variance Analysis

Corporate, Governance & Public Protection Service						
Service Area	Current Expenditure Budget	Current Income Budget	2023/24 Current Budget	2023/24 Forecast Outturn	Forecast Variance	Forecast Variance
	£	£	£	£	£	%
Corporate Management	451,000	(1,750)	449,250	455,950	6,700	1.5%
Human Resources & Organisational Development	450,860	(7,100)	443,760	436,660	(7,100)	(1.6%)
Legal & Democratic	2,110,141	(390,691)	1,719,450	1,826,500	107,050	6.2%
Ops & Public Protection Mgmt	117,000	0	117,000	126,800	9,800	8.4%
Public Protection	1,754,900	(392,000)	1,362,900	1,341,370	(21,530)	(1.6%)
TOTAL	4,883,901	(791,541)	4,092,360	4,187,280	94,920	2.3%

Explanation of Significant Variances	£'000
Legal & Democratic Land Charges - Additional search fee costs together with an increase in non-chargeable personal searches and significant reduction in official searches based on previous years has resulted in a forecast overspend of £80k. This has been partially mitigated by transition funding in relation to the migration of land registry to His Majesty's Land Registry national platform as work on this project is currently being contained within the existing staffing budget	87

Finance, Property & Waste Services						
Service Area	Current Expenditure Budget	Current Income Budget	2023/24 Current Budget	2023/24 Forecast Outturn	Forecast Variance	Forecast Variance
	£	£	£	£	£	%
Community Engagement	346,600	(19,000)	327,600	334,100	6,500	2.0%
Finance	1,820,533	(171,250)	1,649,283	1,633,548	(15,735)	(1.0%)
Finance Management	261,292	(16,850)	244,442	251,842	7,400	3.0%
ICT Services	2,112,809	(41,750)	2,071,059	2,040,109	(30,950)	(1.5%)
Property Services	5,308,403	(2,482,165)	2,826,238	2,245,785	(580,453)*	(20.5%)
Revenues, Benefits, Customer & Community Services	18,799,000	(18,127,050)	671,950	634,865	(37,085)	(5.5%)
Waste Depot	270,000	0	270,000	270,000	0	0.0%
Waste & Markets	6,115,710	(2,615,000)	3,500,710	3,261,210	(239,500)*	(6.8%)
TOTAL	35,034,347	(23,473,065)	11,561,282	10,671,459	(889,823)	(7.7%)

* variance explanation included in table 3 of the report

Explanation of Significant Variances	£'000
Finance The annual insurance renewal has been procured below the budgeted level resulting in an underspend of (£33k). Further procurement support has incurred additional costs of £29k External audit costs have increased by £50k due to the complexity of the scope of audit now required. The audit fees are set by the Public Sector Audit Appointments so the Council does not have control over the charges that are incurred.	(15)
ICT Services Costs for additional data links to the new Council offices have been mitigated by roles remaining vacant whilst the service area has undergone structure changes	(31)
Revenues, Benefits & Customer Services The number of summonses being issued has reduced and the summons cost the Council is able to charge has been reduced by Government which have resulted in a net forecast reduction in court cost income of £66k. The cost of collection allowance provides billing authorities with income to help meet the cost of administering the rating system. The award for 2023/24 is £25k less than	(37)

<p>budgeted.</p> <p>There is a reduced income forecast of £70k for benefit overpayments due to national changes to the benefit system which has resulted in Housing Benefit recipients being transferred to Universal Credit. The recovery approach has been amended accordingly.</p> <p>Additional in-year awards of external grants of £143k including a further £70k of Local Council Tax Support Scheme based on an increased caseload</p>	
<p>Waste & Markets</p> <p>Commercial Waste - (net additional income £96k) additional income of £181k has been forecast because of in year price increases and continued growth in the customer base since the budget was set. The customer base has now stabilised with little capacity for further growth without significant additional investment in the service.</p> <p>Garden Waste - Additional income of (£64k) has been received with 30,578 households renewing their subscription for 2023/24 (29,961 at this point last year) and 811 new households joining the service</p>	(2402)

Growth & Culture						
Service Area	Current Expenditure Budget	Current Income Budget	2023/24 Current Budget	2023/24 Forecast Outturn	Forecast Variance	Forecast Variance
	£	£	£	£	£	%
Arts & Culture	2,821,216	(1,070,250)	1,750,966	1,690,520	(60,446)	(3.5%)
Building Control	1,018,600	(859,400)	159,200	106,333	(52,867)	(33.2%)
Communications	335,544	(4,300)	331,244	281,027	(50,217)	(15.2%)
Culture & Leisure Mgmt	304,134	0	304,134	313,700	9,566	3.1%
Development & Policy	1,936,566	(1,453,100)	483,466	480,966	(2,500)	(0.5%)
Economic Development	1,471,529	(535,429)	936,100	930,900	(5,200)	(0.6%)
Growth Management	241,700	0	241,700	251,100	9,400	3.9%
Leisure	3,194,300	(418,550)	2,775,750	2,727,491	(48,259)	(1.7%)
Parks & Open Spaces	667,275	(121,450)	545,825	653,825	108,000	19.8%
Street Scene	1,923,050	(54,500)	1,868,550	1,763,950	(104,600)	(5.6%)
TOTAL	13,913,914	(4,516,979)	9,396,935	9,199,812	(197,123)	(2.1%)

* variance explanation partially included in table 3 of the report

Explanation of Significant Variances	£'000
<p>Arts & Culture</p> <p>Changing habits of customers post-COVID has resulted in Stamford Arts Centre film rent expenses and income being reduced. This is in line with the national picture for cinema operators and has been further exacerbated by the roof works to the building which resulted in the cancellation of matinee performances.</p> <p>In 2019, there were 215 films with a total of 564 screenings compared with 190 films with a total of 351 screenings in 2023. This is a reduction in films of 12% and 38% reductions in screenings. This loss in net income of £82k has been partially mitigated by a related reduction in casual staff wages of £20k.</p> <p>Explanations regarding the underspend variances for utilities (£99k) and business rates (£18k) are provided in Table 3 of the report</p>	(60)
<p>Communications</p> <p>Establishment roles remaining vacant in-year due to a service area restructure has resulted in underspends</p>	(50)
<p>Leisure</p> <p>Grant funding of £344k has been received from The English Sports Council – Swimming Pool Support Fund to contribute towards the increased utilities and pool chemical costs which resulted in the requirement of a £500k management fee for LeisureSK Ltd. The management fee has increased by £273k during the year which is due to a number of operational difficulties including an ongoing issue of irrecoverable VAT. This cost is linked to the significant increase in utility costs and the associated VAT which cannot be reclaimed due to percentage of exempt income the company receives. The increased management fee will be funded by the Budget Stabilisation reserve in accordance with the approval given by Cabinet and Council</p>	(48)
<p>Parks & Open Spaces</p> <p>£100k of the budgeted saving following the integration of Grounds Maintenance and Street Scene services has not yet been achieved due to the ongoing review of the service area.</p>	108
<p>Street Scene</p> <p>In accordance with the report presented to Cabinet in February 2023, £149k of establishment savings had been identified from the integration of the Grounds Maintenance and Street Cleansing teams. The unforeseen exaggerated growing season however has increased the number of required grass cuts beyond that of the costed specification resulting in £50k of this saving being re-allocated to increase staffing resources</p>	(105)

Housing & Projects						
Service Area	Current Expenditure Budget	Current Income Budget	2023/24 Current Budget	2023/24 Forecast Outturn	Forecast Variance	Forecast Variance
	£	£	£	£	£	%
Centralised & Business Support	481,700	(3,200)	478,500	485,650	7,150	1.5%
Corporate Projects & Performance	898,500	(140,400)	758,100	596,700	(161,400)	(21.3%)
Health & Safety	132,000	0	132,000	141,250	9,250	7.0%
Housing Services	2,021,807	(1,684,860)	336,947	365,440	28,493	8.5%
TOTAL	3,534,007	(1,828,460)	1,705,547	1,589,040	(116,507)	(6.8%)

* variance explanation included in table 3 of the report

Explanation of Significant Variances	£'000
Corporate Projects & Performance The 14 schemes within the Blue/Green Witham Corridor project have all been delivered and an independent summative assessment was completed and approved by the awarding bodies. In year secondments from within the service area have increased the underspend	(161)
Housing Services Homelessness – An increase in the use of emergency accommodation combined with health and safety works required on SKDC homelessness units has resulted in a forecast pressure of £200k in 2023/24. Whilst additional Flexible Supported Homelessness Grant has been received in year which has enabled temporary funding to be made available, as this is a demand led service it is not clear whether this one-off funding will be sufficient to respond to ongoing demand which is currently at unprecedented levels. It is expected that this will continue to be a budget pressure area and will be kept under review	28

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2023/24 General Fund Capital Programme

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	Description	Proposed Funding Source	Original Budget £'000	Current Budget £'000	Forecast £'000	Variance £'000	Comments
	Corporate, Governance & Public Protection						
1	Disabled Facilities Grants	Grant	975	1,460	1,460	0	The planned programme for Disabled Facilities Grants has already been delivered and a further £400k has been added to this budget. 112 grants have been approved of which 65 were complete as at the end of December.
2	CCTV Camera Replacement	Local Priorities Reserve	353	353	353	0	The Council are awaiting final revised pricing from BT for the upgrade of the current CCTV network.
			1,328	1,813	1,813	0	
	Finance, Property & Waste Services						
3	Financial System Upgrade	Capital Receipts	250	274	313	39	This overspend is due to specialist support procured to ensure implementation of the new system progresses in line with the project plan. The scheduled go-live date for the system is April 2024.
4	Wheelie Bin Replacements	Capital Receipts	127	127	127	0	The programme is on target for full delivery by 31 March 2024.
5	Trade Waste Bins	Capital Receipts	24	48	0	(48)	No expenditure is expected in 2023/24 as sufficient stock is already held and there is currently limited capacity to provide the service to additional customers due to vehicle capacity.
6	Street Scene Vehicle Procurement	Capital Receipts	706	617	893	276	The planned vehicle procurement for 2023/24 has been completed.
7	Vehicle Replacement Programme	Capital Receipts	696	920	700	(220)	
8	Stadium Gas Boiler	Capital Receipts	65	81	81	0	The boiler replacement at the Stadium in Grantham has been completed
9	Cycle Shelter & Changing Facilities	Local Priorities Reserve	40	40	0	(40)	A site for the replacement cycle shelter and changing facilities has not been identified - the scheme is under review with delivery expected during 2024/25
10	Stamford Arts Centre - Roof	Capital Receipts	400	351	355	4	Works have been completed on the renovation of Stamford Arts Centre Roof
11	Welham Car Park	Capital Receipts	275	275	275	0	Phase 1 of improvement to Welham Street Car Park have been completed. Phase 2 structural works are to due commence in February

12	Guildhall Arts Centre - Roof	Capital Receipts	156	200	100	(100)	Works have commenced on the renovation of the Guildhall Arts Centre roof
13	Cattle Market - Stamford	Regeneration Reserve	0	70	20	(50)	Feasibility and design works have begun on the Cattle Market Stamford project
14	Property Maintenance	Capital Receipts	500	440	440	0	This budget has been fully allocated to Mechanical & Electrical programme of works which are anticipated to be completed by 31 March 2024
15	Empingham Road - Outdoor Gym	S106	55	55	0	(55)	Alternative options within the terms & conditions of the S106 are being reviewed in respect of this budget as the Council no longer retains responsibility for the Empingham Road facility following its transfer to Stamford Town Council
16	Empingham Road - S106 Grants	S106	248	248	20	(228)	The distribution of this grant has been approved by Cabinet and work is underway with the grant recipients to ensure that the conditions are met prior to any sums being released
17	Depot	Borrowing	0	8,224	224	(8,000)	The Depot project is progressing with pre construction and planning applications completed and procurement is now underway. Construction will commence in 2024/25
18	Changing Places - South Street Toilets	Grant	40	40	62	22	Following the successful installations of facilities at Grantham Meres Leisure Centre and Wyndham Park, Grantham. A facility will be installed at South Street, Bourne before the end of the financial year.
19	Changing Places - Wyndham Park	Grant	40	40	67	27	
20	Changing Places - The Shack	Grant	40	40	40	0	
21	Long Bennington Car Park	S106	0	27	27	0	Following the Stamford Town Council's decision not to financially contribute towards the scheme there will no longer be a facility in Stamford.
			3,662	12,117	3,744	(8,374)	S.106 funding is to be used to provide funding for improved car parking at Long Bennington playing field.
	Growth & Culture						
22	Future High Street Fund	Grant	5,109	5,190	5,190	0	An extension has been approved for the delivery of the Future High Street Fund scheme which will be completed by September 2025
23	Shop Front Scheme	Reserves & Grant	125	125	90	(35)	Negotiations are underway with 2 key heritage buildings located in Grantham Town Centre. The projects are unlikely to be completed by the end of the financial year. The £35K underspend will be used to fund contribute towards HAZ projects

24	HAZ	Regeneration Reserve / Grant	107	107	142	35	The programme is on course for the grant to be fully utilised within the timeframe. The projected overspend will be funded from the underspend on the shop front scheme budget
25	UK Shared Prosperity Fund - Mobile Food	Grant	0	102	102	0	UKSPF has provided £102K contribution to Mobile Food Hub
26	UK Shared Prosperity Fund - Connected T	Grant	0	244	244	0	The Council are awaiting final revised pricing from BT for the upgrade of the current CCTV network.
27	South Kesteven Prosperity Fund	Grant	125	125	125	0	SK Prosperity Fund – Over £100k grants have been approved and full commitment of the £125K budget is anticipated by the end of the year
28	Gonerby Hill Foot Play Park	Grant	0	119	119	0	A new play area has been delivered at Gonerby Hillfoot working in partnership with the local community.
29	Coronation Orchard	Grant	0	46	46	0	£46k Grant funding has been secured from the Coronation Living Heritage Fund to deliver grants for community orchards
			5,466	6,058	6,058	0	
	Housing & Projects					0	
30	Sustainable Warmth Grants	Grant	1,430	1,430	410	(1,020)	The Sustainable Warmth Grant programme has been completed with 73 homes benefitting from the scheme, resulting in improvement to their home's EPC rating
31	Decarbonisation Scheme	Grant	261	261	0	(261)	The Council has applied for grant funding from the Decarbonisation Fund, launched in October 2023. This budget will be required for match funding if the Council is successful in securing grant funding. This will be carried forward to 2024/25.
32	St Martins Park	Borrowing	0	10	10	0	This project is currently under review to determine how to progress with the development of the site
			1,691	1,701	420	(1,281)	
			12,147	21,689	12,035	(9,654)	

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2023/24 General Fund Reserves Statement

		Balance as at 31 March 2023 £'000	Forecast Movement	Forecast Balance as at 31 March 2024 £'000
	General Fund			
	Discretionary Reserves			
1	Climate Change	331	(41)	290
2	Training and Development	15	0	15
3	Street Scene	331	(45)	286
4	ICT investment	499	(460)	39
5	Local Priorities Reserve	5,507	(818)	4,689
6	Leisure Reserve	0	850	850
7	Invest to Save	816	(513)	303
8	Housing Delivery	2,105	(1,947)	158
9	Property Maintenance	1,285	(253)	1,032
10	Regeneration	1,199	(712)	487
		12,088	(3,939)	8,149
	Governance Reserves			
11	Insurance Reserve	211	0	211
12	Pensions Reserve - Former Employees	277	(33)	244
13	Budget Stabilisation	1,654	(244)	1,410
14	Section 31 Grant Reserve	3,531	0	3,531
15	Pay Award Reserve	500	(375)	125
16	Rev Grants c/fwd	72	(72)	0
17	Building Control	84	(46)	38
18	Football 3G Pitch	150	25	175
19	Special Expense Area Reserve	339	(91)	248
		6,818	(836)	5,982
20	Total General Revenue Reserves	18,906	(4,775)	14,131
21	Government Grants Received	1,064	(487)	578
22	Working Balance	1,986	(28)	1,958
23	Total Revenue Reserves	21,956	(5,290)	16,667
	Capital Reserve			
24	LAMS Reserve	18	(18)	0
25	General Fund Capital Reserve	34	18	52
26	Useable Capital Receipts Reserve	3,502	(1,411)	2,091
27	Total Capital Reserves	3,554	(1,411)	2,143
28	Total General Fund Reserves	25,510	(6,701)	18,810

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2023/24 HRA Revenue Summary

	Description	2023/24 Original Budget £'000	2023/24 Current Budget £'000	2023/24 Forecast Spend £'000	2023/24 Forecast Variance £'000
	Expenditure				
1	Repairs and Maintenance	7,836	9,675	10,610	935
2	Supervision and Management - General	1,994	2,399	2,485	86
3	Supervision and Management - Special	1,867	1,985	1,961	(24)
4	Depreciation and Impairment of Fixed Assets	3,944	3,944	3,944	0
5	Debt Management Expenses	35	35	35	0
6	Provision for Bad Debts	394	394	394	0
7	Other Expenditure (Pension Deficit)	422	66	66	0
8	Earlesfield 2022/23 Project	0	0	0	0
9	Support Recharge from General Fund	2,814	2,814	2,814	0
10	Total Expenditure	19,306	21,312	22,309	997
	Income				
11	Dwelling Rents	(27,283)	(27,283)	(26,548)	735
12	Non Dwelling Rents	(300)	(300)	(304)	(4)
13	Charges for Services and Facilities	(750)	(750)	(797)	(47)
14	Other Income	(70)	(70)	(17)	53
15	Total Income	(28,403)	(28,403)	(27,666)	737
16	Net Cost of HRA Services	(9,097)	(7,091)	(5,357)	1,734
17	Interest Payable and Similar Charges	2,238	2,238	2,238	0
18	Interest and Investment Income	(660)	(660)	(825)	(165)
19	Net Position Before Reserve Movements	(7,519)	(5,513)	(3,944)	1,569
20	Movement on the HRA Reserve Balance				
21	Housing Revenue Account Balance at start of Year	2,041	1,762	1,762	
22	Net position as at 31 March	7,519	5,513	3,944	
23	Repayment of Principal	(3,222)	(3,222)	(3,222)	
24	Funding from HRA Priorities Reserve	0	647	647	
25	Major Repairs Reserve Transfer	(3,248)	(3,248)	(3,248)	
26	Housing Revenue Account Balance at end of Year	3,090	1,452	(117)	
27	Major Repairs Reserve Balance at Start of Year	16,430	19,553	19,553	
28	Depreciation & MRR Transfer	7,192	7,192	7,192	
29	Capital Financing & Loan Repayment	(12,492)	(12,492)	(7,992)	
30	Major Repairs Reserve Balance at End of Year	11,130	14,253	18,753	
31	Working Balance:	3,090			
	Current Bids:				
	Council Tax Voids	(33)			
	Pest Control	(25)			
	Tenant Engagement	(15)			
	General Maintenance	(15)			
	Window Cleaning	(8)			
	Tunstall	(33)			
	Stock Condition	(90)			
	Legal Charges	(8)			
	Systems	(45)			
	Compensation	(35)			
	Specified Works	(69)			
	Power Tools	(35)			
	Materials	(113)			
	Protective Clothing	(3)			
	Legal Fees	(15)			
	Compensation	(17)			
	Compliance	(500)			
	Radon	(300)			
		(1,359)			
	New Working Balance	1,731			

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2023/24 HRA Capital Programme

	Description	Proposed Funding Source	Original Budget £'000	Current Budget £'000	Forecast £'000	Variance £'000	Comments
1	Energy Central Heating, Ventilation and boiler replacements	Major Repairs Reserve / SHDF Grant	5,398	5,474	3,000	(2,474)	Heating replacements are underway with approximately 151 completed and a further 50 gas heating systems programmed with the contractor. Engagement has commenced with E.ON regarding the Social Housing Decarbonisation Fund (SHDF) bid which will see a further 100 heating system improvements delivered by the end of March 2024.
			5,398	5,474	3,000	(2,474)	
2	ICT Housing System Enhancements	HRA Priorities Reserve	470	630	630	0	The new housing system is progressing well with the rent module successfully going live in January 2024
3	Choice Based Letting	HRA Priorities Reserve	0	110	110	0	The Choice Based Lettings system has been installed and went live in October 2023.
			470	740	740	0	
4	New Build Housing Development Investment	Capital Receipts	4,500	5,500	2,900	(2,600)	Site works have commenced at Swinegate in Grantham. The development at Elizabeth Road in Stamford is scheduled to commence within the coming weeks. The proposed development at Larch Close Grantham is progressing although the scheme will not commence before next financial year.
			4,500	5,500	2,900	(2,600)	
5	Refurbishment Re-roofing	Major Repairs Reserve	1,069	1,069	440	(629)	The annual estimated programme is to replace 112 roofs, 2 have been fully completed at this time with a further 8 properties at the quotation stage. We are in progress of procuring a new contractor from framework to complete the delivery of this programme.

6	Re-wiring	Major Repairs Reserve	1,203	1,369	1,550	181	An estimated 267 re-wires have been budgeted for, currently around 160 have been programmed in with contractors and to date 45 have been completed. SHDF related works have commenced which is leading to a overspend position, which is compensated by the underspend on Heating.
7	Passenger Lifts, Supported Housing Scheme	Major Repairs Reserve	120	700	120	(580)	The new lift installations at Church View and Riverside are now complete. A further 6 lifts have been identified for replacement and procurement to secure a contractor is now complete . Due to the lead in time for materials it is unlikely any further installations will be completed this year.
8	Doors & Windows	Major Repairs Reserve / SHDF Grant	1,014	1,014	1,014	0	A new contractor has been appointed for replacement doors and windows with 125 completed to date and a further 105 programmed in before the end of the year.
9	Exterior Refurbishment / Fencing	Major Repairs Reserve	350	350	130	(220)	This scheme includes fencing, car park, access roads and pathway works. A contractor is currently being sought to undertake this programme of works and it is anticipated that the programme will be undertaken during the remainder of 2023/24 and into 2024/25.
10	Communal Rooms	Major Repairs Reserve	115	115	0	(115)	A Sheltered Housing review is underway to develop a programme of works.
11	Door Entry System	Major Repairs Reserve	100	100	100	0	A contractor has now been appointed and works have begun with the majority of works occurring in Q4.
12	Compliance Works	Major Repairs Reserve	100	100	25	(75)	This project will not be completed until early 2024/25. The Council are currently awaiting the appointment of a contractor for radon gas detection works.
13	Fire Prevention	HRA Priorities Reserve	1,035	1,035	977	(58)	This scheme includes compartmentation, fire doors, emergency lighting and fire alarm replacement. A contractor has been appointed and a programme of works is now in place. Due to the delayed start, the programme will not complete until early 2024/25
14	Local Authority Housing Fund	HRA Priorities Resrve / Grant	1,469	4,483	4,222	(261)	21 properties have been purchased. The forecast underspend is due to the negotiated purchase price being less than the average valuation used by Government in calculating the grant funding. LAHF 1 funding expired at the end of November 2023. LAHF 2 is forecast to be fully utilised by March 2024.
15	Kitchen Refurbishments	Major Repairs Reserve	871	1,119	996	(123)	We have completed circa 162 kitchens with a further 24 programmed. Procurement of an additional contractor is progressing to start April 2024.

16	Bathroom Refurbishments	Major Repairs Reserve	952	1,200	782	(418)	<p>We have completed around 137 bathrooms to date, with a further 15 programmed in before the end of the year. Procurement of an additional contractor is progressing with the contract expected to commence in April 2024.</p> <p>The contractor (Tunstall) has started works on this years programme.</p> <p>Based on current costs the budget is sufficient to complete improvements to approximately 35 properties. The Council has currently identified 31 properties for improvement. Engagement has commenced with Eon regarding the SHDF bid which will see improvements delivered by the end of March 2024. The overspend on this scheme is due to the impact of SHDF, this is mitigated by the underspend on Heating programme.</p> <p>A full structural survey has been completed on 17 defective properties throughout the district, with a full programme of works prepared for the required remedial actions. These works will result in a projected overspend so a virement will be required</p> <p>39 assessments have been completed and are currently with the contractors for quotations</p> <p>The procurement of the vehicles will be undertaken during 2024/25 and therefore it is anticipated that the budget underspend will be carried forward.</p>
17	Alarms	Major Repairs Reserve	125	125	125	0	
18	External Wall Finishes	Major Repairs Reserve	625	625	841	216	
19	Structural Refurbishment	Major Repairs Reserve	150	150	350	200	
20	Physical Disabled Adaptations	Major Repairs Reserve	300	300	300	0	
21	Repair Vehicles	Major Repairs Reserve	0	81	20	(61)	
			9,598	13,935	11,992	(1,943)	
			19,966	25,649	18,632	(7,017)	

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HRA Reserves Statement

		Balance at 31 March 2023 £'000	Forecast Movement £'000	Forecast Balance at 31 March 2024 £'000
	Revenue Reserves			
1	HRA Priorities Reserve	14,784	(4,594)	10,190
2	Residents Involvement	630	(630)	0
3	Working Balance	1,762	(1,879)	(117)
4	Total HRA Revenue Reserves	17,176	(7,103)	10,073
	HRA Capital Reserve			
5	HRA Capital Receipts Reserve	12,155	557	12,712
6	Major Repairs Reserve	19,553	(800)	18,753
7	Total HRA Capital Reserves	31,708	(243)	31,465
8	Total HRA Reserves	48,884	(7,346)	41,538

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Appendix G – Finance Risk Register

Risk	Likelihood	Impact	Residual Risk Score	Mitigating Action
1. Capital programmes requiring borrowing in the medium term	4	3	12 Very High	Continue to undertake financial modelling to identify consequences of undertaking borrowing and align this with savings that will need to be approved before borrowing is undertaken in order to ensure ongoing affordability and financial sustainability. The capital programme can currently be financed without borrowing although this is kept under review.
2. Lack of clarity for funding levels from 2025/26 and beyond	3	3	9 High	The Government announced a draft one-year settlement for 2024/25. Any changes to the assumed levels will need to be modelled to assess their impact.
3. Increase in bad debts as a result of economic circumstances	3	2	6 High	The Council has pro-active debt management procedures in place.
4. Increased maintenance costs of fixed assets	3	2	6 High	The budget proposals for 2023/24 include an approved budget for asset maintenance and the budget carry forward proposals include a further £357k. The medium-term outlook is a continuation of high levels of maintenance that will require financing
5. Fuel price volatility	1	3	3 Medium	Weekly monitoring of fuel charge and proactive interventions to ensure optimisation of fuel consumption.
6. Inflation increases beyond budgeted levels	2	2	4 Medium	Budget assumptions kept up to date with most recent projections and monthly sensitivity analysis is produced to monitor the impact of inflationary increases.
7. Fee Income volatility	2	2	4 Medium	Early monitoring of deviations and regular reporting to both budget holders and members.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Councillor Philip Knowles, Cabinet
Member for Corporate Governance and
Licensing

Regulation of Investigatory Powers Act Policy

Report Author

Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

 Graham.watts@southkesteven.gov.uk

Purpose of Report

To provide Cabinet with an opportunity to approve the Council's new Regulation of Investigatory Powers Act Policy and confirm the process for its annual review via the Governance and Audit Committee.

Recommendations

That Cabinet:

1. Approves the new Regulation of Investigatory Powers Act Policy.
2. Recommends that the Governance and Audit Committee undertakes an annual review of the Council's Regulation of Investigatory Powers Act Policy.
3. Delegates authority to the Chief Executive to make any changes to the Policy following the externally facilitated training on RIPA scheduled to be held later this year if she deems that any element of the Policy could be strengthened, in consultation with the Cabinet Member for Corporate Governance and Licensing.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Clean and sustainable environment High performing Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

1.1 There are no financial implications arising from this report.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer.

Legal and Governance

1.2 Legal and governance implications are covered in the body of the report.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

2. Background to the Report

2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) enables Local Authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. Such activity can include:

- Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual or individuals).

- Use of Covert Human Intelligence Sources (CHIS) (a person who maintains a personal or other relationship with a person for the covert purpose of obtaining or gaining access to information).
- 2.2 The Investigatory Powers Act 2016 (IPA) is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with. Full details of the RIPA requirements and compliance are set out in the new Policy which is attached at **Appendix A** to this report.

3. Key Considerations

- 3.1 Authorisation for a RIPA follows a strict procedure governed by the Home Office, with a Senior Responsible Officer being designated as the Council's signatory in respect of any application to utilise RIPA. The Head of Paid Service (Chief Executive) is named as the Councils' Senior Responsible Officer for RIPA.
- 3.2 Training on use of RIPA was provided to senior officers in March 2023 and further externally facilitated training is scheduled to be held in March/April 2024. Operational officers in frontline services who may undertake investigatory work as part of their roles also attend bespoke training sessions to ensure awareness of the Council's obligations associated with RIPA.
- 3.3 The Home Office publishes national Codes of Practice on the use of RIPA powers by Local Authorities which help to assess and understand whether, and in what circumstances, it is appropriate to use covert techniques to obtain information as part of investigatory operations. The codes also provide guidance on what procedures need to be followed in each case. The Council must have regard to the relevant Code of Practice whenever exercising powers covered by RIPA.
- 3.4 It is important that the Council continues to operate in accordance with RIPA to ensure that it can manage its reputational risks, whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity when necessary.
- 3.5 RIPA is a mechanism rarely utilised by the Council and the application process must include significant justification for its use. In the last three years it has been used on one occasion at South Kesteven District Council in relation to a significant flytipping case which resulted in a successful prosecution.

4. Other Options Considered

- 4.1 To retain the existing RIPA Policy.
- 4.2 To suggest any further amendments to the proposed RIPA Policy.

5. Reasons for the Recommendations

- 5.1 The revised RIPA Policy ensures that the Council is compliant with the requirements of the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016.

6. Appendices

- 6.1 Appendix A – Draft RIPA Policy

South Kesteven District Council

Regulation of Investigatory Powers Act Policy

1. Introduction

- 1.1 South Kesteven District Council recognises that a need for secret or covert surveillance and the gathering of communications data will arise from time to time during the course of investigations carried out by its Officers in the discharge of the Authority's statutory functions. The Council agrees, however, that it should be used as sparingly as possible and only when all legal safeguards have been met.
- 1.2 All such activities will be carried out in compliance with the Human Rights Act 1998. Where appropriate, the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) will be used to ensure this. Statutory Codes of Practice published by the Home Office will be complied with.
- 1.3 Responsibility is placed upon the Council's Head of Paid Service (Chief Executive) to ensure the Authority's overall compliance with the Act and act as the "Senior Responsible Officer". The Council's Monitoring Officer will act as the Authority's "RIPA Coordinating Officer" to assist in this.

2. Purpose of RIPA

- 2.1 The primary purpose of RIPA is to ensure that surveillance and other techniques employed by public bodies are justified when they would otherwise infringe an individual's rights under Article 8 of the European Convention on Human Rights and be unlawful under Section 6 of the Human Rights Act 1998.
- 2.2 The rights in Article 8 to respect a citizen's private and family life and his or her home correspondence are not absolute. In certain circumstances a public authority may interfere with them provided the interference is:
 - In accordance with the law
 - Necessary for a number of prescribed purposes
 - Proportionate in the circumstances.
- 2.3 RIPA and IPA create a statutory framework for the authorisation of such interference. The surveillance and other monitoring covered by RIPA are not necessarily "cloak and dagger" activities but can include many forms of observation and information gathering which have in the past been a routine part of Council Officers' work.
- 2.4 All Local Authority RIPA authorisations for Directed Surveillance and Covert Human Intelligent Sources are subject to judicial approval by a Magistrate before they have effect. Applications for Communications Data under IPA are authorised by the Office for Communications Data Authorisations (OCDA) and therefore judicial approval is not required.

3. Surveillance and Covert Human Intelligence Sources (CHIS)

3.1 The Act defines three particular types of activity:

Directed Surveillance: covert surveillance undertaken in relation to a specific planned investigation or operation which is likely to lead to private information about a person being obtained. Surveillance is covert where it is conducted in a manner calculated to make sure that the subject is not aware that it is happening.

Intrusive Surveillance: covert surveillance which takes place in residential premises or a private vehicle either by the presence of a person within the premises or vehicle or the installation of a device. It cannot be conducted by a Local Authority.

Use of a Covert Human Intelligence Source (CHIS): a CHIS is a person who maintains a personal or other relationship with a person for the covert purpose of obtaining or gaining access to information. It does not mean circumstances where members of the public volunteer information or to contact numbers set up to receive information but it will cover cases where officers or other agencies with which the Council works are asked to obtain information from someone by establishing or maintaining a personal or business relationship with that person.

3.2 Authorisations for the use and conduct of a CHIS should define the use, nature and conduct of the CHIS' task, in broad terms. Such authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked however, if there is a significant change in nature of the task, then a new authorisation should be sought.

3.3 Only the Head of Paid Service (Chief Executive), or in their absence the person acting as the Head of Paid Service, can authorise the use of a person under 18 or a vulnerable individual as a CHIS. A vulnerable individual is someone who by reason of mental or other disability may be in need of community care services or unable to protect him or herself against harm or exploitation.

Covert and overt

3.4 The word "covert" is common to all three of the definitions in the preceding paragraph. It means simply that the surveillance will be carried out in a manner intended to make sure that the person under observation is unaware that it is taking place. Much of the surveillance carried out by the council is of course overt either because there is nothing hidden about it and staff go about their business openly or because the subject has been told (preferably in writing) that surveillance will take place. However, it is important to note that the mere visibility of the officer carrying out the surveillance does not in itself make the surveillance overt.

4. Closed circuit television (CCTV)

- 4.1 As the CCTV cameras operated by the District Council are both publicly signed and not normally directed at particular individuals, RIPA does not ordinarily apply to their use. However, from time to time, CCTV control will receive requests from enforcement agencies to use the system to monitor persons or premises for a period. The Control Room Supervisor must then obtain evidence that a RIPA authorisation has been obtained. The [Biometrics and Surveillance Camera Commissioner](#) provides information on this area.

5. Social Media Platforms

- 5.1 Council staff need to be aware that activity on, or intelligence gathering from, social media platforms may raise privacy and RIPA issues. A preliminary examination of an online presence, to see if the site or contents are of interest, or use of the internet prior to an investigation, should not normally engage privacy considerations, but if the study of an individual's online presence becomes persistent or is recorded, a RIPA authorisation should be considered. If reasonable steps are taken to inform the public or individuals that online surveillance may be taking place, the activity can be regarded as overt.
- 5.2 Where a "minimal" level of interaction is required before access is permitted (e.g "friend") this may not constitute a relationship. However, if further interaction may follow, a CHIS authorisation should be considered.

6. Authorisation of Directed Surveillance and use of a CHIS

- 6.1 Directed surveillance and CHIS authorisations will only be made by officers listed in Appendix 1 when they are satisfied that:
- the authorisation is necessary for the prevention and detection or crime or preventing disorder and
 - in the case of Directed Surveillance only, that the offences in question meet the "crime threshold" (maximum sentence of at least six months imprisonment OR certain specified offences relating to the sale or supply of age restricted products) and
 - the proposed activity is proportionate to its objective and
 - in the case of a CHIS:
 - That a suitable risk assessment is carried out to determine the risk to the CHIS of the deployment, and any consequences should the role of the CHIS become known.
 - That there are arrangements in place to update the assessment to reflect developments in course of the deployment.
 - That consideration has been given to the management of any requirement to disclose information that could risk revealing the identity of the CHIS.
 - That specific arrangements exist to ensure that the CHIS is independently managed and supervised, that records are kept of the use made of the CHIS, and that any concerns about the validity of risk assessments, conduct of the CHIS and safety and welfare of the CHIS

are appropriately addressed, in accordance with the current CHIS records regulations.

- Where appropriate, concerns about such matters must be considered by the Authorising Officer and decisions taken on the continuance of the authorisation.

- 6.2 The standard application forms for Directed Surveillance and use of a CHIS and other processing and review documents are held by the Monitoring Officer.

7. Relevant Considerations

“Necessary” and “Proportionate”

- 7.1 These are key definitions to the application of RIPA in both Parts 1 and 2. Not only must information be sought for a prescribed purpose (set out in the previous paragraph) but the use of the covert technique to obtain it must meet both these criteria. Applications for authorisation must have regard to this requirement and set out coherently how the information or evidence obtained is intended to assist the investigation.
- 7.2 The action must be necessary in relation to a prescribed reason (the only reasons prescribed for Local Authorities are the prevention or detection of crime or preventing disorder, and a “crime threshold” test as to seriousness exists for Directed Surveillance) and it must be proportionate in that even if it is necessary to obtain the information the interference with a person’s right of privacy is not excessive in all the circumstances. A judgement on whether a covert technique is appropriate will involve the consideration of other options and if these exist the least intrusive method of procuring information is likely to be the most proportionate.

Collateral Intrusion

- 7.3 Whenever appropriate and practical a proposed surveillance should include a plan to minimise the possibility of intrusion being caused to people who are not the primary subject of the surveillance and to deal with any irrelevant material thereby obtained.

Health and safety

- 7.4 Authorising Officers must pay special attention to any health and safety issues which may be raised by any proposed surveillance or CHIS authorisation. Unless these have been carefully considered and risks kept to an acceptable level the proposal should not be authorised.

8. Authorisation Procedures

(For detailed requirements see the Home Office Codes of Practice)

Applications

- 8.1 These must be in writing. The standard application forms and processing documents are held by the Monitoring Officer and will follow the format of those published by the Home Office.

Authorisation

- 8.2 An authorisation will be endorsed or rejected using the appropriate form. Authorisations can last for up to 3 months in the case of surveillance and 12 months in the case of CHIS. After this period a new application may be made. Authorisations are not open ended and Authorising Officers will indicate a date for review in all authorisations. Where the relevant considerations for authorisation are no longer met, the authorisation will be cancelled.

Records

- 8.3 The Monitoring Officer maintains a central retrievable register of all authorisations granted, renewed or cancelled. Although under the relevant Codes of Practice, records are only required to be retained for at least three years (five years from authorisation end for CHIS), it is desirable to retain them for five years. After this time they will be subject to data retention, review and deletion under the Data Protection Act 2018. To ensure this register is kept up to date a copy of the relevant paperwork must be provided to the record keeper within **one week** of application/authorisation/renewal/cancellation etc. The record keeper is the Council's Head of Public Protection.

Audit

- 8.4 The District Council is accountable to the Investigatory Powers Commissioner both for the sound administration of its systems and for record keeping.

9. Communications

- 9.1 Under the IPA Local Authorities are entitled to obtain certain information from Communications Service Providers. Relevant definitions of available material are:

Communications Data – information from telecommunications companies, internet service providers and mail services. It includes “Entity” data and “Events” data but not the content of communications.

Entity Data – this is data about entities or the links between them but does not include information about individual events. Entities can be individuals, groups or objects. Examples are:

- Subscriber information.
- Top-up history of a mobile phone.
- Social media logon information.
- Website registrant details.
- Royal Mail redirection and payment information.

Entity Data is available for the purposes of preventing and detecting crime.

Events Data – this is data which identifies or describes events which consists of one or more entities engaging in an activity at a specific time or times. It will include information which identifies, or appears to identify any person, apparatus, or location to or from which a communication is transmitted.

Examples of Events Data:

- Incoming and outgoing call data (numbers called and received), including the date, time and duration.
- Cell site start and end location for mobile phone calls (shows the area a phone call was made/received from the closest mobile phone mast).
- IP address information (date and time of connection).

Events Data is available for the purposes of preventing and detecting “**Serious Crime**”. This means the offences it relates to must be:

- capable of attracting a prison sentence of 12 months or more or
- committed by a person who is not an individual (e.g. a corporate body)
- an offence involving violence
- involve the sending of a communication or breach of a person’s privacy.

9.2 Successful applications must satisfy tests for necessity and proportionality, as with Part 2 Surveillance and CHIS applications. The purpose of any IPA application for Communications Data must relate to a matter that is the statutory or administrative function of the Local Authority.

9.3 Only people who have successfully completed Home Office accreditation may deal with Communications Service Providers on these issues and will act as a Single Point of Contact (SPOC). The only permitted SPOC for Local Authorities is the National Anti-Fraud Network (NAFN) housed by Tameside Council. The SPOC will act as a gatekeeper in relation to necessity and proportionality and make initial enquiries as to feasibility and will then submit any applications considered to meet the tests to the Office for Communications Authorisations (OCDA) for consideration for approval.

9.4 This means that internal authorisation and judicial approval are not required. However, the Senior Responsible Officer or a Designated Senior Officer will be made aware of any application.

10. Records

10.1 The Monitoring Officer maintains a central, retrievable register of all Notices or Authorisations granted within the preceding three years. This is maintained by the Legal Services Team.

11. Oversight by Members

11.1 Elected members will review the Authority’s use of RIPA and the RIPA Policy at least once a year.

A format for summary of use is at Appendix 2.

Appendices

Appendix 1: Authorising Officers/Designated Senior Officers

- Head of Paid Service/Chief Executive (Senior Responsible Officer) – Karen Bradford
- Deputy Chief Executive (Authorising Officer/Designated Senior Officer) – Richard Wyles
- Monitoring Officer (Authorising Officer/Designated Senior Officer) – Graham Watts
- Head of Public Protection (Authorising Officer/Designated Senior Officer) – Ayeisha Kirkham

Appendix 2: Format for Summary of RIPA Use

Services making use of RIPA: Housing, Planning, Public Protection and Revenues and Benefits.

Statement of General Purposes: South Kesteven District Council uses powers made available to it under RIPA in order to investigate and prevent crimes in areas such as flytipping, unlicensed activities, rogue landlords or breach of environmental health legislation. These powers are used only when necessary. They have successfully assisted in bringing flytippers and other criminals to court resulting in successful prosecutions.

RIPA is aimed at safeguarding Human Rights and provides a framework to ensure that the authority's actions are necessary and proportionate. It allows our decisions to be externally audited and it is only to prevent and detect crime that a local authority is allowed to conduct non-intrusive surveillance.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of Councillor Rhea Rayside
Cabinet Member for People and
Communities

Our People, Our Place – A Community Engagement and Development Strategy for South Kesteven

Report Author

Carol Drury, Community Engagement Manager



carol.drury@southkesteven.gov.uk

Purpose of Report

To consider a recommendation made by Rural and Communities Overview and Scrutiny Committee that the draft Community Engagement and Development Strategy – Our People, Our Place (2024 – 2027) be formally adopted along with its accompanying draft Action Plan.

Recommendations

That Cabinet:

- 1. Approves the adoption of the Community Engagement and Development Strategy (2024 to 2027) to underpin the corporate priority of Connecting Communities.**
- 2. Endorses a six-monthly update is provided to Rural and Communities Overview and Scrutiny Committee detailing progress and delivery of the Action Plan which accompanies the Community Engagement and Development Strategy.**

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Healthy and strong communities
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

1.1 There are no specific financial comments arising from this report.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

1.2 There are no significant legal or governance implications arising from this report.

Completed by: Mandy Braithwaite, Legal Executive

Diversity and Inclusion

1.3 South Kesteven's increasingly diverse communities are at the heart of community engagement and development. In order to be equitable and inclusive in the process of developing the Council's first Community Engagement and Development Strategy, early consultation with the voluntary, community, military and faith sectors was undertaken to ensure the voice of the community was heard and included.

Completed by: Carol Drury, Community Engagement Manager

2. Background to the Report

- 2.1 South Kesteven District Council recognises the importance of the network of voluntary and community groups within South Kesteven and is appreciative of their contribution and commitment to local society. This is acknowledged in the Council's Corporate Plan.
- 2.2 To fulfil the Council's commitment and focus the approach of the Community Engagement Team going forward, a Community Engagement and Development Strategy has been produced, which is included in Appendix One. The strategy, *Our People, Our Place*, is supported by an accompanying action plan, which is included in Appendix Two.
- 2.3 The aim of this strategy, and the action plan which supports it, is to provide a framework to guide engagement with and development of the voluntary and community sector within South Kesteven which complements the Council's Corporate Plan and its ambition for "Connecting Communities" by:
- Enabling opportunities for increased public dialogue and engagement to empower and connect our communities.
 - Working in partnership with the voluntary, private and public sectors to deliver effective and responsive support services to meet the needs of all our communities.
- 2.4 The generic term voluntary and community sector encompasses any group or organisation run by, or with volunteers. This includes (but is not limited to) faith groups, food support groups/agencies; arts, cultural, civic and heritage groups; community venues; hobby groups; parent/teacher associations; scouts, guides and cadet groups; nature, parks, play areas and woodland groups; charities, amateur sports groups; Rotary and Lions groups; support groups, veterans groups and youth groups.
- 2.5 With regard to engagement with our serving and ex-military communities, the Council's signature to the Armed Forces Covenant and its Gold Award under the Defence Employer Recognition Scheme carries a responsibility to actively engage and advocate engagement from others. Our commitment to our Armed Forces communities is therefore reflected within the strategy and the action plan.
- 2.6 The Council's role in community engagement and community development is not to tell communities what they must do, rather to support and advise in the delivery of what they want and where they want it. Therefore, a vital element in the process of developing and implementing this strategy was community consultation.
- 2.7 A report was taken to Rural and Communities Overview and Scrutiny Committee in March 2023 outlining the proposal to develop a Community Engagement and

Development Strategy. The report sought the comments of the Committee and its endorsement of a public consultation exercise into the proposed principles and themes. The Committee was supportive of the proposals. This can be viewed in the background papers at section 7 of this report.

- 2.8 The consultation was developed in two parts – a residents’ survey which was available on the Council’s website and a survey for voluntary and community groups which was sent directly to the 300+ contacts the Community Engagement Team has within the District. The intention was for survey responses to help determine whether the proposed content was appropriate and relevant for stakeholders and to identify if communities felt there was anything missing. Consultees were asked to consider the proposed principles and themes.
- 2.9 Response to the consultation was higher from residents than from community groups. 77% of respondents agreed with the proposed themes of the strategy whilst 13% responded ‘don’t know’ or did not answer. 81% agreed with the objectives and principles with 15% stating ‘don’t know or not providing a response.’
- 2.10 Feedback was used in the preparation of the Strategy to ensure the document reflected the needs of our communities.
- 2.11 Following the consultation period a draft strategy and action plan were developed and presented to Rural and Communities Overview and Scrutiny Committee on 14th December 2023. At this meeting, Members of the Committee recommended to Cabinet the adoption of Our People, Our Place – A Community Engagement and Development Strategy for South Kesteven (Appendix A - below) and also agreed to six monthly updates on the progress of the strategy’s accompanying Action Plan (Appendix B – below).
- 2.12 The strategy is built on the themes of:
- **Community of Place:** where we live - a town, village or neighbourhood
 - **Community of Interest:** what we’re interested in – things or activities we like doing or are curious or concerned about
 - **Community of Identity:** what makes us who we are – our culture, faith, qualities, personality traits.
- 2.13 The strategy also outlines the four principles under which the Action Plan was developed and will be delivered. These are:
- Building Capacity
 - Addressing Needs
 - Mutual Support
 - Strengthening Cohesion

- 2.14 Adopting and implementing the Community Engagement and Development Strategy and its accompanying Action Plan will ensure we identify and record what is already being undertaken and will identify further opportunities for Community Engagement to be embedded within the Council.

3. Key Considerations

- 3.1 The Council's commitment to continue to work with communities was further bolstered during the Local Government Association (LGA) Corporate Peer Challenge which took place in November 2021. The subsequent Feedback Report led to an Action Plan being developed to address the recommendations made.
- 3.2 Recommendation 8 of the LGA report concentrated on the Council's work with communities and stated we should "*...continue to deepen understanding of, and engagement with, communities and other partners to strengthen SKDC's community leadership role. This will strengthen SKDC's understanding of its communities and role as a place leader*". This is detailed in the background paper reference in paragraph 7.3 of this report.
- 3.3 Our People, Our Place is a new strategy to set the direction for how South Kesteven District Council can build on its relationship with the voluntary and community sector of the District. The document sets out the Council's community engagement and development ambitions which will contribute to the Corporate Plan and provides the framework for forthcoming, collaborative work with the communities of South Kesteven.

4. Other Options Considered

- 4.1 Within its Corporate Plan, the Council has set out its ambition for *connecting communities*. The development of this strategy contributes strongly to this ambition. Therefore the other options were discounted.

5. Reasons for the Recommendations

- 5.1 At the meeting of Rural and Communities Overview and Scrutiny Committee held on 16 March 2023, Members considered a report outlining a proposal to develop a Community Engagement and Development Strategy. Members of the Committee endorsed the commencement of the community consultation and the subsequent development of a strategy for the District. At its meeting of 14 December 2023, Members of Rural and Communities Overview and Scrutiny Committee were presented with a further report detailing the work undertaken to develop the draft Community Engagement and Development Strategy – Our People, Our Place and its Action Plan. Following debate, a recommendation to Cabinet was made that the Strategy should be formally adopted.

- 5.2 Should this recommendation be accepted, Members of the Culture and Leisure Overview and Scrutiny Committee have agreed to receive six monthly updates on the progress and delivery of the Action Plan contained within the draft Cultural Strategy.

6. Consultation

- 6.1 Information relating to consultation undertaken in the development of this strategy is outlined in the body of this report.

7. Background Papers

- 7.1 Minutes of Rural and Communities Overview and Scrutiny Committee from 16 March can be found online at:
[Printed minutes 16th-Mar-2023 14.00 Rural and Communities Overview and Scrutiny Committee.pdf \(southkesteven.gov.uk\)](#)
- 7.2 Details of Rural and Communities Overview and Scrutiny Committee from 14 December can be found online at:
[Agenda for Rural and Communities Overview and Scrutiny Committee on Thursday, 14th December, 2023, 2.00 pm | South Kesteven District Council](#)
- 7.3 The report resulting from the Local Government Peer Challenge November 2021 can be found online at:
[Local Government Association Corporate Peer Challenge, Report to Cabinet, Published 29 March 2022](#)

8. Appendices

- 8.1 Appendix A: Our People, Our Place – A Community Engagement and Development Strategy for South Kesteven 2024-2027 (Draft).
- 8.2 Appendix B: Community Engagement and Development Action Plan (Draft).

Our People, Our Place

2024-
2027

A Community Engagement and
Development Strategy for South Kesteven



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Foreword

I am delighted to introduce **Our People, Our Place**, South Kesteven District Council's Community Engagement and Development Strategy 2024-2027. The Council's commitment to ensure a sustainable future for our communities is at the heart of our corporate vision for the District. The incredible variety of groups, services and organisations that operate across South Kesteven help to keep the community healthy, inclusive and strong. If we are to fully empower the voluntary and community sectors we must walk alongside them to support of the communities in our District.

South Kesteven District Council is committed to an approach of 'do with rather than do for' so that the voluntary and community sector can grow and become self-sustaining for years to come. It is our intention to continue our support for this vital infrastructure, to work alongside our partners in the voluntary and community sector and to help them to help themselves. This strategy is an important step toward our aims for the District. Its intended outcomes of building the capacity, knowledge and skills of a community to help itself; fostering mutual help in a community; addressing the needs of disadvantaged

and under-represented communities and enhancing acceptance and cohesion can only be achieved through collaborative working.

I look forward to empowering healthy, strong and inclusive communities as we work to deliver this strategy together.



Councillor Rhea Rayside
Cabinet Member for
People and Communities

Introduction

This strategy has been developed to support and complement South Kesteven District Council's corporate vision for the area to be "A thriving District in which to live, work and visit." It aims to support strong, active and inclusive communities with which the Council has open dialogue. We can then learn what the community aspirations are through engagement, helping the District's voluntary and community sector to achieve their goals through supportive community development.

The Council's commitment to working with communities was highlighted as part of its 2021 Local Government Association Corporate Peer Challenge which stated that the Council should *"...continue to deepen understanding of, and engagement with, communities and other partners to strengthen SKDC's community leadership role. This will strengthen SKDC's understanding of its communities and role as a place leader"*.

This strategy draws on the good practices already in place in recognising the important role communities play in shaping and supporting our District, thanks to our strong and experienced Community Engagement team. We want to build stronger relationships with the voluntary and community sector, creating partnerships and networks that benefit our communities.

In essence, community engagement and community development are two parts of the same whole. Over time, these terms have been used to describe what is the same thing. We need to get to know our communities, build trust and learn what it is those communities want – **community engagement** – and then, once this is in place, work with them to help them achieve their goals – **community development**.

The aim of this strategy, and the action plan which will support it, is to provide a framework to guide community engagement and development activity within South Kesteven which complements the Council's emerging Corporate Plan and its ambition of "Connecting Communities" by:

- Enabling opportunities for increased public dialogue and engagement to empower and connect our communities.
- Working in partnership with the voluntary, private and public sectors to deliver effective and responsive support services to meet the needs of all our communities.

There are several other corporate and service-area documents this strategy links to, which include: the Volunteer Strategy, State of the District, Health and Wellbeing Strategy and the (evolving) Economic Development Strategy.

How the Council currently operates

For South Kesteven District Council, community engagement and development means active participation at a local level, working directly with communities to enable them to deliver their aims and aspirations and helping them to sustain their projects for future generations.

The Corporate Plan sets out the vision to make South Kesteven a thriving District in which to live, work and visit. The mission of the Council's emerging Corporate Plan states:

"South Kesteven aims to be a modern and forward-looking Council that delivers effective, efficient and equitable public services to enhance the well-being of our residents, enable prosperity, protect the environment and empower communities for a sustainable future"

The Community Engagement Team service plan sets out specific activities and it is through this 'golden thread' that ensures the Corporate Plan's mission is achieved.

Through this strategy, and its accompanying action plan, we will show what links our communities with the corporate vision and the Community Engagement Team's service plan. We will explore what we do through Community Development ensuring a positive connection between the Council and our rural and urban communities. Those associations aim to engender a sense of belonging and pride in our District as a place in which people feel welcomed, accepted and connected.

Two of the main challenges faced by voluntary and community groups centre on the need for appropriate governance and access to funding. Engaging with groups to determine where they are in their journey and what their support needs are, is key to beginning a dialogue. This will ultimately lead to a passage of development that delivers a local project and sustains the group to continue its work within its community.



Community events at Deepings Library

Mutts
Nutts in Stamford
has benefitted from
Lottery SK



The Council's Community Engagement Officers support the voluntary and community sector to ensure effective governance is put in place for their group. Officers - work with groups to source and attract funding to meet the needs of their projects.

Support includes:

- Advice on the relevance of status (constituted group, charity, social enterprise etc.).
- Undertaking funding searches to identify the most appropriate funder for their project -including with the bid writing process and ultimate submission.
- Funding and project surgeries to explore the ideas of voluntary and community groups, share knowledge and advocate partnership or collaborative working.
- Acting as a sounding board for new projects and helping identify solutions to bring the project to fruition.

Consultation

The Council and the Community Engagement Team believe community engagement should be at the heart of all we do. Knowing our communities, building trust and encouraging involvement is vital in building sustainable and effective relationships. Working together with the vast network of voluntary and community groups across the District, aids development and inclusivity.

The consultation, undertaken between 21st August and 22nd September 2023, with residents and the voluntary and community sector relating to the creation of this strategy. Respondents were asked if they agreed with the themes, principles and objectives outlined in the strategy.

From the responses received:

77% agreed with the themes

81% agreed with the principles and the objectives

Respondents said they would like help with things like accessing funding, help with writing/submitting bids, putting effective governance in place and encouraging volunteering.

We will:

- Deliver a series of funding workshops in partnership with national and local funders
- Provide support to voluntary and community groups by assisting them with their governance structures
- Signpost to organisations such as Lincolnshire Community and Voluntary Service to engage groups in workshops provided to get groups 'fit for funding'

The latest State of the District Report for South Kesteven shows that, as of 2020/2021, volunteering rates in South Kesteven were below national, regional and county levels.

Through the consultation we asked how the Council could encourage volunteering and collaborative working between groups.

Respondents said they would value opportunities to network with other groups and individuals.

We will:

- Develop and deliver a series of networking forums to bring together voluntary and community groups to discuss project ideas, possibilities for working together and volunteering opportunities
- Promote volunteering opportunities within our own services and with voluntary and community groups through the Council's website, social media channels and our digital magazine
- Work closely with Lincolnshire Voluntary and Community Service to actively promote volunteering opportunities across the District

We asked if respondents felt there was a strong sense of community involvement in their local area.

50% of respondents either tended to agree or definitely agreed.

We will:

- Continue to support local groups and organisations that promote inclusive opportunities for people from different backgrounds to come together to celebrate their similarities and differences
- Work with colleagues in other service areas to promote opportunities for equality, diversity and inclusion to flourish within the District

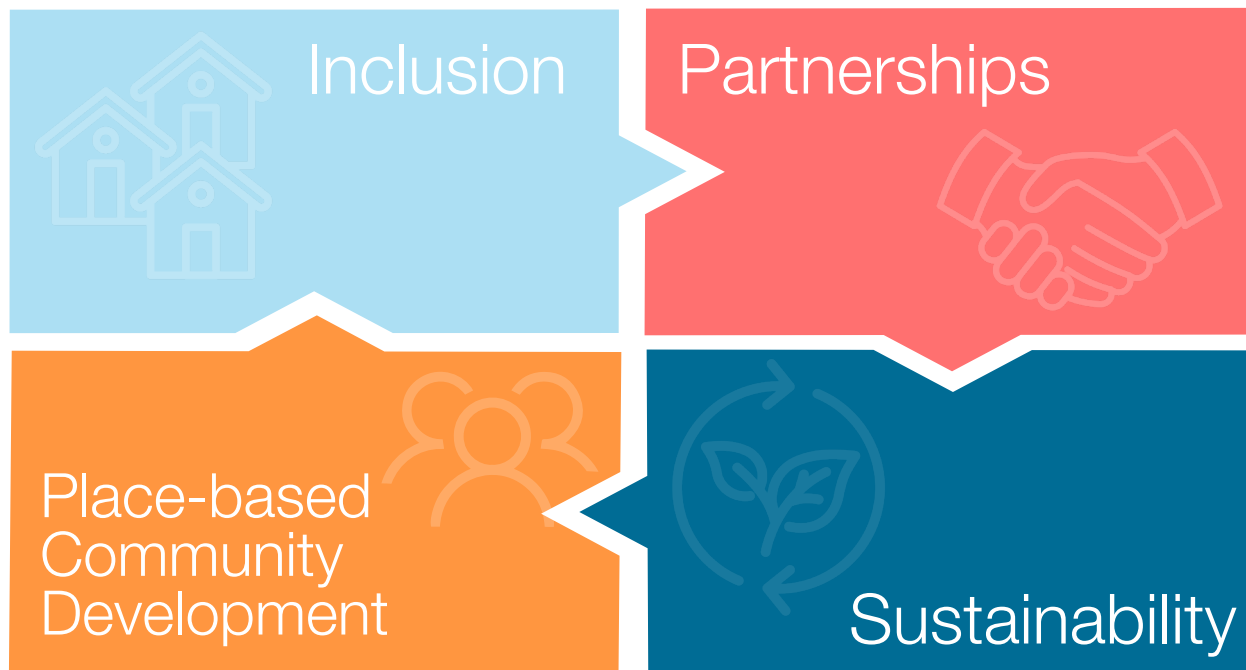
The Council's vision of community engagement and development across South Kesteven

The strategy

The Council's mission is to work effectively with partners in the voluntary, private and public sectors for the benefit of communities within the district of South Kesteven.

To help achieve the mission, this strategy will focus on:

- Places, People and Spaces
- A strong and thriving voluntary and community sector
- Vibrant, inclusive and connected neighbourhoods



Inclusion

People need to feel they belong within communities and identify with others through groups, values, language and common interest such as music, sport and art. For communities to thrive there needs to be acknowledgment, understanding and acceptance of people's differences. These differences may include age, cultural background, caring responsibilities, disability, gender or gender identity, faith, sexual orientation and socio-economic background. Bringing communities together through community development helps to increase understanding, a sense of belonging and drives ambition to become involved in the place.



Lottery SK beneficiary
Dancepointe in
Grantham

Partnerships

Partnerships help bridge divisions between people, groups, communities, agencies and organisations. Partnerships are relationships based on understanding and trust that lead to mutual benefits. These collaborative relationships break down the silos in which we work and live and engender opportunities that will have positive impact within communities through collaborative initiatives, activities and projects.



Partnership
event at
Grantham
Foodbank

Place-based Community Development

Place-based community development focuses on geographic location. Local communities feel a strong connection to the place in which they live. Whilst South Kesteven is made up of four towns (Bourne, Grantham, Market Deeping and Stamford) and one hundred and one villages and hamlets, each has individual needs and aspirations. Each one is different with varying social, economic, and environmental

issues. In most instances, the demographics of each community are also different. It follows that those living in each local community are in the best position to address local challenges. It also follows that the District Council's Elected Members are key to providing insight into local challenges and aspirations. Their front-line knowledge and involvement is vital to the development of community. The diversity of South Kesteven includes

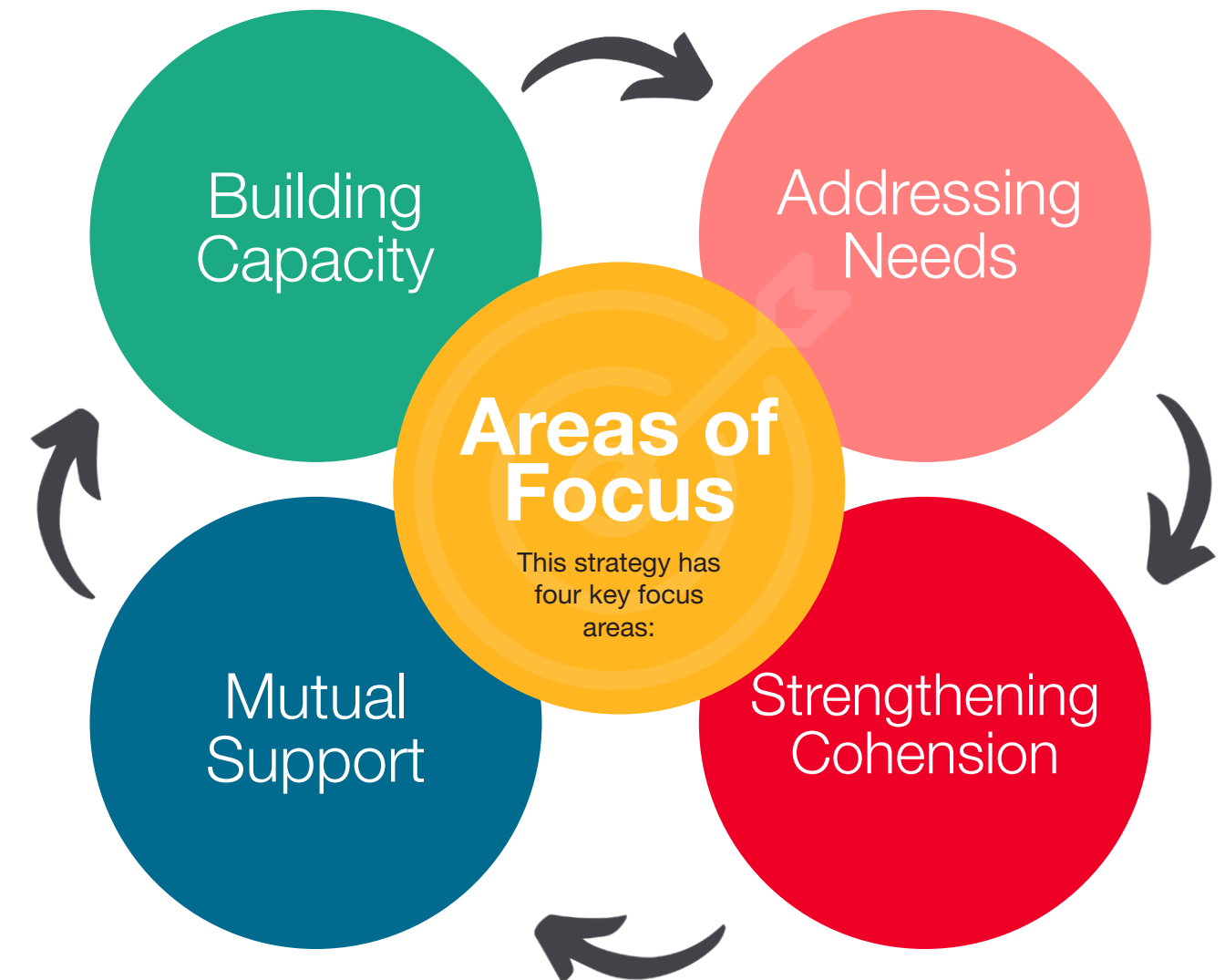
community-focused individuals, dedicated not for profit groups, community-minded businesses, the faith community, parish and town councils and those disadvantaged by health and socio-economic inequality. The diversity and collaborative inclusion and engagement of all these stakeholders are essential if change is to be made and sustained within communities.



Photograph courtesy of Elizabeth Bowskill, Wyndham Park Forum.

Sustainability

The sustainability of communities, community groups and community assets is important to the success of any community engagement and development interventions. Increasing skill-sets within the voluntary and community sector builds ability and confidence which, in turn, enables communities to have ownership of their own projects. A sense of ownership and pride is known to engender sustainability.



Objectives have been set in each of these focus areas. These are intended not to be viewed in isolation of each other as, in some instances, the objectives overlap or could fit within more than one area. These objectives provide high-level actions plan and provide the framework for a more detailed action

plan developed utilising the outcomes of community consultation. It is also imperative that, in delivering this strategy we work collaboratively with other teams across the Council and identify external agencies that can also support to help achieve the actions.

How we will measure success

The Council’s involvement in community development plays a central role in contributing to the physical and social capacity of the communities of South Kesteven. The role of the Council is to support, advise and collaborate wherever it is needed and to understand what our communities want to achieve. On occasion this could include suggesting adaptations to ensure a successful outcome for those making a difference in communities.

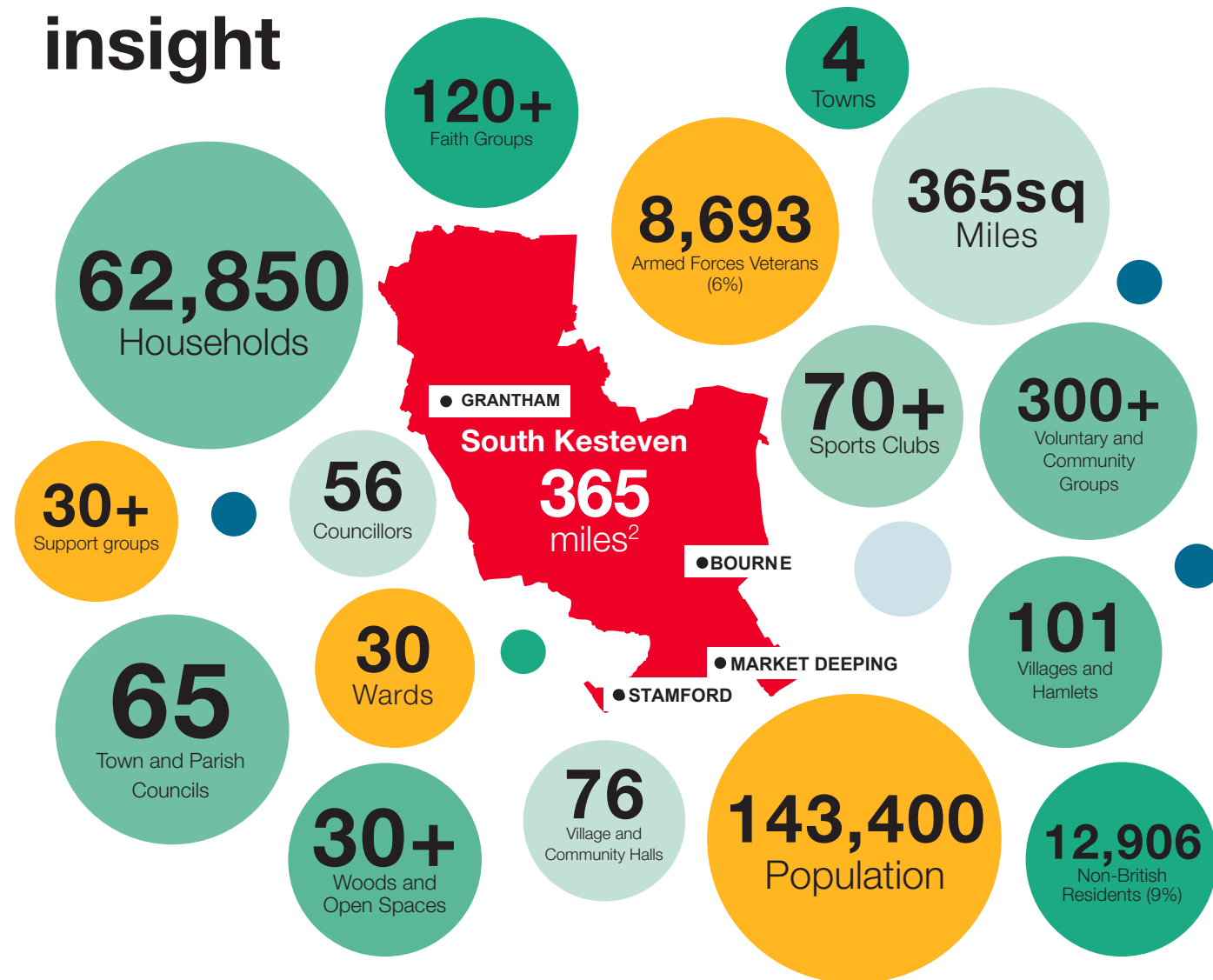
Community development in local government helps to build strong and self-reliant communities and helps the Council to be responsive to community needs. Involvement will differ depending on the nature of the intended outcome; the level of expertise; capacity and experience within the groups we aim to support. The level of involvement the voluntary and community sector wants the Council to have in their project is also a contributing factor.

In delivering this strategy, the Community Engagement Team will:

- Further develop working relationships with communities, faith groups, the Armed Forces sector and the voluntary and community sectors (collectively known throughout this strategy as community groups)
- Facilitate and contribute to the development of community groups and networks
- Develop, promote and support community groups to work with and learn from each other
- Work with communities to identify needs and opportunities for collaboration
- Work with and support communities to plan for change and take collective action
- Build on strategic relationships with infrastructure organisations to better support the voluntary and community sector
- Develop, deliver and report on a collaborative action plan that is informed by consultation with our communities



Community - definitions and insight



What is a community?

There is no single definition of community. It means different things to different people, depending on where they are and what they're doing. In simple terms, we can break it down into three distinct parts:



Everyone can be a member of a community.

People can be part of the community as a whole or be part of multiple communities. Not everyone may identify as being part of a community. People may be excluded from communities because of discrimination or because they choose to exclude themselves. Social isolation can be imposed or a life-style choice. Through our engagement and development practices we must work to eradicate discrimination whilst respecting freedom of choice for those who do not identify as being part of a community. Community cannot be presumed, chosen or imposed.

What is Community Engagement?

Community engagement is like building a bridge which links organisations to communities through open and honest dialogue and based on mutual respect. Community engagement is active participation with local residents and community groups in the decisions that affect their lives. By getting to know our communities, trust is built. Community engagement is not about questionnaires and surveys, it's about talking, listening and learning from one another. What do we want for the local area and how can we work collaboratively to achieve our goals? Successful engagement at community level helps to make development opportunities possible.



What is Community Development?

Community development is the process that builds on Community Engagement. Some communities are self-mobilising and will seek out the support available from third-sector, public sector and business to achieve their goals. Some communities are self-sufficient and do not require support from these agencies and some don't yet know or appreciate that they can evoke change. Community development is about enabling individuals and groups to bring about change within their neighbourhood.

There are a number of connected outcomes when engaging in community development:

- Building the capacity, knowledge and skill of a community to help itself
- Fostering mutual help in a community
- Addressing the needs of disadvantaged and under-represented communities
- Enhancing acceptance and cohesion

Community Development is not an activity: it is a process, or set of principles used to enable communities to grow and change according to their own needs and priorities.



The Voluntary and Community Sector in South Kesteven

The rich and diverse tapestry of voluntary and community sector groups, agencies and organisations operating within South Kesteven are vital in the development and sustainability of the District's communities.

Community Groups and Infrastructure Organisations

There are over 300 voluntary and community groups and infrastructure organisations operating in South Kesteven. Each has its own identity, goals and needs. Some are well-established and have aspirations and plans for development, with dedicated volunteers to help them achieve their goals.

Some are new and were created out of local need (for example, as a result of a local or national emergency) or in response to their ambition to complete a local project or activity (e.g. create a new play park). Whether groups have been amongst communities for many years or are emerging, it is the Council's role to offer support, get to know them, build trust and work collaboratively with them.

Three Counties
Dog Rescue in
Bourne

Faith Groups

Support delivered by the District's faith groups includes: provision of food to those in need through Foodbanks and community larders; debt advice through schemes like Christians Against Poverty; English classes to migrant communities who have made their home in South Kesteven; Chat Cafés to combat loneliness and social isolation and activities for young people.

Support Groups

South Kesteven has more than 30 known support groups working to raise awareness of conditions people are living with daily. These groups provide direct support to people with caring responsibilities. In 2021 the Census showed 4.4% of residents of the District (aged five years and over) were providing up to 19 hours of unpaid care each week. 2.6% of residents reported that they provided at least 50 hours of weekly unpaid care. Support groups often rely on volunteers and local fund raising to enable them to deliver their service.

Parish and Town Councils

Along with the other voluntary and community groups and organisations, parish and town councils are key contributors to vibrant communities in their area. They have knowledge of the local needs of their communities and an ability to raise money for local projects through their precept. All local councils set a precept. Every council has a budget: the amount of money required to fund its operations. Towns and parishes often work in isolation, therefore, a programme of collaborative activities to help bring them together to explore partnerships would enhance local community development.



Community English lessons



Military blessing for crowdfunded Heroes Commemorative Orchard

Community engagement extends to Army Training Regiment, Grantham

Armed Forces Community

The Armed Forces community consists of all people who are, or have been: regulars, reservists or cadets, cadet force adult volunteers and their partners and immediate families. South Kesteven was shown to have the second largest veteran population (8693) in Lincolnshire at the time of the 2021 Census.

A veteran is defined as anyone who has served for at least one day in His Majesty's Armed Forces (Regular or Reserve), or Merchant Mariners who have seen duty on legally defined military operations. Under this definition, veterans have already left the Armed Forces. Service leavers are serving personnel who are planning to leave, who are still under the direct responsibility of the Ministry of Defence. Reservists are an integral part of the UK Armed Forces. This strategy and its accompanying Action Plan, take account of veterans young and old who exist within a wider community of family and friends. It also considers the partners and immediate families of those who have died whilst serving.

Armed Forces Covenant

South Kesteven District Council first signed the Armed Forces Covenant in 2012. The Council renewed its commitment most recently in 2022. The Armed Forces Act, which gained Royal Assent in Parliament on 15 December 2021, enshrines the Armed Forces Covenant in law for the first time to help prevent service personnel and veterans being disadvantaged when accessing essential services, like healthcare, education and housing. As a local authority housing provider, the Council carries specific duties under the Act which are reflected in its Housing Allocations Policy and the Lincolnshire Homelessness Strategy.

The Defence Employer Recognition Scheme

The Defence Employer Recognition Scheme encourages employers to support serving and former military personnel and their families and inspire others to do the same. The scheme encompasses Bronze, Silver and Gold awards for employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant. In 2022 the Council was awarded Gold for its engagement with, and advocacy for, the Armed Forces community of South Kesteven.

Funding support for the Voluntary and Community Sector

Direct funding is available from South Kesteven District Council through four initiatives:

SK Community Fund

The SK Community Fund was established in 2015 to offer financial assistance to voluntary and community groups for projects, initiatives and events which benefit our residents.

Grants are available for constituted groups, charities and organisations involved in community projects and events which benefit residents and communities in the District. Groups and organisations must demonstrate how their project or event will deliver wide benefit, contributing to the sustainability, vitality and well-being of South Kesteven's communities.

Lottery SK

Lottery SK was launched in 2018 as an additional support mechanism for voluntary and community groups (known as 'good causes' within the lottery). This self-help fund raising platform is open to any constituted community group or charity that operates within South Kesteven for the benefit of the residents of the District.



UK Shared Prosperity Fund

Under the theme of Communities, Health and Wellbeing, South Kesteven District Council's distribution of this funding (which is available until 2025) aims to strengthen our social fabric and foster a sense of local pride and belonging through investment in activities which enhance physical, cultural and social ties and amenities. These include community leisure infrastructure and community-led projects.

Rural England Prosperity Fund

The Rural England Prosperity Fund, known as the Rural Fund, is in addition to the £3.9m allocated to South Kesteven through the UK Shared Prosperity Fund as part of the Government's Levelling Up commitment.

The Rural Fund provides capital funding to support:

- new and existing rural businesses to develop products and facilities which benefit the wider local economy
- new and improved community infrastructure, providing essential community services and assets for local people and businesses

Contact Details

Alternative formats are available on request:
audio, large print and Braille

South Kesteven District Council

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📞 www.southkesteven.gov.uk



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Community Engagement and Development: Action Plan 2024 - 2027

Objectives:

- 1 Building Capacity
- 2 Addressing Needs
- 3 Mutual Support
- 4 Strengthening Cohesion

Status:

- ☐ Not yet started
- ☒ Active
- ☒ Active yet paused
- ☒ Complete





Objective	Action	Responsibility	Partner/s	Target	Timeline	Success Means	Status
1 3	Deliver a series of funding workshops and an annual funding fair across the district, in support of voluntary and community sector groups and organisations	Community Grants and Funding Officer	LCVS Economic Development The National Lottery	5 funding workshops per year 1 funding fair in partnership with LCVS per year	6/7/23 21/9/23 18/1/24 21/3/24	<input checked="" type="checkbox"/> Accessible, well attended events that provide useful information to attendees. Follow-up assistance sought by groups	<input checked="" type="checkbox"/> STATUS: Active
1 2	Provide support for groups to develop governance structures, create project plans, identify and source funding and build in resilience and sustainability	Community Grants and Funding Officer	LCVS	Support our community and voluntary groups	Ongoing	<input checked="" type="checkbox"/> Resilient groups that have the capacity and capability to sustain themselves into the future	<input checked="" type="checkbox"/> STATUS: Active
3 4	Develop and submit funding bids to SKSPF and to the Heritage Lottery Fund for the purpose of developing an Airborne heritage trail	Armed Forces Officer		Build on the findings of the Arnhem/Airborne Trail Feasibility Study to develop funding bids to UKSPG and Heritage Lottery Fund	Oct 2023 January 2024	<input checked="" type="checkbox"/> Funding sourced to deliver the trail	<input checked="" type="checkbox"/> STATUS: Active






<div>3</div> <div>4</div>	Establish a visitor and military heritage trail to highlight the District's role in both D Day and Operation Market Garden (Arnhem).	Armed Forces Officer	Aviation Heritage Lincolnshire 1944 Arnhem Fellowship	Establish trail to include information points, website, arts projects, guided walks etc and develop network of local businesses in support of the trail through direct connection to boost tourism offer	April 2024 onward (subject to funding)	<input checked="" type="checkbox"/> Launch of the Trail with partner buy in from local business, tourism, military, and former military sites reflecting heritage	<input type="checkbox"/> STATUS: Not yet started
<div>3</div> <div>4</div>	Work in collaboration with other service areas to support works of art and culture in public spaces across the district	Community Engagement Manager Armed Forces Officer	Grantham Arts Economic Development PWOOG	1 Poppy Cascade 4 Silhouettes to depict AF and civilian personnel 1 Poppy and Pebble installation Community Orchards/Woods	November 2023 November 2024 Throughout 2024	<input checked="" type="checkbox"/> Delivery, in collaboration with other service areas of artwork and installations in public spaces	<input checked="" type="checkbox"/> STATUS: Active
<div>2</div> <div>3</div>	Continue to ensure the Council's compliance with the Armed Forces Act and its associated duties	Armed Forces Officer	Housing	Monitor latest guidance and best practice and share information with relevant service areas	Ongoing	<input checked="" type="checkbox"/> Well-informed officers and elected Members who understand what is necessary to comply with the Act	<input checked="" type="checkbox"/> STATUS: Active
<div>1</div> <div>2</div> <div>3</div>	Signpost to organisations such as Lincolnshire Community and Voluntary Service (LCVS) to engage groups in workshops provided to get groups 'fit for funding'	Community Engagement Team	LCVS	Sign local groups up to Fit for Funding workshops run by LCVS	Ongoing	<input checked="" type="checkbox"/> A network of groups across the district that have the knowledge and tools required to ensure their eligibility for funding from local, regional and national funders	<input checked="" type="checkbox"/> STATUS: Active

<p>1</p> <p>2</p> <p>3</p> <p>4</p>	Develop and deliver a series of networking forums to bring together voluntary and community groups. To encourage groups to work together, sharing ideas and volunteering opportunities	Community Engagement Team	Community groups across the district	Run two online forums during the year to bring groups together to share ideas and explore joint opportunities	Spring 2024 onwards	<input checked="" type="checkbox"/> Increased opportunities for collaboration on projects to support the communities of South Kesteven	<input type="checkbox"/> STATUS: Not yet started
<p>2</p> <p>3</p>	Develop an effective working relationship with the Lincolnshire Armed Forces Officer to explore opportunities for collaboration	Armed Forces Officer	County Armed Forces Officer	Work in collaboration to spread good practice and information across the Armed Forces Networks of Lincolnshire	Officer not yet in post	<input checked="" type="checkbox"/> Increased support for the Armed Forces community – serving, veteran and their families	<input type="checkbox"/> STATUS: Not yet started
<p>2</p> <p>3</p>	Develop an effective working relationship with the Lincolnshire County Council Armed Forces Champion	Armed Forces Champion	Lincolnshire County Council	Build an effective partnership arrangement across the County	Ongoing	<input checked="" type="checkbox"/> Increased support for the Armed Forces community – serving, veteran and their families	<input type="checkbox"/> STATUS: Not yet started
<p>1</p> <p>2</p> <p>3</p>	Explore opportunities to promote the employment of former military personnel through promotion of a new employers guide from the Office of Veteran Affairs	Armed Forces Officer	Economic Development HR	Promote the advantages of employing veterans internally and externally through business networks	January 2024	<input checked="" type="checkbox"/> Employers better aware of ex-military skills and how to recruit	<input type="checkbox"/> STATUS: Not yet started
<p>1</p>	Work closely with Lincolnshire Voluntary and Community Service to promote volunteering opportunities within SKDC and with voluntary and community groups through our various communications	Community Engagement Team	Comms	Advertise volunteer opportunities every quarter through a newsletter to groups and via the SKDC website	December 2023 onwards Activity will become ongoing	<input checked="" type="checkbox"/> Increased numbers of volunteers and volunteering opportunities within the district	<input type="checkbox"/> STATUS: Not yet started

4	Promote and celebrate Armed Forces Week	Armed Forces Officer	Comms	Develop a week-long programme of defence-related PR and events to contribute to advocacy requirements to publicly support the defence community	24-29 June 2024	<input checked="" type="checkbox"/> Greater awareness of the contribution of Armed Forces	<input type="checkbox"/> STATUS: Not yet started
4	Work with other agencies to develop and deliver a series of workshops to raise awareness of Prevent	Community Engagement Manager	EveryOne	Deliver a series of 4 workshops across the district	From Spring 2024	<input checked="" type="checkbox"/> Improved awareness within communities of Prevent and an understanding of how to report issues	<input type="checkbox"/> STATUS: Not yet started
2	Continue to deliver the Council in the Community Initiative to engage with residents face-to-face	Community Engagement Team	Appropriate service areas across SKDC	Deliver events throughout the year that are responsive to identified local need	17/8/23 8/12/23	<input checked="" type="checkbox"/> Direct engagement with residents to address identified concerns and resolve issues	<input checked="" type="checkbox"/> STATUS: Active
1 3	Initiate a series of workshops with Parish clusters to improve engagement culminating in an Annual Parish and Town Council Conference	Community Engagement Team	Appropriate service areas across SKDC Lincolnshire Resilience Forum Parish/Town Councils	Deliver 4 events in Parish Cluster areas and one conference themed through learning at cluster event	Spring 2024 onwards	<input checked="" type="checkbox"/> Increased engagement with Parish and Town Councils	<input type="checkbox"/> STATUS: Not yet started
2 4	Work with colleagues in other service areas to promote opportunities for equality, diversity and inclusion (EDI).	Community Engagement Manager	SKDC Service Areas EDI Working Group	Develop a cross-service action plan to deliver against the Council's equality objectives	Ongoing	<input checked="" type="checkbox"/> Increased opportunities to embed EDI across the Council	<input checked="" type="checkbox"/> STATUS: Active

1	Encourage staff within food businesses to sign up as Army catering Reserves for training/upskilling	Armed Forces Officer	Prince William of Gloucester (PWoG) barracks 167 Catering Support Regiment and Army Reserve Catering School Environmental Health	Take advantage of the central Army catering school based at PWoG to offer training opportunities	January 2024 onwards	<input checked="" type="checkbox"/> Increase in reservist sign-up with a focus on catering	<input type="checkbox"/> STATUS: Not yet started
1	Encourage SKDC officers and elected Members to sign up as Army Reserves for training	Armed Forces Officer Armed Forces Champion	PWoG Barracks Army reserve units	Take advantage of training available in the range of command and control, contract management, labour support, catering and logistic support jobs available	January 2024 onwards	<input checked="" type="checkbox"/> Increase reservist sign up across a range of military disciplines with consequent individual, collective and organisational benefits to SKDC	<input type="checkbox"/> STATUS: Not yet started
2	Continue to explore opportunities to become an age-friendly district in collaboration with Community Lincs	Community Grants and Funding Officer Communities Officer	Community Lincs Other service areas Local groups Businesses Older residents	Identify and help make changes in outdoor spaces, volunteering and employment, leisure and community services to support inclusivity of older people	January 2024 onwards	<input checked="" type="checkbox"/> A district where people can stay living in their homes, participate in the activities they value, and contribute to their communities, for as long as possible	<input type="checkbox"/> STATUS: Not yet started
1 2	Participate in community networks across the county and district to improve reach and understanding of provisions in place and support needed	Community Engagement Team	Voluntary, faith and community groups Charities Health partners	Inclusion in existing networks and creation of further opportunities if need is identified	Ongoing	<input checked="" type="checkbox"/> Effective interaction with community and voluntary sector	<input checked="" type="checkbox"/> STATUS: Active

2	Support community initiatives that seek to overcome social isolation	Community Engagement Team	Voluntary, faith and community groups Health partners	Attend, support and fund groups delivering against this type of initiative	Ongoing	<input checked="" type="checkbox"/> Groups that are sustainable and can offer support for the future	 STATUS: Active
4	Continue to enable those of other cultures and languages to participate in the community through connections with existing groups and support the development of new groups	Community Engagement Team	Voluntary, faith and community groups	Promote existing groups and help build capacity to develop further and instigate new opportunities for improved participation	Ongoing	<input checked="" type="checkbox"/> Improved awareness of opportunities to participate in community initiatives through existing networks of groups	 STATUS: Active
2 3	Continue to actively participate in Mental Health Wellbeing groups across the district	Community Engagement Manager	Charities Groups Health partners	Attend and participate in meetings and initiatives promoted and delivered by the community sector whilst seeking to collaborate as appropriate	Ongoing	<input checked="" type="checkbox"/> Meaningful engagement with mental health and wellbeing professionals and volunteers	 STATUS: Active
1 2 3 4	Assess impact on people and communities of the events and projects funded via support from SKDC	Community Grants and Funding Officer		Develop and implement an assessment method to gain feedback on SKDC funded projects	December 2023 onwards Activity will become ongoing	<input checked="" type="checkbox"/> A funding system that offers value for money and provides groups with the means to make significant impact within their own communities	<input type="checkbox"/> STATUS: Not yet started
2 3	Continue to support the voluntary and community sector providing food/essentials in times of financial hardship to those in need through ring-fenced funding	Community Engagement Team	Foodbanks and other food support agencies and groups	Offer financial support annually to groups supporting residents with food and essential supplies at times of personal financial crisis	Ongoing	<input checked="" type="checkbox"/> Food agencies able to continue to support people in need	 STATUS: Active

1 3	Signpost groups to LCVS to provide 'health checks' and assurance relating to the voluntary and community sector	Community Engagement Team	LCVS	Work with newly-formed groups to ensure effective governance is in place by referring them to LCVS for a 'health check'	Ongoing	<input checked="" type="checkbox"/> Groups that have appropriate structures, policies and terms of reference to ensure sustainability and eligibility for funding	 STATUS: Active
1	Continue to build the database of voluntary and community sector groups operational within the district	Community Engagement Team		Creation of an eco-system of the groups and the types of support available within the community	Ongoing	<input checked="" type="checkbox"/> An effective overview of the VCS operating within South Kesteven and a greater understanding of the strengths and weaknesses of the provision	 STATUS: Active
2 3	Work in collaboration with Lincolnshire Resilience Forum (LRF) and SK Emergency Planning to ensure community engagement during emergency situations within the district	Community Engagement Manager	LRF SK Emergency Planning	Build on the success of the SK Community Hub to ensure groups can be 'stood up' if and when required. Responsive to need	As required	<input checked="" type="checkbox"/> Ability to respond effectively in an emergency situation where support from communities is required	 STATUS: Active
2 4	Re-introduce Migrant Community Network	Community Engagement Team	Agencies and groups working to support migrant communities	Develop four meetings per year	January 2024	<input checked="" type="checkbox"/> Improved understanding of the needs of under-reached groups within the district	 STATUS: Active
1 3	Continue to support other service areas across the Council with funding bids to enable project development and delivery	Community Engagement Manager Community Grants and Funding Officer	Other service areas	Responsive to need	Ongoing	<input checked="" type="checkbox"/> Successful bids to external funders	 STATUS: Active

<div>1</div> <div>2</div> <div>3</div> <div>4</div>	Continue to promote funding and fund-raising opportunities offered by the Council to the voluntary, community and charity sectors	Communities Officer	Comms	Proactively publicise the funding offer available through the SK Community Fund and the fund-raising offer provided by LotterySK	Ongoing	<input checked="" type="checkbox"/> Increased eligible applications to the SK Community Fund and LotterySK	<div>STATUS:</div> Active
<div>3</div> <div>4</div>	Commemorate Remembrance 2024	Armed Forces Officer	International military associations Education establishments	Engage international partners in commemoration activities to mark the 80th anniversaries of D Day and Arnhem	June 2024 September 2024 November 2024	<input checked="" type="checkbox"/> Series of events and educational workshops delivered to raise awareness of shared heritage	<div>STATUS:</div> Not yet started

“In most instances, the demographics of each community are [also] different. It follows that those living in each local community are in the best position to address local challenges. It also follows that the District Council’s Elected Members are key to providing insight into local challenges and aspirations. Their front-line knowledge and involvement is vital to the development of community”.

Source: Place-Based Community Development - Our People, Our Place – A Community Engagement and Development Strategy for South Kesteven



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

Meeting Date 6th February 2024

Report of Councillor Phil Dilks, Cabinet Member for Housing and Planning

South Kesteven District Council Anti-Social Behaviour Policy (Landlord Services)

Report Author

Jodie Archer, Head of Housing Services

 Jodie.archer@southkesteven.gov.uk

Purpose of Report

For Cabinet to approve the adoption of the policy following presentation at the Housing Overview and Scrutiny Committee.

The policy addresses how the Council will manage any anti-social behaviour of the occupants of Council owned housing stock.

Recommendations

That Cabinet:

1. Notes the contents of the report, policy and appendices.
2. Approves the Anti-Social Behaviour Policy.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents Healthy and strong communities Clean and sustainable environment High performing Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Any financial implications associated with the implementation of this policy will need to be met from existing budgets.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 There are no legal implications arising from the development of this policy. All social housing landlords have a duty to have in place a published policy on Anti-Social Behaviour and which sets out how the Council will react to, and target reported instances of anti-social behaviour. Failure to implement a policy may constitute grounds of complaint.

Completed by: Mandy Braithwaite, Legal Executive

2. Background to the Report

- 2.1 Statute has existed for many years to tackle types of behaviour that could be deemed as “anti-social”. The most recent being the ASB, Crime and Policing Act 2014.
- 2.2 The legal definition of anti-social behaviour as defined within the Anti-Social Behaviour, Crime and Policing Act (2014) is:
- (a) conduct that has caused, or is likely to cause, **harassment, alarm, or distress**, to any person,
 - (b) conduct capable of causing **nuisance or annoyance** to a person in relation to that person’s occupation of residential premises, or
 - (c) (c) conduct capable of causing housing-related **nuisance or annoyance** to any person
- 2.3 The strategic aims of the policy are to:
- Tackle the causes and impact of anti-social behaviour;
 - Improve public perceptions and build confidence;
 - Provide support to victims and vulnerable people;
 - Detail the Council’s approach to managing anti-social behaviour
- 2.4 The levels of anti-social behaviour for the South Kesteven area remain low in comparison to other areas. The number of cases managed by the local authority has fluctuated over the years. This policy is intended to reassure residents that South Kesteven District Council will continue to work with partners to make this District a safe place to live, work and visit.
- 2.5 Responsibility for dealing with anti-social behaviour is shared between a number of organisations and in particular the police, councils and social landlords. The Safer Lincolnshire Partnership (SLP) is a Lincolnshire wide multi-agency approach, recognising that no one organisation alone can deal with anti-social behaviour in isolation and therefore, partnership working is central to the approach required. They have identified ASB as being a county wide priority for the period 2022-2025. A county-wide ASB policy has also been adopted; this provides a framework for the way all partners and agencies in Lincolnshire respond to ASB.
- 2.6 The policy sets out how ASB can be reported and details the powers and tools used to tackle it.

3. Key Considerations

- 3.1 Key areas for Members to consider are whether they think the policy covers all matters they would expect to see in an Anti-Social Behaviour Policy.

4. Other Options Considered

- 4.1 The Council considered managing ASB in line with the Lincolnshire wide ASB policy only. However, the Regulator of Social Housing requires the Council to have a local ASB policy specific to the South Kesteven area.

5. Reasons for the Recommendations

- 5.1 It is recommended that the Housing OSC notes the contents of the report, policy and appendix, recommends any changes, if deemed necessary and recommends to Cabinet to approve the draft policy. The reason for this is so that the Council can demonstrate how it manages ASB in South Kesteven.

6. Consultation

- 6.1 The draft policy was;
- published on the Council's website both in the 'Current Consultations' and 'Tenancy Involvement' sections and was open for feedback over a two week period until the 20th December 2023.
 - emailed directly to tenants who had responded to the Tenant Satisfaction Survey and commented regarding ASB issues. This was to c.90 people.
 - emailed to members of our Readers Panel, who are tenants and expressed an interest in proof reading documents to check they are written in plain English, makes sense and presented well.
- 6.2 A report was presented to the Housing Overview and Scrutiny Committee on the 22nd January 2024 where the recommended that the policy goes to Cabinet for adoption.

7. Appendices

- 7.1 Appendix 1 – Draft Policy

Anti-Social Behaviour Policy 2023

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1. Introduction

The objective of this policy is to promote the wellbeing, safety and health of South Kesteven's flourishing communities, supporting vulnerable people and promoting respect in reports of anti-social behaviour.

The strategic aims will be to:

- Tackle the causes and impact of anti-social behaviour;
- Improve public perceptions and build confidence;
- Provide support to victims and vulnerable people;
- Detail the Council's approach to managing anti-social behaviour

2. Background

Statute has existed for many years to tackle types of behaviour that could be deemed as "anti-social". For example, the Public Order Act (1986) and the Crime and Disorder Act (1998) which saw the beginning of the intense national drive to tackle anti-social behaviour in communities. The Act saw the creation of Community Safety Partnerships and introduced new civil orders to control the behaviour of persons aged ten years and above. Further legislation has followed, allowing amendments to the original act and introducing even more powers against perpetrators.

The Crime and Disorder Act 1998 was introduced in response to growing public concern about anti-social behaviour and places an obligation on Local Authorities and partner agencies, to ensure that we have all aspects of Community Safety embedded into our planning, policies and operational activities. The Crime and Disorder Act also introduced legislation which provided a variety of powers and tools to manage and enforce against persons causing anti-social behaviour.

Subsequent to the introduction of the Crime and Disorder Act, further legislation has been introduced, including the ASB, Crime and Policing Act 2014.

This Act is intended to grant simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. This Act puts victims at the heart of the response to anti-social behaviour and gives professionals the flexibility they need to deal with any situation. There had been 19 powers available through the courts to the ASB teams and police, and these are now reduced to 6 powers.

This strategy sets out South Kesteven District Council's vision, priorities and activities in tackling the causes and impact of anti-social behaviour that are affecting the district, its residents, businesses and visitors.

3. The Policy

Definition of Anti-Social Behaviour (ASB)

The legal definition of anti-social behaviour as defined within the Anti-Social Behaviour, Crime and Policing Act (2014) is:

- (a) conduct that has caused, or is likely to cause, **harassment, alarm, or distress**, to any person,
- (b) conduct capable of causing **nuisance or annoyance** to a person in relation to that person's occupation of residential premises, or
- (c) (c) conduct capable of causing housing-related **nuisance or annoyance** to any person

Anti-social behaviour covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of organisations and in particular the police, councils and social landlords.

It is recognised that even at the lowest levels anti-social behaviour can have a serious impact on those subjected to it. It can affect people's quality of life as well as the way people feel about their own safety, security and their community.

Early and efficient interventions in dealing with anti-social behaviour in a timely manner, delivering effective and sustainable solutions will reduce the commitment of resources as well as providing a high-quality service.

The Extent of Anti-Social Behaviour in South Kesteven

South Kesteven remains a low crime area when considered within a national context. However, wider concepts related to the fear of crime, perceptions and community engagement, participation and respect are areas that the Community Safety Partnership continue to work on.

The levels of anti-social behaviour for the South Kesteven area remain low in comparison to other areas. The number of cases managed by the local authority has fluctuated over the years. Police data sets are available through their website.

This policy is intended to reassure residents that South Kesteven District Council will continue to work with partners to make this District a safe place to live, work and visit.

Safer Lincolnshire Partnership

The Safer Lincolnshire Partnership (SLP) is a Lincolnshire wide multi-agency approach, recognising that no one organisation alone can deal with anti-social

behaviour in isolation and therefore, partnership working is central to the approach required. They have identified ASB as being a county wide priority for the period 2022-2025.

The aim of this approach is to ensure that all communities in Lincolnshire receive the best service and support from all partners in respect of preventing, reducing, and managing antisocial behaviour.

The SLP recognises the huge effect anti-social behaviour has on victims and communities and has therefore made it one of their key priorities. The key objectives of the SLP are to:

- Manage incidents of ASB more effectively and efficiently across all partners in Lincolnshire;
- Provide improved services and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently; and
- Improve information sharing across all partners extending into third sector and charities.

This has also meant the introduction of a county-wide anti-social behaviour recording system (E-CINS) that is used by Lincolnshire Police, all seven local authorities and large registered social landlords. This system has a requirement that all persons involved in anti-social behaviour are risk assessed to see if they are vulnerable or repeat victims, with an appropriate support needs assessment being made. A county-wide ASB policy has also been adopted; this provides a framework for the way all partners and agencies in Lincolnshire respond to ASB.

To ensure a consistency of service, all partners have adopted an “umbrella” policy document intended to cover all types of anti-social behaviour including hate crime. This policy underpins Lincolnshire’s multi-agency strategy to tackle anti-social behaviour.

Powers and Tools Available to Tackle Anti-Social Behaviour

Whilst the ASB legislation allows partners to use the most appropriate tool at the most appropriate time, dependant on the ASB being complained about, we will as appropriate, aim to resolve complaints as amicably as possible through the promotion of positive communication such as the consideration of other options from agencies. We will take into consideration any possible vulnerabilities when responding to incidents of ASB. We will also consider an incremental approach to how cases are managed. All cases that are reported to the ASB team will be recorded onto a shared ASB recording system, and case managed through the agreed user protocol. The below tool is predominantly used in relation to young people.

Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs) are also voluntary agreements between the Council, the individual and a partner agent, usually the Police. Under an ABC the individual agrees not to be involved with certain anti-social acts. This contract lasts six months. When an ABC is entered into, appropriate support and intervention to prevent this behaviour will be sought. If a person refuses to sign or engage in an ABC, or breaches the ABC, this may be used as evidence for more serious enforcement action as appropriate. This is one of the main tools used by this authority and has proven successful in stopping repeat incidents of anti-social behaviour.

The ASB, Crime and Policing Act provides the following powers to deal with complaints:

- Injunction to Prevent Nuisance and Annoyance (IPNA);
- Criminal Behaviour Order (CBO).
- Community Protection Notice (CPN).
- Public Space Protection Order (PSPO).
- Closure notices and closure orders.
 - Police dispersal power.

The list below provides an overview of the legislation concerning each power, and prior to any use of this legislation it will be managed in conjunction and compliance with the full legislation as laid down within the Act, agreed internal process, and county wide policy agreement.

Injunction to Prevent Nuisance and Annoyance (IPNA)

- Purpose – to stop or prevent individuals engaging in ASB, quickly nipping problems in the bud before they escalate. Civil order for anyone aged over 10 years, civil standard of proof.
- Applicants – Local councils, social landlords, police, environmental agencies, NHS Protect.
- Two Tests – If the person has caused or was likely to cause harassment, alarm or distress to any person and the court considers it is just and convenient to grant the injunction to prevent the person engaging in ASB (however the nuisance test will still apply).

Criminal Behaviour Order (CBO)

- Purpose – Issued by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
- Applicants – The Crown Prosecution Service, either at its own initiative or following a request from the police or council, and the local authority.
- Two tests – The person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household and the court considers that making the order will help prevent the offender from engaging in such behaviour.

Community Protection Notice (CPN)

- Purpose – To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.
- Applicants Test – The behaviour has to have a detrimental effect on the quality of life of those in the locality, be of a persistent or continuing nature, and be unreasonable.
- Council officers, police, social landlords.

Public Space Protection Order (PSPO)

- Purpose – Designed to stop individuals or groups committing anti-social behaviour in a public space.
- Applicants – Councils after consultation with the police.
- Test – The behaviour being restricted has to be having a detrimental effect on the quality of life of those in the locality, be persistent or continuing in nature, and be unreasonable.

Closure Notices and Closure Orders

- Purpose – To allow the police or council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder.
- Applicants – Local councils and police.
- Test – The following has occurred, or will occur, if the closure power is not used – Nuisance to the public and/or disorder near those premises.

Police Dispersal Powers

- Purpose – Requires a person committing or likely to commit anti-social behaviour, crime, or disorder to leave an area for 48 Hours.
- Applicants – Police and PCSO's in uniform.
- Tests – Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.

ASB Case Review (formally known as Community Trigger)

The ASB Case Review forms part of the ASB Crime and Policing Act 2014, which gives victims and communities the right to request a review of their anti-social behaviour case. It is a problem solving process that aims to find solutions for the victim. The ASB Case Review is designed to ensure that we work together to try and resolve a complaint of anti-social behaviour. The Case Review does not replace individual organisations' complaints procedures if you are unhappy about the service you have been provided by an individual officer or service. When a request for a Case Review is received it will be referred initially to the Anti-Social Behaviour Risk Assessment

Conference (ASBRAC) working group to assess and deal with, as set out within the Lincolnshire ASB Case Review Policy.

Neighbour Disputes

Neighbour disputes are where two neighbours disagree about something that then becomes a source of distress and frustration. It is common for both sides of the dispute to have done things to annoy the other person, as a result it can be difficult for agencies to identify who is the victim or who is the perpetrator, often both are victims and both are perpetrators. It does not constitute anti-social behaviour if the issues are about normal day to day living. One way to solve these problems is by talking to your neighbour to try to agree a compromise, you can also consider mediation. If this does not work, you can pursue matters through civil redress.

Parking Spaces and Vehicle Obstruction

When it comes to parking your car, you do not have any rights to the section of road or pavement outside your property (unless there are local parking restrictions giving a right to a particular space). This means you do not have the right to park there yourself or prevent anyone else from doing so. You cannot put cones down to reserve the spot. You also cannot stop someone parking on your grassy verge if you have one. This can be very frustrating but there is nothing the Council can do about it.

We would suggest you talk to the car owner kindly and ask them if they could leave the space for you to park or avoid parking on the grass.

If someone else's car is blocking access to and from your property, there are a number of steps you can take. Lincolnshire County Council and the police have general powers to remove vehicles that are illegally parked or causing an obstruction. If it is an area with restrictions on who can park, then wardens can enforce those restrictions by issuing fines.

Hate Incidents

A hate incident is "any incident which may or may not constitute a criminal offence, which is perceived by the victim or any person as being motivated by prejudice or hate". This definition is used by the Home Office. South Kesteven District Council will apply this definition and will record any reported hate incident including both crimes and non-crimes.

South Kesteven District Council in conjunction with Lincolnshire Police has signed up to "Stop Hate," a reporting and information help line for people that experience hate incidents or wish for additional advice or guidance. This will enable a consistency of service across the district, giving clear explanations for the process of reporting hate incidents. All staff are trained to understand the reporting mechanism for hate incidents to ensure consistency of service provision and recording. All reported incidents are recorded and managed within the Tenancy Services Team.

Legislation is frequently being introduced in relation to anti-social behaviour, providing amendments and further tools to tackle the causes and impacts. The Tenancy Services team are updated as to these changes, and will ensure all available powers and tools are utilised.

Housing and Anti-Social Behaviour

The Council takes seriously its responsibilities, both as a strategic housing authority and as the biggest social landlord in South Kesteven. As a strategic authority, the Council is required to publish a tenancy policy and this policy will meet all statutory requirements in respect of the types of tenancies offered. As a landlord, the Council operates the use of Introductory Tenancies which provide the Council with powers to act swiftly in managing ASB for those who are in their first year as tenants.

The Council also has the option to take action to demote Secure Tenancies, to prevent the completion of the Right to Buy where ASB action is being taken. The Council has a clear approach to legal action where there is evidence of ASB and/or neighbour nuisance, and will follow housing legislation and the ASB Statutory Guidance to make sure their actions are coordinated, proportionate and in line with one another, but also gives the option of action against the tenancy, up to and including eviction for serious and/or repeated ASB or criminal behaviour.

High Hedges

Any complaints of high hedges will be dealt with in accordance with Part 8 of the Anti-Social Behaviour Act 2003. All complaints relating to high hedges will be forwarded to, and dealt with by, the appropriate department. Once informal options for resolving a high hedge dispute have been exhausted, a formal complaint can be made to the District Council. The Authority will take account of all relevant factors and strike a balance between the competing interests of the neighbours involved, as well as the interest of the wider community.. After information is gathered about the complaint from all sides, the Council will make a decision, based on Government guidelines.

Information Sharing and Confidentiality

All information provided to the anti-social behaviour team will be treated in confidence. It will not be passed on to the person complained about, unless this is through proper legal process where formal high level enforcement action must be taken. Information will be exchanged by signatories of the Information Sharing Protocol and these include the Police, local housing providers, Fire and Rescue, Children Services, Primary Care Trust and other members of the partnership. All information will be kept confidential by the agencies concerned and will only be used for the purposes it was supplied for. This exchange of information is permitted under the Crime and Disorder Act 1998 for the purpose of preventing crime and disorder and the risk to others, but must comply with the Data Protection Act. The Council will comply with the

Freedom of Information Act 2004 but will not disclose information where exemptions apply.

Partnership Working to Reduce Anti-Social Behaviour

General information about incidents can and will be shared with other agencies in compliance with information sharing agreements, and departments to help them build up a picture of incidents in the area that they may have interest or involvement in. Where any incident is reported which is serious, either because of the danger of recurrence or danger to the informant, this will be shared with other agencies, including the police. Any person making such a report will be advised which other agencies this information has been shared with.

Supporting Victims and Witnesses

South Kesteven District Council will support witnesses and victims of anti-social behaviour and hate incidents. All employees involved in the investigation of anti-social behaviour are fully aware of, and sensitive to, the needs of witnesses and victims. The District Council will, in appropriate cases seek specialist support from partner agencies to support the needs of witnesses and victims. A risk assessment will be undertaken for each person that is either a victim or perpetrator to ensure that all their needs are considered.

In many circumstances legal action regarding anti-social behaviour can be supported by composite professional witness statements, for example from a police officer. These can protect witnesses from having to give evidence and so being identified. It is recognised that this evidence does not carry the same weight as that of an individual whose own quality of life has been affected by the anti-social behaviour, so first hand witnesses will, where possible, be sought and encouraged to provide evidence.

As the victims and witnesses of the anti-social behaviour may be known to the perpetrators, all partners need to be aware and act efficiently if either are subjected to further anti-social behaviour. If an individual is asked to be a witness in court, the Council will liaise with the police and court services to provide support and information about the court process to witnesses, victims and their families, before, during and after the hearing.

The Council will support complainants by:

- Dealing with their complaint promptly, fairly and impartially;
- Recording their concerns;
- Allocating an officer specifically to deal with their complaint;
- Respecting their confidentiality;
- Keeping them informed throughout the process;
- Advising them when a case is closed, and of the outcome;

When legal proceedings are undertaken, or considered, the support and protection of victims and witnesses should be planned for at an early stage. The level of protection offered should be considered on the basis of the witnesses' vulnerability and the likelihood of intimidation rather than primarily based on anticipated severity.

Training of Staff in Dealing with Anti-Social Behaviour

In dealing with anti-social behaviour it is important that all relevant staff have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action. Staff training is regularly reviewed through the annual appraisal process as well as periodic one-to-ones and check ins. As appropriate, training is organised for staff in relation to new legislation in dealing with anti-social behaviour.

Communication, Reporting and Recording Anti-Social Behaviour

Reporting Complaints of Anti-Social Behaviour

South Kesteven District Council considers the management of anti-social behaviour as part of overall tenancy management and as such utilises generic housing officers to deal with reports of anti-social behaviour via our Tenancy Services Team. Where anti-social behaviour does take place, early intervention is important in resolving the matter and reducing people's concerns and fears.

How to Report Anti-Social Behaviour

Because complaints of ASB can be considered the responsibility of either housing, environmental protection or the Police, we ensure that we work closely together to manage complaints.

You can report complaints of ASB in the following ways:

- On the Council's website;
- By telephone or e-mail;
- Directly at any of our Council offices.

South Kesteven District Council aims to provide a high quality of service to victims of anti-social behaviour and other complaints. People affected by inconsiderate, anti-social or illegal behaviour have a right to know what is happening to address this conduct. People who raise complaints or their representatives will be kept informed of how their complaint is being resolved.

In dealing with these matters the Council will:

- Treat everyone fairly and without prejudice;

- Work in partnership with other agencies and seek joint solutions to correct anti-social behaviour;
- Be open and democratic in our decision-making.
- Ensure that all staff have adequate training to effectively deal with complaints.

The Council will:

- Provide a polite and courteous service;
- Use plain English;
- Be accessible to all people in the District;
- Use customer complaints and comments to improve service;
- Provide a fair and unbiased service;
- Report our performance each year;
- Aim to fully reply to letters or e-mails within 10 working days;

We will also, through literature and existing media opportunities, provide information on anti-social behaviour, raise public awareness and confidence in what we are doing to tackle the causes and impact of anti-social behaviour and publicise when sanctions are sought through the Courts. We will also attend local community forums, meetings and other platforms to inform and consult with them about their concerns.

Publicity

The purpose of any court action taken is to protect local people from harassment, alarm and distress that is caused, or is likely to be caused by anti-social behaviour. Unless the anti-social behaviour is extremely localised, effective enforcement of the order will normally depend on the general public being aware of the conditions of the order, and of the identity of the person against whom it is made. Each case will be considered and the publicity appropriate to each order will be appropriate to the needs of the community.

4. Monitoring, Review and Development

Monitoring Anti-Social Behaviour – South Kesteven District Council

We need to know how well we are performing and whether the interventions we have put in place are making a difference. All reports of anti-social behaviour will be recorded onto a secure database and dealt with as outlined in our procedures.

Performance and Measuring Anti-Social Behaviour

The measuring of anti-social behaviour is undertaken by various organisations and by various methods including data sets from Lincolnshire Police as well as our own internal methods.

Equality and Diversity

South Kesteven District Council is committed to providing equal access to its services regardless of an individual's race, gender, age, sexual orientation, ethnic origin, nationality, religion or belief or disability.

The Council will regularly review all strategies and functions; including new and proposed strategies to see if there is any evidence that:

- Different groups of people could be affected differently;
- There are different service outcomes for different groups of people;
- There is any public concern that the Councils functions are being operated in a discriminatory manner.

The Council recognises that an individual may be more vulnerable as a result of discrimination. In applying all policies, the Council will be aware of additional levels of vulnerability and ensure that necessary measures are in place to take this into account.

Safeguarding

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expect their entire staff to share this commitment. This commitment includes accepting a responsibility for the protection of children, young people and vulnerable adults and ensuring that all concerns about their safety or well-being that come to the attention of staff in the course of their work, will be followed up and dealt with as quickly and as sensitively as possible. It also includes ensuring that all activities are provided in a safe environment. All colleagues must accept and recognise their responsibilities to develop awareness of the issues which cause harm.

5. Links to Other Strategies or Policies

The documents referred to within this strategy can be accessed in full, through either the links on the South Kesteven District Council website or the Home Office website.

- Lincolnshire ASB Partnership Policy
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Tenancy Management Policy
- Safeguarding policy -

<http://www.southkesteven.gov.uk/index.aspx?articleid=12373>

6. Complaints

We care about your experiences when using our services. We hope they are positive experiences and that's what we strive for. However, we recognise that we don't always get it right – sometimes you might be unhappy with a service

you received and if that has happened we want to hear about it so we can learn from your experience.

Our Corporate Feedback process is designed to receive compliments, complaints and comments because we feel that only by acknowledging all three can we ensure we are a Customer Focused Council. Feedback is shared with the service or specific officer that it relates to. We want to ensure that any lessons we learn from your feedback are recognised across the organisation and so we will share it with our other services too where appropriate.

If we have left you dissatisfied we will need to evaluate whether we are able to manage your feedback through our corporate process. Our feedback process is not designed as an appeal system to question formal decisions of the Council which were properly taken, or to challenge policy. It is to check that everything that should have been done has been done, and that the procedures and policies have been followed appropriately.

How to Make a Complaint

The Council always tries to give all its customers a positive experience, even if the subject matter is difficult, sensitive or upsetting. However, South Kesteven District Council also recognises that if it leaves someone feeling dissatisfied, it needs to understand that customer's experience and explore whether it could have done things differently.

The Council will do this through a two-stage internal process.

Stage 1

If correspondence details are provided, the Council will acknowledge complaints within 10 working days and will advise the customer of the date when they can expect to receive a response. This will be 15 days from the point that we received and actioned the complaint. The complaint will be forwarded to the service that the complaint is about.

A senior officer within the team who is not implicated in the complaint will conduct a full and objective investigation, by looking over relevant documents, exploring the transaction that took place and talking to any officers involved. Each point raised within the complaint will be addressed in full in the response. This will be signed off by the relevant Head of Service and the customer will receive a response in the allocated timescale. If the customer requires clarification of any part of the response or feels the Council has not addressed certain points raised within their complaint, they should contact South Kesteven District Council and the response will be reviewed.

Stage 2 If the customer is unhappy with the outcome of the stage 1 complaint, they can request it to go to stage 2. This request must be received by the Council within 3 months of the stage 1 response being sent. At this point the

complaint will be reviewed by another Head of Service who is independent to the service to ensure an independent view point is still achieved.

How Can You Give Us Your Feedback?

You can tell us by whatever method is easiest for you:

- Via our online form;
- Via email – feedback@southkesteven.gov.uk;
- Via traditional mail – FREEPOST SKDC;
- Via a Customer Service Advisor – 01476 406080
- By visiting our Grantham Customer Services Office.



Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Anti-Social Behaviour Policy
2. Summary of aims and objectives of the policy/funding activity/event	The policy sets a framework to enable the delivery of an effective anti-social behaviour service which fulfils our statutory obligations within the context of housing legislation.
3. Description of what is being impact assessed	If the policy provides a reasonable response to those that report Anti-Social Behaviour (ASB) to South Kesteven District Council and whether the policy takes account of all the potential factors that could be associated with reports of ASB. If any subsequent action taken by the Council in relation to the ASB is proportionate in regard to the individuals responsible for the ASB.
4. Who is affected by the policy/funding activity/event?	South Kesteven District Council tenants and leaseholders and the wider community.
5. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Consultation will take place with the stakeholders affected (SKDC tenants and leaseholders). This will be for a two week period via the policy being placed on the SKDC website consultation page. Consultation with tenants who have special needs will be undertaken separately.
6. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The current ASB case management E-CINS as well as a new housing IT system due to go live in November 2023 will allow for the monitoring and evaluation of the impact of the policy.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	The evidence suggests that a proportion of ASB is perpetrated by young people and therefore this policy will ensure that due regard is given to young people to avoid criminalising them whilst utilising legislation to effectively deal with young perpetrators and victims of ASB.	N/A
Disability	Neutral	The evidence suggests that a large proportion of ASB is perpetrated by those with mental health issues. Different approaches and mechanisms may be required for engaging with and representing people with a range of	n/a



		disabilities depending on their individual needs.	
Gender Reassignment	Neutral	There are no direct impacts from the policy in respect of gender reassignment. Any person affected by ASB or is found to be a perpetrator of ASB will be dealt with following the policy and taking account of the circumstances surrounding the ASB.	n/a
Marriage and Civil Partnership	Neutral	No issues identified	n/a
Pregnancy and Maternity	Neutral	There are no direct impacts from the policy in respect of pregnancy and maternity.	n/a
Race	Neutral	There are no direct impacts from the policy in respect of race however there is some evidence to suggest that victims of ASB and hate crimes may be targeted due to race and this should be recognised when dealing with cases.	n/a
Religion or Belief	Neutral	There are no direct impacts from the policy in respect of religion or belief. However there is scope for religion or belief to be a factor in alleged ASB cases and this should be recognised when dealing with cases.	n/a
Sex	Neutral	No issues identified	N/A
Sexual Orientation	Neutral	No issues identified	N/A
Other Factors requiring consideration			
Rurality	Neutral	South Kesteven is a rural district and it is important that the service is able to engage with and represent individuals who live in rural areas and / or have limited access to public transport.	

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response
SKDC tenants and leaseholders		<p>Consultation will take place with the stakeholders affected (SKDC tenants and leaseholders). This will be for a two week period via the policy being placed on the SKDC website consultation page.</p> <p>Consultation with tenants who have special needs will be undertaken separately.</p>



		Any responses including any equality, diversity and inclusion issues highlighted from this consultation will be considered and changes will be made to the policy if deemed necessary.

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status

Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?		
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed		
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		



Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Andre Ford-Hamilton – Tenancy Services Manager
Officer Responsible for implementing the policy/function etc	Jodie Archer – Head of Housing
Line Manager	Craig Spence – Acting Director of Housing
Date Completed	04 th October 2023
Date of Review (if required)	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6th February 2024

Report of Councillor Phil Dilks, Cabinet
Member for Housing and Planning

Total Housing Compliance Policy

Report Author

Nick Thacker, Head of Technical Services



Nick.thacker@southkesteven.gov.uk

Purpose of Report

To inform the Cabinet of the new Total Housing Compliance Policy which sets a framework for the monitoring of key consumer standards. To advise Cabinet members on key responsibilities and the process of achieving compliance with the standards and regulations.

Recommendations

That Cabinet approves the adoption of the Policy as recommended by the Housing Overview and Scrutiny Committee.

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents Healthy and strong communities Clean and sustainable environment High performing Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There is provision in both the HRA revenue and capital approved budgets for compliance related expenditure to ensure that the stock meets current regulatory standards.
- 1.2 Any financial implications of the policy will be contained within the existing budget.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy S151 Officer

Legal and Governance

- 1.3 A failure to effectively repair and maintain properties can be subject to legal challenge with a resulting negative impact upon the finances, reputation and image of the Council, leading in turn to a loss of public confidence.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Risk and Mitigation

- 1.4 The Audit carried out in July 2023 to ratify the work undertaken by the Council facilitate the removal of the Regulatory Notice contained recommendations regarding the implementation of key policies relating to compliance activity.
- 1.5 This Policy addresses all recommendations for the creation of new, and for the review of existing policies.

Completed by: Tracey Elliott, Governance & Risk Officer

Health and Safety

- 1.6 The recording of compliance data and the production of performance reports is reliant on the development and maintenance of both the Integrated Housing Management System and Asset Management Data Systems.

Completed by: Phil Swinton, Emergency Planning and Health and Safety Lead

Human Resources

- 1.7 The Council needs to ensure that adequate resources and its staffing levels are sufficient to implement the Council's policy effectively.

Completed by: Jane Jenkinson, Senior HR Officer

2. Background to the Report

- 2.1 The Total Housing Compliance Policy aims to define, at a strategic level, the intent and arrangements for ensuring that each of the key risks meet the required standards.
- 2.2 Previous policy and guidance have taken the form of a series of management plans and protocols. The Total Housing Compliance Policy has incorporated these elements into a transparent policy framework, complemented by current legislation and best practice. It is proposed that these be submitted for review by the Housing Overview and Scrutiny Committee every two years.

3. Key Considerations

- 3.1 The Total Housing Compliance Policy is a critical policy which sets the intent and delivery framework for the Council to meet the legislative and regulatory requirements required by the Social Housing Regulator.

- 3.2 The Policy framework is supported by a set of detailed management plans and protocols which set out how each of the areas will be managed and who is responsible for elements of delivery.
- 3.3 Access to property to carry out essential maintenance and health and safety checks is a fundamental aspect of achieving compliance in the Council's activities. The Policy provides a clear path of managing access and the legal implications where the Council is not able to secure this.
- 3.4 The process the Council will follow is attached as an appendix to the Policy and applies to all elements of compliance activity where access to tenanted properties is required.
- 3.5 Compliance Policy can be delivered through the creation of individual Policies covering each area of risk.
- 3.6 Some of the risk areas, for example asbestos, consist of very detailed documents covering process and guidance for staff. Many details which cover access procedures are duplicated in each process and there is risk that Policies may not be updated consistently.
- 3.7 The creation of the Total Housing Compliance Policy aims to combine the common elements of Policy and provide strategic direction for each of the risks, ensuring that all risks are considered and updated with a consistent approach.

4. Other Options Considered

- 4.1 Do nothing.

5. Reasons for the Recommendations

- 5.1 The clarity provided by The Housing Repairs and Maintenance Policy, enables staff working in the service to make operational decisions efficiently and consistently. This in turn provides greater transparency and understanding for tenants of the standards and activities the repairs and maintenance service will deliver.

6. Consultation

- 6.1 Consultation has been undertaken within the wider teams in the Housing Directorate.
- 6.2 Officers who are required to deliver services which impact this Policy have contributed to the technical aspects of the document.

- 6.3 The Policy was presented and recommended by the Housing Overview and Scrutiny Committee on the 22 January 2024.

7. Background Papers

- 7.1 List any background papers and where they can be accessed.

1. Total Housing Compliance Policy
2. Access Procedure
3. Equality Impact Assessment

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TOTAL HOUSING COMPLIANCE

DRAFT

Policy Framework

DRAFT

Service Area	Housing
Policy Owner	Director for Housing and Property
Introduced	
Version	1.0
Review date	

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1. INTRODUCTION

The Council is committed to delivering homes and properties which meet consumer standards and provide reassurance for tenants that their properties and associated risks are well managed.

The overriding principal is to ensure that we maintain a safe environment to live and work by managing and maintaining our assets according to statutory and regulatory requirements or best practice principles.

2. SCOPE OF THIS POLICY FRAMEWORK

The objectives of this policy are to ensure that:

- We meet our statutory and regulatory responsibilities and duties as landlord, building manager and employer.
- Procedures are in place to identify sites where components or equipment require inspection, removal, encapsulation, servicing or maintaining to comply with the statutory and regulatory requirements.
- Where no statutory or regulatory obligation currently exists, we'll implement a best practice service and maintenance regime, at a minimum manufacturer's recommendations where reasonably practical to do so.
- Procedures are in place relating to how we manage and monitor the compliance data and certification, including our internal auditing and our voluntary external audits.
- We are transparent in our compliance reporting and report on key performance indicators.
- Roles are identified as responsible for ensuring compliance.

What this policy covers:

- Asbestos management
- Electrical safety
- Fire and building safety Management
- Gas safety
- Water Hygiene
- Passenger lifts
- Portable appliance testing (PAT)
- Radon
- Solid fuel safety
- Specialist Plant and Equipment - PUWER

3. RELEVANT LEGISLATION AND REGULATORY COMPLIANCE

We will maintain our sites, buildings, components and equipment so that they're compliant with current statutory and regulatory requirements and monitor that we're doing this. We will keep up to date with legislative changes.

Where no legislative obligation exists, we will follow best practice and so far as is reasonably practicable we will, service and maintain equipment and components in line manufacturer recommendations, ensuring we meet warranty requirements.

Inspection and remedial compliance information will be held and managed. This and the associated certificates, policies and procedures will be internally audited and subject to voluntary external audits. This will ensure we're prepared for audits and enable us to identify and address any weaknesses in our processes and practices.

The Council will ensure that properties are repaired and maintained in accordance with best practice and legislation, including the following:

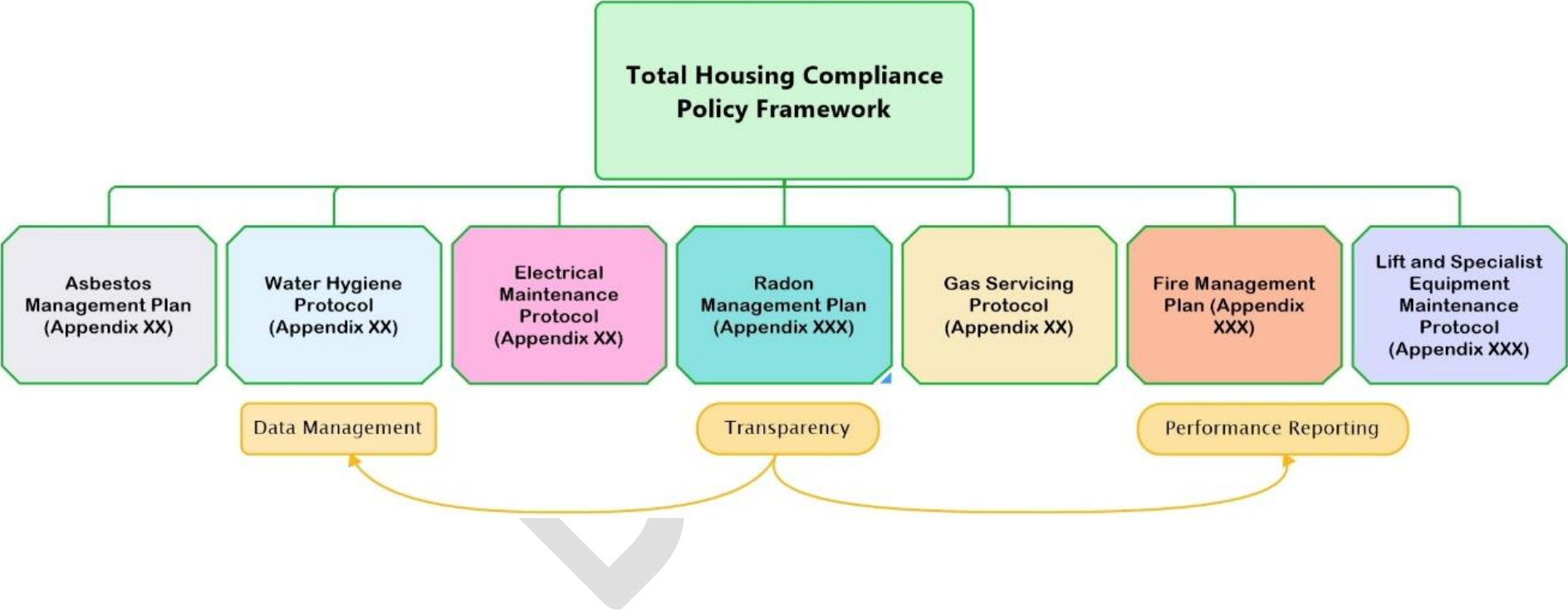
- Social Housing Regulator Economic and consumer standards
- Homes (Fitness for Human Habitation) Act 2018 (HFHHA 2018)
- Housing Acts 1985, 1988, 1996, 1998 and 2004
- The Secure Tenants of Local Authorities (Right to Repair) Regulations SI. 1994 No 133
- The Secure Tenants of Local Authorities (Compensation for Improvements) regulations 1994, SI 1994 No 613
- The Leasehold Reform, Housing and Development Act 1993
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Landlord and Tenant Act 1985 – Section 11
- Defective Premises Act 1972 - Section 4
- Environmental Protection Act 1990 – Part III
- Fire Safety (England) Regulations 2022
- Gas Safety (Installation and Use) Regulations 1998
- Regulatory Reform (Fire Safety) Order 2005.
- Commonhold and Leasehold Reform Act 2002
- Equalities Act 2010
- Control of Asbestos Regulations 2012
- Housing Health & Safety Rating System
- Health and Safety at Work Act 1974
- Provision and Use of Work Equipment Regulations

4. RELEVANT COUNCIL POLICIES

- Corporate Health and Safety Policy
- Tenancy agreement and Tenants' Handbook
- Repairs & Maintenance Policy
- Recharge Policy
- Voids Policy and Lettable Standards
- Aids & Adaptation Policy
- Complaints & Feedback Policy
- Service Charge Policy

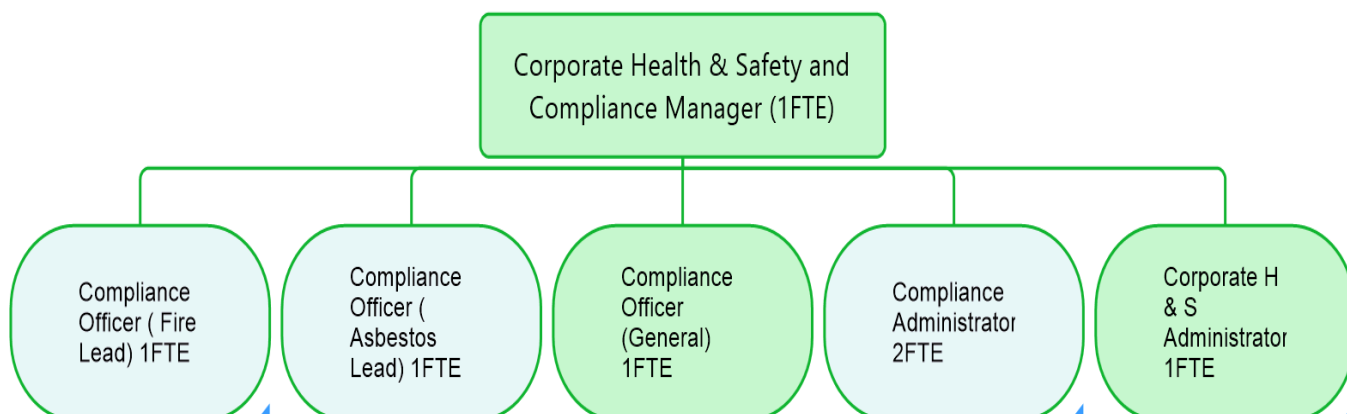
5. RESPONSIBILITIES AND ARRANGEMENTS FOR MEETING CONSUMER STANDARDS

This policy sets a framework for meeting Consumer Standards. The framework identifies how we will meet that consumer standard and the actions we will take. The Protocol and Management Plan documents support the framework and provide comprehensive guidance and information on the management of those risks.



ovide

The arrangements with the Council to deliver the framework and promote statutory compliance within the Council is delivered through a dedicated Compliance Team with specific roles and responsibilities.



The Compliance Manager undertakes the competent person role to ensure measures taken are proportionate, and meet the legal requirements, or best practice where no legal requirements are in place. The Compliance Team will also provide technical support in relation to contractor works, audit of processes and completion of works in line with requirements and data management.

The key parties responsible and involved in the successful delivery of this policy are:

- Duty Holder – Director for Housing
- Responsible Person(s) – Head of Technical services / Compliance Manager
- Deputy Responsible Person Head of Housing, Compliance Officers

Duty Holder

The duty holder has overall responsibility for management of statutory maintenance, to provide direction to ensure all other teams within South Kesteven District Council are aware of the necessary requirements of statutory maintenance.

Responsible Person(s) and appointed Deputies

The Responsible Person and appointed Deputies are responsible for implementation and management of the practical aspects of statutory maintenance in properties owned and managed by South Kesteven District Council, including the competence of all persons involved. Also, to establish and maintain direct lines of communication with the various Housing stakeholders; specialist contractors and consultants, ensuring an efficient two-way exchange of information and records.

Statutory Maintenance Service Providers & Key Stakeholders

Statutory Compliance Service contractors provide practical advice on management and the control of the risks of statutory maintenance; undertake risk assessment(s), surveys and reports; carry out monitoring, maintenance, testing, inspection and audits as required.

Key stakeholders and partners include the Councils Internal Auditors, the Regulator of Social Housing, competent bodies such as Gas Safe.

Meetings

The Responsible Person and/or Deputy will hold regular review meetings with statutory compliance contractors or consultants

Contractor – Meetings

Details, outcomes, and actions agreed in these meetings are to be recorded in writing and circulated to the relevant stakeholders. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil their requirements the Council will follow the escalation procedure for failure to provide.

Management of Key Risks.

South Kesteven District Council recognises its responsibility for statutory compliance within its housing stock and is committed to ensuring safety standards and compliance requirements are met. While all statutory compliance is key to ensuring the safety of residents and staff it is recognised that some areas require significant involvement and oversight of appointed contractors responsible for ensuring statutory compliance assurance.

Due to the significant potential impact from incidents involving Asbestos or Fire, regardless of likelihood, the Council has appointed dedicated lead officers within the Compliance team focused solely on the control of these risks and the compliance for that area. This includes working with contractors, providing audit of risk assessments and method statements (RAMS) and quality of works undertaken, recording related information and providing technical support to internal stakeholders.

Asbestos

- South Kesteven District Council has in place an Asbestos Management Plan to support the monitoring and recording of asbestos containing materials (ACM) identified in its Housing stock, this includes sheltered schemes, HMO's and Temporary accommodation.
- The Council has an Asbestos working group to ensure that a consistent approach to the management of asbestos is maintained.
- Staff who may work either directly or indirectly on properties which may contain asbestos are trained to understand the risks and how to manage them.
- All buildings identified as requiring monitoring as defined in Regulation 4, are programmed for re inspection no later than 12 months from the previous inspection period.
- Refurbishment, management and demolition surveys are carried out, as appropriate, with review and evaluation in accordance with a defined scope of works for all major repairs and improvement schemes.
- No works are permitted on properties known or suspected to contain ACM's until the relevant survey has been completed or confirmation that data already held in this system is accurate and sufficient for the required works by the Asbestos Manager and relevant Project officer/s
- Surveys are undertaken by approved UKAS accredited external consultants and uploaded on an electronic asbestos register in the relevant asset management system. Detailed procedural documentation defines how asbestos or presumed asbestos information is robustly communicated.
- Work to encapsulate or remove high risk asbestos will only be carried out by an approved contractor with an appropriate HSE licence and suitably qualified competent
- Work to encapsulate or remove low risk asbestos will be carried out by competent qualified individuals.

Fire Safety

South Kesteven District Council recognises its responsibilities under The Regulatory Reform (Fire Safety) Order 2005, The Fire Safety Act 2022 and the Housing Act 2004, The Building Regulations, and other relevant legislation to demonstrate and implement robust control measures to facilitate in the continuous conformity with legislation in the management of Fire risk.

All assets with communal spaces are risk assessed, as required, taking into consideration all known risk factors including archetypal risk, occupancy risk, passive and active fire management activities and external known factors.

A suitable Fire Risk Assessment (FRA) is undertaken by an appropriately trained and experienced competent person. These will be reviewed annually by the Fire lead and by an external competent person on a 2 or 3 year cycle dependant on property type as identified in the Fire Action Plan, including:

- The Council will maintain a register of all properties where it has a responsibility to provide an FRAs.
- The Council will maintain a register of all properties where specific cyclical fire safety systems and equipment management activities are identified.
- Any contact with the Fire and Rescue Service will be reported corporately.
- All relevant buildings will be risk rated utilising the fire prioritisation tool.
- Where identified through a fire risk assessment or prioritisation report a compartmentation survey will be completed. Buildings identified to be of a higher risk due to the nature of the building or tenants (sheltered schemes) will automatically undergo a compartmentation survey.
- Management actions and remedial works arising from the FRA and Compartmentation surveys are actioned and tracked to completion, including evidence of completion, including photographs and relevant certification, materials used and stored in the relevant asset management systems.
- Fire Safety systems and fire safety equipment where fitted, are maintained to the recommended standards through regular programmes of cyclical maintenance.
- Fire Safety in blocks is monitored on a weekly/monthly basis through internal safety checks.
- Fire Extinguishers will not be provided in blocks where there are no trained personnel.
- Any remedial works which cannot be or are not delivered within FRA advised timescales will be assessed by the Fire lead and other relevant stakeholders and appropriate risk mitigation measures will be taken to ensure ongoing tenant / resident safety.
- All vulnerable tenants in communal buildings will have a person centred risk assessment (PCRA) to support fire management of the property.
- Fire safety in individual dwellings is managed through the provision of domestic smoke detection systems which is checked annually by the Council.
- The structure of individual dwellings will be checked as part of stock condition surveys and during capital maintenance, for example, fire break walls will be checked during re-roofing projects.
- Vulnerable tenants in individual dwellings who may impact the fire risk will be referred to the Fire and Rescue Safe and Well Service
- The Council will routinely publish safety information and reminders to all tenants on fire safety.

Gas Safety

Gas safety is overseen by the Mechanical Contract Manager, in conjunction with the compliance team and Compliance Manager.

- All domestic properties with a gas-burning appliance will receive an annual service, no later than 12 months after the last service. The Council operates on a 10 month cyclical programme of gas servicing to allow sufficient time to gain access to service appliances within the required 12 month period.
- All properties with an open flued gas appliance will be fitted with a Carbon Monoxide detector
- Carbon Monoxide detectors will be checked annually as part of the gas servicing.
- All communal gas fired systems will receive an annual service no later than 12 months after the last service.
- Gas servicing, new installations and maintenance on gas systems will be undertaken in accordance with the statutory regulations, manufacturers guidance and the Councils specification of work.
- All engineers/contractors working on gas appliances must be Gas Safe registered and must provide proof of their registration prior to being allowed to undertake any works.
- Gas Safe Registrations will be validated by the Mechanical Contract Manager.
- All contractors undertaking gas works must provide relevant insurance and indemnities prior to starting works which must include adequate cover for undertaking hot works where appropriate.
- All engineers visiting residents' properties must show resident both their personal identification card and Gas Safe registration card prior to starting works.
- The Council will maintain a database of all service records and manage the programme of servicing using the relevant asset management system.

Electrical Safety

Electrical safety is overseen by a the Electrical Contract Manager with the additional responsibility for undertaking the Qualified Supervisor role as defined by National Inspection Council for Electrical Installation Contracting (NICEIC) .

The Repairs Manager holds the position of Duty Holder for the Council as defined by the NICEIC

- All dwellings and communal areas with electrical supplies will have an electrical condition inspection report (EICR) to the fixed wiring no later than 5 years from the previous inspection.
- All engineers working on electrical installations will be NICEIC registered and must provide proof of their registration prior to being allowed to undertake any works.
- NICEIC registration will be validated by the Councils Electrical Contract Manager.
- All contractors undertaking electrical works must provide relevant insurance and indemnities prior to starting works which.
- All engineers visiting residents' properties must show resident both their personal identification card and NICEIC registration card prior to starting works.
- Empty properties and properties where tenants have wish to undertake a mutual exchange will have an EICR undertaken prior to relet.
- Where a check is required for any other purpose than to renew the 5 yearly inspection and where there is a satisfactory EICR which is less than 12 months old, these checks and inspections may be a visual only, and this must be recorded on the NICEIC documentation.
- On completion of an inspection, an electronic Electrical Inspection Condition Report (EICR) will be provided to SKDC, and a paper copy sent to the resident.
- Where the inspection identifies category 1 and 2 failures (those which pose an immediate risk to life) the engineer will either;
- Rectify the issue whilst on site or;
- Decommission the system and immediately report to Electrical Contract Manager

- Based on the outcome of the EICR any rewiring requirements are identified and arranged. Anything identified as C1 must be rectified immediately as a high risk priority.
- The Council will maintain a database of all systems requiring an EICR.
- All items requiring a Portable Appliance test (PAT) in temporary accommodations are completed at void stage along with an electrical inspection of foxed wiring.

Water Hygiene

Water Hygiene within the Councils housing stock is managed by risk assessment.

Formal risk assessments are provided for communal water systems and these are overseen and reported on by the Compliance Team. Technical support is provided by the Housing Technical services Team for the completion of remedial and identified works. The Compliance Team retain responsibility to manage the risk assessment process and appointed contractor.

The legionella Protocol details the Councils approach to the management of communal water systems in general needs properties, sheltered schemes and any other water supplies and storage to communal areas; it does detail the management of water hygiene in individual dwellings not served by communal water supplies.

- All assessments will be undertaken by qualified assessors appointed through the appointed contractor.
- The Council will undertake risk assessments for all relevant properties every 2 years in line with the L8 Approved Code of Practice.
- All works and testing regime will comply with HSG274 Part 2: The control of legionella bacteria in hot and cold water systems.
- This will identify potential sources of risk and their potential harm, reflecting on the both the use of the building and its occupancy type.
- All actions which are identified will be undertaken with the timescales identified in the risk assessment.
- Where practicable, the approach will be to remove items posing high risk; however where this is not possible appropriate action plans for mitigation will be put in place.
- Individual dwellings not connected to communal water supplies will be risk assessed by a desk top exercise which will consider risk based on the type of domestic hot water system, number and vulnerability of occupants where known and type and number of outlets.
- A random sample of the properties will be selected for a formal risk assessment of that dwelling type to verify and inform the risk assessment process.
- Information to residents on the risks of legionella will be provided in the tenant handbook with reminders published in Skyline.

Passenger Lifts and other Specialist Equipment

Passenger Lifts and other Specialist equipment such as stair lifts, automatic doors pressure vessels, fall arrest etc, require servicing and statutory safety inspections at defined frequencies. Servicing and statutory compliance are performance managed by the Compliance Team with contract management provided by managers within the Housing Technical Services Team.

- All works and servicing to lifts and specialist equipment will be undertaken by qualified and experience engineers who hold qualifications and relevant experience to that equipment.
- Any engineers undertaking work will be expected to put in place relevant isolation and safety measure to prevent unauthorised use whilst works are taking place and ensure residents and occasional users of the building are fully informed during the works.
- Where practicable lifts will be programmed to return to ground automatically in the event of a fire or alternatively Fireman's Switches will be installed which allow for manual intervention by the fire brigade to ground lift cars.
- All lifts will have a working emergency call system.
- All lifts will be fully serviced annually, and a maintenance check will be undertaken every two months. Where any significant issues are identified lifts will be immediately decommissioned and be reported to the Council.
- Notices will be provided to inform residents of decommissioned lifts and approximate time for repair.
- Where low risk works are identified, these will report to the Contract Manager and put onto a planned works programme.
- Where lifts are to be decommissioned for more than 2 working days and no practicable alternative is available Council housing officers will engage all residents affected and put in place appropriate support plans.
- Specialist equipment will be serviced in accordance with the requirements of LOLER and manufacturers guidance.
- A register of all specialist equipment will be held by the Compliance Team and details of fixed assets recorded on the Housing Technical Services database.
- Certain types of specialist equipment will be registered with the Councils insurers.

Radon

Radon is a naturally occurring gas and the geographical features within the district of South Kesteven mean that it is likely we will identify some areas where radon gas may be present.

To ensure that we address the risks of radon gas within our Housing stock we are undertaking an indicative postcode search provided by Radon UK to:

- Identify domestic properties that are potentially sited within an affected area
- Establish a programme of passive testing of radon levels in our domestic properties that are within an affected area, using a competent Radon consultant and validated laboratory
- Review the test results and where the measurement of radon is above the Government recommended Action Level, identify suitable and sufficient control measures and/or remedial work, appropriate to the levels of radon detected, the type of property and its occupancy.
- Implement control measures and/or remedial work where required as soon as is reasonably practicable and within the defined timescales set out in the recommendations.
- Carry out re-measurement of radon levels within an appropriate time period (6 months) following implementation of control or remedial measures prompted by a test result that is above the Action Level.
- Communicate with our tenants providing information on radon and the need for testing, the risks and the importance of any radon remediation equipment.
- In cases of 'no access', the Council will ensure that it meets its legal obligations to rectify a hazard caused by radon exceeding the Action Level. It will do this, where appropriate, by obtaining warrants of entry.

- Schedule inspections of remedial measures at appropriate intervals within our works program to ensure any installations are kept in full working order.
- Re-assess radon levels in our domestic properties that are in an affected area within an appropriate timescale appropriate to the level of risk.
- Record on our housing management databases the details of every radon assessment, testing and any control measures and/or remedial installations.
- Ensure that any of the Council's new domestic properties within an affected area are designed and built with appropriate radon prevention measures in place.
- Promote the awareness of radon gas to our customers living in homes within a radon Affected Area through tenants' newsletters, leaflets and letters and link to the site below, ensuring that relevant information is made available upon request.

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COMPLIANCE CHECK REGIME

WORK PROGRAMME	FREQUENCY
Gas Appliance Servicing	Annual
Solid Fuel System Service & Sweep	Annual
Air Source Heat Pump / Electric Heating	Annual
Smoke & CO Detector check	Annual
Fire Detection Systems to blocks and schemes	Weekly/quarterly/half yearly/annually (as applicable for installed equipment)
Emergency Lighting in blocks and schemes	Monthly/half yearly/annually (as applicable for installed equipment)
Fire Fighting Equipment	Annually
Fire Door Assemblies	Monthly/half yearly/Annually (Based on setting & risk)
Periodic electrical installation condition inspection - Dwellings	5 yearly
Periodic electrical installation condition inspection - Communal Areas	5 yearly
Water hygiene/Legionella testing monthly on sheltered schemes and relevant flat-block schemes	weekly/Monthly/quarterly/half yearly/annually/Biennial (based upon task & setting)
Passenger Lifts	Annual service & independent Loler inspection

6. ACCESS TO PROPERTY

As a responsible landlord, South Kesteven District Council aims to maintain the condition of properties it owns and manages to ensure the safe welfare of occupants, as far as is reasonably practicable, at all times. In pursuing this aim SKDC will in a number of circumstances, require access to properties and adjoining grounds.

Right to this access is an express condition of the tenancy agreements and SKDC will expect that, given reasonable notice, access will be granted by the occupants of properties it owns and provides services to.

There are various reasons why the Council would need to secure access to properties it owns and / or manages on a pre-planned basis. Non exhaustive examples include:

- Access to carry out repairs which are the landlord's responsibility to complete.
- Access to carry out safety checks to ensure it meets its legal 'compliance' obligations e.g. to carry out annual gas safety checks in line with Landlord Gas Safety Requirements (LSGR) or fire risk works.
- Access to assess the general condition of properties or for the presence of known hazards e.g. asbestos surveys.
- Access to assess the need for, or to carry out investment works and property improvements to eliminate hazards or maintain / enhance asset values.
- Access to carry out tenancy audits to assess both the condition of the property and that the needs of tenants are being met effectively.

The access procedure is attached as Appendix 1.

South Kesteven District Council will make every effort to arrange appointments and gain access with the cooperation of the tenant. This would include via letters, phone calls, emails and visits from Housing officers.

In the vast majority of cases the above measures usually result in access being secured, however, there are occasions where the Council may be required to take tenancy or lease enforcement actions to secure access. This may include:

- Applying for injunctions from the courts to enforce the landlords 'right of access' .
- Serving 'Notices Seeking Possession' for breach of tenancy and applying to the courts to secure access and pursuing the above legal remedies for gaining access to properties will only be taken when all other reasonable attempts at contact and access by agreement have been exhausted.

7. DATA MANAGEMENT

All information regarding statutory compliance works must be held and recorded in the appropriate Asset Management System.

The area of compliance will change the type of information held, however, as a minimum this must include dates of inspection, completion and reinspection for stat compliance inspections, information of materials used to make good for example with Fire remediations and removal and cleanliness reports in relation to Asbestos.

Contractors undertaking safety checks will be expected to provide information on servicing in a format and frequency which allow the housing compliance team to update the information on the appropriate system and monitor performance and compliance.

The compliance team will be responsible for monitoring all data relating to compliance, including actions which flow, are correctly updated, stored and managed. This may be via spreadsheets or a proprietary system. They will be responsible for overseeing the compliance programme.

Teams within the Housing Directorate who are directly organising/ managing works and contractors are responsible for ensuring any compliance data they are in control of is recorded in the correct asset management system for audit and monitoring by the compliance team.

GDPR and Data Protection

The Council shares the commitment to ensure that all data is:

- processed lawfully, fairly and in a transparent manner
 - collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within the Councils Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage

8. QUALITY CONTROL

In order to provide overview and governance of compliance Housing Compliance the identified and established KPI's will be collated and provided to the Housing Management Senior team on a monthly basis, along with information on outstanding actions and plans to mitigate known risks or delays which may impact statutory compliance KPI completion. The Council will also :

- Provide internal audit via the Compliance team to identify gaps or areas to strengthen response and control
- Actively engage with external audit to provide assurance on figures and best practice adoption
- Where appropriate engage external specialist audit providers to provide assurance on contractor service provision e.g Gas and Electric contracts

9. EQUALITY IMPLICATIONS

Introduction

The Council is committed to providing an equal opportunity to the service for all of its tenants and leaseholders. Any action taken under this policy will comply with current equalities legislation.

Council Staff and Contractors

The Council' staff and contractors will operate in such a way to ensure that they meet the needs of individual residents and to ensure that they do not discriminate on the grounds of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex

- Sexual orientation

All contractors will be asked to provide copies of their Equality and Diversity Policies to the Council, prior to the award of any contract.

Procedures and Practices

The Council' staff and contractors will operate in such a way to ensure that their procedures and practices are sensitive to the needs of individual residents and to ensure that they do not discriminate on the grounds of:

- race and ethnicity
- age
- disability
- religion or belief
- gender

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- sexual orientation
- gender identity

Repair work and Maintenance programmes may from time to time need to be tailored to meet the needs of individuals, for example the priority of a repair may be increased for vulnerable residents. All cases will be considered on an individual basis.

Information

The Council will in all reasonable circumstances make information available in a variety of information formats, including for example:

- large print
- audio tape
- community languages

Where specialist services are required to ensure that information is accessible to the tenant or leaseholder, we will ensure that these are made available.

10. PERFORMANCE MONITORING

Introduction

The Council will monitor its performance in managing compliance with regulatory standards based on a standard reporting template.

This will be reported to the Corporate Management Team and the Housing Portfolio holder each month, with quarterly statistical reporting to the Housing Overview and Scrutiny Committee.

Compliance performance will form part of the corporate performance statistics reported routinely to full Council.

The expectation by the Social Housing Regulator to provide reports on our performance to our tenants will be met through the publication of compliance figures in the Annual Tenant Report published in Skyline.

The Councils performance will be benchmarked alongside other providers through our subscription to Housemark.

	Baseline number	Compliant	Non Compliant	% Compliant	Non Compliant during the reporting month	Non Compliant during reporting period	Comment
Legionella							
Gas							
Electrical							
Asbestos (re-inspections)							
Fire Risk Assessments							
Lift inspections							
Smoke & CO							
Damp & Mould							

11. POLICY REVIEW

This policy will be reviewed by the Council every two years unless there is a change in legislation or regulation.

Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 3 months of the legislation or regulation coming into effect.

The Protocols and Management Plans supporting this policy are working documents and will be reviewed to routinely to reflect best practice. These will be presented to the Housing Overview and Scrutiny for review every two years.

Appendix 1

South Kesteven District Council “No Access” Procedure

1. PURPOSE

The purpose of this document is to provide guidance for Contractors and SKDC Housing employees to follow in relation to the **NO ACCESS** procedure when attempting to access a tenanted property to carry out work required as part of our asset management or for health & safety purposes. It is intended to clearly show the key stages within the procedure showing time scales and activities that must be completed.

2. SCOPE

This procedure is to be adopted by all SKDC Housing employees involved in the process of arranging works and managing tenancies. In particular, access to ensure works and services for the following areas of work which cover planned and compliance activity:

- Gas and Solid Fuel Servicing and safety checks
- Electrical Installation Condition Reports
- Water Hygiene safety checks
- Fire safety checks
- Radon gas safety checks and monitoring
- Surveys to carry out property condition reports
- Planned maintenance and upgrades

3. RESPONSIBILITIES

It shall be the responsibility of the Contract Manager to ensure that Contractors who are engaged on work where access is critical, are aware of the procedure and maintain the standards contained in it. Any variations to the procedures must be documented and signed off by one of the following:

- Health & Safety and Compliance Manager
- Head of Housing Technical Services

It is the responsibility of the Contractor to ensure that all subcontractors and employees are aware of the procedures.

4. GUIDANCE

The Council needs to show that actions and methods used to gain access are “Reasonable” .

The majority of the access appointments that we need to undertake our landlord obligations are not supported by statute. At this time only the requirements of the 1998 Gas Safety (Installation & use) Regulations place an absolute duty on Landlords to service and inspect gas installations on an annual basis. They allow for an “MOT” style service where the service can be completed up to two months before the due date. The certificate will still retain the original due date.

How far do I need to go if the Tenant prevents access for a gas safety check?

Appendix 1

South Kesteven District Council “No Access” Procedure

A landlord has to show that they took all reasonable steps to comply with the law. The HSE recommends the following best practice in these circumstances and strongly advises that a record be kept of all correspondence with the Tenants:

- *leave the Tenant a notice stating that an attempt was made to complete the gas safety check and provide your contact details;*
- *write to the Tenant explaining that a safety check is a legal requirement and that it is for the Tenants own safety. Give the Tenant the opportunity to arrange their own appointment;*

*HSE inspectors will look for at least three attempts to complete the gas safety check, including the above suggestions; however the approach will need to be appropriate to each circumstance. **It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.** It is also considered a good idea to include arrangements for access in the tenancy agreement. (Extract from HSE Website)*

The Council will adopt the process as defined by the HSE as part of a three stage process attached as Appendix 1.

The access process and procedure has been designed around the provision of access for gas and will be applied to all aspects of access for other compliance and property related works.

The rationale for this approach is to ensue consistency with tenants and enable a robust approach to accessing property to carry out other compliance or essential surveys and works.

Procedure

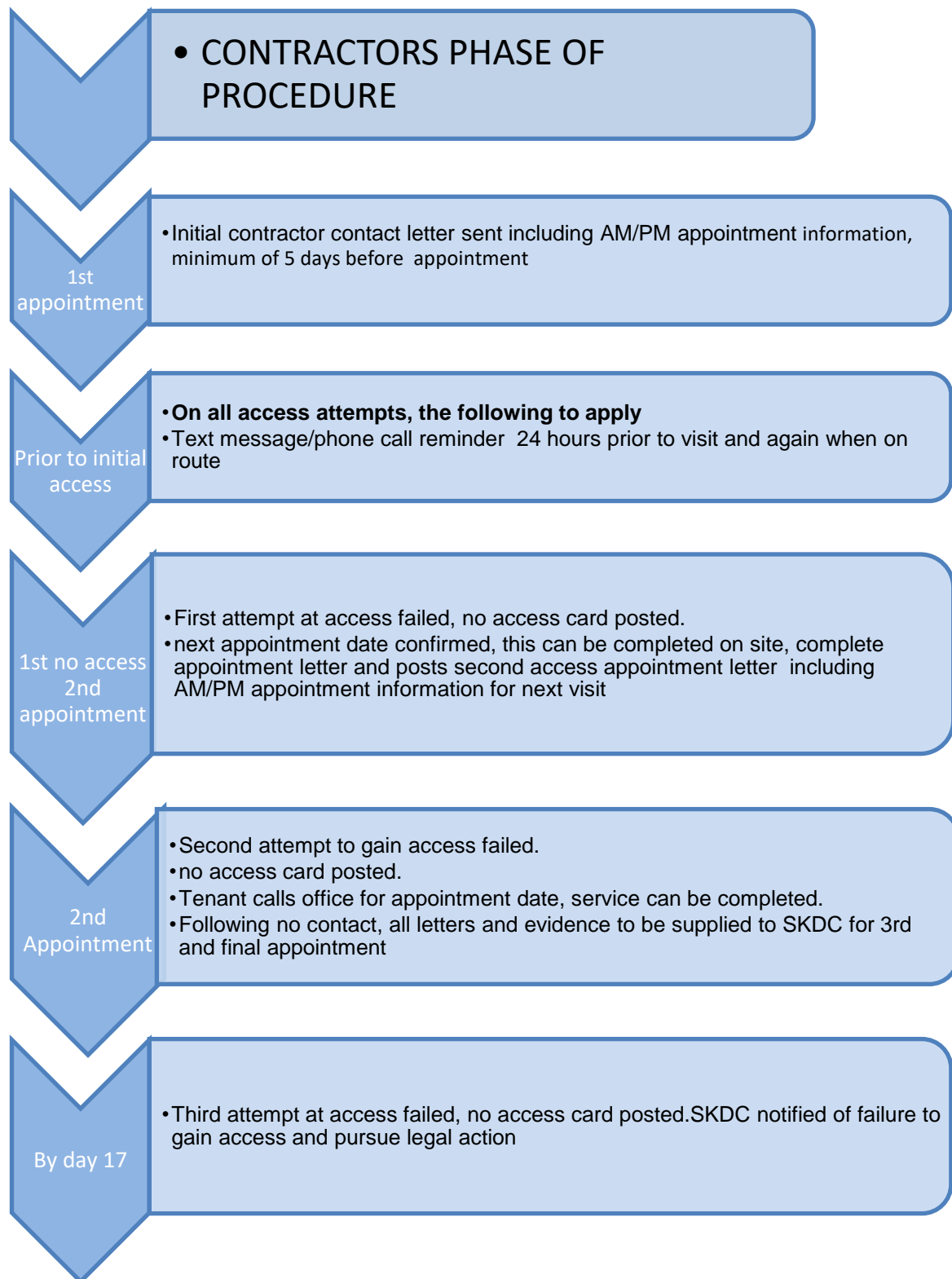
The flow chart attached at appendix 1, details the process for access and the actions which can be taken at each stage and the responsibilities of each party in the process.

Dates of all failed access attempts and contact, will be recorded and documented and SKDC will pursue retrieval of costs for missed appointments and associated legal action.

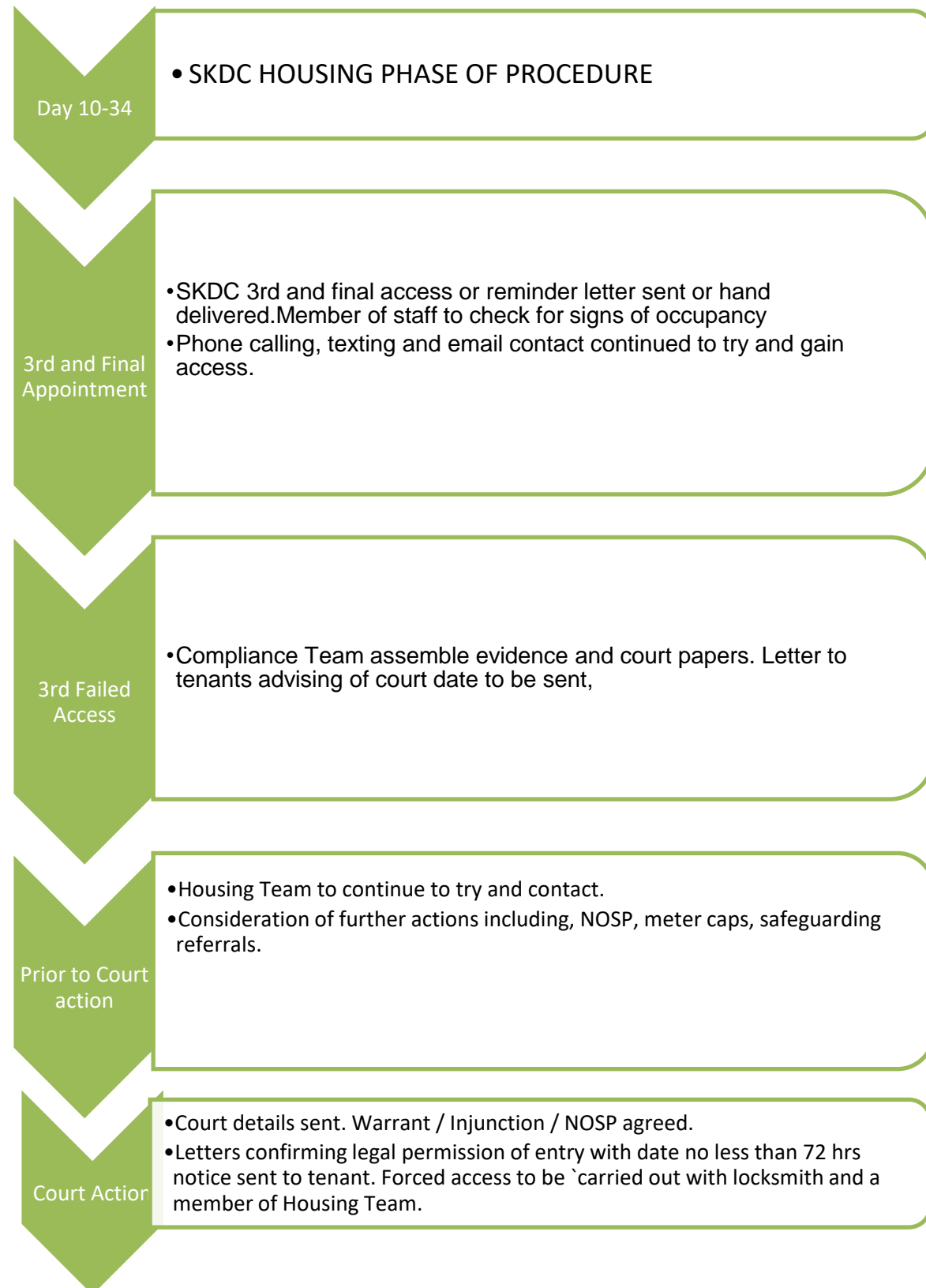
During the process outlined below, should the Tenant contact and make an appointment with the contractor and subsequently keep that appointment, the process will stop at the point certification or confirmation is received from the Contractor.

Tenants are encouraged to rearrange appointments, rather than miss the appointment altogether and this presents a risk to the process that 1st access can move significantly further into the process and if sustained no access, or repeated rearranging of appointments occurs there is insufficient attempts and paperwork for court action. In these cases, staff and contractors need to ensure that unless there is a valid reason, e.g., holiday / contagious illness etc, that the rearranged appointment is within the 14-day appointment window for that stage. Where this is exceeded, a missed appointment may be recorded, and the property needs to be flagged and case managed.

South Kesteven District Council “No Access” Procedure



South Kesteven District Council “No Access” Procedure



Appendix 1

South Kesteven District Council “No Access” Procedure

Guidance for complex cases

Financial Hardship

Tenants need to be in credit on their gas and electric meters during compliance visits. The gas servicing and electrical test regimes can identify tenants in financial hardship.

Visits should be made by Tenancy Services to ensure that they are signposted to the correct services.

Meters are often capped at the request of tenants who are in hardship and capped meters will be checked annually to ensure that the caps remain in place.

SKDC will retain a register of capped meters and Tenancy Services will make contact with tenants to check that the tenant is not at risk and undertake a risk assessment where appropriate.

Hoarding

It is recognised that tenants who hoard are reluctant to allow access.

Tenancy Services will engage with the tenant to agree actions to allow clear access to areas of the property required. Safeguarding referrals will be made along with signposting to support services.

Illegal Activity

The compliance testing schedules, and property surveys can often identify illegal activity, cannabis grows, meter bypass etc. Once identified Tenancy Services will engage with partners to establish what action is required.

The contractor will notify the Statutory authority of any damage or illegal activity to gas or electric meters.

Vulnerability

Previous cases of no access have identified vulnerable tenants who have been hospitalised, or who feel unable allow access due to their health.

Where a property can be capped at the meter to safeguard the property during periods that the tenant may not be home, this should be recorded and explained to the tenant or their advocate.

Where a tenant is not allowing access due to their health, this needs to be case managed, with tenants signposted for support. Tenancy Services will lead this process, with close liaison with the Compliance Team to ensure that the property remains safe and compliant. All steps to engage the tenant need to be documented and recorded as they may form part of a legal process to gain access.

Where a tenant will not engage with us, we will need to refer this through for legal action.

Guidance for Meter Capping

Where the meter is accessible, capping can be considered in the following circumstances:

- Where the gas or electric meter is in debt.
- Where repeated access has not been provided and will proceed for legal action. A risk assessment will need to be completed for this action to be approved by the Tenancy Services Manager and Health & Safety and Compliance Manager.

Appendix 1

South Kesteven District Council “No Access” Procedure

- Where an abandonment notice has been served or where a property is believed to have been abandoned. This is as a safety precaution in the event of theft of equipment, e.g., copper pipe, boiler, wiring.

Risk Assessment

Where it becomes necessary to undertake a risk assessment, this must consider the following impacts:

- Time of year and weather conditions
- Number and vulnerability of occupants
- Any known medical conditions

The risk assessment needs to be recorded and filed.

Where meters are capped, a card should be posted to advise the tenant that the meter has been capped, with contact details to arrange for the meter to be uncapped and any works carried out.

Legal Process

The Council is not allowed to access a property without permission from the Tenant. For legal and audit purposes this will need to be made in writing if a tenant is not present and even then this presents a risk to the Authority.

Any attempt to access a property by force or without the necessary permissions or legal authorisations is illegal and exposes the Council to legal challenge, financial penalty and reputational damage.

Once all attempt at contact and case management have failed, legal access will need to be pursued to gain access in accordance with the tenancy agreement.

There are a number of options for legal action:

Legal Process	Actions Required	Team Responsible
Notice Seeking Possession Served on the basis of breach of tenancy.	Tenancy Services to collate all documentation and issue.	Tenancy Services to submit applications to Court and manage Court attendance
Warrant of Entry Can only be used for specific purpose under the Environmental Protection Act 1990. Urgent access under Regulation 36(3)(a) of the Gas Safety (Installation and Use) Regulations 1998	Individual Warrant applications need to be filed with corroborating evidence	Compliance Team prepare and submit warrants. Court attendance to managed by Tenancy Services

Appendix 1

South Kesteven District Council “No Access” Procedure

Abandonment Notice Where a property does not appear to be lived	Refer to the Abandonment Process	To be managed by Tenancy Services
Injunction Injunction request made to Court on the basis of no access for safety inspections	Compliance to collate all evidence for non access to include events of gas, electric, repairs and any other no access event. This should include historic information. Tenancy Services to prepare legal injunction paperwork.	Tenancy Services to manage Court process

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Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Total Housing Compliance Policy
2. Summary of aims and objectives of the policy/funding activity/event	The Total Housing Compliance Policy aims to define, at a strategic level, the intent and arrangements for ensuring that each of the key risks defined in the Social Housing Consumer Regulations.
3. Who is affected by the policy/funding activity/event?	South Kesteven District Council tenants and leaseholders
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	The Policy is based around current legislation and guidance and there is an obligation on the local authority for total compliance. Due to this there is no requirement for consultation.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	A new housing IT system and processes are being put into place, which will monitor and evaluate the impact of the policy.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	All our Housing Stock will be robustly monitored for compliance purposes inline with the policy to ensure that health and safety remains paramount for our tenants. All vulnerabilities will be considered as part of any action that is possible inline with the policy.	n/a
Disability	Positive	All our Housing Stock will be robustly monitored for compliance purposes inline with the policy to ensure that health and safety remains paramount for our tenants. All vulnerabilities will be considered as part of any action that is possible inline with the policy.	n/a
Gender Reassignment	Neutral	All our Housing Stock will be robustly monitored for compliance purposes inline with the policy to ensure that health and safety remains paramount for our tenants.	n/a
Marriage and Civil Partnership	Neutral	n/a (applicable only to employment legislation)	n/a
Pregnancy and Maternity	Positive	All our Housing Stock will be robustly monitored for compliance purposes inline with the policy to ensure that	n/a



		health and safety remains paramount for our tenants. All vulnerabilities will be considered as part of any action that is possible inline with the policy.	
Race	Positive	<p>The Council will in all circumstances make information available in a variety of information formats, including for example:</p> <ul style="list-style-type: none"> • large print • audio tape • community languages <p>Where specialist services are required to ensure that information is accessible to the tenant or leaseholder, we will ensure that these are made available.</p>	n/a
Religion or Belief	Positive	<p>The Council will in all circumstances make information available in a variety of information formats, including for example:</p> <ul style="list-style-type: none"> • large print • audio tape • community languages <p>Where specialist services are required to ensure that information is accessible to the tenant or leaseholder, we will ensure that these are made available.</p>	n/a
Sex	Neutral	The Council will not treat the resident less favourably due to their sex.	n/a
Sexual Orientation	Neutral	The Council will not treat the resident less favourably due to their sexual orientation.	n/a
Other Factors requiring consideration			
Socio-Economic Impacts	Positive	<p>The Council will ensure that tenants meet the costs of any legal action should they prevent the council from achieving non-compliance in the event for example of failed access.</p> <p>All cases will be considered on an individual basis.</p>	n/a
Carers (those who provide unpaid care to a family member, friend or partner)	Positive	All our Housing Stock will be robustly monitored for compliance purposes inline with the policy to ensure that health and safety remains paramount for our tenants. All vulnerabilities will be considered as part of any action that is possible inline with the policy.	n/a



Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status

Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?		
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed		
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		



Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Celia Bown – Senior Housing Policy and Strategy Officer and Phil Swinton – Health and Safety and Compliance Manager
Officer Responsible for implementing the policy/function etc	Phil Swinton – Health and Safety and Compliance Manager
Line Manager	Julie Martin – Head of Technical Services
Date Completed	07 th November 2023
Date of Review (if required)	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

6 February 2024

Report of Councillor Phil Dilks, Cabinet Member for Housing and Planning

Tenancy and Estate Management Policy

Report Author

Jodie Archer, Head of Housing Services



Jodie.archer@southkesteven.gov.uk

Purpose of Report

The purpose of the Tenancy Management Policy is to outline the circumstances in which changes to a tenancy may happen and any possession action which could be taken, why this could happen and the tenancy support which will be offered.

The purpose of the Estate Management Policy is to set out our approach to the delivery and management of estate services to internal and external communal areas.

Recommendations

That Cabinet:

1. Notes the contents of the report, policies and appendices.
2. Approves the Tenancy and Estate Management Policy for adoption.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents Healthy and strong communities Clean and sustainable environment High performing Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Any financial implications associated with the implementation of this policy will need to be met from existing budgets.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 There are no legal implications arising from the development of this policy.

Completed by: Mandy Braithwaite, Legal Executive

2. Background to the Report

2.1 The Tenancy Management Policy

- 2.1.1 This policy sets out the circumstances in which changes to a tenancy may happen (for example, assignments, mutual exchanges or successions) and the circumstances in which any tenancy agreement, provided by the Council, will end due to possession action (including evictions).
- 2.1.2 This policy sets out the support offered to tenants and the processes that will be undertaken before an eviction is carried out, to ensure that all possible alternative remedies are explored.
- 2.1.3 The overall aim of this Policy is to ensure that legal action (including evictions) is carried out only after:
- other options have been exhausted and tenancy management remedies proved ineffective
 - that proper authorisation is obtained
 - that an up-to-date risk assessment is carried out prior to the eviction
 - that any eviction is carried out lawfully
- 2.1.4 Both the Council and tenants have responsibilities with Tenancy Management. At the start of a tenancy, the Council will make every effort to ensure that tenants understand and are fully informed of all the responsibilities and activities associated with maintaining a tenancy. The Council has a duty to all its tenants and the wider community on its estates, to ensure they are able to live in an environment that is well maintained, safe and secure.
- 2.1.5 Tenants have a responsibility to ensure they actively manage their tenancy to prevent the need for possession proceedings being raised. Failure to do this may lead, after other tenancy management options have been exhausted, to possession action being taken by the Council.

2.2 The Estate Management Policy

- 2.2.1 The purpose of this policy is to set out our approach to the delivery and management of estate services to internal and external communal areas.
- 2.2.2 We are committed to ensuring the estates meet Council's standards, alongside being mindful of the management services required and focusing on keeping service charge costs reasonable. Estate management is the responsibility of tenants and the Council.

- 2.2.3 Our intention is to minimise negative impact on the environment in delivering our estate management service and this forms a key part of our procurement policy and process.
- 2.2.4 Estate management reflects the wider role that the Council has in areas where there are clusters of Council owned properties. In these areas, the Council is more than just a landlord but is also responsible for neighbourhood sustainability and some aspects of the environmental quality in the local area.
- 2.2.5 The service objectives of the policy are to maintain a high standard that delivers value for money in the upkeep of clean, green and safe estates:
- To have estates that the Council and our residents are proud of
 - To ensure we have clear standards, that residents know what to expect from the estate management service, including obligations for both the Council and residents
 - To ensure our services deliver value for money and we are clear on what we are charging for
 - To maintain a regular, visible presence on estates
 - To ensure we comply with all Health & Safety requirements
 - To encourage residents to take responsibility for their environment/estate

3. Key Considerations

- 3.1 Key considerations are the content of the policies, the consultation undertaken and the Equality Impact Assessments.

4. Other Options Considered

- 4.1 The alternative option would be to not have these policies. However, to meet the Regulator of Social Housing standards; how we manage tenancies and our estates are set out.

5. Reasons for the Recommendations

- 5.1 It is recommended that Cabinet approve to adoption of the Policies. These will provide clarity on how the operational services are provided.

6. Consultation

- 6.1 Consultation took place both with team members and tenants. A staff workshop to discuss these policies was held earlier in the year.

- 6.2 Tenants workshops were held both in the north and south of our district and both in March 2023.
- 6.3 A website consultation inviting tenants to comment on the policies took place between 21st August and the 18th September.
- 6.4 Feedback from this consultation was taken into account in the drafting of the final policy.

7. Appendices

- 7.1 Appendix 1A – Tenancy Management Policy (draft)
Appendix 1B – Estate Management Policy (draft)
Appendix 2A and 2B – Equality Impact Assessments for both policies.

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Tenancy Management Policy

Service Area		Housing & Communities	
Policy Owner		Tenancy Services Manager	
Introduced	2023	Last Reviewed	n/a
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Introduction

The purpose of this policy is to outline the circumstances in which changes to a tenancy may happen and any possession action which could be taken, why this could happen and the tenancy support which will be offered. The Council and tenants' responsibilities in the management of tenancies (which includes the management of anti-social behaviour and rent arrears) are set out in the Tenancy Agreement.

1. Scope of the Policy

- 1.1 This policy sets out the circumstances in which changes to a tenancy may happen (for example, assignments, mutual exchanges or successions) and the circumstances in which any tenancy agreement, provided by the Council, will end due to possession action (including evictions). An eviction is defined as the recovery of accommodation, owned or managed by the Council, and happens by using the legal processes that are available.
- 1.2 This policy sets out the support offered to tenants and the processes that will be undertaken before an eviction is carried out, to ensure that all possible alternative remedies are explored.
- 1.3 The Council will ensure the implementation of this policy does not discriminate between tenants on any grounds. The Council will enhance the promotion of equal opportunities by publishing standard information and documentation in different languages and other formats, as required.

2. Objectives and Principles of the Policy

- 2.1 The overall aim of this Policy is to ensure that legal action (including evictions) is carried out only after:
 - other options have been exhausted and tenancy management remedies proved ineffective
 - that proper authorisation is obtained
 - that an up-to-date risk assessment is carried out prior to the eviction
 - that any eviction is carried out lawfully
- 2.2 The specific objectives of the Policy are:
 - a) to prevent homelessness occurring by exhausting all other tenancy management remedies, where appropriate;
 - b) to provide early intervention in an attempt to prevent eviction occurring;
 - c) to define the authorisation process for an eviction enforcement;
 - d) to deal with evictions in a consistent way;

- e) to protect the wellbeing and interests of occupiers and other residents in the community; and
- f) where necessary, to take appropriate action to protect the assets and income of the Council.

2.3 The principles underpinning the Policy are:

- a) the housing service will clearly explain to tenants specific actions they must take to avoid legal action at each stage;
- b) the housing service will actively promote joint working with other Council departments and external agencies;
- c) that procedures and agreed practices will be implemented consistently across the service;
- d) that training will be provided to ensure all staff are fully equipped to carry out the roles expected of them; and
- e) that all communication will be in plain language and will make clear who the appropriate officers are to provide advice and assistance.

3. Legal framework

- 3.1 The Council will ensure that the Policy meets all legislative, regulatory and good practice requirements and minimises evictions being carried out. This will include, but is not restricted to, the Housing Acts 1985 and 1996 (and subsequent legislation), the Localism Act 2011, the Pre Court Protocol, ASB Crime and Policing Act 2014, the requirements of the Regulator of Social Housing, and any Chartered Institute of Housing's good practice.
- 3.2 The Council will ensure that no tenant's human rights are breached by the implementation of this policy, in accordance with the Human Rights Act 1998. Consideration is also given to the responsibility of the Council in promoting and assisting in the building of sustainable and balanced communities.
- 3.3 In addition, the Council will ensure that no personal data relating to legal action is passed to a third party in breach of the Data Protection Act 2018 and General Data Protection Regulation 2018 without the explicit consent of the tenant(s) or in compliance with other legislation. This will include information given to other occupiers of the property and elected Members.
- 3.4 The decision to grant a possession order and then a warrant of execution (eviction) can only be made by the County Court, not the Council. The grounds for possession are contained within the relevant Housing Acts. For secure tenants, possession will only be granted when the court is satisfied that it is reasonable to do so and that the Council has adhered to the prescribed legal process. The Court will decide whether to grant a possession order in line with the relevant legislation for all other tenure.

4. Tenant's responsibilities

- 4.1 The term 'tenant' refers to sole and any joint tenants.
- 4.2 If two or more people have signed a tenancy agreement they are jointly and severally liable for ensuring that the tenancy conditions are adhered to. The conditions of a tenancy are set out in the Tenancy Agreement.
- 4.3 Tenants have an obligation under the terms and conditions of their tenancy agreement to ensure:
 - the actions of those living in, or visiting, their property is acceptable.
 - pay rent due every week on or before the first day of each rental period.
- 4.4 Tenants have a responsibility to ensure they actively manage their tenancy to prevent the need for possession proceedings being raised. Failure to do this may lead, after other tenancy management options have been exhausted, to possession action being taken by the Council.
- 4.5 Tenancy Support will be offered to help someone to meet their tenancy conditions. Please see section 6 on how the Tenancy Support service can help.

5. Council's responsibilities

- 5.1 At the start of a tenancy, the Council will make every effort to ensure that tenants understand and are fully informed of all the responsibilities and activities associated with maintaining a tenancy. Tenants will be encouraged to take appropriate action to prevent placing their tenancy at risk.
- 5.2 The Council has a duty to all its tenants and the wider community on its estates, to ensure they are able to live in an environment that is well maintained, safe and secure. This includes taking appropriate action against those living in, or visiting, Council tenancies when the behaviour of the person threatens to disrupt the community and put the safety and security of other tenants and residents at risk.
- 5.3 The Council has a duty to protect its housing stock and rental income. Enforcing the terms of the Tenancy Agreement assists with this.
- 5.4 Tenants will be advised of the consequences of failing to adhere to the Tenancy Agreement. This will include any action that may be taken by the Council to remedy a situation.
- 5.5 Where appropriate, tenants will be offered support and assistance to ensure their tenancy is maintained successfully. This will be via a Housing Officer and/or a Tenancy Support Officer. They can advise on action to take to comply with tenancy

conditions. For example, supporting a tenant with their rent obligations and how to be a good neighbour.

6. Tenancy Support

6.1 How the Tenancy Support service can help. This will include (but not limited to):

- Help in maintaining tenancies
- Budgeting advice;
- Money maximisation (eg. making sure a tenant is receiving all welfare benefits and tax credits, where eligible);
- Help with putting a repayment plan into place for any rent arrears
- Developing tenants' domestic/ life skills and behaviour
- Accessing other local community organisations/ support
- Liaising with external agencies
- Support and advice

6.2 How the service works and how a tenant can access it

When a tenant needs support, we will, with permission:

- Complete an initial assessment form and establish the tenant's needs
- Contact the tenant with the outcome of the assessment, the name of their allocated support worker and offering a first appointment
- Be honest when we are unable to help or where a tenant's needs would be better met by an alternative agency and signpost or refer them on where needed.
- Gradually reduce support when a tenant's needs have been met as far as possible and be available after support ends to answer any questions, depending on the tenant's needs.

Requests for support can be made via a Council employee or an external support agency.

7. Repossession preventative action

7.1 The Council will ensure that all reasonable steps will be taken to remove the need for court action to enforce the terms of the tenancy. This will include early, regular and sustained intervention to avoid the escalation of a situation.

7.2 The Council will follow an escalation policy based on preventative measures that are proportionate to the level of the situation.

7.3 In all situations where the Council feels that it is reasonable to recover possession of a property, the Council will ensure that reasonable preventative measures have been taken to avoid eviction. This will include the use of voluntary and alternative processes. For example, referring to the Tenancy Support Team for tenancy

support. The Council's Housing Options Service will be notified whenever a Notice is served.

- 7.4 Where there is a risk of abuse, violence and/or danger to neighbours, colleagues or the person who is being evicted, the Council will act quickly and appropriately to ensure the risk is minimised.

8. Assessment, Support and Liaison with other agencies

- 8.1 The Council will undertake a risk assessment for all tenants when it is identified that their tenancy is at risk.
- 8.2 During the assessment, the tenant's needs will be identified. Existing and future sources of support will also be identified. Tenants will be encouraged to obtain advice from a solicitor or housing advice centre.
- 8.3 Where an external agency or Council service is providing support, full co-operation will be given by Tenancy Services to try to resolve a situation without the need for legal action to recover possession of a property. However, the Tenancy Services team retains the right to proceed with possession action where there are overwhelming housing management issues e.g. chronic anti-social behaviour with a high likelihood of re-offending.
- 8.4 The Council's Housing Options Service will be formally notified of all eviction dates.
- 8.5 In all cases, where the tenant's household includes dependent children, the eviction will be notified to the Lincolnshire County Council's Children's Service.

9. Authorisation for possession action and subsequent eviction

- 9.1 Where enforcement action is taken, this will be proportionate to the breach of tenancy conditions. The Council will clearly state what action the tenant must take to resolve the issue and use an escalation process to advance action where the issues continue.
- 9.2 It is impossible to consider all possible circumstances where legal action becomes appropriate. Equally, it is appropriate for there to be internal checks and balances on the Council resorting to legal action in respect of a tenancy. Accordingly, officers will use their judgement within a framework.
- 9.3 Generally, possession action will be considered in the following circumstances and where there is no alternative action:
- a) where there are excessive rent arrears and no effective agreement;
 - b) where there are rent arrears and a history of broken agreements to repay;

- c) where there is a significant breach of tenancy and appropriate time and advice/support has been given for it to be rectified;
 - d) where there are a number of less significant breaches of tenancy and appropriate time and advice/support has been given for them to be rectified;
 - e) where there is evidence of significant neighbour nuisance and appropriate time and advice/support has been given for this to be rectified;
 - f) where there is a criminal conviction related to the use of the property (e.g. possession of illegal drugs found at the property) or in its locality; and
 - g) evidence of serious anti-social behaviour (ASB) in the locality of the property.
- 9.4 The Council will ensure it follows the correct legal procedure involved when taking possession action. This will include serving tenants and qualifying occupiers with a Notice of Possession Proceedings, Notice of Seeking Possession or a Notice To Quit. The Council will keep accurate file notes, which could be used as evidence in Court.
- 9.5 The Council will normally contact tenants prior to serving them with a Notice to advise them of the process involved and the legal requirement placed on the Council to serve the appropriate Notice. In exceptional circumstances, possession proceedings can begin immediately i.e. as soon as the Notice is served. This will be confirmed to the tenant, in writing, and the reason for the immediate possession action will also be notified.
- 9.6 The tenant's personal circumstances, including vulnerability and communication difficulties, will be considered in all cases. The Council considers the service of the Notice as an opportunity for the tenant to understand the consequences of continuing tenancy breaches, and a clear opportunity to rectify those breaches.
- 9.7 In deciding to make an application to Court, the following is considered in all cases:
- a) that all relevant regulatory guidance has been taken into account;
 - b) that South Kesteven District Council's own policies and procedures have been followed;
 - c) that the pre-action protocol for possession claims has been followed;
 - d) that alternative solutions and interventions have been considered and/or exhausted;
 - e) that the Council has had due regard to the Equalities Act (2010)
 - f) that the requirements of the Disability Discrimination Act (1995) and the Equality Impact Assessment have been met; and
 - g) that adequate support has been provided for vulnerable tenants.
- 9.8 The Council will apply for a possession order having considered all facts of the case. In serious circumstances, the Council may seek outright possession from the outset. Outright possession will always be sought for Introductory and Non Secure tenants.

- 9.9 Where the Court has issued an outright possession order, a date will be specified for the tenancy to end. The Council has the right to recover the tenancy on or after the date specified on the order.
- 9.10 The Council will evict the tenant(s) as soon as possible after the date specified on an outright possession order. However, if an outright order is granted for rent arrears, and full payment of the rent arrears and Court costs is made prior to the eviction, the eviction may be withdrawn. This is at the discretion of the Tenancy Services Manager or the Assistant Director of Housing, considering previous conduct, any vulnerability and any other relevant tenancy concerns. Tenants will be fully advised of this.
- 9.11 Breaches of a suspended order, or, where an outright order is obtained, where the tenant does not return the property to the Council, means a further application must be made to the Court, for a Warrant of Execution (eviction).
In deciding to apply for an eviction, the following is taken into account:
- a) where an outright order has been obtained;
 - b) where there is clear evidence of continued tenancy breaches, significant either in frequency or impact;
 - c) where opportunity has been given to remedy the breach(es), but they have not been resolved;
 - d) where the tenant is in significant rent arrears (as assessed by the Council) since the Court order was issued and has been given opportunity to catch up, or where the tenant is repeatedly failing to make payments as ordered by the Court;
 - e) where there is clear evidence of risk to the community, or to Council Officers or contractors.
- 9.12 Where there is clear evidence that the tenant has abandoned the property, the Council can consider taking possession of the property. For example, the property may have been abandoned, left unsecured, and at risk of vandalism.
- 9.13 Tenants and any occupiers who are due to be evicted will be fully advised of any homelessness responsibilities the Council has towards them. This will be provided by the Council's Housing Options section and will include advice and assistance on temporary accommodation, if the tenant is eligible for this.
- 9.14 **Possession action will only be used as a last resort and only after all other tenancy management remedies prove ineffective.**

10. Carrying out an eviction

- 10.1 An eviction cannot be carried out unless the County Court has granted an order for possession and a Warrant of Execution has been granted.
- 10.2 The County Court will advise tenants of their date of eviction. A home visit or office interview will be undertaken to give advice, including the role of the Court and how

to make an application to suspend a Warrant. Where there are other occupiers of the property (e.g. a lodger), officers will be careful not to breach Data Protection requirements. However, general advice will be given, including the option of an interview with the Council's Housing Options team.

- 10.3 The County Court Bailiff carries out the eviction, not Council employees. However, the Housing Officer will be present, together with the Council's Contractor (to obtain access). All evictions will require a specific risk assessment; if necessary, and on a risk management basis, other staff and/or partner agencies will attend.
- 10.4 Evictions will be carried out following legal guidelines and in accordance with good practice.
- 10.5 Locks will be changed after each eviction and a detailed void inspection of the property, garden and any outbuildings made. This will be in accordance with the Council's Voids Policy.
- 10.6 All tenants evicted will be recharged for the expenses incurred by the Council during and after the eviction. This will include legal expenses and the cost of any rechargeable repairs. A robust, risk-based approach will be taken where belongings are left behind by the tenant. This may involve storage of items of value for a reasonable period before disposal.
- 10.7 Tenants who have been evicted will be liable for all debts they have with the Council after their eviction takes place.

11. Related Policies, Procedures and Guidelines

- 11.1 This policy should be read in conjunction with the:

- Tenancy Agreement
- Tenants Handbook
- Tenant Involvement Strategy
- Estate Management Policy
- Domestic Abuse Policy
- Repairs Policy
- Recharge Policy

12. Equality and Diversity

- 12.1 South Kesteven District Council is committed to delivering quality services to all, responding positively to the needs and expectations of all users to the service. We are dedicated to providing an accessible service for all applicants regardless of factors such as:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexuality

12.2 Equal Opportunities information will be requested from all applicants. This information will be monitored to ensure assignments are accessible to all client groups, that we promote equal opportunities, value diversity and tackle social exclusion.

13. Review and Complaints Process

- 13.1 A review process exists for tenants who are not satisfied with the way the Council has dealt with their tenancy. They should, in the first instance, ask for an explanation from the Housing Officer. If the tenant is not satisfied, he/she can contact the Tenancy Services Manager, who will review the case.
- 13.2 If the tenant remains dissatisfied, the tenant will be advised of the Council's Complaints procedures.
- 13.3 The Council operates a Housing Customer Feedback Policy. This can be obtained via the Council's website at: www.southkesteven.gov.uk

Requested by letter addressed to:

South Kesteven District Council, Council Offices, The Picture House, St.Catherines Road, Grantham, NG31 6TT

13. Performance Monitoring

- 14.1 The Council will monitor performance on evictions using the following performance indicators:
- the total number of notices served for introductory and secure tenancies; and
 - the number of evictions.

- 14.2 The above performance indicators will be reported to tenant representatives and Elected Members as required.
- 14.3 The Council will review this Policy two years after adoption unless legislative or regulatory changes mean an earlier review is necessary.

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Appendix 1 – ASSIGNMENTS

1. INTRODUCTION

- 1.1 An assignment is where a tenancy is legally transferred to another person during his/her lifetime. The incoming tenant (the 'assignee') occupies the property under the same terms as the previous tenant (the 'assignor') and becomes the tenant, with the same rights and responsibilities of the assignor. It can transfer from an existing Council tenant to a new tenant or between existing Council tenants.

2. FORMS OF ASSIGNMENT

- 2.1 The following types of assignment will be considered:

- General Assignment, which is usually assignment to a potential successor (further details in the Succession Policy).
- An assignment by way of a mutual exchange with another South Kesteven District Council tenant or another Local Authority tenant or other Registered Provider tenant (further details in the Mutual Exchange Policy).
- By a court order following a relationship or matrimonial breakdown or orders relating to children. For example, a County Court Property Adjustment Order where an instruction is given by the courts to assign the tenancy from one parent to the other.

- 2.2 South Kesteven District Council may not consent to the assignment of a secure tenancy in the following circumstances:

- Where an introductory tenancy is in place;
- The assignor is not intending to live in the property permanently or as his/her main principal home;
- There are arrears of rent of at least 8 weeks or other breaches of tenancy and legal action has been taken to avoid the breach continuing, this can include

letters before Court action;

- The assignee has former tenancy arrears;
 - The tenancy is subject to Court action being taken by South Kesteven District Council and/or there is an Injunction Order or Possession Order in force.
 - If the property is not suitable for the needs of the assignor (including, but not limited to, the size of the property if it caused overcrowding or under-occupation, or their disability needs, as recommended by an Occupational Therapist) ; or
 - The property is specially adapted and the adaptations are not required by the proposed new tenant or a member of their household.
- 2.3 Reference will be made to the tenancy agreement in all cases where a request for an assignment is received. Different agreements give tenants different rights with regard to assignments.
- 2.4 The Tenancy Services Manager will consider any discretionary succession cases for determination.

4 MARRIAGE AND CIVIL PARTNERSHIPS

- 4.1 If a tenant changes his or her name, there is no assignment. The tenant will simply be required to provide evidence of this name change with the original marriage/civil partnership certificate or a certified copy of such. The tenant's name will be changed on the rent account and a note will be made and attached to the tenancy agreement of the change of name and the date on which it came into effect.
- 4.2 There is no statutory provision for the assignment of a sole to joint-tenancy assignment. However, South Kesteven District Council will recognise the desire of an existing tenant to make such a request and will not reasonably refuse it, if we are satisfied that:
- The existing tenant, free from coercion or duress, agrees to the request, and
 - The existing tenant and his/her spouse or civil partner have lived together at the property for not less than 12 consecutive months prior to the date

of the request, and the existing tenancy is not subject to an order for possession of the property, or no other steps have been taken against the existing tenant with regard to an alleged breach of tenancy and

- The potential assignee can fully satisfy the requirements under Part VI of the Housing Act 1996.

5 RELATIONSHIP BREAKDOWN

- 5.1 South Kesteven District Council acknowledges there will be times when relationships breakdown and we will offer appropriate housing advice to tenants and/or spouse/partners. This policy applies equally to circumstances with married and cohabiting couples; households with and without children; and all joint tenancies with varying circumstances such as family relationships.
- 5.2 In any joint tenancy, if an agreement is reached over housing arrangements following a relationship breakdown, the tenancy may be transferred to a sole tenancy but this can only happen following a South Kesteven District Council management decision given in writing (see 6.1 of this policy).
- 5.3 If the property is suitable for the needs of the family household, South Kesteven District Council will always aim to ensure the tenancy is assigned to the sole tenancy of the parent / guardian who will have main care and responsibility of any children, or other dependents or where the Court directs by way of a Court Order. Under these circumstances, South Kesteven District Council will provide suitable advice to the departing tenant.
- 5.4 In the event of a relationship breakdown and the tenancy is in a sole name, South Kesteven District Council recognises the right of the named tenant to remain at the property. Advice will be given to the departing person to find alternative accommodation.

6 PROPERTY ADJUSTMENT ORDERS (COURT ORDERED ASSIGNMENT)

- 6.1 The Matrimonial and Family Proceedings Act 1984 (as amended); and the Matrimonial Causes Act 1973 (as amended) both state that a Property Adjustment Order can be made when the Court:
- Makes a decree nullifying a marriage
 - Makes a decree of judicial separation

- Makes a decree of divorce
- 6.2 The Courts can also make Orders for cohabiting couples and civil partners.
- 6.3 The Courts can order an actual transfer of the property under the Family Law Act 1996 (as amended) / Childrens and Families Act 2014, which can also allow for the transfer of any liabilities such as rent arrears, etc. In addition, under the Children Act 1989, the Court can make Orders in favour of children under 18, and allows a property to be assigned from one parent to another.
- 6.4 In a joint tenancy, South Kesteven District Council is not able to arbitrate between two partners who are unable to reach an agreement in a relationship breakdown. In these circumstances, both partners will be informed to seek separate independent legal advice from a family and/or housing solicitor or specialist advisor with a view to seeking to make such an Order. South Kesteven District Council will abide by any Property Adjustment Order made by the Court.

7 CHANGING A JOINT TENANCY TO A SOLE TENANCY

- 7.1 As assignment from a joint tenancy to a sole tenancy cannot be made in law. Instead, South Kesteven District Council can make a discretionary decision for a transfer to take place from one type of tenancy to the other. This decision would be made by the Tenancy Services Manager. These management decisions are usually made where, for example, relationships have broken down or a joint tenant has left the remaining joint tenant in the property. South Kesteven District Council will consider written requests.
- 7.2 If a tenant is in breach of the secure tenancy, South Kesteven District Council may reasonably refuse or withhold its permission to the request until the breach is resolved. In some circumstances, South Kesteven District Council may allow the transfer of tenancy under the following circumstances:
- The tenancy is not subject to a possession / money judgment/debt relief order, and/or;
- 7.3 South Kesteven District Council will not transfer any outstanding arrears or debt to the tenant remaining in the tenancy. Any agreement reached between the joint tenants to address the breach/arrears is an informal agreement between themselves, which is not recognised by South Kesteven

District Council, for the purposes of reaching a decision on the request to transfer the tenancy. Any outstanding rent will remain the liability of the joint tenants.

- 7.4 The only exception to this is if it is evident that the breach is deemed to be the sole responsibility of one party and it would not be reasonable to penalise the other party for the breach.
- 7.5 If this breach includes a possession order and/or a money adjustment order, it will remain the responsibility of both joint tenants to satisfactorily resolve this matter by addressing the breach and seeking to have any Orders discharged in the County Court.

8 CHANGING A SOLE TENANCY TO A JOINT TENANCY

- 8.1 South Kesteven District Council will consider an application requesting a change of tenancy from a sole tenancy to a joint tenancy for tenants and their spouse/civil partner. A decision will be made by a manager and the tenant will be notified formally in writing.
- 8.2 South Kesteven District Council will use discretion on deciding if consent will be given to a generational or intergenerational assignment of sole to joint tenancy.
- Generational (assignment between tenant & brother; sister; cousin or non- relation).
 - Intergenerational (assignment between tenant with daughter; son; niece; nephew or grandchildren)

9 ASSIGNING A SOLE TENANCY TO A SOLE TENANCY

- 9.1 South Kesteven District Council will consider a request for assignment from one sole tenancy to another sole tenancy for tenants and their spouse/civil partner.
- 9.2 South Kesteven District Council will use our discretion on deciding if consent

will be given to a generational or intergenerational assignment of sole to sole tenancy.

- Generational (assignment between tenant & brother; sister; cousin or non- relation).
- Intergenerational (assignment between tenant with daughter; son; niece; nephew or grandchildren)

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Appendix 2 – MUTUAL EXCHANGES

1. PURPOSE

- 1.1 South Kesteven District Council recognises that because our customers' needs change throughout their lives and tenancies, this may result in a need to move homes. Exchanging homes is often the easiest and quickest way to move.
- 1.2 This policy sets out the approach to be taken by South Kesteven District Council in enabling tenants to exchange their tenancy with another tenant. This could be with either: another South Kesteven District Council tenant, another Local Authority tenant or a tenant of another registered provider.

2. POLICY STATEMENT

- 2.1 South Kesteven District Council will maximise the opportunities for mutual exchange. We will meet our obligations under legislation and those set out in tenancy agreements on mutual exchange.
- 2.2 We will participate in national and local mobility/exchange schemes (details are on our website). We will provide tenants with access to these mobility/exchange schemes, where there is value for money for tenants and South Kesteven District Council, to do so.
- 2.3 Tenants can mutually exchange to any part of the UK. However, tenants may be restricted from moving to a property or overcrowding may be withheld.
- 2.4 We will carry out an electric and gas safety check on all our properties. The electric check will take place prior to a move and we will carry out the gas safety check within 24 hours post the mutual exchange taking place.

3. CONTEXT

- 3.1 South Kesteven District Council's tenants on secure and fixed term tenancies have a legal right to exchange their home (statutorily and through rights given in the tenancy agreement). Introductory tenants have no right in law to mutual exchange.
- 3.2 Tenants are not being offered a new tenancy but 'swapping' (assigning by way of exchange) an existing tenancy, regardless of whether it is a secure, assured or fixed term tenancy, except where s.158 of the Localism Act, 2011 applies. Tenants take over the terms and conditions of each other's tenancy and could, for example, be swapping a secure tenancy for a fixed term tenancy.

4. POLICY OUTLINE

4.1 Landlord's Consent

- 4.1.1 South Kesteven District Council will require you and your exchange partner(s) to complete a mutual exchange application form. We have 42 days (6 weeks) to provisionally approve or reject an application from the date of when we have received application forms from all parties involved.
- 4.1.2 If consent is to be withheld, a notice must be served within 42 days of the tenant's application to exchange. The notice must specify the ground for withholding consent and give reasons for it.
- 4.1.3 If the other landlord of a mutual exchange refuses consent and there is reason to believe that the refusal was not reasonable, it is the responsibility of the other tenant, and not South Kesteven District Council or South Kesteven District Council's tenant, to pursue this. This right can be legally enforced only by the tenant against the landlord.

4.2 Tenant's Responsibilities

- 4.2.1 It is the tenant's responsibility to pursue potential exchanges.

- 4.2.2 A tenant needs to discuss the condition they are willing to accept the property in, with the person they are exchanging with, before a move takes place. If tenants are not happy to accept the property in the condition it is in, then the tenants should not agree to move.
- 4.2.3 South Kesteven District Council may potentially refuse to rectify repair works which are accepted by the incoming tenant.

4.3 Implications of assignments of Mutual Exchange

- 4.3.1 Each tenant takes on the terms and conditions of the other party's tenancy.
- 4.3.2 The exchange may result in a change of tenancy type eg. from secure to assured. Consequently tenancy rights will alter, e.g. loss of Right to Buy and a fair rent. We will fully explain the implications prior to any exchange.
- 4.3.3 The incoming tenant cannot be held responsible for liabilities under the tenancy prior to the date of exchange, e.g. rent arrears.
- 4.3.4 The incoming tenant accepts the property in the condition, as per the signed disclaimer.
- 4.3.5 Other than repairs which South Kesteven District Council will carry out (and recharge the outgoing tenant), South Kesteven District Council will not undertake any other work to the property including internal redecoration or cleaning.
- 4.3.6 Tenants moving by mutual exchange will not qualify to receive decoration vouchers offered by South Kesteven District Council and will be expected to cover their own removal costs.

4.4 Handling Mutual Exchange Applications

- 4.4.1 We will determine an application to exchange within 42 days (6

weeks) of receipt of the fully completed original application.

- 4.4.2 Written permission must be obtained from all landlords involved in the mutual exchange before any exchange takes place.
- 4.4.3 We will not unreasonably refuse consent. Grounds by which a request to exchange is refused or granted conditional consent, are detailed in Appendix 2 and 3. Applicants need to be eligible to go on our housing register.
- 4.4.4 If South Kesteven District Council tenants are not happy with the way in which their mutual exchange application has been dealt with (rather than the decision, as this is made in accordance with the grounds in appendix 2 and 3) they have the right to make a complaint. Any feedback can be addressed to:

Complaints@southkesteven.gov.uk or feedback@southkesteven.gov.uk

4.5 Mutual Exchanges without permission

- 4.5.1 If tenants exchange without permission from all landlords concerned, the exchange is not legal. The options available to the landlords involved are:
- to confirm the exchange and ask the tenants to complete the paperwork (this option will only be in exceptional circumstances);
 - to take action and the tenants return to their original property (if the original property is still available)
- 4.5.2 Failure to ask for permission to exchange can result in legal action and charges incurred.

4.6 Conditional Consent

- 4.6.1 Providing the tenant is notified within the statutory 42 days, South Kesteven District Council can attach a condition to any consent. We will notify the tenant of the condition in writing and the timescales for completion.

4.7 Mutual Exchange Withheld

- 4.7.1 The grounds by which a request to exchange is withheld are detailed in Appendix 2 and 3.

4.8 Waive the right to refuse a Mutual Exchange

- 4.8.1 South Kesteven District Council will endeavour to work with tenants affected by any extenuating circumstances (considered on a case by case basis) including, but not limited to, welfare reform, including applicants who are under-occupying.

- 4.8.2 This means that South Kesteven District Council may choose to approve an exchange, even if they have grounds by which they could refuse it, if the exchange is into a South Kesteven District Council property and would:

- improve the tenant's financial situation
- resolve under-occupation
- result in a repayment of arrears outstanding to South Kesteven District Council

- 4.8.3 If South Kesteven District Council exercises a waiver, this would happen prior to completion of the mutual exchange with approval from the Tenancy Services Manager. If there are rent arrears, there will also be a requirement to repay these through a repayment plan.

- 4.8.4 Prior to any mutual exchange being finalised, the tenant will need to sign a declaration to demonstrate to South Kesteven District Council that s/he has been formally informed and they understand the requirement to pay the debt. Also, the tenant has been notified that failure to adhere to the terms of repayment of this debt may result in further actions being taken against them.

4.9 Safeguarding

- 4.9.1 Where an exchange involves a tenant who is considered to be vulnerable, particular care and consideration will be given to ensure there is no coercion, exploitation or safeguarding concerns.

5. ELIGIBILITY

5.1 Secure Tenancies

- 5.1.1 The Housing Act 1985, s.92 (as amended by the Local Government and Housing Act 1989, s.163) states that every secure tenant may, with the consent of their landlord, assign their tenancy to another secure or assured tenant, who also has the written consent of their landlord and satisfies the conditions under the aforementioned legislation.

5.2 Assured Tenancies

- 5.2.1 The Local Government and Housing Act 1989, s.163 allowed assured tenants to exchange with secure tenants.
- 5.2.2 Schedule 3 of the Housing Act, 1985 (refer to Appendix 2) lists the grounds by which a mutual exchange request can be refused in cases where one tenant is a secure or assured tenant.

5.3 Fixed Term Tenancies of 2+ years

- 5.3.1 The Localism Act 2011 allowed social landlords to grant tenancies for a fixed length of time. Section 158 and section 159 of the Act relate to the transfer of tenancies.
- 5.3.2 Section 158 of the 2011 Act does not apply in relation to—
- (a) an assured shorthold tenancy for a fixed term of less than two years,
 - (b) a periodic assured shorthold tenancy,

- (c) an assured shorthold tenancy where the rent payable under the tenancy is—
 - (i) Affordable Rent;
 - (ii) Intermediate Rent;
 - (iii) Mortgage Rescue rent; or
 - (iv) Shared ownership rent

(and accordingly, the transfer of tenancy provisions in that section do not apply in relation to assured shorthold tenancies of those kinds).

5.3.3 Example of exchange with fixed term tenant: if Tenant A (a secure or assured lifetime tenant, whose tenancy was granted prior to 1 April 2012) and Tenant B (a fixed term tenant) wish to exchange, and consent is given, then Tenant A must be granted another tenancy, which is the same as their original tenancy (secure or assured). This only works once and so will not be possible on subsequent mutual exchanges.

5.3.4 Tenant B is not protected; it is up to the landlord to decide what type of tenancy to offer Tenant B. South Kesteven District Council's position is set out in the Tenancy Policy.

5.3.5 Schedule 14 of the Localism Act 2011 (refer to Appendix 3) lists the grounds by which a mutual exchange request can be refused in cases where one tenant is a fixed term tenant.

5.4 Introductory tenancies

5.4.1 South Kesteven District Council introductory tenants can only exchange in exceptional circumstances. Each tenant's circumstances will be considered on their own merit. The Tenancy Services Manager will determine cases that are considered exceptional. In order to enable a mutual exchange to take place, both tenants must gain landlord's consent to formally exchange.

5.5 Exchanging with tenants of different tenure

5.5.1 The Localism Act 2011, s.158 introduced a protection for secure and assured lifetime tenants, who were granted their tenancy prior to 1 April 2012. This means that if they exchange with another tenant, they keep the same tenure, regardless of the tenure of the other tenant they are exchanging with.

5.5.2 Mutual exchanges will take effect by either an assignment of tenancies or by surrender and re-grant of each tenancy, in accordance with the relevant legal and regulatory provision. The appropriate mechanism of exchange is based on tenure types. This is explained in a table (Appendix 4).

6. IMPLEMENTATION OF THE POLICY

6.1 The effective implementation of this policy and the procedures includes responsibility for ensuring all requests are regularly maintained; relevant aspects of the Council's website in relation to mutual exchange are kept up to date; and all options for a customer to consider are made available to them.

6.2 Once a mutual exchange application is made, we will keep in regular contact with applicants and adhere to the customer service standards in the handling of the mutual exchange within the legal timescales (42 days).

6.3 We will monitor the effectiveness of the Mutual Exchange Policy and Procedures through annual review.

Appendix 3 – SUCCESSIONS

1 INTRODUCTION

- 1.1 When a Council tenant dies it may be possible for a joint tenant, husband/wife/civil partner, or other family member to take over the tenancy. This is known as a succession. The rights of tenants to succeed to a secure tenancy are laid down in section 87 of the Housing Act 1985.
- 1.2 The Localism Act 2011 (s.160) limits who can succeed to a tenancy unless a landlord specifically permits succession to others as part of its tenancy agreement. The changes made by the Localism Act are not retrospective and can only take effect for new tenancies created after April 1st 2012.

2 THE RIGHT TO SUCCEED – ALL SECURE TENANCIES

- 2.1 There can only be one succession to a secure tenancy, so if the deceased tenant was a successor to the tenancy, there are no further succession rights in law. However, the Council does have discretion on this, as set out in the 'Discretionary Successions' section below (section 4).
- 2.2 Certain conditions must be met to allow a succession to take place. These are: the deceased tenant must have been using the property as their main and principle home before their death. The person wishing to succeed to the tenancy must be a spouse/civil partner or a member of the family.
- 2.3 A successor fulfilling the requirements set out in Section 160 of the Localism Act 2011 to succeed automatically becomes the tenant and therefore succeeds to all the responsibilities, liabilities and duties of the tenancy including the obligation to pay the ongoing rent and the service charges.
- 2.4 Where more than one family member has succession rights, it is expected that the family will decide who should succeed to the tenancy. Where they are unable to agree, the Council will make the decision based on the criteria in section 4 of this document.
- 2.5 The successor succeeds to the tenancy, not the property. A successor

who is the joint tenant, spouse or civil partner of the deceased may be requested to move to a different property if it is more suitable. Full reasons will be given in these circumstances. A suitable property will be offered instead.

- 2.6 Deciding whether a successor should be asked to move will be made by the Council on a case by case basis. A decision to ask a successor to move will usually (but is not restricted to) be because:
- a property will be under occupied by the successor by more than one bedroom;
 - the property is designated for older people;
 - the property is adapted for a person with a disability.
- 2.7 The following factors will also be considered in making the decision:
- whether a suitable alternative property is available;
 - whether the successor meets the requirement for an older persons or adapted property;
 - whether the successor has a health or disability concern which would make a move to an alternative property undesirable and have an adverse impact on their health.
- 2.8 Where a succession is granted, but the successor is required to move to more suitable accommodation, the successor will be given additional priority on the Council's housing register to assist them to move quickly. Two suitable offers will be made, which if refused and it is considered to be an unreasonable refusal, this will result in a notice to commence eviction proceedings if the tenant will not move.
- 2.9 The target for a decision to be made on an application is 6 weeks from the date of the request.

3 THE RIGHT TO SUCCEED – WHO QUALIFIES

- 3.1 Tenancies signed up on or before 31st March 2012:
- 3.1.1 These rights apply to people who were signed up for an introductory tenancy, or whose introductory tenancy was converted to a secure tenancy before 31st March 2012.
- 3.1.2 Where a tenant dies the legal title to the tenancy can pass to a successor

in the following order of priority:

1. A joint tenant (Survivorship);
 2. The tenants spouse or civil partner, if they were living in the property at the time of the tenant's death;
 3. The tenants common law partner, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew or niece, including step, adoptive or half- blood relations who are 18 years of age or over (or 16 and 17 year olds to be considered on a case by case basis) and have resided at the property for at least 12 months prior to the date of death and remains there at the time of death.
- 3.1.3 A tenant whose tenancy agreement began before 31st March 2012, who later transfers to another property owned by South Kesteven District Council under a secure tenancy, will keep their original succession rights as set out above.
- 3.1.4 Mutual exchange tenants will not keep succession rights to the original tenancy.
- 3.2 Tenancies signed up on or after 1st April 2012:
- 3.2.1 Where a tenant dies the legal title to the tenancy passes to a successor in the following order of priority:
1. A joint tenant (Survivorship);
 2. The tenant's spouse or civil partner. In this case a cohabitee is considered to have the same status as a spouse or civil partner.

4 DISCRETIONARY SUCCESSIONS

- 4.1 For tenancies which started on or after the 1st April 2012, the Council may, at its own discretion, consider a request to grant a discretionary succession to a tenancy. Discretionary succession may apply to a person who has resided at the property for at least 12 months prior to the date of death and remains there at the time of death.
- 4.2 The Tenancy Services Manager will consider any discretionary succession cases for determination. This discretionary decision would formally be made in writing by the Council.

- 4.3 The Council will consider each case on its own merit, but key factors in deciding whether to grant a discretionary succession may include, but will not be limited to, the following:
- The length of time the applicant has shared the former tenant's home.
 - The vulnerability and needs of the applicant.
 - The housing needs and housing rights to any other accommodation of the applicant and any relevant child.
 - The financial resources of the applicant.
 - The likely effect of any decision by the Council not to exercise its powers on the health, safety, or well-being of the parties and of any relevant child.
 - The nature of the applicant's relationship to the deceased.
 - The suitability of the applicants as tenants.
 - The demand for housing in the area the property is in.
 - Whether granting of a discretionary tenancy would be the best use of the Council's stock.

5 WHERE NO SUCCESSION IS PERMITTED

- 5.1 Where a tenant has died, and there are other people still resident in the property who are not entitled to succeed to the tenancy, the Council will:
- Investigate whether the occupant is eligible under homelessness legislation to be re-housed. If this is the case, the Council will allow a reasonable amount of time for an offer of a suitable property to be made.
 - If the offer of a suitable property is unreasonably refused, the Council may serve notice to commence eviction proceedings.
 - Give appropriate advice and assistance to the occupant to find suitable alternative accommodation. This will include, but is not restricted to, liaison with private landlords. After 28 days, the Council will serve notice to commence eviction proceedings in order that the property can return into the Council's housing stock. If there are personal representatives of the deceased tenant, a copy of the notice to quit will also be served upon the Public Trustee and/or the personal representatives.

- 5.2 Whilst a succession application is being considered and the occupant is still resident in the property, the occupant is liable for 'use and occupation' charges.

6 IMPLEMENTATION OF THE POLICY

- 6.1 We will ensure the implementation of this policy and the procedure is effective. We will do this by ensuring that once a succession application is made, we keep in regular contact with applicants and adhere to the customer service standards in the handling of the application.
- 6.2 We will also monitor the effectiveness of the Successions Policy and Procedures through regular review and updating of caseload activity.

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South Kesteven District Council
Estate Management Policy
2023

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1. Policy Statement

The Council is committed to delivering clean, green and safe estates. The way we manage our estates directly affects the quality of life and environment enjoyed by our residents. The purpose of this policy is to set out our approach to the delivery and management of estate services to internal and external communal areas. Where we refer to an estate within the service this can refer to a block of flats or a collection of bungalows/houses with shared internal and/or external areas.

The standards and policy principles outlined refer to where the Council is the freeholder or service provider for that estate. Where this is the case, the Council commits to working with the relevant parties to agree a set standard of delivery; which will be published to residents, where appropriate.

We are committed to ensuring the estates meet Council's standards, alongside being mindful of the management services required and focusing on keeping service charge costs reasonable and in line with our Rent Setting and Service Charge Policy. Estate management is the responsibility of tenants and the Council. There are several teams within the Council and external companies who are responsible for this and support a common understanding and consistent delivery. There is an agreed Council estate management standard that details specifications of the standards that will be delivered.

We take environmental crime (which is the misuse of communal areas, for example, fly tipping) seriously and will work with relevant agencies in ensuring these are dealt with quickly. Our intention is to minimise negative impact on the environment in delivering our estate management service and this forms a key part of our procurement policy and process. All estate service contracts will be procured in accordance with our procurement policy and in line with the relevant section 20 consultation requirements. We will focus on value for money and be mindful of keeping service charge costs reasonable for our residents.

2. Legal and Regulatory Framework

2.1 Legal requirements are detailed in:

Landlord and Tenant Act 1985

Common and Leasehold Reform Act 2002

Housing Act 1996

Housing and Regeneration Act 2008

2.2 Regulatory Framework:

The Regulator of Social Housing sets out Regulatory Standards (last updated April 2020), which comprise of economic and consumer standards. The regulatory standard applicable to this policy is the 'Neighbourhood and Community Standard'.

Required Outcomes

1. Neighbourhood management

Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

2. Local area co-operation

Registered providers shall co-operate with relevant partners to help promote social, environmental and economic wellbeing in the areas where they own properties.

3. Anti-social behaviour

Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Specific expectations

1. Neighbourhood Management

Registered providers shall consult with tenants in developing a published policy for maintaining and improving the neighbourhoods associated with their homes. This applies where the registered provider has a responsibility (either exclusively or in part) for the condition of that neighbourhood. The policy shall include any communal areas associated with the registered provider's homes.

2. Local area co-operation

Registered providers, having taken account of their presence and impact within the areas where they own properties, shall:

- a) identify and publish the roles they are able to play within the areas where they have properties.
- b) co-operate with local partnership arrangements and strategic housing functions of local authorities where they are able to assist them in achieving their objectives.

3. Anti-social behaviour

Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.

In their work to prevent and address ASB, registered providers shall demonstrate:

- (a) that tenants are made aware of their responsibilities and rights in relation to ASB

- (b) strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- (c) a strong focus exists on preventative measures tailored towards the needs of tenants and their families
- (d) prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- (e) all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- (f) provision of support to victims and witnesses

3. Service Objectives

To maintain a high standard that delivers value for money in the upkeep of clean, green and safe estates

- To have estates that the Council and our residents are proud of
- To ensure we have clear standards, that residents know what to expect from the estate management service, including obligations for both the Council and residents
- To ensure our services deliver value for money and we are clear on what we are charging for
- To maintain a regular, visible presence on estates
- To ensure we comply with all Health & Safety requirements
- To encourage residents to take responsibility for their environment/estate

4. Estate Management

Estate management reflects the wider role that the Council has in areas where there are clusters of Council owned properties. In these areas, the Council is more than just a landlord but is also responsible for neighbourhood sustainability and some aspects of the environmental quality in the local area. Estate walkabouts will be undertaken to ensure that issues on the estates are highlighted. Other teams, local stakeholders and key partners may be invited to attend.

5. Communal areas

The Council owns and manages approximately 6000 properties across the district, including sheltered housing schemes. Some of these types of accommodation have communal areas which are maintained by the Council, which includes;

- specific areas linked with blocks of flats or grouped dwellings, both internally and externally
- open space owned by the Council
- internal areas like the communal lounge/ activity space, guest room facility, communal entrance doors, stairs, corridors, lifts, sheds, laundry/drying areas and facilities for refuse disposal
- external areas like bin areas, sheds, drying areas, communal gardens, the footways owned by the Council, grassed or landscaped areas, garage sites and forecourts,
- parking areas, fencing and walls
- lifts

Access to the internal communal areas is usually through a secure door entry system. Visitor access to each flat is via a key or fob. Tenants and leaseholders should not allow access to any visitors for another property or a visitor who cannot provide official identification. Regular occurrence of this may be deemed a breach of tenancy. Maintenance of the communal areas is the responsibility of the Council. The Council is committed to keeping communal areas free from fire and other health and safety hazards.

The Council will ensure they are kept clear of items that can increase the intensity of a fire, increase the risk of a fire starting by the introduction of an ignition source or giving off toxic smoke. It is essential therefore that all tenants and leaseholders make sure that communal areas are kept free from personal effects, plants and tables. Items such as mobility scooters, bikes and pushchairs left in communal areas can cause trip hazards and obstruction to occupants escaping the fire and the Fire Service entering the building to rescue occupants or tackle the fire. No items should be stored in communal areas. Storage cupboards, for example where communal cleaning materials might be stored, will always be kept locked. It is a requirement of the Lincolnshire Fire and Rescue Service to ensure that fire safety regulations are met and fire escape routes are clear. This is essential in maintaining the safety of all other tenants and leaseholders, staff and fire officers. Tenants and leaseholders will be requested to remove any other items in communal areas and in the case of repeated breaches, items may be removed and disposed of.

6. Living in Flats

Tenants and leaseholders in flats will, in many instances, have neighbours to the side, above and below their property, as well as shared access through communal areas. As such, further consideration is required by tenants and leaseholders to reduce nuisance to neighbours. The

majority of apartment blocks are fitted with security doors. Tenants and leaseholders should not prop open security or fire doors, or allow access through them to anyone they do not know or who cannot provide official identification. Tenants and leaseholders are also responsible for the behaviour of their visitors and should ensure appropriate access. Tenants and leaseholders who allow visitors to repeatedly cause nuisance to neighbours by pressing the entry system will be considered to be in breach of their tenancy. Furthermore, tenants and leaseholders are responsible for the behaviour of visitors in the communal areas and in their flats and should ensure that visitors do not use abusive or offensive language, do not litter or graffiti communal areas, do not cause obstruction and keep noise to a minimum. This behaviour will be in breach of the Tenancy Agreement and action may be taken against the tenant(s).

7. Living in Sheltered Housing

Sheltered housing is primarily for older people and offers a shared and secure environment in which to live. Sheltered housing refers to groups of bungalows or flats, with their own kitchen, bathroom and front door with some support by a Sheltered Housing Officer provided on site once a week or as needed. The facilities and the level of support will vary between schemes. Some properties have emergency alarms and pull cord systems. All sheltered blocks have communal areas which may include lounges, guest rooms, communal bathing facilities and gardens. Tenants and leaseholders within sheltered housing will be expected to maintain the comfort and safety of other residents and visitors through appropriate use of communal areas, including:

- Acting in a considerate manner and not using abusive or offensive language.
- Not removing official documentation or information from notice board areas.
- Avoiding putting potentially offensive material within communal areas.
- Not removing items from communal areas without permission from the Council.
- Treating all fixtures and fitting, including communal furniture, with care and respect.
- Ensuring that all visitors behave in an appropriate and considerate manner.
- Ensuring that all events taking place in communal areas are agreed beforehand with the Scheme Co-ordinator and all residents are invited to attend.
- Adhering to the tenancy agreement within the shared communal areas around respect, inclusion, equality and tolerance.
- The considerate and fair use of parking bays.

8. Fire Management

Fire safety equipment includes:

- Emergency lighting
- Fire alarms
- Smoke alarms
- Smoke detectors
- Smoke vents
- Door magnets
- Door closures
- Fire exits

We will manage this equipment through:

- Weekly tests at the sheltered housing schemes
- Monthly tests at blocks of flats (fire safety equipment where appropriate and Health & safety hazards)
- Quarterly more detailed fire safety equipment testing
- Fire risk assessments are conducted for every block every two years by an approved, qualified Fire Risk Assessor

We have a fire action plan in each block of flats and sheltered housing scheme.

It is the responsibility of each tenant and leaseholder to report any fire risks to the Council.

9. CCTV and Security Lighting

The Council may choose to make use of Closed Circuit TV (CCTV) technology to help improve the management and security of tenants, leaseholders and visitors. Use of CCTV will be advertised in all areas where it is in use. Footage from CCTV may be used as evidence in any legal proceedings. Security lighting is not generally fitted to Council accommodation unless the tenant is particularly vulnerable due to age, disability or domestic violence. In these

instances low level security lighting may be installed and maintained in line with the Responsive Repairs Policy.

10. Pest control

Where pest infestations are identified within communal areas, the Council is responsible for organising treatment. If, during investigations, it is found the pest infestation is from a tenant's property, the tenant must organise treatment.

11. Graffiti and Fly Tipping

It is the Council's aim to keep all estates safe and clean. The Council has a zero tolerance stance on graffiti and will do everything in its powers to ensure any offenders are dealt with as quickly possible. Fly tipping is a crime that blights our communities, it is unsightly, can be hazardous and can lead to injuries both to the public and wildlife and is costly to remove. Therefore, all graffiti or the illegal dumping of waste (known as fly tipping) on all estates will be removed as soon as possible. Where graffiti is considered to be racist or offensive, this will be prioritised after being reported. Rubbish that is dumped and considered to be a health and safety hazard will also be removed as a priority after being reported. Legal action can be taken against householders whose waste is tipped (whether they know about it or not), which can lead to a fine or imprisonment for those found guilty of fly tipping.

12. Litter and Dog Fouling Enforcement

The Council will proactively work to raise awareness of not littering or allowing dog fouling on the estates, particularly where complaints are received. Where a person is witnessed by an authorised Council officer committing an offence, the Council may issue a Fixed Penalty Notice.

13. Communal bins

Communal bins are for use by residents only and must be used in accordance with local authority guidelines. Where guidelines are not followed and a resident contravenes this, the Council may recover the costs for any rectification through recharging both individuals and residents of a block. Where non-residents are the cause of the contravention we will deal with this as fly tipping (please see section 5 regarding communal areas).

14. Environmental Improvements

The Council may undertake specific works to an estate, a small area within an estate or a small number of properties, as part of improving the wider environment of the estate or as part of the planned investment programme. These works may be undertaken to facilitate better use of the space, resolve local issues, reduce anti-social behaviour, improve security or facilitate better community integration. Local communities will be encouraged to develop ideas for improvements to their local area working with Council officers, police, the fire service or other local stakeholders. Eligible works can include (but are not limited to);

- security lighting and CCTV
- tree removal
- paving

15. Management of Land owned by the Housing Revenue Account (HRA)

Across the housing estates the Council owns and manages, the Council will keep the land clear from rubbish and waste. These areas should not be used for parking unless they are specifically designated as a car-park and maintained as such. The Council is responsible for maintaining footpaths on Council land, which are not the responsibility of the Highway Authority. Routine visual inspections of footpaths will take place to ensure these are accessible and well maintained. The inspection will look for any;

- graffiti
- fly tipping
- litter
- drug paraphernalia
- overgrown vegetation
- street lighting

The boundary of a property is determined by the Council. This is agreed with the tenant at the time of signing for a tenancy. In the event of any dispute with neighbour's boundaries or an encroachment by a tenant onto adjoining land, the Council's decision around where divisions lie will be final.

16. Grounds Maintenance

We will ensure that the communal land looks clean and tidy, hedges cut back and grass maintained. Our communal land is broken into three key types: Sheltered Schemes; General needs stock; Amenity land (land that is not part of an estate and includes grass verges, and small community grass areas).

We will not maintain private or individual gardens. This will be the responsibility of the resident/owner as detailed in their tenancy/licence agreement (where applicable).

17. Parking

Car parks are designed for resident use only. Visitors to the sheltered housing schemes and generic housing in flats should park on the road.

18. Gritting

This policy applies only to property and land within the ownership and management of Council managed housing stock, estates and land. Therefore, the gritting of adopted public roads and pavements are dealt with separately by Lincolnshire County Council's Highways Department. During times of severe winter weather (icy or snowy conditions) the Council will take reasonable actions to grit or clear snow from the Sheltered Housing Schemes across the district. There is no legal obligation to grit or clear areas due to snow and ice. Whilst there is no clear definition of severe weather, the Council will consider the Met Offices status alerts/classifications, and take into account local variations; (weather conditions can vary widely across the district, with some housing estates being more prone to the impact of such conditions than others). The Council is unable to preventively grit ahead of any forecast severe weather. It is the tenant's responsibility to clear individual paths or drives. There are a small number of grit bins on housing land – these provide grit for both the Council and residents to use themselves (but this depends on available stock and budget). The use of these by residents is at their own risk.

During severe weather, the Council can suspend their normal duties in order to lay grit and clear snow. However, there are insufficient staffing resources to provide this service to every location, so gritting and snow clearance is prioritised and resources allocated to reflect higher priority areas first. Extreme severe weather conditions may prevent staff from accessing locations and so the Council would be unable to take action to clear or grit communal paths. The provision of gritting and snow clearance will only take place during office hours. No service can be provided out of hours, at weekends or during holiday periods (such as Christmas). Even when paths are cleared or gritted this is not a guarantee that the paths are completely safe or slip-proof. Additionally roads and pavements may still be untreated. Tenants and leaseholders are advised to avoid unnecessary travel during such conditions and if travel is essential, to ensure caution is used. Storage capacity for grit is limited and during

prolonged severe weather, stocks may run low or be used up. Reasonable attempts will be made to obtain replacement stocks, but this is dependent upon supply and demand. Additionally, during periods of particularly prolonged severe weather, the Council may be requested to supply grit stocks for other areas of the district which are not Council owned estates and land. In such a period, stocks for housing use may be rationed or not be available.

20. Window Cleaning

The Council will carry out window cleaning of the communal room only of the sheltered housing schemes. Window cleaning of individual flats is the responsibility of the tenant/leaseholder.

21. Trees

The Council will maintain trees that are on Council-owned land. If the tree is within a Conservation Area or has a Tree Preservation Order, only works which may be carried out by the Council, following an assessment by a Council Officer, are those that fall under the category of:

- dead
- dying
- dangerous
- diseased

22. Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Tenancy Management Policy
- Leasehold Management Policy

23. Review

The policy will be reviewed every 5 years, unless there is a change to legislation or regulations.



Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Tenancy Management Policy
2. Summary of aims and objectives of the policy/funding activity/event	The purpose of this policy is to outline the circumstances in which changes to a tenancy may happen and any possession action which could be taken, why this could happen and the tenancy support which will be offered.
3. Who is affected by the policy/funding activity/event?	Council tenants Tenancy Services, Housing Options and Revenue teams
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Yes. In person workshops were held with tenants (one in Grantham and one in Stamford). Overall they thought the policies were explained well and made some recommendations of minor changes, which have been incorporated.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy will be reviewed in a year from approval.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	<p>This policy governs the effective management of tenancies, which is to safeguard all tenants and especially more vulnerable residents, which includes older people.</p> <p>Older people are more likely to have health conditions impairing eye sight and hearing, which can have implications on being able to read any letters or notices or hearing telephone calls in relation to tenancy management; possession action and eviction.</p> <p>The implications of the policy will not differentiate people of any other age.</p>	This is mitigated by a housing officer meeting the tenant in person either via a home visit or office interview. Information and documentation is also available in different formats, eg. large print and braille.
Disability	Positive	This policy governs the effective management of	This is mitigated by a housing officer meeting the tenant in



		<p>tenancies, which is to safeguard all tenants and especially more vulnerable residents, which includes people with disabilities.</p> <p>Due to someone's disabilities, whether this is a physical, mental or learning disability, this could affect their ability to receive and understand communication from the Council in relation to tenancy management, possession action and eviction.</p>	<p>person either via a home visit or office interview. Information and documentation is also available in different formats, eg. large print and braille.</p>
Gender Reassignment	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Marriage and Civil Partnership	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Pregnancy and Maternity	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Race	Positive	Some tenants of a different nationality do not speak, read or write English as their first language and may face difficulties in reporting tenancy issues.	<p>To mitigate this, reports can be made by relatives/advocates for tenants and officers will use translation and interpretation services, where needed.</p> <p>Officers will see a tenant in person where there is extensive tenancy management issues, eg. anti-social behaviour or large rent arrears to explain possession preventative measures and explain possession action (with the use of an interpreter where required) before possession action is sought.</p>
Religion or Belief	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Sex	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Sexual Orientation	N/A	This protected characteristic is not affected by this policy	



		and the implementation of it.	
Other Factors requiring consideration			
Socio-Economic Impacts	Negative	Tenants on a low income are more likely to face re-possession action due to rent arrears.	To mitigate this negative impact, the policy sets out the tenancy support available prior to any possession action commencing. This is explained to tenants in writing and in person.
Carers (those who provide unpaid care to a family member, friend or partner)	N/A		

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response
Sample of SKDC tenants	March 2023	Minor amendments to the policy recommended.

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status
Tenants on a low income are more likely to face re-possession action due to rent arrears.	To mitigate this negative impact, the policy sets out the tenancy support available prior to any possession action commencing. This is explained to tenants in writing and in person.	Currently happens	Already part of operational procedures	Completed

Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.	
Question	Explanation / justification



Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	N/A	
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed	✓	Any possible negative impacts are already being mitigated.
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Celia Bown, Senior Housing Policy and Strategy Officer
Officer Responsible for implementing the policy/function etc	Andre Ford-Hamilton, Tenancy Services Manager
Date Completed	24/08/2022 originally and revised 10/08/2023
Line Manager	Jodie Archer, Head of Housing Services
Date Agreed (by line manager)	
Date of Review (if required)	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Estate Management Policy
2. Summary of aims and objectives of the policy/funding activity/event	The purpose of this policy is to set out our approach to the delivery and management of estate services to internal and external communal areas. Where we refer to an estate within the service this can refer to a block of flats or a collection of bungalows/houses with shared internal and/or external areas.
3. Who is affected by the policy/funding activity/event?	SKDC tenants and leaseholders. Tenancy Services and Grounds Maintenance teams
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Yes. In person workshops were held with tenants (one in Grantham and one in Stamford). Overall they thought the policies were explained well and made some recommendations of minor changes, which have been incorporated.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy will be reviewed annually.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	This policy governs the effective management of our estates, which is to safeguard all residents and especially more vulnerable residents, which includes older people. The implications of the policy will not differentiate people of any other age.	
Disability	Positive	This policy governs the effective management of our estates, which is to safeguard all residents and especially more vulnerable residents, which includes people with disabilities.	
Gender Reassignment	N/A	This protected characteristic is not affected by this policy and the implementation of it.	



Marriage and Civil Partnership	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Pregnancy and Maternity	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Race	Positive	Some tenants of a different nationality do not speak, read or write English as their first language and may face difficulties in reporting estate management issues.	To mitigate this, reports can be made by relatives/advocates for residents and officers will use translation and interpretation services, where needed.
Religion or Belief	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Sex	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Sexual Orientation	N/A	This protected characteristic is not affected by this policy and the implementation of it.	
Other Factors requiring consideration			
Socio-Economic Impacts	N/A		
Carers (those who provide unpaid care to a family member, friend or partner)	N/A		

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response
Sample of SKDC tenants	March 2023	Minor amendments to the policy recommended.

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status



Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	N/A	
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed	✓	Any possible negative impacts are already being mitigated.
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Celia Bown, Senior Housing Policy and Strategy Officer
Officer Responsible for implementing the policy/function etc	Andre Ford-Hamilton, Tenancy Services Manager
Date Completed	24/08/2022 originally and revised 10/08/2023
Line Manager	Jodie Archer, Head of Housing Services
Date Agreed <i>(by line manager)</i>	



Date of Review <i>(if required)</i>	
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Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

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SOUTH
KESTEVEN
DISTRICT
COUNCIL



Cabinet

6 February 2024

Report of the Chief Executive

Key and Non-Key Decisions taken under delegated powers

Report Author

Lucy Bonshor, Democratic Officer



l.bonshor@southkesteven.gov.uk

Purpose of Report

This report provides an overview of decisions taken by individual Cabinet Members since the last meeting of the Cabinet on 18 January 2024.

Recommendations

That Cabinet:

- 1. Notes the content of this report.

	Decision Information
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All

- 1.1 Since the Cabinet last met on 18 January 2024, the following Key and Non-Key decisions have been taken under delegated authority:
 - 1.1.1 **Grantham Mid-Lent Fair in 2024**

Non-Key decision taken by the Cabinet Member Leisure and Culture on 25 January 2024.

Date decision effective: 2 February 2024.

The Decision Notice is attached at Appendix 1. The accompanying report can be viewed online at:

<https://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?Id=1386>
- 1.2 Any decision made after the publication of the agenda will be reported at the next meeting of the Cabinet.

CABINET MEMBER DECISION



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Decision:

That following consideration of the consultation undertaken by the Council and the subsequent recommendation from a meeting of the Culture and Leisure Overview and Scrutiny Committee held on 30 November 2023, that the request made by the Showman's Guild of Great Britain to amend the dates for the Grantham Mid-Lent Fair is rejected.

(1) Details of Decision

To formalise a recommendation of the Culture and Leisure Overview and Scrutiny Committee to reject a request from the Showman's Guild of Great Britain to amend the dates for the Grantham Mid-Lent Fair in 2024 and beyond.

(2) Considerations/Evidence

The request to amend the dates for the Grantham Mid-Lent Fair was fully considered at a meeting of the Culture and Leisure Overview and Scrutiny Committee which was held on 30 November 2023. The alternative option considered was for the fair to remain on the traditional days as set out in the Royal Charter of Grantham 1484.

(3) Reasons for Decision:

The Council's Culture and Leisure Overview and Scrutiny Committee has no decision-making powers and therefore the recommendation made at its meeting on the 30 November 2023 needs to be formalised.

Conflicts of Interest

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded).

None

Dispensations

(Any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest to be noted).

None

Decision taken by:

Name: Councillor Paul Stokes
Cabinet Member for Leisure and Culture

Date of Decision: 25 January 2024

Date of Publication of Record of Decision: 25 January 2024

Date decision effective (i.e. 5 days after the date of publication of record of decision unless subject to call-in by the Chairman of an Overview and Scrutiny Committee or any 5 members of the Council from any political groups):

2 February 2024



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Cabinet

6 February 2024

Report of the Chief Executive

Cabinet Forward Plan

Report Author

Lucy Bonshor, Democratic Officer



l.bonshor@southkesteven.gov.uk

Purpose of Report

This report highlights matters on the Cabinet’s Forward Plan.

Recommendations

That Cabinet:

- 1. Notes the content of this report.

Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All

1. Cabinet's Forward Plan

- 1.1** The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the minimum requirements for publicity in connection with Key Decisions. The Council meets these legislative requirements through the monthly publication of its Forward Plan.
- 1.2** Cabinet may also receive reports on which it is asked to make recommendations to Council or review the contents and take necessary action. These items are also listed on the Forward Plan.
- 1.3** To help Cabinet understand what issues will be put before it in the longer-term, items for consideration during the preceding year have been included in the Cabinet's Forward Plan. The Forward Plan also includes details of items scheduled for each of the Council meetings due to be held within the plan period.

2.0 Appendices

- 2.1** Appendix 1 – Cabinet's Forward Plan



SOUTH
KESTEVEN
DISTRICT
COUNCIL

CABINET FORWARD PLAN
Notice of decisions to be made by Cabinet
29 January 2024 to 28 January 2025

At its meetings, the Cabinet may make Key Decisions and Non-Key Decisions. It may also make recommendations to Council on matters relating to the Council's budget or its policy framework.

A Key Decision is a Cabinet decision that is likely:

1. To result in the District Council incurring expenditure which is, or the making of savings which are, significant having regard to the District Council's budget for the service or function to which the decision relates (for these purposes, South Kesteven District Council has agreed £200,000 as the threshold at which a decision will be considered significant); or
2. To be significant in terms of its effects on communities that live or work in an area comprising two or more wards.

The Forward Plan

The Cabinet Forward Plan is a rolling, 12-month plan that will be updated on a regular basis. It includes those Key Decisions and Non-Key Decisions that are scheduled to be considered by Cabinet during the plan period.

Notice of future Cabinet decisions and recommendations to Council

Summary	Date	Action	Contact
Update on upgrading streetlights to LED - Key Decision			
The award of a contract for a project to accelerate upgrades of South Kesteven District Council's remaining stock of streetlights to energy efficient LED.	6 Feb 2024	To award the contract.	Cabinet Member for Environment and Waste (Councillor Rhys Baker) Serena Brown, Sustainability and Climate Change Officer E-mail:
Community Engagement and Development Strategy 2024-2027 – Non Key Decision			
To adopt 'Our People, Our Place - A Community Engagement and Development Strategy for South Kesteven 2024-2027'.	6 Feb 2024	To adopt the aforementioned Strategy.	Cabinet Member for People & Communities (Councillor Rhea Rayside) Carol Drury, Community Engagement & Manager E-mail: c.drury@southkesteven.gov.uk
Future High Streets Fund - Upper Floor Grant Award - Key Decision			
To consider an award of £200,000 for the conversion of unused and underutilised upper floor retail space to residential accommodation at 17-19 High Street, Grantham. This award is made to a successful applicant of the Future High Streets Upper Floor Grant Scheme, following a full review and approvals process by the Heritage Action Zone/Future High Streets Fund Programme Board.	6 Feb 2024	To approve the award.	Leader of the Council (Councillor Richard Cleaver) Alice Atkins, Corporate Project Officer E-mail: alice.atkins@southkesteven.gov.uk

Summary	Date	Action	Contact
South Kesteven District Council Regulation 18 Draft Local Plan - Key Decision			
To approve the Regulation 18 Draft Local Plan for public consultation.	6 Feb 2024	To approve the Plan.	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Shaza Brannon, Planning Policy Manager E-mail: shaza.brannon@southkesteven.gov.uk
Total Housing Compliance Policy - Non Key Decision			
To inform Cabinet of the new Total Housing Compliance Policy which sets a framework for the monitoring of key consumer standards. To advise members on key responsibilities and the process of achieving compliance with the standards and regulations.	6 Feb 2024	To approve the Policy suite.	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Nick Thacker, Interim Head of Housing (Technical Service) E-mail: nick.thacker@southkesteven.gov.uk
Regulation of Investigatory Powers Act Policy - Non Key Decision			
To consider a revised version of the Council's Regulation of Investigatory Powers Act Policy.	6 Feb 2024	To approve the Policy and recommend an annual review of the document by the Governance and Audit Committee.	Cabinet Member for Corporate Governance and Licensing (Councillor Philip Knowles) James Welbourn, Democratic Services Manager (Deputy Monitoring Officer) E-mail: james.welbourn@southkesteven.gov.uk
Estate and Tenancy Management Policies - Non Key Decision			
The purpose of the Tenancy Management policy is to outline the circumstances in which changes to a tenancy may happen and any possession action which could be taken, why this could happen and the tenancy support which will be offered.	6 Feb 2024	To adopt the policies	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Jodie Archer, Head of Housing Services E-mail: jodie.archer@southkesteven.gov.uk
The purpose of the Estate Management			

Summary	Date	Action	Contact
Policy is to set out our approach to the delivery and management of estate services to internal and external communal areas.			
Anti Social Behaviour Policy - Non Key Decision			
The policy addresses how the Council will manage any anti-social behaviour of the occupants of Council owned housing stock.	6 Feb 2024	To approve the policy	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Jodie Archer, Head of Housing Services E-mail: jodie.archer@southkesteven.gov.uk
Budget Monitoring Quarter 3 Forecast - Non Key Decision			
Financial budget monitoring and forecasting for period 3 in 2023/2024.	6 Feb 2024	To note the report, and make any recommendations as necessary to the Finance and Economic Overview and Scrutiny Committee.	The Deputy Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter) Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy Section 151 Officer E-mail: A.Hall-Wright@southkesteven.gov.uk
Budget Proposals for 2024/2025 and Indicative Budgets for 2025/2026 and 2026/2027 - Key Decision			
To consider the proposed budget for 2024/2025	6 Feb 2024	To recommend the Budget to Full Council.	The Deputy Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter) Richard Wyles, Deputy Chief Executive and Section 151 Officer E-mail: r.wyles@southkesteven.gov.uk

Summary	Date	Action	Contact
Private Sector Housing Houses of Multiple Occupation Licensing Policy - Non Key Decision			
To seek approval to adopt a HMO Licensing Policy that is considered good practice and demonstrates how the Council performs this statutory requirement in a transparent and consistent manner.	12 Mar 2024	To adopt the policy	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Ayeisha Kirkham, Head of Public Protection E-mail: ayeisha.kirkham@southkesteven.gov.uk
Animal Licensing Policy review and consultation outcome - Non Key Decision			
This report proposes a new Animal Licensing Policy for approval by Cabinet, following the 4-week consultation with the public, local businesses, partner agencies and other organisations.	12 Mar 2024	To approve the Policy	Cabinet Member for Corporate Governance and Licensing (Councillor Philip Knowles) Heather Green, Licensing Team Leader E-mail: heather.green@southkesteven.gov.uk
Contract Awards in relation to social landlord responsibilities - Key Decision			
To seek contract approval.	12 Mar 2024	To approve contract.	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Jodie Archer, Head of Housing Services E-mail: jodie.archer@southkesteven.gov.uk
Turnpike Close Site Project Contract Award - Construction - Key Decision			
To seek approval to enter into a build contract to construct the Turnpike Close site owned by the Council.	16 Apr 2024	To award the contract.	The Deputy Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter) Alice Clarke, Corporate Project Officer E-mail: alice.clarke@southkesteven.gov.uk

Summary	Date	Action	Contact
Rent and Service Charges Policy - Non Key Decision			
The policy outlines how the Council will calculate and charge rent and service charges for the housing stock that it owns and has responsibility to manage and maintain. The Council is required by law to carry out a review of council service charges from time to time and to ensure the Housing Revenue Account (HRA) does not fall into a deficit position. The rent level determines the income to the Housing Revenue Account that drives the HRA Business Plan.	16 Apr 2024	To approve the Policy.	Cabinet Member for Housing & Planning (Councillor Phil Dilks) Celia Bown, Senior Housing and Policy Strategy Officer E-mail: c.bown@southkesteven.gov.uk
South Kesteven District Council Car Parking Order – Tariff Changes - Key Decision			
The amendment to the existing South Kesteven District Council Car Parking Order Tariffs - amendment to the Car Parking Order needs to be done by way of modification Order – this has the effect to modify/amend the original Order.	14 May 2024	To consider the modification Order.	Leader of the Council (Councillor Richard Cleaver) James Welbourn, Democratic Services Manager (Deputy Monitoring Officer) E-mail: james.welbourn@southkesteven.gov.uk
South Kesteven District Council Electrical Energy Contract - Key Decision			
Provide agreement to enter into contract, via framework, to award SKDC electrical energy contract across the SKDC portfolio.	14 May 2024	To enter into the contract.	Leader of the Council (Councillor Richard Cleaver) Gyles Teasdale, Property Services Manager E-mail: g.teasdale@southkesteven.gov.uk